

# Local Plan Narrative

Lodi Area Special Education Region (LASER)  
SELPA



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# Governance and Administration

## A1. Lodi Area Special Education Region (LASER) Special Education Local Plan Area (SELPA) Participating Local Educational Agencies (LEAs)

The LEAs participating in the Lodi LASER SELPA (hereafter “LASER SELPA”) are all located or partially located in San Joaquin County. The LASER SELPA member LEAs include the following LEA school districts:

- **Lodi Unified School District**
- **New Hope Elementary School District**
- **Oakview Elementary School District**
- **Rio Valley Charter School**

## A2. Governance and Administrative Structure

Lodi Unified School District is designated as the “Responsible Local Agency” (RLA). All of the districts, including Rio Valley Charter School, are designated as “local educational agencies” (“LEAs”). The Superintendents' Council is made up of the Superintendents of the districts, the Executive Director of the charter school, and the LASER SELPA Administrative Director Student Services/SELPA.

The Superintendents' Council acts as an executive board to establish operational procedures and make decisions in any matter regarding the implementation, administration, evaluation and operation of special education programs and services in accordance with the Local Plan. The RLA Superintendent and the LEA Superintendents and Executive Director of Rio Valley Charter School are responsible for the management and supervision of all special education program operations within the LASER SELPA.

The LASER SELPA Administrative Director Student Services/SELPA is a member of the Superintendents' Council, is advisory to the Superintendents' Council, acts at its direction, and is responsible to the RLA Superintendent. The LASER SELPA Administrative Director Student Services/SELPA will administer and implement regionalized services as specified in this Local Plan, pursuant to rules, guidelines and procedures adopted by the Council of Superintendents.

The management structure of the SELPA consists of LASER SELPA Administrative Director Student Services/SELPA and such other management positions as may be specified by the Superintendents' Council.

### Superintendents' Council

The Superintendents' Council shall determine the delivery of services, all matters pertaining to personnel, instruction, and instructional requirements as well as the acquisition, allocation, utilization, and disposal of capital assets and supplies, and other necessary functions. No action will be taken except by majority vote of the members of the Council at an official meeting of that body. A quorum is defined as 75 percent of the members of the Council.

The Superintendents' Council is the decision-making entity of the local plan consortia and performs the following functions:

1. Directing the allocation and utilization of special education management and support services and other resources within the SELPA in accordance with the provisions of the Local Plan.

2. Reviewing special education issues and recommending effective practices to the Boards of Education of each district and Board of Directors of the LEA charter school.
3. Providing leadership in the development of statements of policies and procedures, goals, priorities and plans for the comprehensive and systematic provision of special education programs and services and recommending their adoption by the Boards of each district or LEA charter school.
4. Adopting administrative rules, regulations, and procedures for the management of special education programs and services in the SELPA to insure the implementation of agreements.
5. Monitoring special education programs and services with respect to both planned and actual efforts, progress, and results.
6. Adopting guidelines and procedures for the conduct of special education programs and services available through the Local Plan.
7. Providing executive direction to the SELPA Director through the RLA Superintendent regarding the implementation, administration, and operation of special education programs and services in accordance with the Local Plan.
8. Making recommendations to the RLA Board of Education.
9. Advising the SELPA Director regarding current status and accomplishment of special education programs in the respective districts.
10. Providing assistance to the SELPA Director.
11. Providing leadership for inter-district actions pertaining to the implementation, administration, and operation of the Local Plan.
12. Being responsible to the governing boards of each of the member LEAs.
13. Specifying responsibility for the operation of special education programs.
14. Recommending an annual budget and program plan to the respective Boards.
15. Approve an annual budget and program plan and present it to the Boards of Trustees or Directors of each Local Educational Agency.
16. Assuring that all students residing in the LASER have access to Special Education.

It is the responsibility of the LEA Superintendents and Executive Director in implementing the Plan to:

1. Participate as a voting member, or designate an alternate participant, on the Superintendents' Council.
2. Implement special education programs and services agreed upon in the Local Plan.
3. Recommend policies governing special education to the local Governing Boards for approval. Review recommend changes and/or approve the annual budget plan.
4. Provide input to the Responsible Local Agency Superintendent about the selection and evaluation of the SELPA Director and staff.
5. Implement due process policies and procedures and SELPA agreements.

### **Responsibilities of District Special Education Administrator:**

The LASER SELPA Administrative Director Student Services/SELPA participates in the preparation of the annual budget plan for the LEAs and the SELPA, advises the Superintendents and charter school Director, when appropriate, about policy development, collects information about program operations and reports that information to the Superintendents' Council, participates in the recruiting, screening and interview process for RLA staff that has a SELPA function. The LASER SELPA Administrative Director Student Services/SELPA participates in the recruiting, screening and interview process for LEA staff that has a SELPA function, participates in the evaluation of RLA staff that provides service to LEAs, and assists LEA Superintendents and charter school Executive Director in the management and operation of LEA programs

and services. The Lodi LASER SELPA Administrative Director Student Services/SELPA also provides mutual technical assistance in due process and complaint procedures.

### **Responsibilities of the RLA Superintendent and Executive Director of the Charter School:**

As recommended by the Superintendents' Council, the RLA Superintendent/Executive Director of the Charter School will:

1. Establish and administer through SELPA Administrative Director, special education programs and services that are most effectively provided by the RLA. The direct program operations part of the RLA will function as an LEA, have status equal to district program operation in other participating districts, and assure that all individuals with exceptional needs have access to services and instruction, as described on their individual education program.
2. Contract with other SELPAs, districts, agencies or non-public schools or agencies for services to individuals with exceptional needs that are not available within the Service Region.
3. Provide reasonable and necessary administrative support.
4. Coordinate implementation of the plan through the Superintendent's Council.
5. Serve as Chair and voting member of the Superintendent's Council.

Provision for Ongoing Review of Programs - The State has in place a system for review of the special education programs in the LEAs. It is the responsibility of the LASER SELPA to support the delivery of effective programs and services in its LEAs, to support a continuum of appropriate service options, to improve the quality of the programs offered, and to monitor them and participate in the review processes, including the Quality Assurance Process, the Procedural Safeguards and Complaints processes and mediation and due process procedures. The LASER SELPA endeavors first to provide adequate information, resources, and support to all its member districts, so that they may deliver compliant, quality services. Further, LASER SELPA staff will, under the direction of the LASER SELPA Administrative Director Student Services/SELPA and Superintendents' Council, participate in all State review processes and any local review processes to ensure that appropriate and necessary services are offered for all children with disabilities and to support continuous improvement of those services. The LASER SELPA will ensure that adequate information related to all areas of compliance is available to all the member LEAs. The LASER SELPA will ensure the availability of a full continuum of options, supplemental aids and services, and regionalized programs, for all children with disabilities, severe low incidence, non-severe, and early childhood.

### **A3. SELPA Policy Making Process**

The role of the Governing Boards of Trustees and Boards of Directors is to review and adopt policies, which govern the implementation of the Local Plan or are required by the California Education Code. For the purposes of this Local Plan, the term "policy" shall not be restricted to Board of Education or Board of Director policies. The term "policy" shall include SELPA policies, procedures, regulations, agreements, and memoranda of understanding.

The identification of issues for policymaking may be made by the Superintendents' Council, LEAs or RLA Boards of Education, LEA or RLA Superintendents/Executive Director. The LASER SELPA Administrative Director Student Services/SELPA will draft recommended policies when warranted. The RLA Superintendent will submit the recommended policies to the RLA Board of Education for review and adoption. LEA Superintendents/Executive Director will simultaneously review the policies with their Boards and, if appropriate, seek adoption.

The LASER SELPA Superintendents' Council shall annually review these provisions for funding distribution and determine whether revisions or amendments are warranted.

#### **A4. SELPA Roles**

It is the responsibility of the LEA Superintendents and Executive Director in implementing the Plan to:

1. Participate as a voting member, or designate an alternate participant, on the Superintendents' Council.
2. Implement special education programs and services agreed upon in the Local Plan.
3. Recommend policies governing special education to the local Governing Boards for approval. Review, recommend changes and/or approve the annual budget plan.
4. Provide input to the RLA Superintendent about the selection and evaluation of the LASER SELPA Director and staff.
5. Implement due process policies and procedures and SELPA agreements.

#### **A5. Policies and Procedures for Charter School SELPA Participation**

A request by a charter school to participate as a local education agency in the LASER SELPA will be treated in the same manner as such request. In reviewing and approving a request by a school district or a charter school to participate as a local education agency in the LASER SELPA, the following requirements shall apply:

1. The LEA or charter school shall participate in state and federal funding for special education and the allocation plan developed in the same manner as other local education agencies of the LASER SELPA. The LEA or charter school shall participate in the governance of the SELPA in the same manner as other local education agencies of the LASER SELPA; all LEA charter schools jointly shall have one vote as SELPA members.
2. Charter schools making application for initial LEA status in the LASER SELPA-must submit the following documentation to the LASER SELPA Administrative Director Student Services/SELPA prior to July 1 for consideration of LASER SELPA membership the following July:

API/AYP reports for each school for the past three (3) years; copy of letters from the CDE on Program Improvement status or other corrective actions; copy of audits for the past three (3) years; copy of unaudited Actuals submitted to the CDE for the past three (3) years; copy of any correspondence from the authorizing LEA/agency (if non-LUSD) regarding fiscal status of the charter school; written assurance statement that special education funds will be expended solely for special education purposes.

The approval of additional members of the LASER SELPA by the Superintendents' Council shall be followed by a redrafting of the Local Plan and action by each member's governing body. The LASER SELPA will provide services to eligible students enrolled in charter schools as described in the Local

#### **A6. Community Advisory Committee ("CAC")**

The LASER SELPA CAC is comprised of parents of individuals with disabilities enrolled in public or non-public schools with the Lodi Area SELPA. The CAC may include pupils and adults with disabilities, general education teachers and parents, special education providers, and other school personnel within the LASER SELPA. It may also include representatives of other public and non-public agencies, and persons concerned with the education of persons with disabilities.

The school boards of the participating LEAs shall appoint one member and alternates to the CAC. The Superintendents' Council shall establish policies for the operation of the CAC in accordance with the state regulations for CAC guidelines.

The CAC will be established as advisory to the Superintendents' Council and each member will be responsible to the appointing Board of Education or agency. Responsibilities of the CAC are as follows:

1. Provide input from members regarding areas to be addressed in the Local Plan. Once the Plan has been developed, CAC members will receive it for review and comment.
2. At the time initial input is solicited, members of the CAC may provide recommendations for prioritizing services.
3. Members of the CAC are encouraged to provide suggestions for parent education activities. Members are encouraged to participate in parent education activities and to recruit individuals who may assist in the implementation of the Plan.
4. Members of the CAC are encouraged to discuss all aspects of the Plan in the community. Information is made available to them so they can become a resource to the community.
5. Members are encouraged to be supportive of families and individuals with disabilities and to support and participate in activities on their behalf.

## **A7. Stake Holder Involvement in Local Plan Development and Implementation**

LASER SELPA will provide ongoing consultation regarding the development of the plan with various stake holders including: special education representatives, general education teachers, administrators, and parent members of the CAC.

## **A8. Responsible RLA for Distribution of Funds, Support, Implementation of Plan**

All other SELPA revenue will be retained by the AU of the SELPA, Lodi Unified School District. The revenue received will be utilized to operate SELPA-wide programs including: Special Day Classes for Learning Disabled, Communicatively Disabled, Infant, Preschool and K-12 Severely Disabled, Orthopedically and Multi-Disabled students; Resource Specialist Programs, Designated Instruction and Services such as Language, Speech and Hearing (LSH), Adapted Physical Education, and Itinerant Services for Vision and Hearing Impaired students.

The AU will use SELPA revenue to provide psycho-educational assessments to determine special education eligibility, consultation by school psychologists, LSH Specialists and program specialists to determine appropriate services for students in the least restrictive environments, assistive technology, occupational and physical therapy, school nursing services, and administrative support. Regionalized Services funding shall be allocated to the AU for the purpose of ensuring the provision of Regionalized Services specified in Education Code 56836.23.

The AU will use SELPA revenue to support technology and the clerical staff required to comply with all state and federally mandated reports, including the California Special Education Management Information System (CASEMIS).

The AU will use SELPA revenue to provide legal consultation on all issues related to the operation of effective and legally compliant special education programs and services in all LEAs included in the Lodi

Area SELPA. Individual LEA legal advisors shall consult with SELPA legal counsel to determine the most appropriate course of action for both the individual LEA and the SELPA as a whole.

The AU will use SELPA revenue to absorb all unfunded special education expenses for Lodi, Oak View and New Hope districts as well as the Rio Valley Charter School treated as a school of the district, to include, but not limited to individualized programs, related services, independent evaluations, due process hearings, legal guidance, attorneys' fees and any other costs as identified by the LASER Superintendents' Council. SELPA revenue for the Rio Valley Charter School will be limited to all special education expenses that can be met with existing revenue. Any excess costs for Rio Valley Charter School members are to be covered by the Rio Valley Charter School.

## **A9. Community Partnerships**

The SELPA will facilitate agreements for the provision and coordination of services by other public agencies that are funded to serve children with disabilities. A Committee will develop each interagency agreement for consideration by the Superintendents' Council. The LASER SELPA Administrative Director Student Services/SELPA has the primary responsibility to negotiate agreements with other public agencies. These agreements include but are not limited to: Part C (Infants), California Children's Services, Head Start, Valley Mountain Regional Center and others as needed.

Listing of agencies, designated agency liaisons, and the most current effective date for a Memorandum of Understanding/or Interagency Agreement:

1. Mental Health; Director; April 2001
2. Valley Mountain Regional Center Executive; Director; April 2002
3. California Children's Services; Director; March 2001
4. Head Start; Executive Director; September 2002
5. Department of Rehabilitation and Employment Development Dept.; Rehabilitation Supervisor; January 1998
6. Part H; Director; June 2002

## **A10 (a). LEA Responsibilities**

Each LEA can identify issues for policymaking. Each LEA, in conjunction with its Board, has the option to adopt policies submitted for review by the RLA Superintendent.

### **Decision-Making Process:**

The LEA Superintendents each act on behalf of their respective employing school districts (Lodi, Oak View and New Hope), and the LEA Executive Director acts on behalf of Rio Valley Charter School in the SELPA and as members of the SELPA Board of Directors. In addition, the SELPA employs an Executive Director (SELPA Executive Director). The Superintendents of and the districts, the Executive Director of Rio Valley Charter School, or their designee, and the LASER SELPA Administrative Director Student Services/SELPA, collectively, constitute the Superintendents' Council. Meetings of the Council are held regularly or are called at the request of one of the members of the Council. All LEA Superintendents' Council members collectively will have 1 vote.

The following process will be used:

1. Items for consideration may be initiated from a Governing Board, a Superintendent, the Superintendents Council, or the CAC.
2. Items will be presented at meetings for discussion and recommendations.

3. The LASER SELPA Administrative Director Student Services/SELPA will develop a draft proposal, policy position paper.
4. The LASER SELPA Administrative Director Student Services/SELPA will present draft to the Council.
5. The RLA Board of Education reviews the proposal (Local Boards), as appropriate. Each Board accepts the proposal when appropriate. If rejected by one or more boards, the RLA Superintendent activates the mediation process.

At the Superintendents' Council level, issues will be resolved by majority vote. If agreement cannot be reached, the RLA Superintendent or LEA Superintendent will request mediation from the County Superintendent of schools. The resultant recommendation will be advisory to the Superintendents' Council.

At the Governing Boards level, will resolve issues by majority vote. If an agreement cannot be reached, or if a proposal requires unanimous consent from each LEA, the RLA Superintendent or the LEA Superintendent will request mediation from the County Superintendent of schools. The resultant recommendation will be advisory to the Superintendents' Council. Thirty days after the advisory recommendation, the RLA Board has the authority to determine a resolution of the program.

#### **Procedures for Making Changes in the Service Delivery System**

Any of the LEAs comprising the LASER SELPA can request a change in the governance structure and the service delivery system of the LASER through the Superintendent's Council. Changes not agreed to by the Council shall be subject to the mediation process described in this section. Disputes over the distribution of funding, the responsibility for service and other governance activities are subject to the dispute process as provided herein.

### **A 10 (b). Local Plan Implementation**

It is the responsibility of the LEA Superintendents and Executive Director in implementing the Plan to:

1. Participate as a voting member, or designate an alternate participant, on the Superintendents' Council.
2. Implement special education programs and services agreed upon in the Local Plan.
3. Recommend policies governing special education to the local Governing Boards for approval. Review, recommend changes and/or approve the annual budget plan.
4. Provide input to the RLA Superintendent about the selection and evaluation of the SELPA Director and staff.
5. Implement due process policies and procedures and SELPA agreements.

### **A 10 (c). Responsibilities of Each LEA for Coordinating/Administrating Plan**

See A10 (a) and A10 (b)

### **A11 (a). SELPA Roles**

The LEA Superintendents each act on behalf of their respective employing school districts (Lodi, Oak View and New Hope), and the Executive Director acts on behalf of Rio Valley Charter School in the LASER SELPA and as members of the LASER SELPA Board of Directors. In addition, the LASER SELPA employs a LASER SELPA Administrative Director Student Services/SELPA. The Superintendents of the districts, LASER SELPA Administrative Director Student Services/SELPA, collectively, constitute the Superintendents' Council.

Meetings of the Council are held regularly or are called at the request of one of the members of the Council. All LEA Superintendents' Council members collectively will have 1 vote.

The Superintendents' council will also provide input to the RLA Superintendent about the selection and evaluation of the SELPA Director and staff.

Program Specialists shall be employed by the RLA through usual employment procedures of the RLA. Program Specialists shall be under the supervision of the LASER SELPA Director or designee who shall allocate such services throughout the region.

The Superintendents' Council acts as an executive board to establish operational procedures and make decisions in any matter regarding the implementation, administration, evaluation and operation of special education programs and services in accordance with the Local Plan.

The Council shall determine the delivery of services, all matters pertaining to personnel, instruction, and instructional requirements as well as the acquisition, allocation, utilization, and disposal of capital assets and supplies, and other necessary functions. No action will be taken except by majority vote of the members of the Council at an official meeting of that body. A quorum is defined as 75 percent of the members of the Council.

## **A11 (b). SELPA Revenue Sources**

The CDE will allocate Special Education funding to the San Joaquin County Office of Education. Funding will then be allocated to the Administrative Unit ("AU") of the LASER SELPA, which is the RLA, based on decisions made pursuant to the process and guidelines described herein. The LASER SELPA Superintendents' Council shall annually review and approve the distribution of funding based on available dollars, utilization of the funding in each of the LEAs, and requests from any LEA to operate programs. This process allows for the reallocation of funding when necessary and for recapturing funding should the LASER SELPA ever experience declining enrollment.

Funds available are understood to be those allocated to the LASER SELPA on the Advance Certification from the CDE. Each spring the CDE provides funding estimates for the AU of the LASER SELPA using the AB 602 revenue calculations on forms distributed to each SELPA. The LASER SELPA will follow the state apportionment cycle in the distribution of special education revenues.

Revenue limit dollars generated by students in special day classes will be used as a funding source for special education programs in accordance with Education Code requirements. Funding for the LASER SELPA includes Growth, Cost of Living Adjustment ("COLA"), and Equalization allocations, as appropriate, annually as well as any other funding sources allocated to California SELPAs.

Each LEA within the LASER SELPA is assured an equitable share of federal and state special education funds available to the LASER SELPA to provide special education services to residents of the LEAs. Services may be provided through funding allocated to the district of residence, another school district, a county office, or the AU of the LASER SELPA.

### **Allocation of Resources to the LEA**

1. The LASER SELPA has the financial responsibility for special education and support services for all of its students. Distribution of LASER SELPA funding to operate specific LEA programs will be calculated based on the actual costs of all special education programs operated by the LEA during the previous year and will be distributed to the LEA for all such costs. Each spring, funding estimates for the following year will be based on the special education program costs of the LEA program during the previous year. LEA costs will include teacher and instructional assistant

expenses plus other operating costs to include instructional materials, books, equipment, and staff training.

2. Charter schools within the LASER SELPA that operate independently from a school district as an LEA shall be subject to the guidelines within the LASER SELPA. Funding will be provided in the same manner as an LEA but not with the same allocation formula. If any charter school LEA exceeds the funding allocations specified in the Annual Budget as approved by the Superintendents Council, the cost of such excess shall be borne by the charter school LEA responsible for the excess costs.
3. Special education budgeting for AB 602 funds will be based on estimated rates from School Services. Actuals will be based on State certification.
4. Any LEA or charter school applying to be an LEA in LASER SELPA and granted such status will be budgeted at the following rates:

Year 1: Lesser of the Growth rate or LASER SELPA rate

Year 2 and beyond: Lesser of LEA/Charter base + COLA or LASER SELPA base + COLA

5. In the event an LEA, i.e., Lodi, New Hope, Oak View, or Rio Valley Charter School obtains special education services by contracting with an outside entity, funding estimates for the following year will be based on the actual contracted expenses during the previous year and the SELPA will distribute funds for all such costs. Such expenses will include teacher and instructional assistant expenses plus other operating costs to include instructional materials, books, equipment, and staff training.
6. In order to provide prudent fiscal safeguards and a consistent and equitable level of financial support, the allocation for other operating costs shall be based on a formula of \$12.30 per pupil of average daily attendance, or an amount to be determined annually by the LASER SELPA Superintendents' Council.
7. In determining special education allocations for each LEA, the annual P2 certification and the December special education pupil count will be utilized. All identified special education students aged 3 to 22 years will be included in these formulas. Preliminary data gathering will begin in January each year. Priorities will be identified beginning in February and established in May-June. Distribution of dollars should be finalized no later than 30 days after the notification by the CDE of the actual funding available to the LASER SELPA. All recommendations will be presented to the LASER SELPA Superintendents' Council for review and action.
8. The LASER SELPA Administrative Director Student Services/SELPA, in consultation with the Educational Services and Business Divisions of the AU, shall recommend the allocation of funding for instructional staffing. The allocation shall cover all estimated costs and be based on the actual costs of such staff during the previous year. The annual LASER SELPA service delivery and budget allocation plan shall be adopted following a public hearing held by the Board of Education of the AU each year in accordance with the timeline established for adoption of the overall district budget.
9. Changes in funding distribution shall be recommended by the LASER SELPA Administrative Director Student Services/SELPA, in consultation with the Educational Services and Business Divisions of the AU, to the LASER Superintendents' Council. Changes in budget allocations will be reflected on the reporting documents required of the individual LEAs by the CDE. All LEA budgets are approved at public meetings.
10. Proposed changes by an LEA that would impact another LEAs budget or program(s) shall be submitted to the LASER SELPA Administrative Director Student Services/SELPA who will present them to the LASER SELPA Superintendents' Council for consideration. Such changes shall include,

but not be limited to 1) changes in services being provided by an LEA; 2) changes in facility needs/uses; 3) programmatic requests.

11. The audit trail of utilization of federal flow-through funds shall be maintained by setting up a separate budget. The LASER SELPA Administrative Director Student Services/SELPA will assist the Business Division in preparing annual reports based on expenditure information.

### **A11 (c). SELPA Operations and Programs**

The LASER SELPA Administrative Director Student Services/SELPA shall serve on behalf of the member LEAs and implement the Local Plan including the direct instructional support provided by program specialists and the following regionalized services and operations:

- Coordination of the LASER SELPA and the administration of the Local Plan.
- Coordinated system of identification and assessment.
- Coordinated system of procedural safeguards.
- Coordinated system of staff development and parent education.
- Coordinated system of curriculum development and alignment with the core curriculum.
- Coordinated system of internal program review, evaluation of the effectiveness of the local plan and implementation of a local plan accountability mechanism.
- Coordinated system of data collection and management.
- Coordination of interagency agreements.
- Coordination of services to medical facilities.
- Coordination of services to licensed children's facilities and foster family homes.
- Preparation and transmission of required LASER SELPA reports.
- Fiscal and logistical support of the CAC.
- Coordination of transportation services for students with disabilities.
- Coordination of career and vocational and transition services.
- Assurance of full educational opportunity.
- Fiscal administration and the allocation of state and federal funds.
- Direct instructional support provided by Program Specialists.

The LASER SELPA Administrative Director Student Services/SELPA, in conjunction with the Program Specialists and based on service needs, will recommend how Program Specialist services should be allocated throughout the LASER SELPA.

### **A11 (d). SELPA Monitoring**

The audit trail of utilization of federal flow-through funds shall be maintained by setting up a separate budget. The LASER SELPA Director will assist the Business Division in preparing annual reports based on expenditure information.

The LASER SELPA Staff Development Committee shall develop the annual plan based on annual needs assessments. LASER SELPA staff will prepare the Staff Development budget based on the committee's recommendations for the distribution and utilization of state personnel development funds.

Funding to operate special education programs for eligible students 0 through 5 shall be retained by the AU of the LASER SELPA and shall be subject to the terms and conditions of federal and state Infant and Preschool funding and program mandates.

LASER SELPA Low Incidence funding authorization shall be:

1. Based on IEP rationale that the equipment requested will promote the least restrictive environment for the student and minimize the necessity for placement in an isolated setting. A request for the expenditure of such funds for equipment shall be submitted in writing to the LASER SELPA office for administrative approval as appropriate.
2. Requests for specialized services funds shall also be based on documented IEP justification. The LASER SELPA staff will prioritize needs and recommend distribution of available state funds. The use of such services in home and schools is individually determined based on educational needs.

#### **Allocation of Resources to the LASER SELPA AU**

All other LASER SELPA revenue will be retained by the AU of the LASER SELPA. The revenue received will be utilized to operate LASER SELPA-wide programs including: Special Day Classes for Learning Disabled, Communicatively Disabled, Infant, Preschool and K-12 Severely Disabled, Orthopedically and Multi-Disabled students; Resource Specialist Programs, Designated Instruction and Services such as Language, Speech and Hearing ("LSH"), Adapted Physical Education, and Itinerant Services for Vision and Hearing-Impaired students.

The AU will use LASER SELPA revenue to provide psycho-educational assessments to determine special education eligibility, consultation by school psychologists, LSH Specialists and program specialists to determine appropriate services for students in the least restrictive environments, assistive technology, occupational and physical therapy, school nursing services, and administrative support. Regionalized Services funding shall be allocated to the AU for the purpose of ensuring the provision of Regionalized Services specified in Education Code 56836.23.

The AU will use LASER SELPA revenue to support technology and the clerical staff required to comply with all state and federally mandated reports, including the California Special Education Management Information System ("CASEMIS").

The AU will use LASER SELPA revenue to provide legal consultation on all issues related to the operation of effective and legally compliant special education programs and services in all LEAs included in the LASER SELPA. Individual LEA legal advisors shall consult with LASER SELPA legal counsel to determine the most appropriate course of action for both the individual LEA and the LASER SELPA as a whole.

The AU will use LASER SELPA revenue to absorb all unfunded special education expenses for the districts, as well as the Rio Valley Charter School, treated as a school of the district, to include, but not limited to individualized programs, related services, independent evaluations, due process hearings, legal guidance, attorneys' fees, and any other costs as identified by the LASER SELPA's Superintendents' Council. LASER SELPA revenue for the Rio Valley Charter School will be limited to all special education expenses that can be met with existing revenue. Any excess costs for Rio Valley Charter School members are to be covered by the Rio Valley Charter School.

## **A12. Specialized Equipment Allocation**

LASER SELPA Low Incidence funding authorization shall be:

1. Based on IEP rationale that the equipment requested will promote the least restrictive environment for the student and minimize the necessity for placement in an isolated setting. A request for the expenditure of such funds for equipment shall be submitted in writing to the LASER SELPA office for administrative approval as appropriate.
2. Requests for specialized services funds shall also be based on documented IEP justification. The LASER SELPA staff will prioritize needs and recommend distribution of available state funds. The use of such services in home and schools is individually determined based on educational needs.

# **Policies, Procedures, and Programs**

## **B1. Free Appropriate Public Education 20 United States Code (USC)**

### **Section (§) 1412 (a)(1)**

It shall be the policy of each LEA in the LSELPA that a free appropriate public education ("FAPE") is available to all children residing in the LEA between the ages of three through 21 inclusive, including students with disabilities who have been suspended or expelled from school.

## **B2. Full Educational Opportunity 20 USC § 1412 (a)(2)**

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

## **B3. Child Find 20 USC § 1412 (a)(3)**

It shall be the policy of each LEA in the LASER SELPA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children 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.

## **B4. Individualized Education Program and Individualized Family Service Plan 20 USC § 1412 (a)(4)**

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

## **B5. Least Restrictive Environment 20 USC § 1412 (a)(5)**

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

#### **B6. Procedural Safeguards 20 USC § 1412 (a)(6)**

It shall be the policy of each LEA in the SELPA that children with disabilities and their parents shall be afforded all procedural safeguards according to state and federal laws and regulations.

#### **B7. Evaluation 20 USC § 1412 (a)(7)**

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

#### **B8. Confidentiality 20 USC § 1412 (a)(8)**

It shall be the policy of each LEA in the LASER SELPA that the confidentiality of personally identifiable data, information, and records maintained by the LEA relating to children with disabilities and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act ("FERPA"), non-academic programs, and services available to non-disabled children.

#### **B9. Part C, Transition 20 USC § 1412 (a)(9)**

It shall be the policy of each LEA in the LASER SELPA 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.

#### **B10. Private Schools 20 USC § 1412 (a)(10)**

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

#### **B11. Local Compliance Assurances 20 USC § 1412 (a)(11)**

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

#### **B12. Interagency 20 USC § 1412 (a)(12)**

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

### **B13. Governance 20 USC § 1412 (a)(13)**

It shall be the policy of each LEA in the LASER SELPA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the local plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Educational Agency.

### **B14. Personnel Qualifications 20 USC § 1412 (a)(14)**

It shall be the policy of each LEA in the LASER SELPA 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.

### **B15. Performance Goals and Indicators 20 USC § 1412 (a)(15)**

It shall be the policy of each LEA in the LASER SELPA to comply with the requirements of the performance goals and indicators developed by the CDE and provide data as required by the CDE.

### **B16. Participation in Assessments 20 USC § 1412 (a)(16)**

It shall be the policy of each LEA in the LASER SELPA 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.

### **B17. Supplementation of State/Federal Funds 20 USC § 1412 (a)(17)**

It shall be the policy of each LEA in the LASER SELPA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA; will be used to supplement and not to supplant state, local and other Federal funds.

### **B18. Maintenance of Effort 20 USC § 1412 (a)(18)**

It shall be the policy of each LEA in the LASER SELPA that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in Federal law and regulations.

### **B19. Public Participation 20 USC § 1412 (a)(19)**

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

## **B20. Suspension/Expulsion 20 USC § 1412 (a)(22)**

The LEAs assure 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.

## **B21. Access to Instructional Materials 20 USC § 1412 (a)(23)**

It shall be the policy of each LEA in the LASER SELPA 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.

## **B22. Overidentification and Disproportionality 20 USC § 1412 (a)(24)**

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

## **B23. Prohibition on Mandatory Medicine 20 USC § 1412 (a)(25)**

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

# **Administration of Regionalized Operations and Services**

## **C1. Coordination of the LASER SELPA and Implementation of the Local Plan**

The LASER SELPA Administrative Director Student Services/SELPA will coordinate and/or administer all special education services in the LASER SELPA pursuant to rules, guidelines and procedures adopted by the Council. The LASER SELPA Administrative Director Student Services/SELPA will provide leadership for special education within the LASER SELPA. The LASER SELPA Administrative Director Student Services/SELPA in cooperation with the Council will act as the Executive Director, provide coordination among participating LEAs, private providers of services, advisory groups and the Council.

## **C2. Coordinated System of Identification and Assessment**

According to law, all school districts are obligated to identify, locate, and evaluate all children with a suspected disability residing within its jurisdiction through a referral process. (EC 56300 – 56303.) Teachers, parents, and other public and private service providers may refer a student for a special education assessment.

Once a request for assessment has been received by LASER SELPA, the Case Manager:

- Contacts the parents within fifteen (15) days and arranges a meeting to complete the referral paperwork and discuss the assessment plan.
- Meets with parent (and other appropriate professionals) to discuss the reason for the referral, special education procedures, and provides the parents with a copy of the Procedural Safeguards.

- Collaborates with other special education professionals (Classroom teacher, Speech and Language Therapist, Psychologist, etc.) and the parent to develop an assessment plan in the student's/parent's native language based on suspected disabilities.
  - Each assessment plan must take into account the student's primary language and student's English language status.
- Completes the Receipt of Referral.
- Provides copies of all paperwork to parent (PWN and assessment plan).
- Sends original, signed copies to the LUSD Special Education field office.
- Establishes an IEP folder and includes copies of all paperwork in file (once paperwork is received by the Special Education field office, a confidential file folder will be sent to the school).
- Reviews all available information on the student, including General Education cumulative file.
- Obtains written consent from parent to request records from outside agencies if appropriate.
- The Special Education teacher should ask the parent if they would agree to start with an SST. If the parent agrees to postpone the request for testing and proceed with a Student Success Team ("SST") first, have them put that agreement in writing, or send a confirmatory email. This places the request for assessment on hold (briefly and without unnecessary delay) until the SST meets. Going through the SST process prior to agreeing to a referral is recommended *but cannot be required*.

### **C3. Coordinated System of Procedural Safeguards**

Parents, legal guardians, and surrogate parents of students with disabilities are entitled to receive a copy of the "special education rights of parents and children," which is also known as the "notice of procedural safeguards" and the "Written Notice of Procedural Safeguards." Divorced parents who share educational rights of their child(ren) are each entitled to an individual copy of the Notice of Procedural Safeguards. Students who have reached the age of eighteen (18) are also entitled to receive this document, which provides an overview of their educational rights under the IDEA.

The Notice of Procedural Safeguards must be provided to parents:

- When parents ask for a copy;
- The first time their child is referred for a special education assessment;
- Each time they are given an assessment plan to evaluate their child;
- Upon receipt of the first state or due process complaint in a school year;
- When the decision is made to make a removal that constitutes a change of placement (20 USC 1415 (d); 34 CFR 300.504; EC 56301 (d)(2), EC 56321, and EC 56341.1 (g)(1); and
- At least annually (e.g., at the annual IEP).

### **C4. Coordinated System of Staff Development and Parent and Guardian Education**

LASER SELPA has an established process for providing Special Education teachers with a series of trainings to assist in areas such as IEP meeting basics, IEP case management, IEP goal writing, Special Education instruction, etc. Teachers are supported by Special Education Coaches who provide training and supports for IEP meeting facilitation and implementation, and other areas of need to assist in the proper development of IEP management and instruction. General Education Coaches provide subject area instructional support as needed. Other Designated Instruction and Service providers are supported by Leads who provide mentoring and support. Special Education Coordinators oversee each specialized service providers and provide ongoing professional development on designated training days.

The CAC provides regular ongoing parent and guardian education. Topics are identified by CAC stake holders by the use of SELPA wide surveys, CAC meeting feedback, historical topics of interest, etc. Topics are presented by professional experts in the areas identified by CAC consensus. Individual sites within the SELPA provide professional development to support parents, ELD, and other areas of need identified by the sites.

## **C5. Coordinated System of Curriculum Development and Alignment with the Core Curriculum**

LEAs within LASER SELPA have Curriculum Councils and decision-making bodies which are facilitated by an Administrator, who oversees all curriculum adoptions. The councils have various grade level, subject area, and Special Education teachers to provide input and assist with curriculum adoption decisions. Additional parent and community stake holders are also included in curriculum decision making via public forums and questionnaires. Special Education and General Education coaches assist with the standard based alignment of the core curricula in all the subject areas and train in instructional best practices.

## **C6. Coordinated System of Internal Program Review, Evaluation of the Effectiveness of the Local Plan, and Implementation of the Local Plan Accountability System**

Local plan is available to all members of the public and accessible to all site and district staff within LASER SELPA. CAC preview and input are provided annually prior to adoption. Superintendent's Council oversees annual review, evaluation, and implementation of local plan. LASER SELPA Administrative Director Student Services/SELPA facilitates implementation, review, evaluation of effectiveness, and accountability system with Superintendents and Executive Director within LASER SELPA under the direction of the Superintendent of RLA. LASER SELPA Coordinators, Program Specialists, coaches, and other Special Education Staff under the direction of the LASER SELPA Administrative Director Student Services/SELPA, implement services and supports as outlined in Local Plan in compliance with State and Federal guidelines. Regular meetings are held to uphold components of local plan.

## **C7. Coordinated System of Data Collection and Management**

LASER SELPA utilizes SEIS for special education data management/storage and ARIES as a student information system. These electronic databases are used to manage, maintain, and monitor student records and student data. Each District in LASER SELPA is responsible to independently collect and report CALPADS Data to the CDE. Data is shared with RLA superintendent, LEA Superintendents, and Executive Director. LASER SELPA is responsible to review and approve Special Education data semi-annually as per CDE requirements and timelines.

## **C8. Coordinated of Interagency Agreements**

SELPA policies, procedures, and local agreements necessary to support the implementation of the local plan, and as required by legal mandates, have been developed and are available upon request. These documents can be requested through the SELPA office.

## **C9. Coordination of Services to Medical Facilities**

LASER SELPA has agreements with Local medical practices, hospitals, and agencies who provide referrals for Special Education preschool and infant programs. Additionally, psychiatric services are contracted to support student with mental health needs.

## **C10. Coordination of Services to Licensed Children's Institutions and Foster Family Homes**

It shall be the policy of our LEAs that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for free appropriate public education are provided.

## **C11. Preparation and Transmission of Required Special Education Local Plan Area Reports**

LASER SELPA Director under the direction of the RLA Superintendent provides oversight for planning, development, and implementation of Local Plan. Local plan is presented to CAC annually for community input. Local Plan is presented annually to Superintendent's Council for review and adoption. LASER SELPA Director under the direction of the RLA Superintendent oversees transmission of reports and implementation of Local Plan. LASER SELPA policies, procedures, and local agreements necessary to support the implementation of the local plan, and as required by legal mandates, have been developed and are available upon request. These documents can be requested through the LASER SELPA office.

## **C12. Fiscal and Logistical Support of the CAC**

LASER SELPA Director, under the direction of the RLA Superintendent, provides support to CAC officers via training, facilitating elections, providing facility for meetings, advertising meetings, funding resources needed for CAC meetings, and other supports to make CAC operative.

## **C13. Coordination of Transportation Services for Individuals with Exceptional Needs**

Transportation is a "related service" under the IDEA. Transportation is a related service which must be provided if "necessary" for a child to benefit from special education. (20 USC 1401(22).)

"Transportation" may include travel to and from school and specialized equipment (such as special or adapted buses, lifts, and ramps), if such equipment is required to provide special transportation for a child with a disability. (34 CFR 300.24(b)(15).) The appropriate mode of transportation will depend on the student's unique needs. (See 34 CFR 300, Attachment 1; 300.24.)

## **C14. Coordination of Career and Vocational Education and Transition Services**

State and federal law require that transition services are included in a student's IEP by the time the student turns sixteen (16). Determining transition services is a collaborative task for the entire IEP team including the student and parents.

The core post-secondary goals (outcomes) that must be addressed in the transition plan include:

1. Training;
2. Education;
3. Employment; and, as appropriate,

#### 4. Independent living.

Transition activities/services are to be documented in the “Transition Activities” section of the IEP and the accommodation/modifications or services section as appropriate.

Transition planning for students with disabilities age 16 and above is designed to provide exploratory activities including developing a sense of self-awareness and self-determination. Activities involve identifying interests, strengths, and preferences by using interest inventories, transition-planning profiles, interviews, and formal assessments to begin the process of student-centered transition planning. The site administrator/case manager must adhere to the following guidelines to ensure that a student’s Individualized Transition Plan (ITP) has been completed by the time he or she turns 16. The Case Manager shall monitor the IEP annually to ensure that an IEP/ITP meeting is convened before the student turns 16. Assessments at this age are both formal and informal and embedded throughout instruction provided by a teacher. An assessment plan must be created by Special Education staff and then signed by parent or guardian before any assessments take place. The IEP Team can determine a transition plan is appropriate earlier than 16.

### **C15. Assurance of Full Educational Opportunity**

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

### **C16. Fiscal administration and the allocation of state and federal funds pursuant to *EC* Section 56836.01—The LASER SELPA Administrative Director Student Services/SELPA’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.**

Districts and the County Office of Education (“COE”) acknowledge the obligation to maintain the level of general fund contribution towards the provision of special education services at a level equal to or greater than of the prior year, noting the limited exceptions to maintenance of effort provided for in state and federal law.

State Special Education Revenue and Federal Local Assistance Grant funds, are distributed on an Average Daily Attendance (“ADA”) basis, after regionalized services are funded first. These services include partial funding for county operated programs, LASER SELPA office operations, pooled funds for a variety of purposes including a and agency placements, legal defense, catastrophic costs, etc. All direct allocations to districts are distributed proportionally, based on ADA. All property taxes allocated to the LASER SELPA are used to partially fund county operated special education programs.

Infant Discretionary funds are allocated pursuant to applicable state and federal laws, and are used to fund regionalized, county operated special education programs for students with severe disabilities. Preschool local assistance funds are also allocated pursuant to applicable state and federal laws, and are used to fund district operated, preschool special education programs for students with mild and moderate disabilities.

Revenue subject to the LASER SELPA allocation Model include the following:

- a) IDEA Basic Local Assistance Entitlement, Part B (RS 3310),
- b) IDEA Local Preschool Grant, Part B (RS 3315)
- c) IDEA Mental Health Allocation Plan, Part B (RS 3327)
- d) IDEA Early Intervention Grants, also referred to as Part C, Early Start (RS 3385)
- e) IDEA Preschool Staff Development, Part B, (RS 3345)
- f) IDEA Alternative Dispute Resolution (RS 3395)
- g) State Special Education, also referred to as AB 602, (RS 6500)
- h) State Special Education: Mental Health Services, also referred to as AB 114, (RS 6512)
- i) State Special Education: Infant Discretionary Funds (RS 6515)

#### **Age 0-3 years, Infant/Toddler Funds**

Infant special education funds, including RS 3385 and RS 6515, are transferred to the LASER SELPA to operate the Early Start (age 0-3 years) special education program. **Age 3-22 years,**

#### **School Age Funds**

After regionalized services are funded, State and Federal special education funds, including RS 3310, RS 3315, RS 3327, RS 3345, RS 3395, RS 6500 and RS 6512, are allocated based upon prior year ADA.

Regionalized services, funded prior to distribution of revenue apportioned for 3-22 year old students, include:

- a) LASER SELPA operated Moderate to Severe disabilities Special Day Class (“SDC”) Program,
  - i) The Moderate to Severe SDC Program includes all related services, except transportation
  - ii) All property taxes allocated to the LASER SELPA are used to partially fund LASER SELPA operated special education programs to reduce the state revenue apportioned to LASER SELPA.
- b) LASER SELPA operated Deaf Hard-of-Hearing (“DHH”) program
- d) LASER SELPA Services, as directed by the Superintendent’s Council annually, including but not limited to:
  - i) the LASER SELPA office;
  - ii) funds for California Children’s Services (“CCS”) equipment;
  - iii) special education database contract;
  - iv) Low Incidence revenue; and
  - v) Staff development funds.

### **C17. Direct instructional program support that maybe provided by program specialists in accordance with EC Section 56368:**

Program Specialists in LASER SELPA are required to hold a valid special education credential, clinical services credential, health services credential, or a school psychologist authorization and has advanced training and related experience in the education of individuals with exceptional needs and a specialized in-depth knowledge in preschool disabilities, career vocational development, or one or more areas of major disabling conditions.

Program Specialist duties are as follows:

1. Observe, consult with, and assist resource specialists, designated instruction and services instructors, and special class teachers.
2. Plan programs, coordinate curricular resources, and evaluate effectiveness of programs for individuals with exceptional needs.

3. Participate in each school's staff development, program development, and innovation of special methods and approaches.
4. Provide coordination, consultation, and program development primarily in one specialized area or areas of his or her expertise.
5. Be responsible for assuring that pupils have full educational opportunity regardless of the district of residence.

## **Special Education Local Plan Area Services**

### **D1. A Description of Programs for Early Childhood Special Education from Birth to Five Years of Age**

A collaborative effort will continue with all agencies in LASER SELPA to ensure services to infants and their families. The collaborative between Valley Mountain Regional Center and Early Head Start. For a listing of programs for early childhood special education programs and services for children aged three through five years of age, see the Annual Service Plan.

### **D2. 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 LASER SELPA governing body or individual administrator**

Members of the public, including parents or guardians of students with disabilities, staff, public and non-public agencies, and members of the public at large, may address questions to the governing boards of the LEAs, the RLA, and the Superintendents' Council.

### **D3. 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**

Disputes over the distribution of funding, the responsibility for service and other governance activities are subject to the dispute process as provided herein.

#### **Procedures for Conflict Resolution**

In the event the Superintendents' Council cannot achieve that consensus in the decision-making process either or the Governing Boards will activate the following procedures for mediation of differences.

#### **Level I Procedure**

Superintendent's  
Council

Will resolve issues by majority vote. If agreement cannot be reached, the RLA Superintendent or LEA Superintendent will request mediation from the County Superintendent of schools. The resultant recommendation will be advisory to the Superintendents' Council.

**Level II  
Procedure**  
Governing Boards

Will resolve issues by majority vote. If an agreement cannot be reached, or if a proposal requires unanimous consent from each LEA, the RLA Superintendent or the LEA Superintendent will request mediation from the County Superintendent of schools. The resultant recommendation will be advisory to the Superintendents' Council. Thirty days after the advisory recommendation, the RLA Board has the authority to determine a resolution of the program.

**D4. 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**

A student shall be referred for special education instruction and services only after the resources of the regular education program have been considered and used where appropriate.

**D5. 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**

During the period when any student with disabilities is placed in a nonpublic, nonsectarian school or agency, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in his/her IEP.

**D6. 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.)**

**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.)**

Local COE provides for the administration and operation of juvenile court schools established pursuant to Section 48645.1 (EC Section 48645.2). LASER SELPA Director under the direction of RLA Superintendent will work collaboratively with COE to offer FAPE to students eligible for special education services as they are discharged from adult/juvenile detention facilities and return to LASER SELPA jurisdiction.

*Adopted by LASER Superintendents' Council 6-9-21*