

*Mt. Diablo Unified School District*  
**SPECIAL EDUCATION LOCAL PLAN AREA  
LOCAL EDUCATION AGENCY (LEA)  
SELPA ASSURANCE STATEMENT**

**1. FREE APPROPRIATE PUBLIC EDUCATION (FAPE)  
(20 USC § 1412 (a)(1))**

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

**2. FULL EDUCATIONAL OPPORTUNITY (20 USC § 1412 (a)(2))**

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

**3. CHILD FIND (20 USC § 1412 (a) (3))**

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

**4. INDIVIDUALIZED EDUCATIONAL PROGRAM (IEP)  
AND INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP)  
(20 USC § 1412 (a)(4))**

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 educational program. It shall be the policy of this LEA that a review of an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions.

**5. LEAST RESTRICTIVE ENVIRONMENT (20 USC § 1412 (a)(5))**

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 a student with disabilities from the general educational environment, occurs only when the nature or severity of the disability of the student is such that educational in general classes with the use of supplemental aids and services cannot be achieved satisfactorily.

**6. PROCEDURAL SAFEGUARDS (20 USC § 1412 (a)(6))**

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

**7. EVALUATION (20 USC § 1412 (a)(7))**

It shall be the policy of this LEA that a reassessment of a student with a disability shall be conducted at least once every three years or more frequently, if appropriate.

**8. CONFIDENTIALITY (20 USC § 1412 (a)(8))**

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

**9. PART C, TRANSITION (20 USC § 1412 (a)(9))**

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

**10. PRIVATE SCHOOLS (20 USC § 1412 (a)(10))**

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.

**11. LOCAL COMPLIANCE ASSURANCES (20 USC § 1412 (a)(11))**

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, the Federal Rehabilitation Act of 1973, Section 504 of Public Law and the provisions of the California Education Code, Part 30.



## **12. INTERAGENCY (20 USC § 1412 (a)(12))**

It shall be the policy of this LEA that interagency agreements of other mechanisms for interagency coordination are in effect to ensure services required for FAPA are provided, including the continuation of services during an interagency dispute resolution process.

## **13. GOVERNANCE (20 USC § 1412 (a)(13))**

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 a LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Educational Agency.

*56195. Each special educational local plan area, as defined in subdivision 9 (d) of Section 56195.1, shall administer local plans submitted pursuant to Chapter 3 (commencing with Section 56200) and shall administer the allocation of funds pursuant to Chapter 7.2 (commencing with Section 56836).*

*56195.1 The governing board of a district shall elect to do one of the following:*

*(a) If of sufficient size and scope, under standards adopted by the board, submit to the superintendent a local plan for the education of all individuals with exceptional needs residing in the district in accordance with Chapter 3 (commencing with Section 56200).*

*56205 (a) (12) (A) A description of the governance and administration of the plan, including identification of the governing body of a multi-district plan or the individual responsible for administration in a single district plan, and of the elected officials to whom the governing body or individual is responsible.*

### **GOVERNING BODY**

The governing body of Mt. Diablo Unified School District (MDUSD) is the Board of Education of MDUSD.

### **RESPONSIBILITIES OF LOCAL MDUSD BOARD OF EDUCATION MEMBERS**

The Mt. Diablo Unified School District Board of Education shall:



1. Exercise authority over, assume legal responsibility for, and be fiscally accountable for special education programs operated by the MDUSD SELPA.
2. By approving the Local Plan, enter into an agreement with other agencies participating in the plan for the purpose of delivery of regional services and programs.
3. Review and approve revisions of the MDUSD Local Plan for special education.
4. Participate in the governance of the MDUSD SELPA through its designated representative, the MDUSD SELPA Director.

#### **GOVERNANCE, STRUCTURE AND ADMINISTRATIVE SUPPORT**

MDUSD pursuant to section 56195 of the California Education Code has the responsibility to adopt a plan in accordance with California Education Code 56200 to assure access to special education and services for all eligible individuals with disabilities residing in the geographic area served by MDUSD Special Education Local Plan Area (MDUSD SELPA).

#### **IMPLEMENTATION OF ADMINISTRATIVE FUNCTIONS**

MDUSD is designated as the Administrative Unit (AU) for the MDUSD SELPA. It shall be responsible for functions such as, but not limited to:

1. Receipt and distribution of special education funds to district accounts for the operation of special education programs and services.
2. Receipt and distribution of special education funds to accounts exclusively designated for SELPA use.
3. The employment of staff to support SELPA functions.

The MDUSD Special Education Department, under the direction of the SELPA Director, is designated as the entity responsible for the administration of the Local Plan and assuring that the SELPA is in compliance with all applicable laws and regulations.

#### **RESPONSIBILITIES OF LOCAL EDUCATION AGENCY ADMINISTRATORS**

##### **Superintendent**

The superintendent has executive responsibility for implementing the Local Plan. Additional duties include, but are not limited to:

1. Implements and monitors all special education policies established by the governing board.
2. Reviews and recommends the annual budget and staffing formulas for special education programs and recommends them to the governing board.
3. Ensures the district's compliance with federal and state laws and regulations as they pertain to individuals with exceptional needs.

**Executive Director, Special Education/ SELPA Director**

The Executive Director, Special Education/SELPA Director is responsible for the overall coordination and ongoing review of special education services and programs within MDUSD and for the administration of the Local Plan. The Executive Director, Special Education/SELPA Director is subject to the Administrative Unit's (AU) policies and procedures for day-to-day operations with the authority to implement policies and procedures. The duties of this position include, but are not limited to, the following:

1. Sits as a member of the Superintendent's Council and Cabinet and Educational Services Cabinet.
2. Develops and recommends to the Superintendent and the governing board policies and procedures relating to special education.
3. Implements and revises policies of the Board of Education and procedures in compliance with state and federal law relating to special education programs.
4. Implements current federal and state laws as they pertain to special education including development and implementation procedures for the identification, referral, assessment, IEP development and placement of individuals with disabilities as established by the Local Plan.
5. Assists in compiling and submitting accurate reports as required by district, state and federal jurisdictions.
6. Provides for periodic program monitoring to assure compliance with state and federal laws and regulations.
7. Provides information and recommendations for the development, modification and implementation of the Local Plan.
8. Coordinates the development of all special education program budgets and staffing formulas with the Assistant Superintendents and, when appropriate, with special education management personnel.
9. Prepares and administers the budgets for the implementation of all special education program and services.
10. Provides access to regionalized services.



11. Acts as liaison between district programs and the appropriate local, county, state and national agencies.
12. Serves as a liaison between the governing board and the Community Advisory Committee for Special Education and provides recommendations for its membership.
13. Develops the Annual Services Plan for approval by the MDUSD Superintendent and governing board.
14. Works cooperatively with appropriate individuals and groups in integrating activities of the special education department with the various district-wide education programs.
15. Assumes responsibility for the organization, administration and supervision of the special education programs and services.
16. Directs, supervises, counsels and assists special education personnel in the operation of their special education programs and services.
17. Provides ongoing review of programs through administration, supervision, coordination and evaluation of special education programs in accordance with the Local Plan for special education.
18. Develops, in cooperation with other administrators, procedures to be used in the evaluation of special education programs and services.
19. Represents the district in legal proceedings related to special education, including mediation, fair hearings and compliance.
20. Develops procedures for conflict resolution related to special education issues.
21. Implements the "due process" protections for the disabled, including, but not limited to informal hearings, mediations, fair hearings and complaints.
22. Works cooperatively with the Directors of Certificated and Classified Personnel Services in interviewing, selecting, assigning, transferring and separation of special education personnel.
23. Supervises, evaluates and monitors the performance of certificated and classified personnel directly responsible to him/her, including program administrators, program specialists and psychologists.
24. Provides leadership in creating healthful human relationships that will provide a suitable climate for learning and teaching.
25. Assists in the administration of all department related aspects of negotiated employee contracts.
26. Meets on a regularly scheduled basis with the special education administrative team and school level leadership personnel responsible for special education programs and services.

27. Assists in the development of public awareness and identification activities related to individuals with disabilities and ensures the continuous implementation of those activities.
28. Assists in the organization, administration and supervision of the special education programs and services.
29. Supervises, evaluates and monitors the performance of certificated and classified personnel directly responsible to him/her, including OT/PT Supervisor, Full Inclusion Facilitators and MIS support staff.
30. Develops and implements in-service programs related to special education for district staff, parents and community.
31. Coordinates and supervises the activities of the special education management information system and services.
32. Completes and submits accurate reports as required by district, state and federal jurisdictions.
33. Meets on a regularly scheduled basis with school site leadership responsible for special education in the schools.
34. Works with other departments and school sites to assure the alignment of the curriculum between the general education program and any special education program.
35. Acts as a liaison between district programs and the appropriate local, county, state and national agencies.
36. Creates and/or approves the production of all informational handbooks and descriptive brochures for the various special education programs, centers and services.
37. Creates and/or approves the production of all district forms related to special education programs, procedures and policies.
38. Works cooperatively with the Directors of Certificated and Classified Personnel in recruitment, interviewing, selection, assignment, transfer and separation of special education personnel.
39. Provides staff development opportunities that foster collaboration and best educational practice for general education and special education teachers.
40. Plans and implements professional development for new and continuing special education teachers and assistants.

*56205 (a) (12) (D) (ii) Identifying the respective roles of the administrative unit and the administrator of the special education local plan area and the individual local education agencies within the special education local plan area in relation to the following:*



*56205 (a) (12) (D) (ii) (I) The hiring supervision, evaluation and discipline of the administrator of the special education local plan area and staff employed by the administrative unit in support of the local plan.*

#### **SELPA STAFFING**

The MDUSD governing board agrees to invest the MDUSD Special Education Administrative Unit (AU) under the direction of the SELPA Director, with the administration of the Local Plan and its implementation. The board assures that the AU shall identify the need for and designate necessary positions for the operation of the SELPA functions according to this policy. The Superintendent reviews and recommends to the governing board the Annual Budget Plan, Service Delivery Plan and staffing formulas for special education programs. The SELPA Director provides staffing recommendations to the Superintendent according to the AU's policies and rules.

The SELPA Director, in conjunction with the MDUSD Personnel Department shall use an employee selection process that includes representation from district administration, certificated and classified bargaining units, special education AU and the Community Advisory Committee. The final interview shall include the SELPA Director. The candidate selected in the final interview shall be recommended to the governing board for consideration and approval. In addition, the Superintendent may make appropriate recommendations for appointments when the candidate meets the required criteria.

#### **Program Administrator Related Services**

The Program Administrator, under the supervision of the Executive Director, Special Education/SELPA Director, will plan, implement, coordinate and evaluate a district-wide program of special education services including the Part Time Specialized Instruction (Resource Specialist) program and the Related Services program. The duties of this position include, but are not limited to, the following:

1. Coordinates, supervise and develops the Resource Specialist and Designated Instruction and Services program in accordance with state and federal laws and district policies.
2. Develops procedures and practices necessary to implement district policy and/or changes in state and federal laws applicable to the Resource Specialist and the Designated Instruction and Services program.
3. Participates in training, supporting and assisting general education teachers, resource specialists, designated instruction and services personnel, special

day class teachers, classified personnel, outside consultants, and administrators.

4. Plans and implement professional development for new and continuing special education teachers and assistants.
5. Informs site administrators of district policies and procedures and state/federal laws and regulations regarding the Resource Specialist and Designated Instruction and Services program.
6. Supervises the activities of the special education management information system and services.

**Program Administrator Special Day Class (SDC)**

The Program Administrator, under the supervision of the Executive Director, Special Education/SELPA Director, will plan implement, coordinate and evaluate a district-wide program of special education services including the Full Time Specialized Instruction Program (Special Day Class) and Transportation for special education students. The duties of this position include, but are not limited to, the following:

1. Coordinates, supervises, develops and organizes special day classes throughout the district in accordance with state and federal laws and regulations for students from birth to 22 years old.
2. Develops and administers budget, contracts and expenditures relating to non-public schools and agencies, special day classes and centers.
3. Informs administrators and special day class teachers as to program implementation, district policies and state/federal laws and regulations regarding special education.
4. Plans and implements professional development for new and continuing special education teachers and assistants.
5. Works collaboratively with program specialists to ensure appropriate special day class placement and instruction for students requiring those services.

**Program Administrator Special Education/Alternative Dispute Resolution**

The Program Administrator, under the supervision of the Executive Director, Special Education/SELPA Director, will plan implement, coordinate and evaluate mediation and due process activities, compliance complaints and dispute resolution processes. He/she will also oversee the planning and coordination of non-public schools and agencies services and budgets. The duties of this position include, but are not limited to, the following:

1. Represent the district in mediation, due process and administrative hearings.



2. Maintain a tracking system of information related to mediation, due process and alternative dispute resolution.
3. Monitor compliance and procedures for identification, referral, and assessment related to the IEP process.
4. Advise the Executive Director, Special Education/SELPA Director regarding program/policy issues that may need attention as a result of mediation or due process activity.
5. Participate as a district staff representative to the Community Advisory Committee.
6. Investigate compliance complaints and provide documentation to the California State Department of Education.
7. Coordinate the implementation of any corrective actions resulting from compliance investigations.
8. Work with site staff to identify procedures and practices that will prevent compliance complaints.
9. Provide training for members of the Community Advisory Committee.
10. Represent the district in planning and implementation activities related to the Alternative Dispute Resolution (ADR) project.
11. Develop and implement contracts with non-public schools and agencies.
12. Collaborate with the AB114 office regarding mental health services and placements of students in jointly funded day treatment or residential settings.

#### **Parent Liaison**

The Parent Liaison, under the supervision of the Executive Director, Special Education/SELPA Director will serve as a liaison to assist parents of students with special needs in becoming familiar with the district's general education and special education programs, services and activities. He/she will facilitate an understanding of and provide information on resources available to support families and staff working with students with special needs. The duties of this position include, but are not limited to, the following:

1. Serve as a liaison to parents of students with special needs regarding the district's special education program and services.
2. Maintain appropriate documentation related to parent contacts, compliance complaints, home visits, and other parent participation activities.
3. Work collaboratively with district staff and or other organizations/individual in an effort to resolve parent complaints and or respond to parent inquiries/requests for information.
4. Coordinate and oversee the Parent Resource Program.

5. Maintain current information on and communicate regularly with community organizations and social service agencies regarding programs and services available to students with special needs and their families.
6. Help families identify and independently use community resources, activities and support groups.
7. Attend IEP meetings on request of parent or district staff.
8. Assist the Community Advisory Committee Chair and Board in planning, organizing and facilitating meetings and activities.
9. Provide training for members of the Community Advisory Committee
10. Consult with families and district staff to determine needs to be addressed in IEPs.

### **Program Specialists**

The Program Specialists are employed by the AU and serve the SELPA under the direction of the Executive Director, Special Education/SELPA Director. The MDUSD governing board approves the employment of Program Specialists following the procedure outlined above. Program Specialists provide unique and necessary services to pupils in the MDUSD SELPA and shall provide the following services on a district wide basis:

1. Observe consult and provide technical assistance in specialized areas of expertise to general education teachers, resource specialists, special day class teachers, designated instruction and services personnel and administrators.
2. Design programs, coordinate materials and equipment and evaluate the effectiveness of the programs for individuals with exceptional needs.
3. Assist with MDUSD staff development and parent education activities, program development and adoption of research based best practices.
4. Assist with the referral, assessment and identification of students with special needs.
5. Participate as a team member at IEP meetings when technical assistance is needed and when students are being moved to a more restrictive environment.
6. Assume leadership in the development, periodic revision and implementation of goals and objectives on the IEP.
7. Provide special education administrators with recommendations for the assignment of students to appropriate special education programs.
8. Represent the district at IEP meetings for students served outside the district.
9. Assist special education administrators with staff evaluations.
10. Provide data to assist in determining needs for budget revisions.



11. Serve as a representative and consultant with non-district professionals, agencies and parents to interpret special education laws, policies, procedures, programs and services.
12. Serve as a liaison to various community agencies such as Department of Mental Health, Department of Human Services, the Regional Center of the East Bay, California Children's Services and the Probation Department.

#### **ONGOING REVIEW OF PROGRAMS**

The State has in place a system for review of the special education programs in school districts. It is the responsibility of the SELPA to support the delivery of effective programs and services within the SELPA, to support a continuum of appropriate service options, to improve the quality of the programs offered, and to monitor them and participate in review processes, including the quality assurance Process, the Procedural Safeguards and Complaints processes and mediation and due process procedures.

The SELPA Director will assign individual(s) to collect, compile, report and certify for accuracy data included in the annual evaluation report submitted to the California Department of Education. Published reports of this data shall be available for review by interested community members. 56205 (a) (12) (B)

Data gathering, compilation, reporting, processing and certification of accuracy will be completed by the designated responsible individual(s) assigned by the SELPA director. Data will be included in the Annual Evaluation submitted to California Department of Education.

#### **RESPONSIBILITY OF PARTICIPATING AGENCY**

Participating agencies may enter into additional contractual arrangements with MDUSD to meet the requirements of applicable federal and state law. In adopting the Local Plan, each participating agency agrees to carry out the duties and responsibilities assigned to it within the plan. Each agency shall provide special education and services to all eligible students, including students attending charter schools where MDUSD has granted that charter. In addition, each agency shall cooperate to their maximum extent possible with other agencies to serve individuals with disabilities who cannot be served in MDUSD programs. Such cooperation ensures that a range of program options is available throughout the MDUSD SELPA. (See Service Plan)

### **REGIONALIZED SERVICES AND OPERATIONS**

The MDUSD SELPA Director shall serve on behalf of the LEA and implement the Local Plan including the following regionalized services and operations:

1. Coordination of the SELPA and the administration of the Local Plan.
2. Coordination of interagency agreements.
3. Coordination of services with medical facilities.
4. Coordination of services with licensed children's facilities and foster family homes.
5. Coordination of transportation services for students with disabilities.
6. Coordination of career, vocational, and transition services.
7. Coordinated system of identification and assessment.
8. Coordinated system of staff development and parent education.
9. Coordinated system of curriculum development and alignment with the core curriculum.
10. Coordinated system of data collection and data management.
11. Coordinated system of internal program review, evaluation of the Local Plan effectiveness and implementation of a Local Plan accountability tool.
12. Preparation and transmission of required SELPA reports.
13. Fiscal and logistical support of the Community Advisory Committee.
14. Assurance of full educational opportunity.
15. Fiscal administration and the allocation of state and federal funds.
16. Direct instructional support provided by program administrators and program specialists.
17. Assurance of and implementation of procedural safeguards.

### **COMMUNITY ADVISORY COMMITTEE**

*56205 (a) (12) (c) Verification that a Community Advisory Committee has been established pursuant to Section 56190.*

MDUSD SELPA has established a Community Advisory Committee for Special Education.

*56205 (a) (12) (D) (ii) (II) The allocation from the state of federal and state funds to the special education local plan area administrative unit or to local education agencies within the special education local plan area.*

### **RESPONSIBILITY FOR DISTRIBUTION OF FUNDS**

All federal and state special education funds shall be allocated to the SELPA AU for distribution according to an approved Special Education Funding Allocation



Plan. The MDUSD AU shall make any changes to the allocation of federal and state special education funds.

The governing board of MDUSD agrees that students with special needs will be provided with appropriate special education services. The MDUSD AU will be responsible for the distribution of funds according to the approved Special Education Funding Allocation Plan. The Executive Director, Special Education/SELPA Director is responsible to ensure that the funds are distributed in accordance with the Budget Plan.

The Annual Budget Plan will be reviewed by the MDUSD Community Advisory Committee and approved by the MDUSD governing board.

*56205 (a) (12) (D) (ii) (III) The operation of special education programs.*

*56205 (a) (12) (D) (ii) (IV) Monitoring the appropriate use of federal, state and local funds allocated for special education programs.*

#### **MONITORING THE USE OF SPECIAL EDUCATION FUNDS**

Funds allocated for special education programs shall be used for services to students with disabilities. Federal funds under Part B of IDEA may be used for the following activities:

1. For the costs of special education programs, related services and supplementary aids and services provided in a regular class or other education related setting to students with special needs in accordance with the student's IEP, even if one or more non-disabled students benefit from these services.
2. To develop and implement a fully integrated and coordinated delivery of services.

The SELPA Director shall be responsible to monitor 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 Budget Plan process.

*56205 (a) (12) (D) (ii) (V) The preparation of program and fiscal reports required of the special education local plan area by the state.*

#### **PREPARATION OF PROGRAM AND FISCAL REPORTS**

The SELPA Director, with the assistance of the AU shall be responsible to prepare all program and fiscal reports required of the SELPA by the state.

#### **AMENDMENTS TO THE ANNUAL SERVICE PLAN AND BUDGET PLAN**

The governing board agrees to review and approve the SELPA Annual Budget Plan and any subsequent modifications. (Refer to Appendix M)

*56195.9 The process to be used to develop and update the plan cooperatively by a committee of representatives of special and regular education teachers and administrators selected by the groups they represent and with participation by parent members of the community advisory committee, or parents selected by the community advisory committee, to ensure adequate and effective participation and communication.*

#### **LOCAL PLAN DEVELOPMENT**

To ensure adequate and effective participation and communication, the Local Plan shall be developed and updated cooperatively by a committee selected by and representing the following groups: special education and general education teachers and administrators, parent members of the Community Advisory Committee or their parent designees and charter school staff.

#### **AMENDMENTS TO THE PERMANENT SECTIONS OF THE LOCAL PLAN**

Changes or amendments to the permanent portion of the Local Plan may be considered during the annual service and budget plan process. Amendments approved in this manner shall become permanent upon subsequent approval by the MDUSD Board of Education and the State Board of Education.

*56303. A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized.*

#### **PROVISION OF SPECIAL EDUCATION SERVICES TO STUDENTS WITH DISABILITIES**

It is the intention of the MDUSD SELPA to provide a full continuum of services to students with disabilities, including students in charter schools, throughout the geographic region of the SELPA. The referral, assessment and IEP process is utilized to identify the needs of each individual student with disabilities. The LEA has committed to policies and procedures to assure that students will have their rights to appropriate services provided in the least restrictive environment.

#### **ACCESS TO GENERAL EDUCATION**

Special education services and supports will be provided for children with disabilities to ensure maximum interaction with their peers in the regular education



environment as appropriate for the child's individual needs. All students will have access to all required core curriculum, state adopted textbooks, instructional materials, and supplementary textbooks in order to meet grade level standards in all subject areas especially reading. The IEP team will make the decision regarding the Least Restrictive Environment (LRE) for each child on an annual basis. Individuals with exceptional needs shall have equal access to all activities, programs and facilities in the general school environment. Participation in activities will be determined based on the individual needs of the disabled student.

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

Continuity in the assignment of appropriate classroom space for the provision of special education services allows children with disabilities the opportunity to develop relationships with non-disabled peers. Appropriate physical location of services facilitates continuing interaction with non-disabled peers and timely access to general education programs.

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

### **LITERACY**

The California Reading Initiative is intended for all students. Reading proficiency is an important goal for virtually all students who receive special education services. It is basic to ongoing school success and essential for successful participation in society. Without reading proficiency, students are excluded from full participation and opportunity to achieve academic success in school. In order to improve the educational results for students with disabilities, MDUSD SELPA ensures that all students who require special education will participate in the California Reading Initiative, just as do all other students in our districts. In order to facilitate that effort, our district assure that special education instructional

personnel will participate in staff development inservice opportunities in the area of literacy, including:

1. information about current literacy and learning research;
2. state-adopted standards and frameworks; and
3. research-based instructional strategies for teaching reading to a wide range of diverse learners.

MDUSD will include special education staff in their curriculum materials selection process in order to support alignment with State standards.

#### **BEHAVIOR INTERVENTION PLAN**

When an IEP team determines that instructional/behavioral approaches specified in the student's IEP have not been effective, procedures defined in the California Code of Regulations Section 3052 will be implemented. A Behavior Intervention Plan, based on a Functional Analysis will be developed and implemented by, or under the supervision of, a Behavioral Intervention Case Manager who has met federal and state certification licensing, registration or other comparable requirements applicable to the provision of special education or related services. This Case Manager will be specifically trained in behavior analysis, functional assessment, data analysis and positive behavioral interventions.

Behavior Intervention Plans will include any required behavior emergency procedures. Appropriately trained individuals will be available to implement these procedures. MDUSD will also provide training for Behavioral Intervention Case Managers that includes behavioral emergency procedures on an annual or as needed basis.

#### **DEVELOPMENT OF ANNUAL SERVICES PLAN**

The SELPA Director shall develop the Annual Services Plan for approval by the governing board, Superintendent and submission to the Community Advisory Committee for review. It will include a description and location of all services to be provided for students in accordance with EC Section 56205(b)(2). (Refer to Appendix L).

*56207 (7) (c) and 56200 (j) A description of the process being utilized to oversee and evaluate placement in non-public, non-sectarian schools and the method of ensuring that all requirements of each pupil's individualized education program are being met. The description shall include a method for evaluating whether the pupil is making appropriate educational progress.*



### OVERSIGHT OF NON-PUBLIC AND NON-SECTARIAN SCHOOLS

MDUSD SELPA has developed a Master Contract and Service Agreement for students placed in certified non-public, non-sectarian schools. When MDUSD contracts with a non-public, non-sectarian school MDUSD shall evaluate the placement of its student(s) in such schools on at least an annual basis as part of the annual IEP review. The MDUSD representative shall review the master contract, the individual service agreement and the IEP to ensure that all services agreed upon and specified in the IEP are provided.

Non-public and non-sectarian schools are required by the master contract and the IEP to annually evaluate the students to determine if they are making appropriate educational progress. The MDUSD representative shall collaboratively review with the non-public, non-sectarian school the evaluations conducted by those schools to ensure that they are appropriate and valid for measuring student progress. MDUSD may choose to administer additional assessments as necessary, with parent consent, to determine whether the student is making appropriate educational progress.

The IEP team will determine standards for meeting requirements for special education students placed in non-public schools who are unable to attain MDUSD SELPA's graduation requirements.

*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:*

*56207.5 (a) The special education local plan area shall comply with Section 56140.*

*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 56836.05 in the same manner as other local educational agencies of the special education local plan area.*

*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.*

### **CHARTER SCHOOL POLICY**

This policy applies to all charter schools that are chartered by the Mt. Diablo Unified School District SELPA. This policy also applies to any charter school petition granted by the State Board of Education (SBE) in which oversight responsibilities have been assigned to the Mt. Diablo School District SELPA (EC4605.5 (k)(1)).

As students enrolled in charter schools are entitled to special education services provided in a similar manner to students enrolled in other public schools, the charter schools will comply with all requirements of state and federal law regarding provision of special education services (EC 56000 et seq., Individuals with Disabilities Education Act (IDEA) [20 U.S.C. Chapter 33] Americans with Disabilities Act). This policy does not apply to a charter school that was chartered by, or assigned to, an entity that is not a member of the SELPA.

As students enrolled in charter schools are entitled to special education services provided in a similar manner to students enrolled in other public schools, charter schools within the SELPA shall not discriminate against any pupil in its admission criteria on the basis of disability.

Charter petitioners must delineate in their petition or in a Memorandum of Understanding (MOU) the entity responsible for providing special education instruction and services. This document must reference any anticipated transfer of special education funds between the granting entity and the charter school and any provisions for sharing deficits in funding. This document must affirm, in writing, that the district where the students reside, if different from the chartering entity, is not responsible for providing special education services to students that are enrolled in the charter school. The written agreement must also state the prior to final approval of a request to be deemed an LEA, the charter school will be deemed a public school within the chartering entity.

### **APPROVAL AND RENEWAL OF CHARTERS**

#### ***Role of the SELPA Director***

Prior to approval of a new charter school, or renewal of an existing charter school, the SELPA Director shall consult with the Superintendent and Governing Board of the District, or designee, to ensure that the charter school responds to District and SELPA guidelines and timelines as they relate to special education. The SELPA Director shall review all proposed charter petitions, including petitions for renewal, and advise the Superintendent and Governing Board on whether the petition contains reasonable assurances that all eligible students enrolled in the charter



school will receive appropriate special education services in accordance with state and federal law and the SELPA Local Plan for Special Education.

#### **REQUIRED CONTENTS OF CHARTER PETITIONS**

Petitions must provide that no student otherwise eligible to enroll in the charter school will be denied enrollment due to a disability or to the charter school's inability to provide necessary services. Each charter petition must also contain a reasonably comprehensive description of the charter school's educational program, as it relates to the provision of special education services, including the following:

1. The specialized instruction and services available at the charter school;
2. The procedure for ensuring that students are referred, assessed, and served in a timely manner;
3. Assurances that staff members providing special education services are appropriately credentialed;
4. 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 programs and that the school will comply with Section 504 of the Rehabilitation Act of 1973 (34 CFR 104, hereinafter "504");
5. Assurances that disenrollment, suspension, and expulsion procedures comply with the protections of federal and state law afforded to special education and 504 eligible students; and
6. Dispute resolution procedures that will apply to any disputes between educational entities, including the SELPA, regarding the provision of special education services in the charter school.

#### **CATEGORIES OF CHARTER SCHOOLS**

For the purpose of providing special education services, charter schools shall be deemed either a public school within the chartering district, or an LEA that receives funds and provides services independent of the chartering entity. All approved charter schools will be deemed public schools within the chartering entity until the charter school has been deemed an LEA and accepted into a SELPA.

#### **PUBLIC SCHOOL WITHIN THE SCHOOL DISTRICT**

Charter schools that are deemed to be public schools within the chartering entity will participate in state and federal funding in the same manner as other schools or programs within the chartering entity. The chartering entity will be responsible for ensuring that all children with disabilities enrolled in the charter school receive

special education and designated instruction and services in a manner that is consistent with all applicable provisions of state and federal law. The chartering entity will determine the policies and procedures necessary to ensure that the protections of special education law extend to students in the charter school in the same manner as students enrolled in other schools or programs administered by the chartering entity.

The chartering entity will:

1. Receive all applicable special education funds as specified in the SELPA Assembly Bill 602 Funding Allocation Plan. The allocation per ADA in the charter school will be the same as that received by the chartering entity;
2. Represent the needs of the charter school in the SELPA governance structure;
3. Be responsible for ensuring that all eligible students enrolled in the charter school are appropriately referred, assessed and served in a timely manner;
4. Be responsible for procuring and funding appropriate special education services, wherever the student may reside; and
5. Provide necessary special education services or contract for these services with public or non-public educational agencies.

When the chartering entity is the District, the charter school must be held fiscally responsible for a fair share of any encroachment on District general funds that is created by the provision of special education services throughout the District. The District and the charter school may enter into agreements whereby the charter school is billed for excess costs associated with providing special education services to identified students, including the administration of special education programs.

#### **CHARTER SCHOOLS AS A LOCAL EDUCATION AGENCY (LEA)**

If a charter school wishes to be an LEA, they must apply to a district in a multi-district SELPA for authorization of their charter. Should a charter school apply to be an LEA, the SELPA will treat applications by charter schools to be independent LEAs in the same manner that the SELPA treats applications by other districts and LEAs and may refer such applications to neighboring multi-district SELPAs.



**14. PERSONNEL QUALIFICATIONS (20 USC § 1412 (a)(14))**

It shall be the policy of this LEA to ensure that personnel providing special education related services meet the highly qualified requirements as defined under federal law, including that those personnel have the content knowledge and skills to serve children with disabilities.

This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a STATE complaint with the CDE about staff qualifications.

**15. PERFORMANCE GOALS AND INDICATORS  
(20 USC § 1412 (a)(15))**

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.

**16. PARTICIPATION IN ASSESSMENTS (20 USC § 1412 (a)(16))**

It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments, consistent with state standards governing such determinations.

**17. SUPPLEMENTATION OF STATE/FEDERAL FUNDS  
(20 USC § 1412 (a)(17))**

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 and not to supplant state, local and other Federal funds.

**18. MAINTENANCE OF EFFORT (20 USC § 1412 (a)(18))**

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 law and regulations.

**19. PUBLIC PARTICIPATION (20 USC § 1412 (a)(19))**

It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA.

**20. RULE OF CONSTRUCTION (20 USC § 1412 (a)(20))**

(Federal requirement for state education agency only)

**21. STATE ADVISORY PANEL (20 USC § 1412 (a)(21))**

(Federal requirement for state education agency only)

**22. SUSPENSION/EXPULSION (20 USC § 1412 (a)(22))**

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.



**23. 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.

**24. OVERIDENTIFICATION AND DISPROPORTIONALITY**  
**(20 USC § 1412 (a)(24))**

It shall be the policy of this LEA to prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities.

**25. 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.

**26. DISTRIBUTION OF FUNDS (20 USC § 1411 (e),(f)(1-3))**  
**(Federal requirement for State Education Agency only)**

**27. DATA (20 USC § 1418 a-d)**

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

**28. READING LITERACY (State Board requirement, 2/99)**

It shall be the policy of this LEA that in order to improve the educational results for students with disabilities, SELPA Local Plans shall include specific information to ensure that all students who require special education will participate in the California Reading Initiative.

**29. CHARTER SCHOOLS (E.C. 56207.5 (a-c))**

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

**30. JUVENILE COURT AND CORRECTIONAL PROGRAMS**

Pupils with exceptional needs who have been determined by the juvenile courts for placement in a juvenile hall, home, day center, ranch, camp, or for individuals with exceptional needs placed in a community school will be provided services as appropriate to their IEP through the court schools. S identified in the Education Code, procedures for identification, referral, program planning, and review shall be utilized. The exchange of information and records is provided immediately as an open request by the Court Schools SELPA.