

**TUOLUMNE COUNTY SPECIAL EDUCATION**

**LOCAL PLAN AREA**

Local Plan for Special Education

2004-05

# Tuolumne County Special Education Local Plan Area

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TUOLUMNE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA

SECTION I

CERTIFICATION OF PARTICIPATION,  
COMPATIBILITY AND COMPLIANCE ASSURANCES

Local Plan Committee Members

Name	School	Position
Leigh Shampain	Summerville SD	Superintendent
Jeanette Daniel	Tuolumne County Special Education Unit	Director of Special Education
Lori Scott-Venter	TCSEU	Program Specialist, TCSEU
Paul Oullette	TCSEU	Psychologist
Marge Jones	Curtis Creek School District	Board Member
Carita Edson	Sonora Union HSD	Special Education Teacher
Cindy Mudge	Tuolumne County Special Education Unit	Teacher
Debra York		Parent
Rob Gaskill	Sonora Union High School District	District Superintendent
Larry Hoyt	Curtis Creek School District	District Superintendent
Dan White	Tuolumne County Superintendent of Schools	County Superintendent

Local Plan Revision Committee - Spring 2004

B.J. Ely	Tuolumne County SELPA	SELPA Director
Leigh Shampain	Summerville Elementary School District	District Superintendent
Diane Dotson	Jamestown School District	District Superintendent
Roy Morlan	Sonora Union High School District	Director, Special Education
Judy B. Rogers	Sonora Union High School	RSP Teacher
Jim Roeber	Sonora Union High School	Regular Education Teacher
Nancy Wyllie	Tuolumne County SELPA	Administrative Assistant

# TUOLUMNE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA

## Certification of Board Approval Dates

<u>District</u>	<u>Date of Board Approval</u>	<u>Superintendent</u>
Tuolumne County Superintendent of Schools	_____ ,2004	Joe Silva
Belleview School District	_____ ,2004	Dale Zraggen
Big Oak Flat-Groveland Unified SD	_____ ,2004	John Triolo
Chinese Camp School District	_____ ,2004	Dave Simons
Columbia Union School District	_____ ,2004	John Pendley
Curtis Creek School District	_____ ,2004	Larry Hoyt
Jamestown School District	_____ ,2004	Diane Dotson
Sonora School District	_____ ,2004	Ken Harbord
Sonora Union High School District	_____ ,2004	Rob Gaskill
Soulsbyville School District	_____ ,2004	Diana Page
Summerville School District	_____ ,2004	Leigh Shampain
Summerville Union High School District	_____ ,2004	John Keiter
Twain Harte-Long Barn Union School District	_____ ,2004	Mike Brusa

CERTIFICATION OF PARTICIPATION, COMPATIBILITY,  
AND COMPLIANCE ASSURANCES

**SED-LP-1**

CDS Code	SELPA Name <b>Tuolumne County SELPA</b>	Application Date <b>June 30, 2004</b>
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Check (**U**) mark one, as applicable:

Single District       Multiple District       District/County

CERTIFICATION BY AGENCY DESIGNATED AS ADMINISTRATIVE AND FISCAL AGENCY FOR THIS PROGRAM (RLA)

SELPA Name <b>Tuolumne County SELPA</b>	Name/Title of RLA Superintendent (Type) <b>Joseph A. Silva</b>	Telephone Number <b>(209 ) 536-2000</b>
Street Address <b>175 South Fairview Lane</b>	Superintendent Signature Date	Date of RLA Board Approval <b>June 14, 2004</b>
City <b>Sonora</b>	Name/Title SELPA Director (Typed) <b>Betty Jo Ely</b>	Telephone Number <b>(209 ) 536-2040</b>
Zip <b>95370</b>	Street Address of SELPA Director <b>175 South Fairview Lane</b>	City <b>Sonora</b> Zip <b>95370</b>

3. CERTIFICATION OF COMPATIBILITY BY THE COUNTY SUPERINTENDENT OF SCHOOLS

Pursuant to Education Code Section 56140, this plan ensures that all individuals with exceptional needs residing within the county, including those enrolled in alternative education programs, including but not limited to, alternative schools, charter schools, opportunity schools and classes, community day schools operated by school districts, community schools operated by the county office of education, and juvenile court schools, will have access to appropriate special education programs and related services.

County Office Name <b>Tuolumne County Superintendent of Schools</b>	Name of Authorized Representative <b>Joseph A. Silva</b>	Title <b>County Superintendent</b>
Street Address <b>175 South Fairview Lane</b>	Authorized Representative Signature	Date
City <b>Sonora</b>	Zip <b>95370</b>	Telephone Number <b>(209 ) 536-2000</b>

4. CERTIFICATION OF ASSURANCES

I certify, 1) that this plan has been adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and 2) that the agency(ies) herein represented will meet all applicable requirements of state and federal laws, regulations and state policies and procedures, including compliance with the Individuals with Disabilities Education Act, 20 USC 1400 et.seq, and implementing regulations under 34 CFR, Parts 300 and 303, Section 504 of Public Law, the Federal Rehabilitation Act of 1973, as amended, and the provisions of the California Education Code, Part 30 and Chapter 3, Division 1 of Title VI of the California Code of Regulations.

Signature of RLA Superintendent \_\_\_\_\_ Date \_\_\_\_\_

5. CERTIFICATION OF COMMUNITY ADVISORY COMMITTEE

(See attached)

FOR DEPARTMENT OF EDUCATION USE ONLY

Recommended for Approval by the Superintendent of Public Instruction:

Date: \_\_\_\_\_ By: \_\_\_\_\_ Date of Approval: \_\_\_\_\_

**SED-LP-2  
 COMMUNITY ADVISORY COMMITTEE (CAC) CERTIFICATION**

***CAC signature and verification:***

I certify :

· that the Community Advisory Committee (CAC) has advised the policy and administrative agency during the development of the local plan pursuant to Education Code (E.C.) Section 56194;

YES  NO

· that to ensure adequate and effective participation and communication pursuant to E.C. 56195.9, parent members of the CAC, or parents selected by the CAC, participated in the development and update of the plan for special education;

YES  NO

· that the CAC has had 30 days to review the plan prior to submission to the Local Governing Boards and the California Department of Education for approval pursuant to E.C. 56200 (f);

YES  NO

· that the CAC has reviewed any revisions made to the local plan as a result of recommendations or requirements from the California Department of Education;

YES  NO

CERTIFICATION OF COMMUNITY ADVISORY COMMITTEE	
Signature of CAC Chairperson	Date
Name of Chairperson <b>Sabrina Harwell</b>	Phone Number

If you checked [ **U** ] NO for any of the above certifications, you must submit specific information, in writing, as to why you did not certify that the SELPA met the requirement. (Attach separate sheet, if necessary.) The Department will take this into consideration in its review of this local plan application.

Note: SELPAs are strongly advised to submit a draft of changes or amendments to the local plan to the California Department of Education prior to formal adoption by Local Governing Boards.



**Tuolumne County Special Education Local Plan Area**

B.J. Ely, Executive Director  
Tuolumne County Superintendent of Schools  
175 South Fairview Lane  
Sonora, CA 95370

**ASSURANCE STATEMENT**

1. FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

It shall be the policy of this LEA that a free appropriate public education is available to all children residing in the LEA between the ages of birth through 21 inclusive, including children with disabilities who have been suspended or expelled from school. 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.

2. FULL EDUCATIONAL OPPORTUNITY

It shall be the policy of this LEA that all pupils with disabilities have access to the variety of educational programs and services available to non-disabled pupils including nonacademic and extra-curricular services and activities.

3. CHILD FIND

It shall be the policy of this LEA that all children with disabilities, including children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services are identified, located and evaluated.

4. INDIVIDUALIZED EDUCATIONAL PROGRAM (IEP)

It shall be the policy of this LEA that an Individualized Educational Program (IEP) 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.

5. LEAST RESTRICTIVE ENVIRONMENT

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

6. PROCEDURAL SAFEGUARDS

It shall be the policy of this LEA that children with disabilities and their parents shall be provided with safeguards throughout the identification, evaluation, placement process, and provision of a free appropriate public education to the child.

7. ANNUAL / TRIENNIAL REASSESSMENT

It shall be the policy of this LEA that a review will be conducted on at least an annual basis to review the child's progress. This review shall include, but is not limited to, the achievement of annual goals, the appropriateness of placement, and/or to make any necessary revisions.

The LEA shall conduct a reassessment of each child with a disability at least once every three years, or more frequently, if conditions warrant a reassessment or if the child's parent or teacher requests a reassessment and a new Individualized Education Program (IEP) to be developed.

8. CONFIDENTIALITY

It shall be the policy of this LEA that the confidentiality of personally identifiable data information and records maintained by the LEA relating to children with disabilities and their parents and families shall be protected at collection, storage, disclosure, and destruction.

9. PART C, TRANSITION

It shall be the policy of this LEA that children participating in Early Intervention Programs (IDEA, Part C) and who will participate in preschool programs (IDEA, Part B) experience a smooth and effective transition between these programs.

10. PRIVATE SCHOOLS

It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private school shall receive special education and related services in accordance with local procedures. The required proportion of federal funds received will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents.

11. COMPLIANCE ASSURANCES

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

12. -13. GOVERNANCE

It shall be the policy of this LEA to support and comply with the provisions of the governance structure and any necessary administrative support to implement the plan.

14. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (CSPD)

It shall be the policy of this LEA that it will support and assist the state's efforts and activities to ensure an adequate supply of qualified special education, general education, and related services personnel.

15. PERSONNEL STANDARDS

It shall be policy of this Local Education Agency (LEA) to make an ongoing, good faith effort to recruit and hire appropriately and adequately trained personnel, as defined by state standards to provide special education and related services to children with disabilities. Where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory

progress toward completing applicable course work necessary to meet state standards, shall be assigned.

16. PERFORMANCE GOALS & INDICATORS

It shall be the policy of this LEA to comply with the requirements of the performance goals and indicators developed by the state and provide data as required by the state.

17. PARTICIPATION IN ASSESSMENTS

It shall be the policy of this LEA 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.

18. SUPPLEMENTATION OF STATE/FEDERAL FUNDS

It shall be the policy of this LEA to include this information in the Annual Budget Plan submitted annually to the State.

19. MAINTENANCE OF EFFORT

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

20. PUBLIC PARTICIPATION

It shall be the policy of this LEA that prior to its adoption of policies and procedures, the LEA shall make the policies and procedures available to the general public, hold public hearings and provide an opportunity for comment by the general public.

21. SUSPENSION/EXPULSION

It shall be the policy of this LEA that data on suspension and expulsion rates will be provided in a manner prescribed by the State.

22. PART C

It shall be the policy of this LEA to submit the Part C (infant/toddler) Local Interagency Agreements to the State as part of the Annual Service Plan.

TUOLUMNE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA  
SECTION II  
GOVERNANCE AND ADMINISTRATION

TUOLUMNE COUNTY SELPA  
ORGANIZATIONAL STRUCTURE

**SELPA Governing Board**  
12 Superintendents from Districts  
County Superintendent



SELPA Director/Director of Special Education



Coordinator of Special Education



Psychologists    Teachers    Aides    Administrative Assistant  
Secretaries  
Financial Analyst    Program Specialist  
(Regionalized Services)

**GOVERNANCE AND ADMINISTRATION**  
**[EDUCATION CODE §56195, §56195.1]**

Tuolumne County has formed a Special Education Local Planning Area to implement and operate this local plan for special education. Formation of the Special Education Local Planning Area was a response to size and scope and topographical considerations.

The operation of the Special Education Local Planning Area is described in this local plan document. Policy and procedures are included whenever possible to assist in describing the agreements and procedures.

**SELPA GOVERNING BOARD RESPONSIBILITY [EDUCATION CODE 56195.5(A), 56205(A)(12)(D)(i)]**

Each district board of education and administrative unit participating in the SELPA has agreed to participate in this plan through action in an open board meeting. Personnel management, site management, and program supervision issues are retained by each participating District in its actions to comply with responsibilities assigned to it through the SELPA Plan.

Through direction of district administrators, each board is responsible for monitoring and approving assigned district program operations. Administrators and teachers are subject to the individual policies established by each district in compliance with the state and federal laws as well as Governing Board policies collaboratively established for the SELPA. District administrators, teachers and school board members will provide input on proposed SELPA policies through the District Superintendents who serve on the SELPA Governing Board. Interaction with the SELPA Administrator is accomplished through board requests, communication through the district superintendent, or attendance at special board inservice programs. Boards inservice programs shall be provided by the SELPA Director at least once annually to inform board members or their representatives of current issues and to review activities, needs and goals for the SELPA. Each district board of education approves the selection of its district's representative members on the Community Advisory Committee. Those members are responsible for responding to the Governing Board at least annually relative to the activities and actions of the CAC.

The California Department of Education requires a Local Plan for Special Education to be approved by each local Board of Education. Each District Governing Board reviews and approves the local plan and thereby agrees to participate in the SELPA.

REFERENCE: 56200(c)(1)

**RESPONSIBILITY OF EACH DISTRICT AND COUNTY SUPERINTENDENT (EDUCATION CODE 56195.5(A))**

Each District and County Superintendent shares in responsibility for Special Education Local Planning Area operation. The Superintendents, representing the direction of their board and expressing the needs of their district, are responsible for input and establishment of policy, practice, and objectives for the SELPA. Once policies and procedures are established for the SELPA, each superintendent is responsible for supervising the activities of programs within their district in compliance with established policy and with state and federal law. This includes acquisition of proper personnel and legal utilization of dollars assigned to the district. As a part of this responsibility, superintendents must assure that appropriate facilities, equipment, and transportation are provided to children with special needs.

It is the intent of the SELPA that local school districts will develop and deliver appropriate services to meet the needs of the special education students in the Least Restrictive Environment

(LRE), to include Resource Specialist Program (RSP) services, Special Day Class (SDC) classes, and full Inclusion services as determined by the Individual Education Program (IEP) teams. Each LEA administrator assigned with responsibility for special education shall see that policy and procedure, determined through the SELPA committee activities, is activated and in compliance within the various programs operated by the district. These individuals provide the necessary data and other information from their district to the SELPA for completion of mandated state and federal reports.

The SELPA Regional Administrative Agency provides for and/or delivers services for Orthopedically Handicapped, Developmentally Delayed, Autistic, Severely Emotionally Disturbed and Deaf and Hard of Hearing students and DIS services when so determined by the IEP team.

Low incidence students will be served by certificated and classified staff. SELPA will insure the equity of service through a Low Incidence Committee. The SELPA Director will maintain the inventory of low incidence equipment and insure that it is properly utilized within the SELPA or return it to the State for distribution.

### **SELPA GOVERNING BOARD [EDUCATION CODE 56195.1(A)(B)(1)(2)]**

The Governing Board also serves as the Regional Administrative Agency (RAA), and is made up of all District Superintendents and the Tuolumne County Superintendent of Schools. The SELPA Governing Board shall be chaired by one of the members elected annually on a rotating basis. A Vice-Chair shall also be elected to serve in the Chair's absence. In the event that a member is unable to attend a SELPA Governing Board meeting, a designee of the respective district/county shall serve in his/her absence. Reorganization and officer election will be done at the first meeting of each school year.

It shall be the responsibility of the SELPA Director, Local Educational Agency (LEA) Governing Boards, and LEA Administrators in the Tuolumne County SELPA to monitor compliance with the special education local plan to assure that all participating school districts and regional providers of special education services are providing the full range of educational services required by law and by the plan.

### **THE GOVERNING BOARD RESPONSIBILITIES INCLUDE:**

- Overseeing the implementation, operation, and evaluation of the Tuolumne County local plan for special education.
- Participating in the selection of SELPA Director.
- Participating in evaluation of the SELPA Director
- Providing for the oversight of all special education programs, including low incidence, within the county.
- Originating policy recommendations for submitting to the SELPA Governing Board.
- Reviewing and approving the SELPA Local Plan and selection or confirmation of Responsible Local Agency for SELPA during the development of local plan prior to submitting to the RLA Board of Education.
- Reviewing and approving the final SELPA budget prior to submitting to the RLA Board of Education and budget changes throughout the year.
- Approving the distribution formula for allocation of Special Education federal, state and grant monies to the county, administrative unit and districts after a recommendation from the Finance Committee.

- Reviewing and approving changes in excess costs on an annual basis.
- Reviewing and approving compliance and fiscal policies for the SELPA prior to submitting to the RLA Board of Education.
- Holding at least four quarterly meetings throughout the year. The SELPA Governing Board may be called into session under special circumstances.
- Approving IPS unit allocations for the Infant Programs
- Assuring residents of the Special Education Local Plan Area of a full range of educational services.

REFERENCE: Education Code Section 56200(c)(1), (a)

**RESPONSIBILITIES OF THE RESPONSIBLE LOCAL AGENCY [EDUCATION CODE 56195.1(B)(3),(C)(1)]**

The participating Districts enter into an agreement with the Responsible Local Agency for fiscal and policy matters. The SELPA has reached agreement on a Memorandum of Understanding, where the Tuolumne County Board of Education and the Tuolumne County Superintendent of Schools jointly agree to assume the responsibilities and obligations of the Responsible Local Agency for the Tuolumne County SELPA Special Education Local Plan.

The Tuolumne County Board of Education and the Tuolumne County Superintendent of Schools, in its capacity as Responsible Local Agency, assume and assure the following responsibilities:

- Coordinating and monitoring the fiscal and legal obligations of special education programs and related services throughout the special education local plan area.
- Receiving and distributing special education funds from the participating school districts, as well as from state and federal sources including all regionalized services and program specialist funds, to be used to fund and support the assigned special education programs and services.
- Employing or contracting for SELPA administrative and support staff as approved by the Governing Board.
- Assuring coordination of a system of procedural safeguards and implement policies for due process decisions.
- Assuring coordination of a system of referral, identification, assessment and provision of service.
- Assuring coordination of a system of personnel development, curriculum development, data collection, evaluation of local plan effectiveness, internal program review and special education reports.
- Assuring coordination of interagency agreements, medical center services and hospital programs, services to the Licensed Children's Institutions and foster homes.

Under the local plan, systematic monitoring of Special Education Local Planning Area functioning is carried out by the Governing Board. Results are used to recommend modifications or alterations to the above responsibilities to ensure efficient operation of the planning area.

The Responsible Local Agency (RLA) Superintendent is responsible for the supervision of RLA staff. Recommendations for positions are determined during the development of income and expenditure budgets by the SELPA Director, the Finance Committee and the Governing Board. The budget, which reflects the staffing of the Responsible Local Agency is reviewed by the SELPA



Finance Committee and approved by the SELPA Governing Board prior to addition or deletion of staff positions.

The SELPA Director submits policy recommendations to the Governing Board for approval. Final policy approval is the responsibility of the Responsible Local Agency Board of Education. The development of procedures to implement these policies is the ultimate responsibility of the SELPA. The policy development process goal is to insure compliance to federal and state codes.

#### **REGIONAL ADMINISTRATIVE AGENCY [EDUCATION CODE 56205(A)(D)(II), 56195.1]**

The SELPA Governing Board serves as the Regional Administrative Agency (RAA).

#### **PROGRAM ADMINISTRATORS**

The SELPA Director shall also serve as the Director of Special Education reporting to the RAA who is responsible for the management and oversight of special educational services and programs within the county, including low incidence. This administrator is a member of the SELPA Program Advisory Committee, which also includes the Program Specialist(s) and Coordinator. These members present data and opinion relative to the development of program structure, policy and procedure for recommendation to the SELPA Governing Board. They consider issues facing all SELPA districts and formulate methods of meeting the needs of the SELPA in a manner that is fair and equitable to all participating districts.

The SELPA Director/Special Education Director, Coordinator of Special Education and Program Specialist(s) will meet on a regular basis to determine ongoing planning and program effectiveness.

#### **SELPA PROGRAM ADVISORY COMMITTEE**

The SELPA Program Advisory Committee is comprised of the SELPA/Special Education Director, SELPA Coordinator of Special Education and SELPA Program Specialist(s) and provides policy and procedure input to the Governing Board.

The SELPA Program Advisory Committee responsibilities will include:

- Receiving input on local interests and concerns.
- Reviewing recommendations for coordination of SELPA-wide implementation and operation of the local plan for special education.
- Reviewing staff development needs assessment and recommend staff development activities.
- Providing input on distribution of Instructional Personnel Services Units to the Governing Board for Infant Programs.
- Recommending Budget and Personnel needs to SELPA Governing Board.
- Reviewing the Local Plan for Special Education.
- Making recommendations to the Governing Board on policies, procedures or other Special Education issues.

#### **SELPA FINANCE COMMITTEE [EDUCATION CODE 56195.7(6)(H)]**

The SELPA Finance Committee is an Advisory Committee comprised of two Superintendents, three fiscal staff members from five separate districts, the SELPA Director, and a representative of the Tuolumne County Superintendent of Schools Assistant Superintendent of Business Services. Members shall be appointed at the first Governing Board meeting each year. Non-voting member

districts may send representatives and participate in the Finance Committee meetings.

The SELPA Finance Committee plays an important role in providing fiscal input to the Governing Board. The chair will be selected by the Finance Committee membership.

The Finance Committees responsibilities shall include:

- Working with the SELPA/Special Education Director on the development of the SELPA budget and making recommendations relating to the budget to the SELPA Governing Board.
- Reviewing and recommending changes to the SELPA budget during the year to the SELPA Governing Board.
- Monitoring the financial status of the SELPA throughout the year and providing regular reports for the SELPA Governing Board.
- Working with the fiscal office of the RLA to determine the annual cost of support services required by the SELPA, if SELPA chooses to go to a direct cost system.

## **RESPONSIBILITIES OF SPECIAL EDUCATION ADMINISTRATORS [EDUCATION CODE 56205(A)(12)(D)(II), 56195.1]**

### **SELPA DIRECTOR**

The SELPA Executive Director reports to the SELPA Governing Board and the Responsible Local Agency Superintendent. He/she serves as a resource for districts for the coordination of special programs and services as well as local plan implementation throughout the Tuolumne County SELPA. He/she acts as staff to the SELPA Governing Board.

The primary responsibilities for the SELPA Director include:

- Coordinating a system of procedural safeguards and implementing policies and procedures for due process as approved by the Tuolumne County SELPA Governing Board.
- Coordinating the development of policies and procedures for referral, identification, assessment and provision of services.
- Coordinating personnel development, data collection, evaluation of local plan effectiveness, internal review and special education reports and forms.
- Coordinating interagency agreements.
- Structuring and preparing the SELPA Governing Board agendas with appropriate input from council members.
- Providing assurances that procedures, rules and regulations in terms of state and federal mandates and reports are being followed.
- Developing and monitoring the SELPA budget in conjunction with the SELPA Finance Committee.
- Approving all expenditures in the SELPA budget.
- Representing districts in Fair Hearings/Complaints, if an individual case is approved by the SELPA Director or the Governing Board for SELPA legal support. The SELPA Director will mediate the interests of the student, district and SELPA. If a district prevails on a due process case that the SELPA declined to support, SELPA will pay appropriate legal costs for that case.
- Collecting, preparing and/or checking all CASEMIS documents from the districts and

preparing the SELPA forms.

- Keeping the RLA Superintendent, RLA Board, and SELPA Governing Board informed and up-to-date on SELPA matters, including pending litigation.
- Seeking and obtaining input from various groups in the on-going evaluation of the Tuolumne County SELPA.
- Being highly visible throughout the educational community in the Tuolumne County SELPA.
- Maintaining necessary relationships and involvement with state committees in order to keep up-to-date on special education and legislation.
- Maintaining necessary relationships and involvement with community agencies.
- Preparing and monitoring SELPA level grants.

### **COUNTY DIRECTOR OF SPECIAL EDUCATION (AND/OR SELPA DIRECTOR)**

The Director of Special Education provides leadership, coordination, and oversight of Special Education programs under his/her jurisdiction. The Director is responsible to his/her respective Regional Administrative Agency. The Director exercises direct supervision over the personnel assigned to his/her agency.

The primary responsibilities for the Director of Special Education include:

- Facilitating IEP meetings or appoints administrative designee when necessary.
- Responding to or assigning personnel to specific emergencies involving transportation, student discipline, etc.
- Establishing and/or monitoring class lists including ongoing inter and intra- county placements as well as students exited from programs.
- Facilitating implementation of services for students placed within programs outside of county, i.e., Non-Public Schools and Licensed Children's Institutions.
- Directing the Psychologists, Program Specialist and assessment staff in terms of assessments, curriculum, teaching strategies, and behavioral management systems utilized in the classroom.
- Establishing regular meetings with specific job alike groups; providing assistance with ordering supplies; arranging for staff development; and handling individual problems as they occur.
- Providing mentoring and support that procedures, rules, and regulations of state and federal mandates are being followed and communicates areas of non-compliance with appropriate superintendent and the SELPA Director.
- Assuring that confidential records of students with exceptional needs are maintained.
- Directing the special education Nurse in determining schedules to expedite mandated services to special education students. Monitoring completion of necessary reports and implementation of procedures. Promoting utilization of the Nurse as a health consultant.
- Serving on the Coordinated Compliance Review team.
- Serving as staff to the governing body of the Regional Administrative Agency.
- Participating in the screening and selection process for certificated and classified personnel in respective agencies.

- Supervising employees in respective agencies as assigned. Directly evaluating performance of administrative, assessment, support and classroom staff as assigned.
- Coordinating appropriate training for staff.
- Assuming ongoing liaison responsibilities between California Children's Services, Mental Health, Child Protective Services, Public Health, Probation, Department of Rehabilitation, Regional Center, Head Start, and other appropriate agencies.
- Compiling and disseminating information on all programs to parents, public and private agencies as needed.
- Being highly visible throughout the educational community within their Regional Administrative Agency.
- Keeping the governing body of the Regional Administrative Agency informed on matters of importance.
- Communicating with principals and vice-principals on matters of program and compliance.

### **COORDINATOR OF SPECIAL EDUCATION**

The Coordinator of Special Education assists the Director in providing leadership, coordination, and oversight of Special Education programs under his/her jurisdiction. The Coordinator is responsible to the Director of Special Education and exercises direct supervision over the personnel assigned to him/her.

The primary responsibilities for the Coordinator of Special Education include:

- Exercising direct supervision over classroom classified instructional aides and certificated teachers as assigned by the Director.
- Observing and completing evaluations on instructional aides and certificated staff as directed.
- Assuming leadership in IEP meetings of students across all programs as assigned.
- Providing consultation to staff relative to curriculum, behavior management, and classroom management upon request.
- Responding to specific emergencies involving transportation, student discipline.
- Functioning as an ongoing member of the Program Advisory Committee, meeting regularly to discuss issues of common interest, individual students, and program direction.
- Monitoring student attendance and representing the Director on the School Attendance Review Board as required.
- Establishing regular meetings with specific teacher job-alike groups; provides assistance with ordering supplies; arranges for staff development; and handles individual problems as they occur.
- Participating in the screening and selection process for classified and certificated staff as directed.
- Providing ongoing information on all programs to parents, public and private agencies as needed.

### **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:

- Observing, consulting, and assisting resource specialists, designated instruction and services instructors, and special class teachers.
- Planning programs, coordinating curricular resources, and evaluating effectiveness of programs for individuals with exceptional needs.
- Planning and participating in staff development, program development, and innovation of special methods and approaches.
- Providing coordination, consultation and program development primarily in one specialized area or areas of his or her expertise.
- Assuring that pupils have full educational opportunity regardless of the district of residence.
- Providing the following services as directed by the Governing Board:
  1. Personnel development for staff, parents, volunteers, and governing boards as appropriate. Such staff development programs will be coordinated with other staff development programs in the SELPA.
  2. 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.).
  3. Data collection and implementation of required Management Information Systems.
  4. Curriculum development and support for special education programs and services in the SELPA.
  5. 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.
  6. Coordinating services with other agencies

#### **SITE PRINCIPAL/DESIGNEE**

Under the direction of their district superintendent, site principals provide supervision and direction for district-operated programs on their campus. The primary responsibilities of the site principal/designee include:

- Providing consultation to staff relative to curriculum, behavior management, and classroom organization.
- Responding to specific emergencies involving transportation, student discipline, etc.
- Functioning as an ongoing member of district management teams, meeting regularly to discuss issues of common interest, individual students and program direction.
- Monitoring student attendance and attends the School Attendance Review Board for

special education students attending district programs.

- Working with Resource Specialists and Special Day Class Teachers aligning core curriculum to those skills taught in regular education classrooms as directed.
- Participating in the screening and selection process for classified and certificated staff.
- Assisting in providing information on programs to parents, public, and private agencies.
- Maintaining necessary relationships and involvement with community agencies.
- Supervising site level employees. Directly evaluate performance of support and classroom staff.
- Helping to coordinate appropriate training for staff.
- Attending monthly SELPA site meetings.

## **PROCEDURES FOR ASSURING ACCESS, MAKING CHANGES IN DELIVERY SYSTEM, AND CONFLICT RESOLUTION [EDUCATION CODE 56205(A)]**

### **ASSURING ACCESS**

It is the responsibility of each district to identify and refer pupils for determination of eligibility. Pupils throughout the planning area are provided equal access to service through the Special Education Local Planning Area wide programs.

### **REGIONALIZED SERVICES TO LOCAL PROGRAMS**

In order to implement the Local Plan, the SELPA Administrator, Coordinator, and Program Specialists shall be considered “school officials and employees” in regards to access to student records.

### **MAKING CHANGES IN DELIVERY SYSTEM**

- C Federal, and state funds, and grants are provided to the Special Education Local Plan Area and disbursed in accordance with the distribution formula approved by the Governing Board.
- C Changes made to the Local Plan are approved by District and County Boards by an addendum process.
- C Agreements to provide service are signed annually as deemed necessary between County and District Superintendents.
- C Disagreements about services provided are resolved by the Governing Board based on recommendations made by the SELPA Director and appropriate Superintendent.

### **DISPUTE RESOLUTION PROCESS**

#### **Rationale**

In order to ensure the stable and continuous delivery of quality services to children with disabilities within the Tuolumne County SELPA, the SELPA must provide a process for resolving disputes among the SELPA participants over the responsibility for service provision, governance activities, program transfer, or the distribution of funding.

#### **Policy Statement**

If a dispute arises over the responsibility for service provision, governance activities, program transfer, or the distribution of funding, or if any SELPA participant believes that an action taken

by the Governing Board will create an undue hardship for that participant, or that an action taken exceeds the authority granted the Governing Board within the Local Plan or by state or federal statute, the aggrieved participant may request a review of the action by an Independent Review Panel.

Review may be requested by any participating school district, including any charter school, LEA, or group of school districts, or by the county office. The request for such a review must be submitted in writing to the RLA Superintendent within thirty (30) days of the disputed action taken by the Executive Council. The written request must clearly identify the reason(s) for the request and propose potential resolution(s) to the problem.

### **Administrative Procedures**

1. The RLA Superintendent or designee will, within ten (10) days of receipt of the disputant's written request, schedule a meeting and meet with the disputant and any other parties with an interest in the dispute, with the exception of the Governing Board itself. The RLA Superintendent or designee will make every effort to assist the disputant and other parties in achieving a resolution of the dispute.
2. If the disputant and other parties are unable to achieve resolution of the dispute in the mediation process, the RLA Superintendent shall refer the matter to the Governing Board at the next regular meeting, along with the RLA Superintendent's recommendation for resolution. The Governing Board 's decision shall be final with respect to the position of the Tuolumne County SELPA.
3. If the disputant or any other party to the dispute disagrees with the Governing Board 's decision, the dispute shall be referred to a neutral arbitrator for final and binding arbitration. The RLA Superintendent shall hire an independent arbitrator from an approved agency knowledgeable in special education law and school finance. The costs resulting from the arbitration process shall be paid by the non-prevailing party.
4. All Tuolumne County SELPA participants agree to submit all appeals of the Governing Board's decisions to neutral, binding arbitration and to abide by the arbitrator's final, binding decision. (Education Code section 56205(b)(5).)

### **PROCEDURES TO CHANGE GOVERNANCE STRUCTURE**

Upon request of one or more of the original parties, programmatic and fiscal advantages and disadvantages are reviewed regarding the continuance of current RLA. Such a proposed change would be shared in writing with Superintendents, Boards, and the California Department of Education no less than one year prior to the start of new fiscal year in which the proposed change is to become effective.

### **DECISION PROCESS FOR SELECTION OF RLA AND SELPA STAFF**

The SELPA Governing Board of the Tuolumne County Special Education Local Planning Area select the Responsible Local Agency for operation of the planning area. The employment of personnel shall be the responsibility of the Responsible Local Agency Superintendent. The designation of the Responsible Local Agency and the employment of the SELPA staff of the administrative unit are reviewed with the development of the local plan. The Responsible Local Agency is designated and approved with the local plan by the Governing Board, the Special Education Local Planning area governing boards, the Responsible Local Agency Superintendent, and the Responsible Local Agency Board.

### **RESPONSIBILITY OF RLA RE: PROCEDURAL SAFEGUARDS [EDUCATION CODE 56205(A), 56195.7(A), 56195.8(A)(3)]**

- C The Special Education Local Planning Area (SELPA) is responsible for the assurance that due process rights and procedures are implemented throughout the local planning area. As required in Education Code Section 56200(b), pupils throughout the local planning area have equal access to programs and services. It is the responsibility of the SELPA Director to monitor the availability of services. The Individual Educational Plan (IEP) is honored throughout the SELPA.
- C The SELPA Director is responsible for advising the staff regarding modifications in law and procedures and in providing assurance to the Governing Board that they are implemented. The SELPA Director provides information to the SELPA Governing Board regarding concerns about adherence to due process standards and requests assistance through the board for implementation of plans to assure compliance and assumption of fiscal responsibilities related to due process hearings, complaints, and other litigation. In the event that complaints are received, the respective district of residence as well as the Governing Board are informed of the complaint as well as any resulting mediation attempts or due process hearings resulting from such complaints.
- C The parents will be provided with a copy of their rights.
- C In the event that complaints are received, the respective district of residence and the Governing Board are informed of the complaint as well as any resulting mediation attempts or due process hearings resulting from such complaints. Parents will be provided with a list of free and low cost legal services. (Policy: Uniform Complaint Procedures, Appendix E) Education Code Section 56500.2
- C According to the Education Code,(Section 56501) a parent or public agency may initiate a due process hearing. Any action proposed or refused by the agency regarding a pupil's identification as an individual with exceptional needs, assessments, Individualized Education Program implementation, and/or placement may be addressed in these proceedings.

Any due process or complaint action proposed or received by the SELPA will be handled as follows:

- C The SELPA Director will be advised that consideration of a mediation, hearing or complaint is pending and will be informed of the circumstances of the issue.
- C The SELPA Director will assist and will utilize Special Education Local Planning Area program staff to assist in attempting to resolve the issues prior to the hearing stage.
- C The mediation and due process hearing will be conducted in accordance with Education Code Chapter 5, Section 56500 and following.
- C Designation of persons responsible for implementing the hearing requirements or compliance modifications shall be made by the SELPA Director and respective superintendent.
- C If Stay Put provisions are ordered by the Special Education Hearing office the student shall remain in current placement until the state level hearing process is finalized. Education Code Section 56505(d) - "During the pendency of the hearing proceedings, including the actual state level hearing, the pupil shall remain in his or her present placement unless the public agency and the parent agree otherwise."

REFERENCE:

Education Code Sections 56500 et. seq,

"The description of due process procedures in Education Code Sections 56500-56507, or purposes



of Code of Federal Regulations, 34 CFR 300.237 are hereby included in the local plan by reference."

**DATA COLLECTION AND DEVELOPMENT OF MANAGEMENT INFORMATION SYSTEM**

California Department of Education requires of each SELPA the collection of specified data in such a manner as to be communicative with the Management Information System of the State.

The SELPA shall design and implement a data collection and storage system that will provide for the management and reporting of required data for state and federal systems. The SELPA will continue to work with the States Department of Management Information System to collect and report all required data related to special education fiscal and program services, and to provide other pertinent information necessary for the operation of the SELPA.

The SELPA staff will support all the districts in the SELPA in their collection and reporting of required data. Staff will implement a continuous improvement model of data collection.

The SELPA Director will assume responsibility for assisting districts within the Tuolumne County SELPA to implement annual evaluation activities as prescribed by the State (Education Code Section 56601). The SELPA Director will facilitate training programs as well as necessary data collection activities. Complete reports will be sent to the Department of Education within required time lines.

The Department of Education's evaluation plan for special education programs requires SELPAs to assist and participate in ongoing program evaluation activities. The areas of study will be identified and updated on an annual basis.

The primary responsibility for the SELPA is to provide staff to carry out the following data collection activities:

- C Providing student outcome data, including achievement data.
- C Providing accessibility to school sites selected to participate in the evaluation activities for each respective year.
- C Assisting in data collection at selected school sites to ensure that data for any of several evaluation activities needed by the Special Education Division are collected objectively.

**LOCAL INTERAGENCY AGREEMENTS**

AGENCY	DATE SIGNED
County Mental Health Department	Approved by Governing Board 7/26/01 Pending Tuolumne MH
California Children's Services	Approved 3/29/01
Department of Rehabilitation	N/A for Tuolumne County SELPA
Head Start, Tuolumne County	Approved by Governing Board 7/26/01 Signed by ATCAA 1/18/02
Valley Mountain Regional Center	Approved be Governing Board 5/2/00 Signed by VMRC 3/31/00

## **FISCAL SERVICES**

The Business Services Department of the Responsible Local Agency (RLA), under the RLA Superintendent and SELPA Director's supervision, is responsible in conjunction with Finance Committee for developing income and expenditure budgets for SELPA operation. Finance personnel from the RLA, Finance Committee members, and the SELPA Director participate in budget development, and provide fiscal data, as required.

After preparation, the budget is submitted to the Governing Board for review, recommendations, and approval. The Superintendent for the Responsible Local Agency then submits the budget to the RLA Board of Education for final review and approval.

## **COMMUNITY ADVISORY COMMITTEE (CAC) [EDUCATION CODE 56190, ET. SEQ.]**

The Community Advisory Committee (CAC) for the Tuolumne County SELPA is comprised of parents of persons with disabilities enrolled in public or non-public schools within the Tuolumne County SELPA and may include pupils and adults with disabilities, general education teachers, special education providers, and other school personnel with the Tuolumne County SELPA; representatives of other public and non-public agencies, and persons concerned with the education of persons with disabilities. The school boards of the participating local educational agencies (LEAs) shall appoint one member and one alternate to the CAC.

## **APPOINTMENT PROCEDURE FOR CAC**

The Governing Board, RLA Board of Education and district boards recognize the important responsibilities of the Community Advisory Committee. Members are approved by the Governing Board and may include representatives from private and public agencies (Regional Center, Mental Health, Public Health, Head Start) as well as regular and special education administrators, teachers, and parents. The district boards will appoint members to be representatives to the CAC. Local CAC chapters may appoint a member to the SELPA CAC. Each member is appointed for a minimum of a two-year term.

At least the majority of the committee shall be comprised of parents of pupils enrolled in schools participating in the Local Plan and at least a majority of such parents shall be parents of individuals with exceptional needs. The Committee performs a variety of functions including:

### **C Advising Regarding Local Plan Development**

The SELPA Director notifies the CAC of the time line for review of the Local Plan and provides an opportunity for all CAC members to review the Local Plan . CAC members are representatives to the Local Plan Revision Committee. The SELPA Director is responsible to report to the Governing Board any CAC revision recommendations regarding the Local Plan.

### **C Priorities**

Each school year the CAC membership shall develop priorities for the CAC and the SELPA and make recommendations to the Governing Board.

### **C Parent Education And Recruiting**

Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan.

### **C Community Involvement**

Encouraging community involvement in the development and review of the local plan.

### **C Supporting Activities**

Supporting activities on behalf of individuals with exceptional needs.

## C Parent Awareness

The Community Advisory Committee has a dual role. Firstly it acts as a vehicle for informing and educating parents and community about special education programs and services as related to the various disabling conditions experienced by children, adolescents, and adults. Secondly the Committee serves as a channel for input of parent and community concerns and interests to the decision-making level of the education management structure as it relates to special education programs and services provided within the SELPA. The Community Advisory Committee supports activities on behalf of individuals with exceptional needs.

The Special Education Director, who acts as ex-officio member of the Committee, facilitates accomplishment of these activities. Additionally, the Committee receives appropriate inservice training so that its members can efficiently and knowledgeably discharge their responsibilities and duties.

The Committee shall present to the RLA Superintendent and the Governing Board a report regarding program development and review of programs.

## CHARTER SCHOOLS

56207.5 and 56203 (a), (b), (c) A request by a charter school to participate as a local education agency in a special education local plan area may not be treated differently from a similar request made by a school district. In reviewing and approving a request by a charter school to participate as a local educational agency in a special education local plan area, the following requirements shall apply:

- C 56207.5 (a) The special education local plan area shall comply with Section 56140.
- C 56207.5 (b) The charter school shall participate in state and federal funding for special education and the allocation plan developed pursuant to subdivision (I) of Section 56195.7 or Section 56936.05 in the same manner as other local educational agencies of the special education local plan area.
- C 56207.5 (c) The charter school shall participate in governance of the special education local plan area in the same manner as other local educational agencies of the special education local plan area.

## LITERACY

Special education instructional personnel will participate in district sponsored staff development inservice opportunities in the area of literacy, which includes the following content:

- C Information about current literacy and learning research
- C Information regarding the implementation of State adopted standards and frameworks
- C Information regarding increasing the participation of students with disabilities in statewide student assessments
- C Information on research-based instructional strategies for teaching reading to a wide range of diverse learners, thus increasing literacy rates
- C Information regarding students with disabilities' rights to full access to all core curriculum text books and supplementary test books
- C Information on the provision of instructional materials and support so as to enable students with disabilities to attain higher standards in reading.

## EVALUATION

## **Rationale**

E. C. 56600 was written, in part, to ensure that SELPAs participate with all State efforts to provide for “ongoing comprehensive evaluation of special education programs” in order to “refine and improve programs, policies, regulations, guidelines, and procedures on a continuing basis, and to assess the overall merits of these efforts”.

## **Policy Statement**

The Tuolumne County SELPA shall submit annually all information required by the California Department of Education, Special Education Division, including statistical data, program information, and fiscal information related to the programs and services for children with disabilities in the Tuolumne County SELPA.

## **Guidelines**

The SELPA Director will be responsible to collect all data required by the California Department of Education related to special education budgets and services, and report them annually.

SELPA staff will support all the members of the SELPA in the collection of data related to compliance, due process procedures, availability of services, key performance indicators, etc., as needed.

## **PUPILS WHO RESIDE IN OTHER COUNTIES**

Any county office or district governing board may provide for the education of individual pupils in special education programs maintained by other districts or counties, and may include within the special education program pupils who reside in other districts or counties.

## **NECESSARY SMALL SELPA [E.C. 56212]**

Tuolumne County SELPA is designated as a necessary small SELPA, since its total reported units of average daily attendance in kindergarten and grades 1 to 12, inclusive, is less than 15,000, and that total includes all of the school districts located in the county.

**TUOLUMNE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA**

**SECTION III**

**POLICIES**

## POLICIES

### EARLY EDUCATION SERVICES

#### STAFF DEVELOPMENT

Staff development opportunities are provided throughout the year. Opportunities exist for staff to attend conferences, inservices and workshops. Additionally, the SELPA has supported staff and parent involvement/attendance at the local Spring Symposium sponsored by Family Resources Network.

#### ENROLLMENT

The Tuolumne County SELPA provides both home-based and center-based activities in order to serve the needs of eligible infants and toddlers and their families. Service delivery varies based on needs identified on the Individualized Family Services Plan (IFSP). The Early Start Program is a 200- day program.

Special Education services are provided by Early Intervention Specialists with training in Early Childhood and related areas specific to the infant and toddler population. Services may also be provided by speech and language specialists, motor specialists, vision specialists, deaf and hard-of-hearing specialists, and nurses. Transdisciplinary team assessments are utilized which include members from other agencies.

#### SERVICES AND OPTIONS

Major program components are: outreach and public awareness; a referral and identification system; coordination with medical, social service, and educational agencies for referrals, information, and treatment; screening and assessments conducted by a transdisciplinary team; IFSP development; infant home based program; Designated Instruction and Services (DIS) in Language/Speech and Hearing, Vision, and Adaptive P.E. Specialists; a parent education and support program; a program planning, management, and evaluation system through a transdisciplinary team; inservice training for teachers and parents about developmental needs of youngsters; and coordination with Valley Mountain Regional Center and other professionals and parents who share their expertise and services to provide appropriate services for infants and their families.

#### SERVICE DELIVERY PROCEDURES

The purpose of the Tuolumne County SELPA Early Intervention services is to implement a model for coordinated interagency service delivery for families with infants and toddlers having, or at risk of having, delayed development in one or more areas. Infant Services in the Tuolumne County SELPA is a collaborative project among agencies. It is an interagency program with special education as one of the initial contact points. Law to provide services for infants with special needs mandates the Tuolumne County SELPA and Valley Mountain Regional Center. Other agencies that may participate in the Early Start Program are public health, mental health, social services Head Start and Family Resource Network. The intent of the program is to provide services to families and infants through enhancing the ability of families to promote the growth and development of their exceptional infants by:

- C Providing services, which are family driven, and family centered;
- C Serving the entire family as a unit;
- C Coordinating resources and procedures among agencies to avoid gaps and duplications in service delivery;

- C Streamlining referral, intake, and service delivery for ease of use by families;
- C Ensuring that families have timely access to needed services and professional expertise;
- C Enhancing family involvement, parent-to-parent supports and family-professional partnerships.

### **Outreach and Child Find**

Coordination: The Multi-Agency Committee coordinates community wide outreach and child finding activities to inform families, community agencies, and medical providers about the availability of Early Intervention Services and how they can be accessed. The committee ensures that families concerned about possible delays in their child's development have direct access to information about how to contact Infant Services in the Tuolumne County SELPA.

Outreach and Child Find Strategies include:

- C A brochure describing services to families distributed to all new parents.
- C A presentation to doctors.
- C A presentation to doctors' office staff.
- C Provide information to hospitals serving Tuolumne County residents, particularly discharge planners.

There are a variety of resource materials that are available for families. Family Resource Network has a lending library and parent support services.

Brochures and posters are distributed to doctors' offices, hospitals, medical clinics and other interested parties.

### **IDENTIFICATION AND REFERRAL**

Referrals for children birth through three years of age may be received from parents or relatives, hospitals, doctors, or other agencies. Additionally, outreach and identification activities are carried on throughout the community on an ongoing basis. However any agency may receive a referral.

Factors that are considered in determining which agency should conduct the intake are: what types of issues the infant and family have (medical, social, financial), family preference for intake, which agency is more likely to play a prominent role with infant and the family, capability to schedule the intake quickly. In the event that an intake agency cannot be readily identified the initial written referral shall act as the intake agency. Other agencies may cooperate as appropriate.

In some cases it may be decided that the intake should be done by all agencies. It must be noted that other agencies are notified of the referral only if the parents give verbal consent to the person completing the referral form. If the parent is unwilling to give consent for multi-agency involvement, the receiving agency will do an in-house IFSP. It is intended that all agencies will use a common intake form to record information.

Primary Referral Sources:

- C Hospitals, including prenatal and postnatal care facilities
- C Physicians
- C Parents
- C Local education agencies

- C Day care providers
- C Public health facilities
- C Other social service agencies
- C Other health care providers

The Multi-agency committee provides referral information to primary referral sources so that referrals can be made, with family consent, within 2 working days.

#### Intake Procedures

32. Upon receipt of a referral, appropriate staff from Valley Mountain Regional Center and the Tuolumne County SELPA coordinates contact with the family and referral sources to collect additional referral information if needed.
33. If the situation does not fall within the eligibility criteria of Early Intervention Services, the family is referred to other appropriate agencies. Action is documented on the Referral Form.
34. If it appears the family may be eligible, involved agency representatives confer to determine the most appropriate person to serve as Service Coordinator through intake, evaluation and assessment, and development of the initial Individualized Family Service Plan.
35. The Service Coordinator contacts the family and VMRC or Tuolumne County, and
  - a. Provides information about early intervention services.
  - b. Explains multi-disciplinary team approach and requests permission to make referrals to team participants.
  - c. Discusses the intake process with the family, and determines whether the family wishes to receive services.
  - d. If the family wishes to proceed with the intake process, a visit is scheduled with the family at a time and place convenient to the family.
36. The family is given information about Early Intervention Services in the Tuolumne County SELPA, including:
  - a. The Passport Binder if the child qualifies
  - b. Access to Resource Guide
  - c. Family Resource Network Brochure
  - d. Information about rights and due process
37. Evaluation and assessment are discussed with the family, and written Consent for Evaluation of the child is obtained if the family wishes to access services.
  - a. If consent is not given, the Interim Service Coordinator makes reasonable efforts to ensure that the parent is fully aware of the nature of the evaluation and assessment or the services that would be available; and understands that the child will not be able to receive the evaluation and assessment or services until consent is given.
  - b. The Interim Service Coordinator documents the action on the referral form, including any referrals made to other appropriate agencies with the family's consent and any plans to contact the family again to discuss the decision.



When the signed Consent for Evaluation is received the Intake Information Form is completed and plans for Evaluation and Assessment are made with the Infant Services Team if appropriate.

REFERENCE: Government Code Section 95022

## **EVALUATION AND ASSESSMENT**

A transdisciplinary team that may be comprised of members from several agencies provides assessment and evaluation. The intake agency will obtain parent signatures on the Assessment Plan and the Release of Information forms which will be shared with other agencies. Evaluations that normally fall within the domain of special education infant services will continue to be provided by the Tuolumne County SELPA for any infant who appears to meet special education eligibility criteria and who is birth through three years.

Evaluation will be conducted in the following areas: health, vision, hearing, communication, adaptive development, gross motor, fine motor and cognition. The child's unique strengths and needs will be described once eligibility is established. With parental consent, the resources, priorities, concerns of the family and the supports and services necessary to enhance meeting the needs of the infant will be assessed.

REFERENCE: Education Code 55014, 55016

## **INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP)**

For a child who has been evaluated for the first time and determined to be eligible, the initial Individualized Family Service Plan is to be completed within 50 days of referral.

A review is to be conducted every six months, or more frequently if needed or requested by the family. The review can be a meeting or by another means that is acceptable to the parents and other participants. A meeting must be conducted on at least an annual basis.

Specific procedures are as follows: the Service Coordinator in conjunction with the family schedules the IFSP meeting at a time and place convenient to the family and sends a written announcement to invite participants.

Participants in initial and annual IFSP meetings include: the parent or parents of the child; other family members, as requested by the parent, an advocate or person outside of the family, if the parent requests that the person participate; the service coordinator; a person or persons directly involved in conducting the evaluations and assessments; as appropriate and persons who will be providing services to the child or family. If a person directly involved in conducting the evaluation and assessments is unable to attend a meeting, arrangements must be made for the person's involvement through other means, including: participating in a telephone conference call; having a knowledgeable authorized representative attend the meeting; or making pertinent records available at the meeting.

The identified IFSP Service Coordinator and the parent either in person or may conduct the mandate six-month periodic review of the IFSP informally by phone. Any changes made to the plan at or before the six-month review must be documented and a copy sent to the other agency for their record. The parent must approve the plan and receive a copy of any documented changes in the program. If a change is requested that will result in new or additional services being provided, the agency that will provide or pay for those services must be notified and approve of the additional services prior to the IFSP revision.

All agencies involved will participate in the annual IFSP review meeting. It is understood that each agency can only commit to providing services funded by that agency. The IFSP shall include: the infant's present levels of development, strengths and needs of the child, family concerns, priorities and resources, outcomes identified for early intervention services including

frequency, intensity, methods of delivery, natural environments where services will be provided and location where services will be provided.

REFERENCE: Government Code Section 95020

### **EARLY INTERVENTION SERVICES**

Early intervention services are offered to enhance the infant's developmental process. Frequency of visits in the home-based component is based on the needs of the child. Related services are identified during the IFSP process and are provided as specified on the IFSP. Parents are involved at all levels of the IFSP process and are instrumental in identifying their own needs for support and services. Options are presented, with the parents ultimately deciding which services will best meet the needs of their family and at risk infant.

### **LOW INCIDENCE**

It is the responsibility of the Tuolumne County SELPA to provide assessment and program for infants/toddlers with solely low incidence disabilities. A full range of services is provided in the home for all infants/toddlers who qualify as having a low incidence disability. Services include orientation and mobility, vision service, deaf hard of hearing services, physical therapy, occupational therapy, psychological, speech and language and nursing services.

REFERENCE: Education Code 56426.6

### **SERVICES COORDINATION**

The Service Coordinator is the person responsible for: coordinating evaluations and assessments; facilitating and participating in the development, review, and evaluation of the Individualized Family Service Plan; assisting families in identifying other available services and service providers; coordinating and monitoring the delivery of available services; informing families of the availability of advocacy services; coordinating with medical and health providers; and facilitating the development of a transition plan to pre-school services, if appropriate.

REFERENCE: Government Code Section 95018

Designation of the Service Coordinator: The Service Coordinator is drawn from the profession and agency most immediately relevant to the child's or family's needs, or who is otherwise qualified to carry out all applicable responsibilities. The Infant Services Team designates an Interim Service Coordinator to work with the family until the Individualized Family Service Plan is developed. The Individualized Family Service Plan designates the Service Coordinator on an on-going basis. Family choice is a primary consideration in selection of a Service Coordinator. The Service Coordinator may be changed as the family and child's needs change.

### **TRANSITION**

At least 90 days prior to the child reaching age three, the Service Coordinator will coordinate with the family the development of an Individualized Family Service Plan which includes the steps to be taken to support the transition of the child, upon reaching age three, to preschool and/or other appropriate services that may be available. These steps will include: discussions with and training of parents regarding future placements and other matters related to the child's transition; procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; with parental consent, transmission of information about the child to future placement providers; with parental consent, if the child is transitioning from an infant program to a preschool program under Part B, a conference between the infant program, the family and preschool program is convened by the Service Coordinator at least 90 days before the child is eligible for the preschool to develop a transition plan.

Any infant who becomes three years of age while participating in an early education program under the chapter may continue in the program until June 30th of the current program year if determined appropriate by the IFSP team.

REFERENCE: Government Code Section 95020(c)(8), 34 CFR 303.344(h), Education Code 56426.9

### **DISPUTE RESOLUTION**

The following are the areas for which a dispute may arise: the eligibility of the infant; which agency is responsible for the infant and family evaluation and assessment, service coordination, and the development and implementation of the IFSP; and which agency is responsible for the provision/purchase of appropriate early intervention services.

Every attempt should be made to resolve the dispute at the lowest possible administrative level starting with the supervisory level and going to the Director level only if resolution cannot be reached.

During the pendency of a dispute, a child must continue to receive the appropriate early intervention services currently being provided. If the dispute involves initial early intervention services, the child must receive all of the early intervention services identified and agreed to in the IFSP. During the pendency of a dispute, DDS will assign financial responsibility in accordance with the Budget Act.

REFERENCE: Government Code 95012, 34 CFR 303.523, 303.524

### **SEARCH AND SERVE**

In an effort to insure that parents residing within the SELPA are advised of available services, a description of programs will be sent to local and regional medical facilities such as: Mark Twain St. Joseph Hospital(s), U.C. Davis, Oakland Children's Hospital, University of San Francisco, etc.

Approved by Governing Board May 17, 2004.

Approved by Tuolumne County Office of Education Board June 14, 2004.

## COMMUNITY ADVISORY COMMITTEE (CAC)

The Community Advisory Committee (CAC) for the Tuolumne County SELPA is comprised of parents of persons with disabilities enrolled in public or non-public schools within the Tuolumne County SELPA and may include pupils and adults with disabilities, general education teachers, special education providers, and other school personnel with the Tuolumne County SELPA; representative of other public and non-public agencies, and persons concerned with the education of persons with disabilities. The school boards of the participating local educational agencies (LEAs) shall appoint one member and one alternate to the CAC.

### APPOINTMENT PROCEDURE FOR CAC

The Governing Board, RLA Board of Education and district boards recognize the important responsibilities of the Community Advisory Committee. Members are approved by the Governing Board and include representatives from private and public agencies (Regional Center, Mental Health, Public Health, Head Start) as well as regular and special education administrators, teachers, parent, and students. The district boards appoint members to be representatives to the CAC. Local CAC chapters may appoint a member to the SELPA CAC. Each member is appointed for a minimum of a two-year term.

At least the majority of the committee shall be comprised of parents of pupils enrolled in schools participating in the Local Plan and at least a majority of such parents shall be parents of individuals with exceptional needs. The Committee performs a variety of functions including:

#### C Advising Regarding Local Plan Development

The SELPA Director notifies the CAC of the time line for review of the Local Plan and provides an opportunity for all CAC members to review the Local Plan. CAC members are representatives to the Local Plan Revision Committee. The SELPA Director is responsible to report to the Governing Board any CAC revision recommendations regarding the Local Plan.

#### C Priorities

Each school year the CAC membership shall develop priorities for the CAC and the SELPA and make recommendations to the Governing Board.

#### C Parent Education and Recruiting

The Community Advisory Committee will assist in providing parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan.

#### C Community Involvement

Encouraging community involvement in the development and review of the local plan.

#### C Supporting Activities

The Community Advisory Committee will support activities on behalf of individuals with exceptional needs.

#### C Parent Awareness

The Community Advisory Committee has a dual role. Firstly it acts as a vehicle for informing and educating parents and community about special education programs and services as related to the various disabling conditions experienced by children, adolescents, and adults. Secondly the Committee serves as a channel for input of parent and community concerns and interests to the decision-making level of the education

management structure as it relates to special education programs and services provided within the SELPA. The Community Advisory Committee supports activities on behalf of individuals with exceptional needs.

The Special Education Director, who acts as ex-officio member of the Committee, facilitates accomplishment of these activities. Additionally, the Committee receives appropriate inservice training so that it's members can efficiently and knowledgeably discharge their responsibilities and duties.

The Committee shall present to the RLA Superintendent and the Governing Board a report regarding program development and review of programs.

Approved by Governing Board May 17, 2004.

Approved by Tuolumne County Office of Education Board June 14, 2004.

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

## **INTRODUCTION**

This policy applies to all charter schools that are chartered by a local educational agency (“LEA”) in the State of California or granted a charter on appeal by a County Board of Education within the State of California or the State Board of Education in which oversight responsibilities have been assigned to a SELPA-member LEA. This charter school policy was developed cooperatively with input obtained from SELPA members and charter schools. This policy extends to a charter school that was chartered by, or assigned to, an entity that is a member of the SELPA.

As students enrolled in charter schools are entitled to special education services provided in the same manner to students enrolled in other public schools, charter schools within the SELPA shall comply with all requirements of all applicable state and federal law and regulations regarding provision of special education services (Title 20 United States Code § 1400 *et seq.*; Title 34 Code of Federal Regulations Part 300; California Education Code 56000 *et seq.*; Title 5 California Code of Regulations § 3000 *et seq.*) A charter school shall not discriminate against any pupil in its admission criteria on the basis of disability. Students enrolled in charter schools chartered by a SELPA-member LEA shall receive services in the same manner to students enrolled in other public schools within the SELPA. 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 must delineate in their petition or a memorandum of understanding (MOU) the entity responsible for providing special education instruction and related services. This document must reference any anticipated transfer of special education funds between the granting member LEA and the charter school and any provisions for sharing deficits and/or proration factors in funding. This document must affirm, in writing, that the district where the student resides, if different than the chartering SELPA member LEA, is not responsible for providing special education services to students that are enrolled in the charter school. The written agreement must also state that prior to final approval of a request to be deemed an LEA by the SELPA, the charter school will be deemed a public school within the chartering SELPA-member LEA.<sup>1</sup>

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<sup>1</sup> The charter school is deemed a public school when first granted a petition and cannot be deemed an LEA in this SELPA until the charter school has complied with all procedures outlined in this policy.

## SELPA INVOLVEMENT WITH APPROVAL AND RENEWAL OF CHARTERS

Prior to approval of a new charter school, or renewal of an existing charter school, the petitioner shall consult with both the superintendent or designee of the chartering SELPA-member LEA and the SELPA Director to ensure that the charter school responds to district and SELPA guidelines and time lines as they relate to special education. The petition presented must provide assurances that all eligible students enrolled in the charter school will receive appropriate special education services in accordance with all applicable state and federal law and regulations and the SELPA Local Plan for Special Education (Local Plan). The petition shall 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.<sup>2</sup>

### Categories of Charter Schools

For purposes of the provision of special education services, charter schools shall be deemed either a public school within the chartering SELPA-member LEA or an LEA that receives funds and provides services independent of the chartering SELPA-member LEA. All approved charter schools will be deemed public schools within the chartering SELPA-member LEA until the charter school has been deemed an LEA following this policy and the decision-making process outlined in Section II (Governance and Administration) of the Local Plan. The categorization as a separate LEA will become effective on the first day of the fiscal year (July 1) following final approval by the SELPA Governing Board.

#### A. PUBLIC SCHOOL WITHIN A SCHOOL DISTRICT OR COUNTY OFFICE OF EDUCATION

Charter schools that are deemed to be public schools within the chartering SELPA-member LEA will participate in state and federal funding in the same manner as other schools or programs within the chartering entity. The chartering SELPA-member LEA 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 and regulations. The chartering SELPA-member LEA 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 SELPA-member LEA.

The chartering entity will:

- C Receive all applicable special education funds as specified in the SELPA's Assembly Bill (AB) 602 Funding Allocation Plan. If the chartering SELPA-member LEA is a school district, the allocation per ADA in the charter school will be the same as that received by the chartering entity. If the chartering SELPA-member LEA is a County Office of Education, the allocation for students enrolled in the charter school will be equal to the average allocation per ADA of member districts within the SELPA;
- C Represent the needs of the charter school in the SELPA governance structure;
- C Be responsible for ensuring that all eligible students enrolled in the charter school are appropriately referred, assessed, and served in a timely manner;
- C Be responsible for procuring and funding appropriate special education services, wherever the student may reside; and

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<sup>2</sup> Petitioner must confirm in writing that they will not discriminate due to disability.

- C Provide necessary special education services or contract for these services with public or private educational agencies.
- C The charter school that is deemed a public school for purposes of special education must contribute an equitable share of its charter school block grant funding to support district-wide special education instruction and services, including, but not limited to, special education instruction and services for pupils with disabilities enrolled in charter schools.

#### **B. Charter School As An LEA Within The Tuolumne County SELPA**

The SELPA Governing Board will review a charter school's request to participate as an LEA in the SELPA in the same manner as it reviews similar requests made by LEAs. Such requests must be in writing and must be made to the SELPA on or before February 1 of the school year preceding the school year in which the charter school anticipates operating as an LEA within the SELPA. LEA status will not become effective until the first day of the fiscal year (July 1) following final approval by the SELPA Governing Board. Once granted LEA status, a charter school will participate on an equal basis with other members in the governance of the SELPA. The LEA charter school will choose a representative to the Governing Board. The representative to the Governing Board must be the chief executive officer of the charter school pursuant to the Governing Board Local Plan. This person must be an employee of the charter school and appropriately credentialed to serve in the capacity. The charter school will be represented on the SELPA Finance Committee pursuant to the Local Plan.

The applicant charter school will be deemed an LEA if the SELPA Governing Board 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:

- C Identify who will be responsible for the operation of special education programs and the provision of services to students with disabilities at the charter school;
- C Provide assurances that all individuals with exceptional needs enrolled in the charter school (ages birth to 22) shall have access to appropriate special education programs and services;
- C Provide assurances that students will be appropriately referred for special education assessments in a timely manner;
- C Provide 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<sup>3</sup>;
- C Provide assurances that each certificated employee providing special education services is appropriately credentialed to serve in his/her assignment;
- C Provide assurances that the charter school will employ necessary staff as required to meet federal and state mandates;
- C Provide assurances that the charter school will follow all SELPA policies and procedures;

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<sup>3</sup> This affirms charter school responsibility under Section 504 of the Rehabilitation Act of 1973 (34 C.F.R. § 104 (hereinafter "504")).



- C Adopt procedures and policies related to disenrollment, suspension, and expulsion that ensure that the protections of federal and state law and regulations are afforded to special education and 504 eligible students; and
- C Adopt dispute resolution procedures that apply to any disputes between educational entities, including the SELPA, regarding the provision of special education services in the charter school;

Once deemed an LEA, the charter school shall abide by the requirements delineated above and shall:

- C Utilize SELPA approved forms;
- C The Charter school shall participate in the governance of the special education local plan area in the same manner as other local educational agencies of the SELPA.
- C Place special education students in programs administered by other SELPA members only with either inter or intra SELPA permits and/or Interdistrict permits;
- C Provide transportation as indicated on the student's IEP;
- C Indemnify and hold harmless each of the member entities;
- C Contribute to, participate in, and receive the benefits of reimbursement from the SELPA Nonpublic School/Agency Pool in the same manner as other members<sup>4</sup>;
- C Receive state and federal funding for special education in accordance with the SELPA's AB 602 Funding Allocation Plan. The LEA charter school will be entitled to special education allocations that are based on the school's ADA at the average rate received by member districts;
- C In the same manner as other members of the SELPA, any available federal funds will be disbursed and calculated based on applicable special education counts<sup>5</sup>;
- C 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, nonpublic school/agency placements, inter/intra SELPA placements, due process proceedings, complaints and attorney fees; and
- C 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<sup>6</sup>.

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**Approved by Governing Board May 17, 2004.**

**Approved by Tuolumne County Office of Education Board June 14, 2004.**

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<sup>4</sup> Provides that funds generated by enrollment in the charter school LEA, like all other SELPA members, pays for SELPA and regionalized services

<sup>5</sup> Gives notice to charter school LEA that Federal funds are dispersed in arrears, therefore it will receive none the first year and subsequent disbursements will be based on prior year's student count.

<sup>6</sup> Special education apportionment must be used solely for the purpose of providing special education instruction and/or services to identified students with disabilities. Any apportionment not used for provision of special education will be reviewed by the Governing Board and Finance Committee for potential recapture and/or reallocation of funds.

## REGIONALIZED SERVICES

### Rationale

Each special education local plan area (SELPA) or county office that submits a local plan pursuant to Education Code sections 56195(b) or (c) must develop a written agreement to be entered into by the entities participating in the plan. The agreement shall include regionalized services to local programs. (Education Code section 56195.7(c).)

### Policy Statement

The written agreement into which the participants in the Tuolumne County SELPA have entered shall include regional services to the participants' local programs.

#### Regionalized Services to Local Programs

The Tuolumne County SELPA regional services to local programs shall include:

1. Program specialist service pursuant to the provisions of Education Code section 56368.
2. Personnel development, including training for staff, parents, and members of the Community Advisory Committee (CAC), pursuant to Education Code sections 56240 to 56245.
3. Evaluation pursuant to Education Code sections 56600 to 56606.
4. Data collection and development of management information systems.
5. Curriculum development.
6. Provision for ongoing review of programs conducted, and procedures utilized, under the local plan, and a mechanism for correcting any identified problem.

Approved by Governing Board May 17, 2004.

Approved by Tuolumne County Office of Education Board June 14, 2004.

## PUBLIC PARTICIPATION

### Rationale

Each special education local plan area (SELPA) must include in its local plan a description of the method by which members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the plan, may address questions or concerns to the governing body or individual responsible for administration of the SELPA. [E.C. 56205(b)(4)]

### Policy Statement

Tuolumne County SELPA encourages community interest and participation in its programs.

### Public Participation Process

Tuolumne County SELPA is governed by a Governing Board composed of the County Superintendent and Superintendent from each of the districts. Inquiries and concerns may be addressed to:

Tuolumne County SELPA Governing Board Chair  
175 South Fairview Lane  
Sonora, CA 95370

In addition, the Governing Board meets at least eight times a year. These meetings are open to the public. Meeting agendas may be obtained from the Tuolumne County SELPA office. Any member of the public who wishes to participate in the meeting may do so during Public Comments, as indicated in the monthly agendas. Each public participant is allowed to speak for 5 minutes.

In addition, Tuolumne County SELPA is administered by the SELPA Director. Questions and concerns may also be addressed to:

Tuolumne County SELPA Director  
175 South Fairview Lane  
Sonora, CA 95370  
(209) 536-2008

A person communicating with the SELPA Governing Board or Director should include a description of the nature of the inquiry or concern and where the person can be reached so that a response can be provided.

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## LITERACY

### Rationale

In order to improve educational results for students with disabilities, all students within Tuolumne County SELPA who require special education will participate in the California Reading Initiative.

### Policy Statement

The Tuolumne County SELPA will ensure that all students with special needs have the opportunity to participate in the general education curriculum, as determined by each student's IEP team. The IEP team will consider the special needs of each student on an individual basis.

All Tuolumne County SELPA students with special needs, all special education instructional personnel will participate in staff development inservice opportunities in the area of literacy that include:

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

In addition, all students with disabilities in the Tuolumne County SELPA will have full access to:

1. All required core curriculum including state adopted core curriculum text books and supplementary text book; and
2. Instructional materials and support, in order that students with disabilities attain higher standards in reading.

(Reference: State Board Requirement)

Approved by Governing Board May 17, 2004.

Approved by Tuolumne County Office of Education Board June 14, 2004.

## DISTRIBUTION OF SPECIAL EDUCATION FUNDS

### Rationale

Both federal and state law requires assurances that all eligible pupils residing within a SELPA have equal access to special education programs and services regardless of their district of residence. To accomplish this goal, the Governing Board is required to (1) have a process for allocating funds in accordance with laws and regulations; (2) develop an annual budget allocation plan; and (3) monitor the use of special education funds.

### Policy Statement

1. Each district within the SELPA is assured a proportionate share of federal, state, and local special education funds available to the SELPA to provide special education services to residents of the districts. Services may be provided through funds allocated to the district of residence, another school district, a county office, or another SELPA.
2. Funds available for distribution are those monies allocated to the SELPA on the Advance Certification from the California Department of Education less the funds required to serve residents of Licensed Children's Institutions (LCIs), Low Incidence equipment, Regionalized Services, specially designated pools (NPS, NPA, Legal), infants, and special education grant funds allocated by the California Department of Education. Tuolumne County SELPA will follow the state apportionment cycle in the distribution of special education revenues.
3. Using prior year CASEMIS count, districts will be funded based on a distribution formula to be approved yearly by the Governing Board. The formula will be a part of the Tuolumne County SELPA Annual Budget Plan.
4. Revenue limit dollars generated by students in special day classes will be used as a funding source for special education programs in accordance with Education Codes 42238.9 and 42238.95. It is each district's responsibility to ensure and monitor revenue limit dollars generated from SDC pupils.
5. The Tuolumne County Office of Education receives property taxes, a portion of which is earmarked for special education. These dollars are a funding source to the SELPA's AB602 apportionment. Therefore, the Tuolumne County Office of Education will retain property tax dollars only up to the level of its program entitlement, as per the SELPA allocation policy, and any balance of property tax dollars will be distributed to the districts in the county.

# BEHAVIORAL INTERVENTION FOR SPECIAL EDUCATION STUDENTS

## Rationale

Each special education local plan area (SELPA) local plan shall include procedures governing the systematic use of behavioral interventions and emergency interventions. These procedures shall be a part of the SELPA local plan. (5 CCR § 3052(j).)

## Policy Statement

A special education student's behavior shall be subject to the disciplinary measures applicable to all students for such infractions unless it is a serious behavior problem as defined below.

More serious behavioral problems shall be addressed through the systematic use of behavioral and emergency interventions as provided below.

## Definitions

*"Serious behavior problems"* means behaviors which are self-injurious, assaultive, or cause serious property damage and other severe behavior problems that are pervasive and maladaptive for which instructional/behavioral approaches specified in the student's individualized education program (IEP) are found to be ineffective. (5 CCR § 3001(aa).)

*"Behavioral intervention"* (BI) means the systematic implementation of procedures that result in lasting positive changes in the student's behavior. "BI" means the design, implementation, and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in human behavior through skill acquisition and the reduction of problematic behavior. BI are designed to provide the student greater access to a variety of community settings, social contacts and public events and to ensure the student's right to placement in the least restrictive educational environment, pursuant to the student's IEP. BI procedures shall not cause pain or trauma, shall respect the student's human dignity and personal privacy, and shall assure the student's physical freedom, social interaction and individual choice. (5 CCR § 3001(d).)

*"Behavior intervention plan"* (BIP) means a written document that is developed when the student exhibits a serious behavior problem that significantly interferes with the implementation of the goals and objectives of the student's IEP. (5 CCR § 3001(f).)

*"Behavioral intervention case manager"* means a designated certificated school, district, or county staff member or other qualified personnel contracted by the district or county office, who has been trained in behavior analysis with emphasis on positive behavioral interventions. (5 CCR § 3001(e).) The position of BI case manager is not intended to be a new staffing requirement and does not create new credentialing or degree requirements. The duties of this position may be performed by any appropriately trained, certified staff member, such as a teacher, resource specialist, school psychologist, or program specialist. (5 CCR § 3001(e).)

*"Behavioral emergency"* means the demonstration of a serious behavior problem which has not previously been observed and for which a behavioral intervention plan has not been developed, or for which a previously designed behavioral intervention is not effective. (5 CCR § 3001(c).)

## Functional Analysis Assessment

When a special education student's serious behavioral problem significantly interferes with the implementation of the goals and objectives of his/her IEP, the student's IEP team shall determine whether the instructional/behavioral approaches specified in the student's IEP have been shown to be ineffective. If the IEP team finds that these approaches have been ineffective, a functional analysis assessment (FAA) shall be conducted. (5 CCR § 3052(b).)

Prior to conducting a FAA, the student's parents/guardians shall be notified and consent obtained pursuant to Education Code 56321. In addition, a parent or legal guardian may request a FAA pursuant to Education Code sections 56320 to 56329. (5 CCR § 3052(b).)

The FAA shall be conducted by, or be under the supervision of, a person who has documented training in behavior analysis with an emphasis on positive behavioral interventions. The FAA staff shall gather information from three sources: direct observation; interviews with significant others; and review of available data. (5 CCR § 3052(b).)

The FAA procedure shall include:

1. Systematic observation of the occurrence of the targeted behavior for an accurate definition and description of its frequency, duration and intensity;
2. Systematic observation of the immediate antecedent events associated with each instance of the display of the targeted behavior;
3. Systematic observation and analysis of the consequences following the display of the behavior to determine the purpose it serves for the student;
4. Analysis of the environment in which the behavior most frequently occurs;
5. Analysis of records for medical and health factors which may influence behaviors; and
6. Review of the history of the behavior, including the effectiveness of interventions used in the past.

(5 CCR § 3052(b)(1).)

The parent/guardian shall receive a complete written report of the assessment results. The report shall include:

1. A description of the nature and severity of the targeted behavior(s) in objective and measurable terms;
2. A description of the targeted behavior that includes baseline data and an analysis of the antecedents and consequences that maintain the behavior and a functional analysis of the behavior across all appropriate settings in which it occurs;
3. A description of the rate of alternative behaviors, their antecedents and consequences;
4. A proposed behavioral intervention plan for consideration by the IEP team.

(5 CCR § 3052(b)(2).)

### **Behavioral Intervention Plan**

Based on the functional assessment, the IEP team shall meet to review the FAA results and to determine whether a behavioral intervention plan is needed. If such a plan is needed, the IEP team shall be expanded to include a behavioral intervention case manager, qualified staff knowledgeable about the student's health needs, and others with expertise as deemed necessary by the parent/guardian, district, or Tuolumne County SELPA. The behavioral intervention plan shall become a part of the student's IEP and shall be sufficiently detailed so as to direct the plan's implementation. (5 CCR § 3052(c).)

The IEP team shall develop a written behavioral intervention plan that includes:

1. A summary of relevant and determinative information gathered from the FAA;
2. An objective and measurable description of the targeted maladaptive behavior(s) and replacement positive behavior(s);

3. The student's goals and objectives specific to the BIP;
  4. A detailed description of intervention to be used and the circumstances for their use;
  5. Specific schedules for recording the frequency of the use of the intervention and the frequency of the targeted and replacement behaviors, including specific criteria for discontinuing the use of an intervention for lack of effectiveness or replacing it with an identified and specified alternative;
  6. Criteria by which the procedure will be faded or phased-out, or less intense or frequent restrictive intervention schedules or techniques will be used;
  7. Those behavioral interventions which will be used in the home, residential facility, work site or other noneducational settings;
  8. Specific dates when the IEP team will periodically review the efficacy of the program; and
  9. The frequency of the consultation to be provided by the behavioral intervention case manager to the staff and parents/guardians who are responsible for implementing the plan
- (5 CCR § 3001(f).)

Based on the results of the FAA, positive programming behavioral intervention may include:

1. Altering the identified antecedent event to prevent the occurrence of the behavior;
2. Teaching the student alternative behaviors that produce the same consequences as the inappropriate behavior;
3. Teaching the student adaptive behaviors which ameliorate negative conditions that promote the display of inappropriate behaviors; and
4. Manipulating the consequences for the display of inappropriate behaviors and alternative, acceptable behaviors, so that the alternative behaviors more effectively produce desired outcomes.

(5 CCR § 3052(d).)

Acceptable positive responses to targeted behavior(s) may include, but are not limited to, one or more of the following:

1. The behavior is ignored, but not the student;
2. The student is verbally or verbally and physically redirected to an activity;
3. The student is provided with feedback;
4. The message of the behavior is acknowledged; and/or
5. A brief physical prompt is provided to interrupt or prevent aggression, self-abuse, or property destruction.

(5 CCR § 3052(e).)

A copy of the behavioral intervention plan shall be provided to the person or agency responsible for implementation in noneducational settings. (5 CCR § 3001(f).)

At intervals scheduled by the IEP team, the behavioral intervention case manager, parent/guardian and others as appropriate shall evaluate the effectiveness of the behavioral intervention plan in accordance with law. This review may be conducted in meetings, by telephone conference, or by other means, as agreed upon by the IEP team. (5 CCR § 3052(f).)



If the IEP team determines that changes in the behavioral intervention plan are necessary, the teacher and behavioral intervention case manager shall conduct additional functional analysis assessments and, based on the outcomes, propose changes to the plan. (5 CCR § 3052(f)(5).)

The parent/guardian and the behavioral intervention case manager or qualified designee may make minor modifications without an IEP team meeting. The parent/guardian shall be notified of the need for modification and shall be able to review the existing program evaluation data prior to implementing the modification. Parents/guardians shall be informed of their right to question any modification to the plan through the IEP procedures. (5 CCR § 3052(g).)

The IEP team also may include in the plan contingency schedules for altering specified procedures, their frequency or their duration, without reconvening the IEP team. (5 CCR § 3052(h).)

### **Emergency Interventions**

Emergency interventions may only be used to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the student or others and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. (5 CCR § 3052(i).) Emergency interventions shall not be used as a substitute for systematic behavioral intervention plans that are a part of the student's IEP. (5 CCR § 3052(i)(1).)

Only emergency interventions approved by the SELPA may be used. No emergency intervention shall be used for longer than is necessary to contain the behavior. Upon prolonged use of an emergency intervention, staff shall seek assistance of the principal or law enforcement agency, as applicable to the situation. (5 CCR § 3052(i)(2), (3).)

Parents/guardians shall be notified within one school day whenever emergency intervention is used or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Superintendent or designee for review.

This report shall include:

1. The name and age of the student;
2. The setting and location of the incident;
3. The name of the staff or other persons involved;
4. A description of the incident and the emergency intervention used;
5. A statement of whether the student is currently engaged in a systematic behavioral intervention plan;
6. Details of any injuries sustained by students or others, including staff, as a result of the incident.

(5 CCR § 3052(i)(5).)

If the behavior emergency report is for a student who does not have a behavioral intervention plan, the designated responsible administrator shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for a FAA, and determine the necessity for an interim BIP. The IEP team shall document the reasons for not conducting an assessment and/or not developing an interim plan. (5 CCR § 3052(i)(7).)

If the behavior emergency report is for a student who has a BIP, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective shall be referred to the IEP team. The IEP team shall review the incident and determine whether the student's plan needs to be modified. (5 CCR § 3052(i)(8).)

The Tuolumne County SELPA shall collect Behavioral Emergency Report data and report annually the number of Behavioral Emergency Reports to the California Department of Education and the Advisory Commission on Special Education. (5 CCR § 3052(i)(9).)

### **Prohibited Interventions**

Tuolumne County SELPA prohibits any use of the following interventions in any situation, including emergency situations:

1. Any intervention designed to or likely to cause physical pain;
2. The release of noxious, toxic or otherwise unpleasant sprays, mists or substances near the student's face;
3. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to the bathroom;
4. Any intervention that subjects the student to verbal abuse, ridicule, or humiliation or that is expected to cause excessive emotional trauma;
5. Use of any device, material, or objects that simultaneously immobilize all hands and feet, including the procedure known as prone containment, except that prone containment or similar techniques may be used by trained staff as a limited emergency intervention;
6. Locked seclusion, unless in a facility otherwise licensed or permitted by law to use a locked room;
7. Any intervention that precludes adequate supervision of the student;
8. Any intervention that deprives the student of one or more of his/her senses; and
9. Use of force that exceeds that which is reasonable and necessary under the circumstances.

(5 CCR §§ 3052(i)(4)(C) & (l).)

### **Tuolumne County SELPA Responsibilities**

Tuolumne County SELPA shall ensure that these procedures shall be available to all staff members and parents whenever a behavioral intervention plan is proposed.

The Tuolumne County SELPA local plan shall include:

1. The qualifications and training of personnel to be designated as behavioral intervention case managers, which shall include training in behavior analysis with an emphasis on positive behavioral interventions, who will coordinate and assist in conducting the FAAs and the development of the BIPs;
2. The qualifications and training required of personnel who will participate in the implementation of the BIPs, which shall include training in positive BI;
3. Special training that will be required for the use of emergency BIPs and the types of interventions requiring such training; and
4. Approved behavioral emergency procedures.

### **Behavioral Intervention in a Disciplinary Situation**

Within 10 business days after removing a student for more than 10 school days in a school year or commencing a removal that constitutes a change in placement, the district shall implement a behavioral intervention plan in accordance with 34 CFR 300.520, Board policy, and administrative regulation pertaining to suspension and expulsion and due process for students with disabilities.

**Approved by Governing Board May 17, 2004.**

Approved by Tuolumne County Office of Education Board June 14, 2004.

# DISPUTE RESOLUTION PROCESS

## Rationale

In order to ensure the stable and continuous delivery of quality services to children with disabilities within the Tuolumne County SELPA, the SELPA must provide a process for resolving disputes among the SELPA participants over the responsibility for service provision, governance activities, program transfer, or the distribution of funding.

## Policy Statement

If a dispute arises over the responsibility for service provision, governance activities, program transfer, or the distribution of funding, or if any SELPA participant believes that an action taken by the Governing Board will create an undue hardship for that participant, or that an action taken exceeds the authority granted the Governing Board within the Local Plan or by state or federal statute, the aggrieved participant may request a review of the action by an Independent Review Panel.

Review may be requested by any participating school district, including any charter school, LEA, or group of school districts, or by the county office. The request for such a review must be submitted in writing to the RLA Superintendent within thirty (30) days of the disputed action taken by the Governing Board. The written request must clearly identify the reason(s) for the request and propose potential resolution(s) to the problem.

## Administrative Procedures

1. The RLA Superintendent or designee will, within ten (10) days of receipt of the disputant's written request, schedule a meeting and meet with the disputant and any other parties with an interest in the dispute, with the exception of the Governing Board itself. The RLA Superintendent or designee will make every effort to assist the disputant and other parties in achieving a resolution of the dispute.
2. If the disputant and other parties are unable to achieve resolution of the dispute in the mediation process, the RLA Superintendent shall refer the matter to the Governing Board at the next regular meeting, along with the RLA Superintendent's recommendation for resolution. The Governing Board's decision shall be final with respect to the position of the Tuolumne County SELPA.
3. If the disputant or any other party to the dispute disagrees with the Governing Board decision, the dispute shall be referred to a neutral arbitrator for final and binding arbitration. The RLA Superintendent shall hire an independent arbitrator from an approved agency knowledgeable in special education law and school finance. The costs resulting from the arbitration process shall be paid by the non-prevailing party.
4. All Tuolumne County SELPA participants agree to submit all appeals of the Governing Board decisions to neutral, binding arbitration and to abide by the arbitrator's final, binding decision. (Education Code section 56205(b)(5).)

**Approved by Governing Board May 17, 2004.**

**Approved by Tuolumne County Office of Education Board June 14, 2004.**

TRI-COUNTY SPECIAL EDUCATION LOCAL PLAN AREA

SECTION IV

INTERAGENCY AGREEMENT

PART C - EARLY START

**Interagency Agreement**

Including:

California Early Start Program

(Part C of the Individuals with Disabilities Education Act)

Between the Tri-County SELPA

and

Valley Mountain Regional Center

and

Tuolumne County Office of Education

[Education Code 56205 (b)(3)]

July 1, 2001 - June 30 2004

Tri-County SELPA, June 14, 2001

EARLY START INTERAGENCY AGREEMENT

Section IV Page 1

## Tri-County SELPA

### INITIAL ROLES AND RESPONSIBILITIES

#### I. PURPOSE

The purpose of this agreement is to describe selected policies and procedures of the Valley Mountain Regional Center, the Tri-County Special Education Local Plan Area and the Tuolumne County Office of Education, relating to the implementation of Part "C" of the Individuals with Disabilities Education Act (hereinafter referred to as "Early Start") and its implementing regulations. Specifically, this agreement will define the financial responsibilities of each agency, procedures for resolving disputes and other components necessary to ensure effective cooperation and coordination between all of the agencies.

#### II. PARTIES

The parties to this agreement are the Valley Mountain Regional Center (hereinafter referred to as "VMRC"), the Tuolumne County Office of Education (hereinafter referred to as "TCOE") and the Tri-County Special Education Local Plan Area (hereinafter referred to as "SELPA") .

#### III. TARGET POPULATION

This agreement applies to activities and services performed on behalf of infants and toddlers, birth to thirty-six months of age, and their families, who are eligible for early intervention services through the Early Start program, as defined in California statute and regulation.

#### IV. PROGRAM IMPLEMENTATION POLICIES

##### A. CHILD FIND ACTIVITIES

VMRC and TCOE/SELPA will meet on a regular basis to discuss coordination of child find activities to locate all infants and toddlers who may be eligible for Early Start Services. Child Find activities will include, but are not limited to the following:

- Contacting local parent organizations and support groups,
- Distribution of Early Start materials to agencies and individuals in the community,
- Presenting to local professional groups,
- Distribution of materials to schools, day care centers, family resource centers, and Head Start agencies

VMRC and SELPA shall inform the primary referral source of:

- Eligibility criteria for Early Start services,
- Types of Early Start services available through the Early Start program,
- Contact persons and telephone numbers for VMRC; SELPA and TCOE, and
- Federal requirements that a referral will be made to the VMRC or the local education agency within two working days of identification of a child who is in need of Early Start services (34CFR303.321).

##### B. REFERRAL PROCEDURES

Referrals may originate from parents, medical personnel, Family and Children's Services, VMRC, SELPA and other community resources.

VMRC and SELPA agree to use the Early Start Interagency Referral and Consent For Release of Information forms.

Whichever agency is notified of a possible referral for services will contact the family to:

- Complete a referral form
- Discuss Family Resource Network (FRN)
- Obtain a consent for release of information
- Conduct an initial home visit if appropriate

All information obtained and the completed referral/consent forms will be shared with the Early Start Interagency Assessment team.

The Early Start Interagency Assessment team may include the following members:

- VMRC Intake Coordinator and Service Coordinators
- SELPA: Program Specialist
- Infant teachers and support staff
- PHD: Public Health Nurses/California Children's Services (CCS)
- Family Resource Network
- DSS: Public Health Nurses, Social Workers and/or Family Outreach Workers
- MENTAL HEALTH: Children's Coordinator
- Primary Care - physician
- Early Head Start Representative

The Early Start team will meet at least once a month to review referrals and discuss cases. The 45 day intake period (for Early Start) begins on the day that VMRC or SELPA receives the referral. In order to process referrals at Early Start team meetings, the following steps need to be completed:

- Identify interim Service Coordinator.
- Determine what additional information is needed.
- Identify which agencies need to be involved.
- Review previous referrals at the Early Start meeting regarding their intake status and the completeness of the evaluation/assessment process.

#### C. EVALUATION/ASSESSMENT PROCESS

Interim Services Coordinator and/or other appropriate Early Start team members will make a home visit to discuss the referral and the Early Start process. A copy of the Parent's Rights will be given to the family and reviewed as necessary.

In addition, based on the interview with the family, any further applications for services, consent forms, or release of information documents will be completed during the home visit.



Each child referred for evaluation shall have a timely comprehensive multi disciplinary evaluation of his/her needs and level of functioning in order to determine eligibility.

Service Coordinators will oversee the evaluation/assessment process in order to avoid duplication and to ensure that evaluation will be conducted by appropriate, qualified transdisciplinary team members in a timely fashion. Evaluations will be conducted in the family home or in another appropriate setting.

The purpose of the evaluation process is to:

- Determine the child's strengths and levels of development in the following five domains:
  1. Cognitive
  2. Physical, including health, vision and hearing
  3. Communication
  4. Social/Emotional
  5. Adaptive
- Determine the needs of the family based on family directed assessment which are voluntary on the part of the family.
- Determine the type(s) and level(s) of services required.

Evaluations that normally fall within the domain of the SELPA (low incidence) will continue to be provided by SELPA for any child who meets Early Start eligibility criteria.

To determine the service needs of dually eligible children, VMRC and SELPA will evaluate in all five developmental areas. This may be a team evaluation that is developed with an infant teacher and a VMRC Service Coordinator.

VMRC will fund evaluations not provided by education if the evaluation is needed for diagnostic purposes to determine the presence of, or the substantially disabling nature of, a developmental disability. VMRC will purchase an evaluation when generic funding sources are not available in a timely manner. Payment for evaluations by vendors of VMRC shall be the responsibility of VMRC. Copies of the evaluation results will be provided to both the family and to appropriate Early Start team members.

#### D. OUT OF COUNTY TRANSFER-IN TO EARLY START

1. VMRC and TCOE shall use existing information whenever possible to determine continued eligibility and/or appropriate early intervention services.
2. Transfers will be discussed at the Early Start meeting to ensure a smooth transition for the family and appropriate agencies.
3. An IFSP review will be completed within 30 days.

#### E. INDIVIDUAL FAMILY SERVICE PLAN

The initial Individual Family Service Plan (IFSP) meeting will be held within 45 days from the date the written referral is received by TCOE or VMRC.

- Delays which are necessitated by the needs of the family shall be documented by the Service Coordinator.
- When eligibility has been established, an interim IFSP may be developed to provide for immediate service needs.

1. IFSP MEETING

All parties to this agreement will participate in the multi-agency IFSP process for any child served in common by agencies. In addition, all parties to this agreement will use a common IFSP form. (Funding responsibility for printing costs for IFSP forms will alternate between VMRC and SELPA.) The form may be filled out over several meetings which will be scheduled at a time convenient and a place accessible for the family. Necessary translators will be made available to ensure that the family is able to fully participate. Families will receive a written notice informing them of the initial IFSP.

Participants in the IFSP meetings/process may include:

- Service Coordinator
- Parent(s)
- Other Family Members (upon parent request and when feasible)
- VMRC Service Coordinators
- Infant Teachers

Assessment Team Member (can be by phone or report)

- Service Providers
- An advocate or personal friend of the family (at parent's request)
- PHN's
- Physician
- Social Worker

2. CONTENTS OF IFSP

Every IFSP shall contain:

- a. Summary of the evaluation and assessment information in the five required areas.
- b. Summary of family information: concerns, priorities, and resources with the agreement of the parent.
- c. Statement of the developmental outcomes and the criteria, procedure and time lines used to determine the degree to which progress is being made. Outcomes shall be based on the identified needs of the infant and family pursuant to assessment.
- d. Planned Early Intervention Services under Part C:
  - ~ Frequency, Intensity, Duration and method of delivering the services

- ~ Description of Natural Environment/location in which services will be provided
  - ~ Projected date of initiation of services
  - ~ Title/agency of service provider
  - ~ Scheduled days when services/program will not be available
- e. Other non-required services.
  - f. Referrals to Other Agencies, as needed.
  - g. Name of Service Coordinator.
  - h. Transition plans begin with the child's initial IFSP. It is discussed with the family that their child may be eligible for and receive certain services or programs in the schools or community at age three. This transition planning will continue with each successive IFSP. Specific referrals and plans are made between 2 years 6 months of age, and 2 years 9 months of age. The transition IFSP meeting will include the appropriate school/community personnel. Assessment and placement options that are to begin upon the child's third birthday will be determined.

### 3. REVIEW OF IFSP

A review of the IFSP for a child and the child's family must be conducted every six months, or more frequently if condition warrant, or if the family requests such a review.

The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the outcomes is being made; and
- Whether modification or revision of the outcomes or services is necessary.

An IFSP review will be held in the child's natural environment. Any changes made to the plan at or before the six month review must be documented and a copy must be sent to the other agencies for their records. If a change is requested that will result in new or additional services being provided, the agency that will provide or pay for those services must be notified and must approve of the additional services prior to the IFSP revision being made. (The parents' signature of authorization is required prior to funding or service beginning.) All six month and annual reviews will be discussed with the appropriate Early Start team members, as part of case conferencing.

All involved agencies will participate in the annual IFSP review meeting. Participants shall constitute same general membership as was in attendance at initial IFSP meeting including new members.

Families will receive a written notice informing them of any review meetings regarding their child's IFSP within ten days prior to the scheduled meeting.

### 4. FUNDING AUTHORITY/CONSIDERATIONS

The agency's representative attending the IFSP meetings will have the authority to sign the IFSP document and commit the agency to provide specified services consistent with the policies and procedures of the agency.

It is understood that each agency can only commit to providing services funded by that agency, i.e. VMRC can only authorize payment for VMRC services, and TCOE for educational services, TCDSS for Child Welfare and Public Health/CCS for appropriate medically related services.

No agency or transdisciplinary team shall presume or determine services for another agency.

#### F. PROVISION OF SERVICES

VMRC and SELPA will have contact persons available at all times during the year, including breaks and summer vacation. The contact individuals are responsible for evaluation/assessment and assistance for service planning.

Services may include supports and services necessary to enhance the family's capacity to meet the developmental needs of the child, as determined by the IFSP team..

Parents may elect to receive some services and refuse others. The parent's decision to refuse services relieves the agencies from the consequences of that decision. Parents may accept responsibilities in the IFSP on a voluntary basis.

Services must be provided by qualified personnel as determined by the agencies. In most cases VMRC shall use specialists who are vendored.

VMRC may purchase any Early Intervention service that is not the legal responsibility of another agency. The use of the family's private insurance for Early Start services is strictly voluntary.

The IFSP multi disciplinary team shall determine what services are needed during periods when school is not in session and it will continue as stated on the IFSP.

SELPA shall provide services as per Education Code 4.4 and SP 1085:

- Appropriate early intervention services for children whose disability is solely one of the low incidence disabilities, and
- appropriate special education services for children or their families who are eligible for Early Start; including occupational therapy, physical therapy, nutrition services and respite care.

#### G. SERVICE COORDINATION

Interim Service Coordinator

Members of each agency or Family Resource Network may be called upon to assume the role of the IFSP Service Coordinator if it is agreed that the agency that conducts the initial intake with the family and the Interim Service Coordinator until the ongoing IFSP Service Coordinator is identified in cooperation with the family, at the IFSP meeting.

The Interim Service Coordinator will be responsible for ensuring that the initial evaluation, eligibility and services are completed within the 45 day time line for Part C.

Ongoing Service Coordinators must be knowledgeable about eligible infants, toddlers, Part C regulations, the nature and scope of services under Part C of IDEA, California's Early Start Services and other areas as outlined in 17CCR52122(C)(1.7).

At the IFSP meeting, the family, along with other IFSP team members, will determine who will be the ongoing Service Coordinator. Whenever possible, this Service Coordinator shall continue to serve the family as long as the child is eligible for Part C.

The ongoing Service Coordinator shall be responsible to ensure that the IFSP is being implemented as developed and agreed upon. In addition, the Service Coordinator is responsible to ensure that:

- A periodic review be scheduled every 6 months or more frequently if warranted or requested by the family. This review may be done by telephone or in person.
- An annual review of the IFSP be scheduled to evaluate the IFSP, services being provided and to make revisions as necessary. This review must be a face-to-face meeting. Participants at the meeting shall include representatives from all agencies involved in implementation of IFSP, the same general membership as was in attendance at the initial IFSP meeting.

#### H. PROCEDURAL SAFEGUARDS

1. All parties agree to abide by the Procedural Safeguards as outlined in Federal and State Law and accompanying regulations.
2. VMRC and/or SELPA will train and assign persons as surrogate parents if no parent can be identified or located, or if the child is a dependent of the Juvenile Court and the parental rights have been limited or relinquished.
3. VMRC and/or SELPA will ensure that the surrogates have:
  - a. No conflicts of interest with the infant/toddler he or she serves, or
  - b. No employment arrangements with VMRC, SELPA or other early intervention service providers,
  - c. Knowledge and skills that ensure adequate representation of the infant or toddler he or she represents.

#### I. FINANCIAL RESPONSIBILITY

For Early Start:

VMRC, SELPA, and TCOE will operate within the provisions of the State Interagency Agreement executed between the Department of Developmental Services and the California Department of Education on September 9, 1993. Due to the importance of the provisions entitled "Payor of Last Resort", those pertinent sections of the state interagency agreements are presented below:

1. Definition: "Payor of Last Resort" means the VMRC or Local Education Agency (LEA) that is ultimately responsible to arrange, provide, or pay for appropriate early intervention services, as defined in 35 CFR, Section 303.12, as listed on the Individualized Family Service Plan (IFSP) as a required service, after all other providers or

payors have been considered and eliminated because their legal responsibilities have been fulfilled under state or federal law.

2. Valley Mountain Regional Center - The VMRC will be the payor of last resort for all Part C infants who are regional center clients as defined by state law and policies and the annual state application. This includes infants who may be eligible for both regional center and special education services. It will not include infants with solely visual, hearing, or severe orthopedic impairments or any combination thereof, who meet the criteria in Sections 56026 and 56026.5 of the Education Codes, and in subdivisions (a), (b) or (e) or Section 3030, and Section 3031 of Title 5 of the California Code of Regulations.
3. The Educational Agency will be the payor of last resort for those infants with solely visual, hearing or severe orthopedic impairment, or any combination thereof, who meet the criteria in Sections 56026 and 56026.5 of the Education Code, and in subdivision (a), (b), (d) or (e) of Section 3030, and Section 3031 of Title 5 of the California Code of Regulations.

#### Maintenance of Effort/Non-Supplanting

VMRC and SELPA agree to subscribe to the definitions and policy regarding "Maintenance of Effort/Non-Supplanting" as contained in the September 9, 1993 interagency agreement between DDS and CDE.

#### J. DISPUTE RESOLUTION (Part C)

The following steps will be followed if an Early Start dispute arises between VMRC and TCOE as to:

1. The eligibility of the infant;
2. Which agency is responsible for the infant and family evaluation and assessment, service coordination, and the development and implementation of the IFSP; and
3. Which agency is responsible for the provision/purchase of appropriate early intervention services.

#### **Step 1**

Every attempt should be made to resolve the dispute at the lowest possible administrative level starting with the supervisory level up to the management level of the respective agency. In addition, parties agree to resolve disputes through informal means whenever possible.

#### **Step 2**

If resolution of the dispute is not achieved, the two parties may request assistance from either of the following:

- VMRC Program Managers
- SELPA Program Specialists

#### **Step 3**

If resolution of the dispute is not achieved, parties may request assistance from the following:

- Directors of VMRC, SELPA, or the Tuolumne County Superintendent of Schools

#### **Step 4**

If resolution of the dispute is not achieved, the two parties may request assistance from the State Department of Developmental Services and/or the California Department of Education

#### **Step 5**

If resolution cannot be reached within 60 calendar days, the issue will be referred to the Department of Developmental Services and the California Department of Education for a state-level review and resolution.

The state-level review will be conducted jointly by the Department of Developmental Services and the Department of Education and a decision rendered in 60 calendar days of receipt of the dispute.

#### Status of Service During a Dispute

During the pendency of a dispute, a child must continue to receive the appropriate early intervention services currently being provided. If the dispute involves initial early intervention services, the child must receive all of the early intervention services identified and agreed to in the IFSP.

### **K. ADDITIONAL COMPONENTS**

#### **Participation in Early Start Activities**

All agencies agree to participate in the Mountain Counties Early Start Collaboration. This forum will be used for information sharing regarding agency procedures, changes in funding and other pertinent matters that may affect services to mutual clients. The Mountain Counties Early Start Collaboration will make interagency procedural decisions regarding implementation of Part C. This group will make necessary policy recommendations to individual agencies (i.e. development of: consistent form and/or format that can be agreed upon by all participating agencies; service coordination standards and certification; professional and parent staff development). It is also a forum for discussions regarding resource development and the identification of gaps in services.

**INTERAGENCY AGREEMENT APPROVAL**

This agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_  
by and between the undersigned parties.



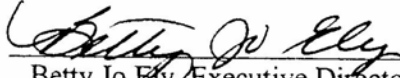
\_\_\_\_\_  
Dan White, Superintendent  
Tuolumne County Office of Education

8-1-01

Date

\_\_\_\_\_  
Richard Jacobs  
Valley Mountain Regional Center

\_\_\_\_\_  
Date



\_\_\_\_\_  
Betty Jo Ely, Executive Director  
Tri-County SELPA

7-26-01

Date



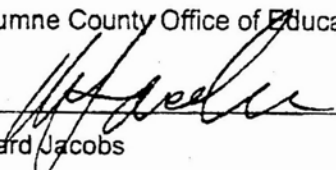
### INTERAGENCY AGREEMENT

### APPROVAL PAGE

This agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2001 by and between the undersigned agencies.

\_\_\_\_\_  
Dan White, Superintendent  
Tuolumne County Office of Education

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Richard Jacobs  
Valley Mountain Regional Center

  
\_\_\_\_\_  
Date