

V. COMPLIANCE AND INTERAGENCY

**INTERAGENCY
FEDERAL ASSURANCE POLICY**

It shall be the policy of each LEA 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.

Legal Reference:

20 USC 1412 (a)(12)

Approved by Governing Council on October 12, 2007

**LOCAL COMPLIANCE
LOCAL POLICY**

It shall be the policy of this Local Education Agency (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 (IDEA), Section 504 of Public Law and the provisions of the California Education Code, Part 30.

The Local Plan will be reviewed and updated annually if necessary. Updates will be approved by the Governing Council in an open meeting.

Legal Reference:

EC 56205(a)(11)

Approved by Governing Council on October 12, 2007

**LOCAL COMPLIANCE ASSURANCES
FEDERAL ASSURANCE POLICY**

It shall be the policy of each 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.

Legal Reference:

20 USC 1412 (a)(11)

Approved by Governing Council on October 12, 2007

**LOCAL COMPLIANCE ASSURANCES
FEDERAL ASSURANCE ADMINISTRATIVE REGULATION**

The Local Education Agencies (LEAs) within the San Luis Obispo County Special Education Local Plan Area (SELPA) shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special instruction or related services, a system of procedural safeguards that includes records, an impartial hearing with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. Compliance with 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.

The LEAs within San Luis Obispo County SELPA recognize the need to identify and locate every qualified person with a disability residing within the LEA who is not receiving a public education and take appropriate steps to notify those persons and their parents or guardians of the LEAs duties under Section 504 of the Rehabilitation Act of 1973. Specifically, the LEA shall make efforts to identify students with physical and/or mental impairments which substantially limit a major life activity in order to provide those students with appropriate educational opportunities. Major life activities include, but are not limited to seeing, hearing, speaking, walking, breathing, learning, working, caring for oneself, and performing manual tasks. The LEA's governing board further adopts a policy of nondiscrimination in provision of educational services. Eligible students with disabilities under this act between the ages of 3 and 21 who have not graduated are covered by these procedures.

The LEAs recognize that special procedures and guidelines may be necessary when disciplining an identified 504 student in order to ensure that the student is not disciplined for conduct which is caused by his or her disability. Parents or guardians who allege that the LEA has violated the provisions of Section 504 may:

1. File a complaint with the LEAs Section 504 coordinator, who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution; or
2. File a complaint with the Office of Civil Rights

Federal and state law requires the California Department of Education (CDE), as the State Education Agency (SEA), to enforce local compliance with laws guaranteeing children with disabilities a free appropriate public education (FAPE) (20 U.S.C Section 1412 (a)(11); 34 CF.R. Section 300.600; Ed. Code Section 56000). CDE has established a process to monitor complaints and timelines associated with complaints through

COMPLIANCE ASSURANCES (cont.)

FAAR

individual compliance complaint investigations, the coordinated compliance review (CCR), and the quality assurance process (QAP). A complaint investigation is a formal inquiry required by federal and state law when it is alleged that a public education agency has not followed a special education law or regulation. An investigation is required when it is alleged that:

- A due process final decision has not or is not being implemented
- The health, safety, and welfare of a student or students are of concern
- Federal law (Part B of IDEA) is not being followed
- The student's Individualized Education Program (IEP) is not being implemented as written
- A public agency, other than the Local Education Agency (LEA), has failed or refused to comply with an applicable law or regulation relating to the provision of FAPE to students with disabilities (Government Code Section 7570, i.e., Mental Health, etc.)

The LEAs within the San Luis Obispo County SELPA will follow the timelines and processes established by the CDE as it relates to compliance issues. Upon receipt of a complaint, the LEAs will within the 10-day timeline for local resolution (if appropriate):

1. Contact the CDE complaint investigator to clarify the complaint and to negotiate the local findings needed to clear the complaint
2. Contact the parent to clarify the issues
3. Conduct a fact finding process on the case related specifically to the complaint allegations (determine what will need to be reviewed: IEP, assessment plan, site logging procedure for referral, timelines for assessment/IEP, etc.)
4. Conduct a local investigation

If a complaint is filed, the following steps should be followed:

1. The LEA will attempt to negotiate a resolution to the issues identified in the complaint document if the complaint is not settled by the ninth day of the ten-day timeline
2. The LEAs within San Luis Obispo County SELPA will contact the CDE (verbal or written communication) and provide an update as to the status of the case
3. The LEA will attempt to secure a timeline extension with the parent in order to continue a negotiated resolution at the local level
4. The LEA will provide CDE a copy of the written time extension. The LEA will request that CDE approve the timeline extension.
5. The LEA will receive written communication from CDE with a copy to the parent of the agreements related to extending the timeline in order to continue to resolve the issues at the local level

COMPLIANCE ASSURANCES (cont.)

FAAR

If the LEA and parent are able to resolve the issues identified in the complaint document:

1. The LEA will use the CDE provided complaint resolution form and record information gathered in the investigation, resolution achieved, obtain appropriate signatures, fax and send hard copies of the report to the CDE investigator

If no resolution is reached due to (but not limited to) the following:

1. LEA investigation findings do not substantiate the parent's complaint allegations.
2. LEA and parent are unable to find a "win-win" resolution to the allegations substantiated in the investigation
3. LEA and special education service provider are not able to negotiate a resolution

The LEA contacts CDE to notify that no resolution can be reached; the CDE will conduct their own investigation and provide both parties with their findings.

If the LEA disagrees with the CDE findings or concessions, they may choose not to sign the Report of Complaint Resolution, implying continued CDE investigation. If the LEA agrees with CDE findings and signs the document, the LEA will insure that the findings are cleared within the timelines agreed to by the LEA.

LEAs acknowledge their responsibility and liability to their SELPA LEA members by following federal and state laws and time lines related to the filed complaint. LEAs recognize that any prolonged and substantial noncompliance, determined through CDE monitoring or investigation, may result in CDE imposed sanctions that may have a negative effect on the SELPA or the LEA member of the San Luis Obispo County SELPA.

The SELPA director will inform the Governing Council, at a public meeting, of a LEAs prolonged and substantial noncompliance. The item will be placed on the public meeting agenda.

The Governing Council may:

1. Provide a directive to the LEA through an action
2. Ask the Administrative Unit Superintendent to mediate with one or all parties

Approved by Governing Council on October 12, 2007

**DATA
FEDERAL ASSURANCE POLICY**

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

Legal Reference:

20 USC 1418 a-d

Approved by Governing Council on October 12, 2007

**PERFORMANCE GOALS AND INDICATORS
FEDERAL ASSURANCE POLICY**

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

Legal Reference:

20 USC 1412 (a)(15)

Approved by Governing Council on October 12, 2007

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**PERFORMANCE GOALS AND INDICATORS
LOCAL POLICY**

It shall be the policy of the San Luis Obispo County Special Education Local Plan Area (SELPA) to comply with the requirements of the performance goals and indicators developed by the state, and provide data as required by the state.

Legal Reference:

EC 56138

EC 56205 (a)

20 USC 1412 (a)(16)

Approved by Governing Council on June 18, 2004

**COORDINATION WITH OTHER LOCAL AGENCIES
LOCAL POLICY**

Provision of Services From Other Agencies

The Local Education Agency (LEA) is responsible for obtaining all services and service providers as required in the Individualized Education Program (IEP). The LEA shall monitor the statutory timelines to ensure that services are provided without delays.

Procedures for Obtaining Related Services Provided by Another Agency

San Luis Obispo County Special Education Local Plan Area (SELPA) has interagency agreements with the Mental Health Department of San Luis Obispo County, California Children's Services (CCS), and Tri-Counties Regional Center (TCRC). County Mental Health provides mental health services to students who meet their eligibility criteria. CCS provides occupational therapy and physical therapy when it is medically necessary and meets eligibility criteria. TCRC provides various support services to eligible clients based on an application process.

Assurance of Services When Another Agency Fails to Provide Related Services

When another agency providing a related service fails to provide the service listed on the IEP, the LEA is responsible and shall provide the service in accordance with an IEP, unless otherwise provided by law, without a disruption in service, and at no cost to the parent. The LEA would then have the option of seeking reimbursement from the agency through due process.

Legal Reference:

EC 56195.7 (d-g)

EC 56205(a)

Approved by Governing Council on June 18, 2004

San Luis Obispo County Special Education Local Plan Area

MENTAL HEALTH INTERAGENCY AGREEMENT
(see insert)

**AGREEMENT CONCERNING CALIFORNIA CHILDREN'S SERVICES (CCS)
LOCAL POLICY**

Special Education Local Plan Areas (SELPA) or County Office of Educations (COEs) are required to provide space within educational settings for medical treatment provided by CCS. This requirement finds its basis in state law, state interagency agreement, and our local plan.

The LEAs of SELPA agree upon the following:

1. Operational costs of CCS shall be a SELPA function
2. Cost incurred by the SELPA for support of CCS should be distributed to the LEAs in an equitable manner
3. LEAs that provide support (such as building, utilities, maintenance, and/or cleaning) for any CCS programs should be able to claim reimbursement through the SELPA on a pre-agreed upon basis
4. Any changes in the location of CCS facilities should occur based upon the agreement noted in #3

Approved by Governing Council on June 17, 2005

CCS INTERAGENCY AGREEMENT
(see insert)

TCRC INTERAGENCY AGREEMENT – PART B
(see insert)

**PART C – EARLY INTERVENTION SERVICES
FEDERAL ASSURANCE POLICY**

56205(b)(3), 56429, 14 GC 95000 et. seq., 17 CCR 52000-52175

It shall be the policy of each Local Education Agency (LEA) to submit the Part C Local interagency agreements to the state as part of the Annual Service Plan.

Approved by Governing Council on June 26, 2003

**PART C – EARLY INTERVENTION SERVICES
LOCAL POLICY**

It shall be the policy of the San Luis Obispo County Special Education Local Plan Area (SELPA) to maintain the Part C (Infant) interagency agreement with the Tri-Counties Regional Center and to submit a description of programs and services as part of the annual service plan to the state as required.

Legal Reference:

EC 56205 (b)(3)

EC 56429

14 GC 95000 et. seq.

17 CCR 52000-52175

Approved by Governing Council on June 18, 2004

TCRC INTERAGENCY AGREEMENT – PART C
(see insert)

**PART C, TRANSITION
FEDERAL ASSURANCE POLICY**

It shall be the policy of each 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.

Legal Reference:

20 USC 1412 (a)(9)

Approved by Governing Council on October 12, 2007

**PART C, TRANSITION TO PRE-SCHOOL
LOCAL POLICY**

It shall be the policy of the San Luis Obispo County Special Education Local Plan Area (SELPA) that children participating in Early Intervention Programs (IDEA, Part C) and who will participate in preschool programs (IDEA, Part B) experience a smooth effective transition between these programs.

Legal Reference:

EC 56205 (a)(9)

EC 56426.9

EC 56429

17 CCR 52140

20 USC 1412 (a)(9)

20 USC 1431

Approved by Governing Council on June 18, 2004

HEAD START INTERAGENCY AGREEMENT
(see insert)