

LOCAL PLAN

Section B: Governance and Administration

SPECIAL EDUCATION LOCAL PLAN AREA



California Department of Education

Special Education Division

January 2020

SELPA Newport-Mesa Unified School District

Fiscal Year 2021-22

B. Governance and Administration

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

Participating Local Educational Agencies

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

Special Education Local Plan Area—Local Plan Requirements

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

Newport Mesa Unified School District is a single District SELPA located in Orange County California. The District's ADA is approximately 19, with 2295 students with disabilities enrolled in the District. The District has 22 elementary schools, 2 middle schools, 4 comprehensive high schools, 3 alternative high schools and a virtual K-12 school option. Newport Mesa Unified SELPA students reside within the cities of Costa Mesa, Corona del Mar and Newport Beach.

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

The District is the administrative unit for the SELPA. NMUSD is Single-District SELPA. There is a 7-member Board of Education which has sole oversight responsibilities for all policy, program, and fiscal aspects of the SELPA. The Board of Education approves the SELPA Local Plan and Annual Service and Budget Plan. Additionally, the Board approves all Master Contracts with non-public schools and agencies, all Special Education settlement agreements, and all Memorandums of Understanding between the SELPA and outside agencies/organizations/ SELPAs. There is an Assistant Superintendent of Student Support Services who is responsible for the oversight of all of the SELPA compliance and programs. There is also an Administrative Director of Special Education Operations, a Special Education Director, Special Education Coordinators assigned to specific school site support, Program Specialists, and Teachers on Special Assignment. The Assistant Superintendent prepares all Board items for Board updates and approval of SELPA functions. The Assistant Superintendent reports to the Superintendent of the District.

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

The Board is the governing body of the District and SELPA. The members of the Board are elected public officials. The Policy-making responsibilities of Board pertaining to the SELPA include, but are not limited to, the following:

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- Hold public hearings for the local plan, the annual budget plan, and annual service plan.
- Approve the Local Plan.
- Approve the annual budget and service plans.
- Approve contractual agreements for the Newport-Mesa Unified School District SELPA which meet the requirements of EC 56200, and herein referred to as the Local Plan.
- Adopt District policies relating to Special Education.
- Set priorities for the Local Plan.
- Appoint members of the Community Advisory Committee.
- Ensure compliance with all elements of the Local Plan.

Responsible Local Agency

- As a single district SELPA, the District is the Responsible Local Agency (RLA)/ Administrative Unit (AU). The Board is the governing board of the RLA. The responsibilities of the RLA include the following:
- Receipt and allocation of regionalized services, funds, and the provision of administrative support.
- Employment and evaluation of the SELPA staff using District-adopted employment and evaluation procedures. It shall be the responsibility of the Superintendent to evaluate the SELPA Executive Director.
- Implement policies and procedures for Special Education programs and services provided in the SELPA, according to the Local Plan and the Board's direction. Such policies and procedures shall include, but not be limited to, all areas specified in applicable sections of the Education Code and following Federal Laws:
- Part C to Part B Transition: (20 USC § 1412 (a)(9)). It shall be the policy of this LEA that children participating in early intervention programs (Individuals with Disabilities Education Act [IDEA], Part C), and who will participate in preschool programs, experience a smooth and effective transition to those preschool programs in a manner consistent with 20 U.S.C. § 1437 (a)(9). The transition process shall begin prior to the child's third birthday.
- Access to Instructional Materials: (20 USC § 1412 (a)(23)). It shall be the policy of this LEA to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state-adopted National Instructional Materials Accessibility Standard.
- Prohibition on Mandatory Medicine: (20 USC § 1412 (a)(25)). It shall be the policy of this LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a Special Education assessment and/or services.

Upon the recommendation of the Superintendent, the Board, as the governing board of the RLA, is responsible for approval of the annual service and budget plans. The development of the annual service and budget plans shall coincide with the District budget process.

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The Newport-Mesa Unified School District receives funding from the State for the Local Plan Area. The District coordinates and provides services within the District using these resources, local contributions, and federal funds allocated for Special Education. Students eligible for Special Education services provided are defined as those students physically residing within the geographic boundaries of the District, students who are granted interdistrict transfers, and students attending charter schools sponsored by the District. The concept of regional services is to provide a continuum of options necessary to ensure appropriate Special Education services to students with disabilities are available. The District will coordinate with the Orange County Office of Education for those students who require regionalized services offered outside the District, or to provide other necessary and appropriate services not available in the District. "Regionalized services" does not mean that every service and placement required for students with disabilities must be available at each site. The concept of regionalized service is to ensure that, even for those services that are less frequently needed, the services will be available within the District or region at District expense. It further means that the District is responsible to provide those services required by a child's Individual Education Program (IEP). The District has elected to provide some Special Education services in regionalized settings. For example, for students with autism or specific disabilities requiring more intensive or low incidence services.

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

The Orange County Department of Education provides support to the Newport-Mesa Unified School District SELPA through: specialized programs for students with disabilities, staff development, legal and fiscal guidance, and Child Find support. The Orange County Department of Education also reviews the local plan submitted by the District and provides approval of the plan if the District is able to ensure that Special Education programs and services are provided to students with disabilities. The Orange County Department of Education also ensures the local plan adheres to the guidelines established pursuant to § 56122 for the development of local plans.

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

A request by a charter school to participate, as a local educational agency, in the SELPA may not be treated any 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 education agency in the SELPA, the following requirements shall apply pursuant to Education Code § 56207.5 and applicable Board Policies. The SELPA shall fully comply with County Office requirements under Education Code § 56140. The charter school shall participate in State and Federal funding for Special Education, and the allocation plan developed pursuant to Education Code requirements, in the same manner as the SELPA (See Education Code § 56195.7 and § 56836.05). The charter school shall participate in governance of the SELPA as provided in Education Code § 56207.5.

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

The Community Advisory Committee membership includes broad representation of parents, students, staff and community. The committee is made up of persons residing or working in the area of the District. The majority of the committee is composed of parents; of these, at least 51% are parents of disabled individuals with exceptional needs.

The Community Advisory Committee shall be composed of parents of individuals with exceptional needs enrolled in public or private schools, parents of other pupils enrolled in school, pupils and adults with disabilities, regular education teachers, Special Education teachers and other school personnel, representatives of other public and private agencies, and persons concerned with the needs of individuals with exceptional needs.

The term of membership shall be for at least two years. Rotating terms shall be provided in order to assure continuity of membership.

The committee members are recognized as "conduits" to the administration, thus many parent requests/suggestions are channeled through these committee members. In addition, Community Advisory Committee attendance and participation of non-committee members is greatly encouraged by the wide distribution of meeting notices. This expanded participation generated program priorities and recommendations.

The Community Advisory Committee acts in an advisory capacity in policy and administrative procedures. The recommendations of the committee are directed to the Assistant Superintendent, Student Support Services. The responsibility for action on any recommendations rests with the District Superintendent and Board of Education.

The committee provides a focal point for additional parent involvement in a variety of ways. The members are viewed as a reliable parent-to-parent resource and supporting body. They further initiate the parent education focus.

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

The Community Advisory Committee shall have responsibilities which include, but are not limited to:

- a) Advising the policy and administrative entity of the District, Special Education services region, regarding the development and review of the local plan. Such entity shall review and consider comments from the Community Advisory Committee.
- b) Recommending annual priorities to be addressed by the plan.
- c) Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan.
- d) Encouraging community involvement in the development and review of the local plan.

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- e) Supporting activities on behalf of individuals with exceptional needs.
- f) Assisting in parent awareness of the importance of regular school attendance.

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

Newport-Mesa Unified School District is a single District SELPA, therefore the District is the RLA/AU. The Board is the governing board of the RLA. The responsibilities of the RLA/AU include the following:

- Receipt and allocation of regionalized services, funds, and the provision of administrative support.
- Employment and evaluation of the staff assigned to support the SELPA using District-adopted employment and evaluation procedures. It shall be the responsibility of the Superintendent to evaluate the Assistant Superintendent, Student Support Services.
- Implement policies and procedures for Special Education programs and services provided in the SELPA, according to the Local Plan and the Board's direction. Such policies and procedures shall include, but not be limited to, all areas specified in applicable sections of the Education Code.
- Upon the recommendation of the Superintendent, the Board, as the governing board of the RLA/AU, is responsible for approval of the annual services and budget plans. The development of the annual services and budget plans shall coincide with the District budget process.

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

In addition to providing a broad range of programs and services to students within the District attendance area, the SELPA may provide for the education of individual students in Special Education programs maintained by other districts or counties.

The District contracts with nonpublic, nonsectarian schools (NPS) and nonpublic, nonsectarian agencies (NPA) certified by the CDE via the appropriate certification process. The SELPA has the authority to visit, observe, monitor and report on the educational program provided by any NPS/NPA under contract with the District or involved in a potential placement with the District. Any request for a waiver shall be considered and approved at the discretion of the Assistant Superintendent of Student Support Services. The SELPA shall consider the needs of the individual student and the recommendations of the IEP team when entering into agreements with nonpublic, nonsectarian schools or agencies. The Special Education Department shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs, towards the goals identified in each student's IEP.

The Special Education Department will submit NPS Master Contracts to the Board for approval.

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Each Master Contract is modeled after the State Master Contract and Service Agreement which contains requirements to allow the District to monitor the placement and services of students in certified nonpublic, nonsectarian schools. The school shall have at least an annual IEP meeting that will facilitate the evaluation of the placement and services to ensure implementation of the IEP.

The Master Contract provided by the District contains language requiring reporting from the certified nonpublic, nonsectarian school regarding IEP progress as frequently as required by the District. At each annual IEP meeting, which shall include a representative of the District, the certified nonpublic, nonsectarian school shall provide documentation as to the student's progress towards annual goals and objectives. The annual data provided by the certified nonpublic, nonsectarian schools shall be authentic curriculum-based measurements, in accordance with state-adopted grade level standards. The District contract with a nonpublic, nonsectarian school shall evaluate the placement of its student(s) in such schools on an annual basis as part of the annual IEP review to determine if dual enrollment or return to District program is appropriate. The District shall collaboratively review with the nonpublic, nonsectarian school the evaluations conducted by the school to ensure that they were appropriate and valid for measuring student progress. The District may choose to administer additional assessments as necessary, with parental consent, to determine whether the student is making appropriate educational progress.

10. For multi-LEA local plans, specify:

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

N/A

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

N/A

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

N/A

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

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

The Assistant Superintendent is hired, evaluated and supervised by the Superintendent of the
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school District.

All other District/SELPA staff members are supervised and evaluated by the Assistant Superintendent of Student Support Services, Special Education Administrators or school site administrative staff.

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

As a single District, SELPA Special Education funds are part of the district's adopted budget each year. All state and federal funds designated for Special Education are accrued and spent in compliance and in accordance with state and federal requirements.

- c. The operation of special education programs:

The Assistant Superintendent maintains the responsibility for the operation and oversight of Special Education programs. The Board of Education approves the Annual Budget and Service Plan with the input of staff and community stakeholders.

In addition, the Administrative Director of Special Education will make recommendations to the Assistant Superintendent regarding the number, type, and location of Special Education classes, programs, and services based upon (a) the service limits and proportions established by the State, and (b) the number of students with Special Education needs. The District will ensure that special day class programs are geographically distributed within the District so that students may be placed in an appropriate special day class and assure equal access of all students to Special Education programs and services that will provide each student with an appropriate education as required by law.

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

The Administrative Director of Special Education and Assistant Superintendent of Student Support Services are responsible, on an annual basis, for the appropriate use of all funds allocated for special education programs. The District business office, including the Chief Financial Officer, review expenditures for special education funds. All special education funds are part of District audit process.

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

The District, through the Local Plan, has provided assurance to the State that specialized equipment and services are distributed within the District in a manner that minimized the necessity to service pupils in isolated sites and maximizes the opportunities to serve pupils in the

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least restrictive environment. Each student's IEP team determines and identified the school site which provides the student with a free and appropriate public education in the least restrictive environment. Any necessary specialized equipment and/or services identified by the IEP team will be provided base on student needs at the school site.

Policies, Procedures, and Programs

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

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

Policy/Procedure Number:	BP 6164.4, Identification and Evaluation of Individuals for Special Education; BP 6164.6, Identification and Education Under Section 504; BP/AR 0430 Comprehensive Local Plan for Special Education, Local Assurances
Document Title:	Comprehensive Local Plan for Special Education
Document Location:	https://nmusd-ca.schoolloop.com/boardpolicies

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

☒ Yes ☐ No

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

Policy/Procedure Number:	BP/AR 6159, Individualized Education Program, Local Plan Assurances
Document Title:	Individualized Education Program
Document Location:	https://nmusd-ca.schoolloop.com/boardpolicies

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

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adopted by the SELPA as stated:

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

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Document Location:

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

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

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

Policy/Procedure Number:

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Document Title:

Document Location:

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

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

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

☒ Yes ☐ No**12. Interagency: 20 USC Section 1412(a)(12)**Policy/Procedure Number: Document Title: Document Location:

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

☒ Yes ☐ No**13. Governance: 20 USC Section 1412(a)(13)**Policy/Procedure Number: Document Title: Document Location:

"It shall be the policy of this LEA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the local plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with

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reasonable notice and an opportunity for a hearing through the State Education Agency." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

14. Personnel Qualifications

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

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

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

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

Policy/Procedure Number:

Policy/Procedure Title:

Document Location:

"It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity

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for comments are available to the general public, including individuals with disabilities and parents of children with disabilities, and are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

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the SELPA as stated:

☒ Yes ☐ No

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

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

Administration of Regionalized Operations and Services

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

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

Reference Number:

Document Title:

Document Location:

Description:

The Assistant Superintendent of Student Support Services/SELPA and District's Special Education Directors/ Coordinators assume overall management responsibility for implementation of the Local Plan. Additionally, the Assistant Superintendent of Student Support Services/SELPA, Special Education Administrative Director and Special Education Director/SELPA, in collaboration with the District's Chief Financial Officer, develops the annual budget and service plan, allocates resources, monitors the use of state, federal, and local funds for special education programs. Other duties, which support implementation of the local plan, include serving as the liaison to the Community Advisory Committee, and monitoring compliance of state and

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<p>federal law. All District Special Education Administrators ensure that the local plan is carried out at the District and site levels, and ensure that a full continuum of services are available, supporting students with disabilities.</p>

2. Coordinated system of identification and assessment:

Reference Number:

AR 0430

Document Title:

Comprehensive Plan for Special Education
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Document Location:

https://nmusd-ca.schoolloop.com/boardpolicies

<p>It shall be the policy of the NMUSD SELPA 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.</p>
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<p>The District recognizes the need to actively seek out and evaluate residents from birth to age 21 within the District who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.</p>
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<p>The Special Education Department will follow a process to ensure that all children residing within the District are currently receiving required special education and related services. In addition, the Special Education Department, through the SELPA Program Specialist overseeing private schools, shall consult with appropriate representatives of private school children with disabilities on how to identify, locate and evaluate these children. (20USC 1412(a)(3); 34 CFR 300.451)</p>
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<p>The Special Education Department provides information on the website and through the school site staff whereby parents/ guardians, teachers, appropriate professionals and others may request screening for any child they believe to have a disability that significantly interferes with his/her learning. The Special Education Department will determine when an individual's academic, behavioral or other difficulties may be related to disabilities and shall establish systematic procedures for special education program identification, referral, assessment, planning, implementation, review and triennial assessment.</p>

<p>Through the Notice of Procedural Safeguards, the Special Education Department shall notify parents/guardians in writing of their rights related to identification, referral, assessment, instructional planning, implementation and review, including the District's procedures for initiating a referral for assessment to identify individuals who need special education services. (EC 56301)</p>

Procedures

<p>The NMUSD SELPA actively seeks out children, ages 0 through 21 years, who may be in need of special education services. Public notices are provided in English and Spanish and other primary languages of families in the community</p>
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as appropriate. Parents and service providers are also encouraged to inform their friends and neighbors of the availability of evaluations and special education services.

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

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

School-age students are screened upon request from parents, staff or District personnel through the Student Success Team (SST) process. Vision and hearing screening activities are completed on all students within the District in accordance with state guidelines. District and statewide testing programs may provide information to assist with the school Child Find process. Intervention procedures are also implemented for students struggling academically or behaviorally, but not identified for special education eligibility. This process assures that students who may be in need of special education have been located and identified.

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

Identification and referral procedures

Referral for evaluations may be initiated by a parent/guardian, teacher, administrator, support personnel, outside agency, or individual who has knowledge that a student may need special education services. Referrals will be processed in a systematic manner, held in strict confidence, and include the written Notice of Procedural Safeguards for parents. If parents believe their child has a disability, which requires special education services, they may submit a written request for evaluation. When a verbal referral is made, staff of the school, district administrators, or county office shall offer assistance to the individual in making a request in writing, and provide assistance if requested. Interpreters are provided to assist parents in the SST process to discuss their concerns, possible interventions, and areas of suspected disability to be considered in developing an evaluation plan.

Families of children under age three with identified or suspected disabilities are referred to Regional Center of Orange County (RCOC).

Initial referrals for preschool children are processed through the Harper Preschool Intake Team. Staff obtain information from the child's parent/guardian

and, when appropriate, preschool staff. The team meeting provides the opportunity to discuss the child's growth and development relative to expectations, intervention strategies, and the child's potential need for evaluations to determine eligibility for special education. The process for referring school age students (ages 5 to 18 years old) for special education services begins at the neighborhood school and/or District. An individual with a concern about a student's progress may request consultation with the site psychologist or the Student Success Team (SST). The SST is a general education responsibility and may be composed of the principal or designee, general education staff member, the student's teacher and other staff. The team may also include relevant special education staff as appropriate. If the SST finds that the student's needs cannot be appropriately met with accommodations or modification of the general program, a referral for special education evaluation is considered. At the time of referral, parents are given a copy of the Notice of Procedural Safeguards. Referral procedures are coordinated with other school site programs to ensure that students in all general and supplemental programs have access to required special education services. Referrals from private schools, private preschools, and other agencies are processed in the same manner as referrals from the public schools. School personnel assist in the preparation of referral forms and provide orientation to persons making referrals. A completed referral form includes information regarding the reasons for the referral, the results of modifications of the student's general school program, estimates of academic performance, indication of health status and a checklist of student behaviors, which provide the basis for the referral. The data reported at the time of referral by the person making the referral indicate the suspected areas of disability to be considered by the assessment team and is considered in developing the evaluation plan. Referrals are processed for all potential special education students in accordance with state- mandated procedures and timelines.

Procedures for utilization of special education

The SST process is a function of general education, which facilitates implementation of modifications of the general education program before referring students for a special education evaluation. The SST may recommend additional teaching and/or behavioral intervention strategies, utilize other on site resources, provide appropriate services, follow District procedures for Section 504 of the Rehabilitation Act of 1973 and/ or make other recommendations. The SST must consider if the student's needs can be met with modification(s) to the general education instructional program. A student may be referred for special education instruction and services only after the resources of the general education program have been considered and utilized as appropriate. However, the SST process does not supersede the requirements set forth in California Education Code Section 56043(a). Following a referral, a proposed evaluation plan is shared with parents and evaluations are conducted only after the parent has signed the consent for evaluation form.

3. Coordinated system of procedural safeguards:

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Reference Number: BP 6159.1, AR 0430

Document Title: Procedural Safeguards and Complaints for Special Education
Comprehensive Local Plan for Special Education

Document Location: <https://web.nmusd.us/specialed>

Description:

It shall be the policy of the NMUSD 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.

Procedures for Notification of Procedural Safeguards

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

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

Procedural Safeguards Notice

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

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

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

In addition, this notice shall include the procedural safeguards relating to: independent educational evaluation; prior written notice; parental consent; access to educational records; opportunity to present complaints; the student's placement while due process proceedings are pending; procedures for students who are subject to placement in an interim alternative educational setting;

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requirements for unilateral placement by parent/guardians of students in private schools at public expense; mediation; due process; and state level complaints.

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

Reference Number: AR 0430

Document Title: Comprehensive Local Plan for Special Education

Document Location: <https://nmusd-ca.schoolloop.com/boardpolicies>

Description:

It shall be the policy of the NMUSD that it will support and assist the state's efforts and activities to ensure that staff receive professional development opportunities.

Procedures

Implementation of the NMUSD Special Education Local Plan requires ongoing professional development to provide appropriate learning experiences, which promote understanding, increase skills and expertise, and ensure that federal and state law will be followed. Professional development opportunities will:

- a. Provide participants with the necessary information, training and resources to ensure compliance with special education as required by federal and state law;
- b. Provide the participants with opportunities to engage in activities that enhance personal and professional growth; and
- c. Meet the needs of personnel, school programs, parents and students as they relate to the development and implementation of IEP's for students with disabilities.

NMUSD Professional Development will adhere to the following guidelines:

- a. The Special Education Department, in collaboration with Student Support Services is responsible for overall coordination of professional development in accordance with policy approved by the Board of Education;
- b. The Special Education Department will ensure that appropriate participants are notified and will support the staff attendance, as appropriate.

It is the responsibility of the Special Education Administrative Director and the Special Education SELPA Director and/or the designee/special education administrators/general education administrators to determine which district personnel will participate in specific professional development activities and to make the necessary arrangements within the District for their participation, including release time.

The Administrative Director of Special Education/Special Education SELPA Director /Special Education Coordinators/ Administrators/ Instructional

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Specialists will gather information, identify needs, and share findings and recommendations with the Educational Services and Student Support Services staff for discussion and planning.

Special Education staff will be responsible to provide appropriate District special education staff for personnel development needs that may arise; and, as possible, will provide assistance and resources.

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

Reference Number: AR 0430

Document Title: Comprehensive Plan for Special Education

Document Location: <https://nmusd-ca.schoolloop.com/boardpolicies>

Description:

Special Education department in collaboration with the Educational Services division will coordinate the implementation of instructional practices, which ensure that instructional materials, assessments, and supplemental materials are aligned to the core curriculum and accessible to all students.

To facilitate these goals, students with disabilities will have access to all required core curriculum, including state-adopted core curriculum textbooks and supplementary textbooks, as well as any other support required to assist students in becoming proficient readers.

Students with disabilities receive instruction in the state academic standard environment, which promotes maximum interaction with typically developing peers. Student Support Services shall coordinate instruction and curriculum with general education specialists. Performance for all students, including those with IEPs, is measured throughout the school year. Special education teachers receive in-service training with general education staff on curriculum frameworks, state academic standards, and student assessment.

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

Reference Number: AR 0430

Document Title: Comprehensive Local Plan for Special Education

Document Location: <https://nmusd-ca.schoolloop.com/boardpolicies>

It shall be the policy of the NMUSD SELP A that the local plan shall be adopted by the local Governing Board of Education and is the basis for the operation and administration of special education programs; and that the agency herein represented will meet all applicable requirements of state and federal laws and

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regulations, including compliance with the Individuals with Disabilities Education Improvement Act (IDEA '04), Section 504 of Public Law and the provisions of the California Education Code, Part 30.

20 USC 1412 56205 (a)(1)

In accordance with AB 1808, the NMUSD SELPA, will cooperate with the county office of education to assure that the local plan is compatible with the local control and accountability plans adopted for the school district and the county board of education.

7. Coordinated system of data collection and management:

Reference Number:

AR 0430

Document Title:

Comprehensive Local Plan for Special Education

Document Location:

It shall be the policy of this SELPA to provide data or information to the California Department of Education that may be required by regulations.

Description:

<https://nmusd-ca.schoolloop.com/boardpolicies>

8. Coordination of interagency agreements:

Reference Number:

AR 0430

Document Title:

Comprehensive Local Plan for Special Education

Document Location:

<https://nmusd-ca.schoolloop.com/boardpolicies>

Description:

Other public agencies are also responsible for the provision of services to some students with disabilities and their families. The NMUSD SELPA participates with Orange County Department of Education (OCDE) to ensure that eligible special education students receive appropriate related services from designated agencies as outlined in their Individualized Education Programs.

Interagency Agreements outline how students access services, define service delivery, case management and fiscal responsibility. Interagency agreements are developed and maintained when necessary and appropriate.

9. Coordination of services to medical facilities:

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Reference Number:	AR 0430
Document Title:	Comprehensive Local Plan for Special Education
Document Location:	https://nmusd-ca.schoolloop.com/boardpolicies
Description:	Individuals with exceptional needs who are placed in a public hospital, state licensed children's hospital, psychiatric hospital, proprietary hospital, or a health facility for medical purposes are the educational responsibility of the local educational agency in which the hospital or facility is located. Ed Code 48207.

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

Reference Number:	AR 0430
Document Title:	Comprehensive Local Plan for Special Education
Document Location:	https://nmusd-ca.schoolloop.com/boardpolicies
Description:	Special education services for students with disabilities residing in foster family homes or licensed children's institutions shall be the responsibility of the district in which the foster family home or the licensed children's institution is located, unless based on education code there is another district of special education accountability which would be responsible. Ed Code 48204;56156.4.

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

Reference Number:	AR 0430
Document Title:	Comprehensive Local Plan for Special Education
Document Location:	https://nmusd-ca.schoolloop.com/boardpolicies
Description:	<p>The Special Education Department in coordination with the Business Office shall be responsible for preparing all program and fiscal reports required of the SELPA by the California Department of Education.</p> <p>Both the annual budget and service plan for the District are reviewed, at least annually by the Business Department, Special Education Department, CAC, and Superintendent's Cabinet. All policies implemented in the NMUSD SELPA are developed consistent with the district Administrative Procedures.</p>

12. Fiscal and logistical support of the CAC:

Reference Number:	AR 0430
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Document Title:

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Description:

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

Reference Number:

Document Title:

Document Location:

Description:

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

Reference Number:

Document Title:

Document Location:

Description:

15. Assurance of full educational opportunity:

Reference Number:

Document Title:

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Document Location: <https://nmusd-ca.schoolloop.com/boardpolicies>

Description:

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

It shall be the policy of the NMUSD SELPA 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. (20 U.S.C. Section 1412 (a)(2)).

A full range of program options are offered by the NMUSD SELPA. The appropriate placement for a student is determined by the IEP team based on the student's unique needs and not on the eligibility category.

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

Reference Number: AR 0430

Document Title: Comprehensive Plan for Special Education

Document Location: <https://nmusd-ca.schoolloop.com/boardpolicies>

All federal and state special education funds shall be allocated to the SELPA and used pursuant to the annual budget and service plan. Any changes to the allocation of federal and state special education funds shall be made by the NMUSD SELP A.

Responsibilities for distribution of federal and state funds

The NMUSD SELPA shall be responsible for the distribution of the funds according to an approved Special Education Budget Plan. Assistant Superintendent of Student Support Services is responsible for ensuring that the funds are distributed in accordance with the Budget Plan and used to promote FAPE or coordinated early intervention services. The Annual Budget Plan shall be reviewed and approved by the Orange Unified School District Board of Education.

Monitoring the use of special education funds

The Assistant Superintendent of Student Support Services is responsible for monitoring on an annual basis the appropriate use of all funds allocated for special education programs. Final determination and action regarding the appropriate use of special education funds shall be made through the Annual

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Budget Plan process.Funds allocated for special education programs shall be used for services and placement for students with disabilities, in order to provide them with a FAPE. Federal funds under Part B of IDEA may be used for the following activities:

1. For the costs of special education and related services and supplementary aids and services provided in a general education class or other education- related setting to a child with a disability in accordance with the IEP for the child, even if one or more nondisabled children benefit from these services.
2. To develop and implement a fully integrated and coordinated services system.

Preparation of program and fiscal reportsThe Special Education Department in coordination with the Business Office, shall be responsible for preparing all program and fiscal reports required of the SELP A by the California Department of Education.

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

Reference Number:

AR 0430

Document Title:

Comprehensive Local Plan for Special Education

Document Location:

<https://nmusd-ca.schoolloop.com/boardpolicies>

Description:

District Program Coordinators will gather information, identify needs, and help inform trainings, including instructional support to education specialists and special education staff. Program coordinators, along with NMUSD SELPA staff, are responsible to District special education staff for personnel development needs that may arise; and, as possible, will provide assistance and resources.**Special Education Local Plan Area Services**

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

Reference Number:

AR 0430

Document Title:

Comprehensive Local Plan for Special Education

Document Location:

<https://nmusd-ca.schoolloop.com/boardpolicies>The NMUSD SELPA has entered into an agreement with RCOC to provide

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services to infants and toddlers pursuant to California's Early Intervention Services Act (GC 95000 et seq) The agreement also includes procedures for resolving disputes and other components necessary to ensure effective cooperation and coordination between the two agencies. A copy of the Interagency Agreement is available through the NMUSD SELPA Office.

Procedures for initiating and processing referrals

Anyone who has a concern about an infant's growth or development may make a referral to the NMUSD SELPA. The staff completes an Early Start Program Referral Form and assigns the referral to an intake coordinator. The intake coordinator contacts the parent/guardian to arrange for an initial intake interview in the child's home. This interview consists of basic questions regarding the child's health, developmental history, diagnosis (if any), strengths, weaknesses and needs. Discussion of the family's needs and concerns also occurs at this time. The intake coordinator then determines the team members necessary for evaluation and the assessment segment of the identification process. Parent rights and responsibilities in the Early Start Program are explained and, upon completion of assessment, an Early Start Individualized Family Service Plan (IFSP) is developed.

Part C, transition to preschool policy

It shall be the policy of the NMUSD SELPA 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.

Procedures

The California Government Code requires transition planning for toddlers served under the Early Intervention Services Act (Part C) who may be eligible for preschool programs under Part B.

For infants previously identified as candidates for special education program services, who may be eligible under Part B, and who have an IFSP, the transition process into a preschool program begins when the child reaches the age of 30 months (2 years, 6 months). The Regional Center of Orange County (RCOC) team will discuss a transition plan with the family, update assessment reports as necessary, and forward a copy of the child's IFSP and the assessment report(s) to the NMUSD SELPA Special Education Preschool staff. The NMUSD SELPA District Staff will review the child's file, and schedule a joint IEP team meeting with past and potential service providers. NMUSD SELPA shall begin serving identified students at age 2.6 - 2.9 for transition into specified programs at age 3.

Initial preschool referrals are reviewed in a format similar to the Student Success Team (SST) process. The preschool team obtains information from the child's parent/guardian and from preschool staff (when appropriate). The team meeting provides an opportunity to discuss the child's growth and development relative to the expectations, intervention strategies, and the child's potential need for assessment to determine eligibility for special education program services.

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20 USC Section 1412 (a) (9), 20 USC 1431
56205(a) (9), 56429, 17 CCR 52140

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

Reference Number:

BP 6159.1

Document Title:

Procedural Safeguards and Complaints for Special Education

Document Location:

<https://nmusd-ca.schoolloop.com/boardpolicies>

Description:

Procedural Safeguards and Complaints for Special Education

In order to protect the rights of students with disabilities, the District shall follow all procedural safeguards as set forth in law. Parents/guardians shall receive written notice of their rights in accordance with law, Board Policy, and Administrative Regulation.

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

Complaints for Special Education

Complaints concerning compliance with state or federal law regarding special education shall be addressed in accordance with the District's uniform complaint procedures.

Legal Reference:

Education Code

56000 Education for individuals with exceptional needs

56001 Provision of the special education programs

56020-56035 Definitions

56195.7 Written agreements

56195.8 Adoption of policies for programs and services

56300-56385 Identification and referral, assessment

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

56500-56509 Procedural safeguards, including due process rights

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56600-56606 Evaluation, audits and information

Code of regulations, Title 5

3000-3100 Regulations governing special education

4600-4671 Uniform complaint procedures

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

Reference Number: N/A

Document Title: N/A

Document Location: N/A

Description:

The Alternative Dispute Resolution (ADR) process is an opportunity for school district staff and parents to come together and review concerns regarding a child's individualized education program (IEP). ADR meetings are not held to determine FAPE. The IEP team must make a FAPE offer prior to referring a student to ADR. Sometimes, parents and staff members have differences of opinion regarding aspects of the child's IEP. If attempts to resolve these differences are unsuccessful at a school site and IEP team meeting level, the ADR process provides a venue to communicate different perspectives and facilitate a resolution. ADR meetings can address topics such as assessment, special education eligibility, special education placement, and related services.

ADR meetings are held at the District Office. The ADR meeting is confidential and includes the student's parent(s), ADR specialist, district administrator, school administrator, and/or a program coordinator. Parents may bring representation, advocates, or other supports.

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

Reference Number: BP 6164.4

Document Title: Identification and Evaluation of Individual for Special Education

Document Location: <https://nmusd-ca.schoolloop.com/boardpolicies>

Identification and Evaluation of Individuals for Special Education

The Board of Education recognizes the need to actively seek out and evaluate District residents from birth to age 21 who have disabilities in order to provide

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them with appropriate educational opportunities in accordance with state and federal law.

The Superintendent or designee shall develop processes to determine when an individual is eligible for special education services and shall establish systematic procedures for special education program identification, screening, referral, assessment, planning, implementation, review, and triennial assessment. (Education Code 56301)

The Superintendent or designee shall establish a method whereby parents/guardians, teachers, appropriate professionals and others may request screening for any child for assessment for special education services. Identification procedures shall be coordinated with school site procedures for referral of students with needs that cannot be met with modifications to the regular instructional program. (Education Code 56302)

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

Legal Reference:

Education code

44265.5 Professional preparation for teachers of impaired students

56000-56001 Special education programs

56026 Individuals with exceptional
needs

56026.5 Low incidence disability

56029 Referral for assessment

56136 Guidelines for low disability areas

56300-56303 Identification of individuals with
disabilities

56320-56329 Assessment

56333 Eligibility criteria for special education

56339 Attention deficit and hyperactivity
disorders

56340-56347 Instructional planning and individualized education
program

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56350-56352 IEP for visually impaired students
56381 Reassessment of pupils
56425-56431 Early education for individuals with disabilities
56441.11 Eligibility criteria, children 3 to 5 years old
56445 Transition to grade school; reassessment 56500 Procedural safeguards

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

Reference Number:

N/A

Document Title:

N/A

Document Location:

N/A

Description:

All timelines for annual and re-evaluations are continued while the student is in attendance at the non-public school (NPS). The intent of this placement is to give the student the supports and services necessary to enable him/her to return to the District program as soon as possible. Therefore, at every non-public school meeting, the student's educational progress and readiness to return to the District is discussed and a determination is made if the student should return to the District or continue in the non-public school. Any and all changes to the student's educational instruction, services, or placement provided by the non-public school may only be made by revising the student's IEP. The non-public school must ensure that the student has private and confidential communication with at least one of the student's IEP team at the student's discretion. If the placement at the non-public school is not successful, an IEP team meeting is immediately convened to determine if the student is to return to the District or if a placement in a different non-public school is appropriate.
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6. A description of the process by which the SELPA will fulfill the obligations to provide free and appropriate public education (FAPE) to a student age 18 to 21 (or age 22 under the circumstances described in *EC 56026(c)(4)*) who has been incarcerated in a county jail and remains eligible for special education services:

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

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It is the responsibility of the district of residence (DOR) to provide special education services and related services to an adult student in county jail who remains eligible for these services and wishes to receive them. The DOR is the district in which the student's parents resided when the student turned 18, unless and until the parents move to a new DOR. For conserved students, the DOR is based on the residence of the conservator. (EC Section 56041)

Reference Number:

AR 0430

Document Title:

Comprehensive Local Plan for Special Education

Document Location:

<https://nmusd-ca.schoolloop.com/boardpolicies>**Free Appropriate Public Education (FAPE)**

Every individual with exceptional needs who is eligible to receive special education instruction and related services under the Individuals with Disabilities Education Act (IDEA) and state special education laws, shall receive that instruction and those services at no cost to his or her parents or, as appropriate, to him or her. A Free Appropriate Public Education (FAPE) shall be available to individuals with exceptional needs in accordance with Section 1412(a)(1) of Title 20 of the United States Code and Section 300.101 of Title 34 of the Code of Federal Regulations.

Eligible adults

Adults who are age 18 through 22 years, who have not graduated with a high school diploma, who at the time they turned 18 years were identified as an individual with exceptional needs and had an individualized education program (IEP) under the IDEA, are also entitled to a FAPE (hereinafter, "eligible adults"). (See 20 U.S.C. § 1400 (d) (1) (A), (B), (C); U.S.C. § 1412(a) (1) (A); Education Code, § 56000, 56040 (b).) This applies to adults incarcerated in California adult jails and prisons.

However, an individual aged 18 through 22 years, who, in the educational placement prior to his or her incarceration in an adult correctional facility was not identified as an individual with exceptional needs or did not have an IEP under the IDEA, is not entitled to a FAPE. (20 U.S.C. § 1412 (a) (1) (B); Education Code, § 56040(b).)

Description:

Child Find

When a student is placed in an institution by probation, social services, or the juvenile court and enrolled in an ACCESS educational program, the following procedures shall be implemented to identify a student who may have been previously receiving special education services.

The Special Education Records Center (Records Center) shall be responsible for conducting a thorough records search on all newly placed students enrolled in ACCESS Institution Education Programs. The records search shall include the

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following:

1. ACCESS staff in the institutions shall forward the names of all newly placed students to the Records Center.
2. The Special Education Records Center shall initiate the records search.

Students eligible for special education under the IDEA who are placed in institutional programs have the right to receive special education and related services immediately upon enrollment. Institutional programs include Otto A. Fischer, Rio Contiguo, the Youth Reporting Centers, the Santa Ana Detention Center, and the Accountability Commitment Program. These programs may also include social services settings at William Lyon and Theo Lacy Center for Opportunity, Re-entry and Education (CORE). The ACCESS site administrators and special education staff at these educational programs are responsible for the identification of students with previously identified disabilities and for ensuring that appropriate special education services are provided to these students.