

***ASSURANCES,
POLICIES, AND
REGULATIONS***

I. STUDENT

**FREE APPROPRIATE PUBLIC EDUCATION (FAPE)
FEDERAL ASSURANCE POLICY**

It shall be the policy of each LEA that a free appropriate public education 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.

Legal Reference:

20 USC 1412 (a)(1)

Approved by Governing Council on October 12, 2007

**FREE APPROPRIATE PUBLIC EDUCATION (FAPE)
LOCAL POLICY**

The San Luis Obispo County Special Education Local Plan Area (SELPA) provides a FAPE to all individuals with disabilities between the ages of 3 through 21 years who reside within the SELPA, including children who have been expelled or placed by a LEA in a nonpublic school or agency.

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

Free and appropriate public education (FAPE) means special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the California Department of Education; include appropriate services for children ages 3 through 21 years; and are provided in conformity with the student's individualized education program. The right to FAPE extends to students who are expelled or placed by the district in nonpublic school or agency services.

Legal Reference:

EC 48926

EC 56031

EC 56040

EC 56205

EC 56303

EC 56345 (b)(3)

EC 56368

5 CCR Chapter 3, Article 1, Section 3001(b)

20 USC Section 1412

CFR 300.24

CFR 300.300 (a)(3)

CFR 300.340-300.351 of Part B Regulations

Approved by Governing Council on June 18, 2004

**FULL EDUCATIONAL OPPORTUNITY
FEDERAL ASSURANCE POLICY**

It shall be the policy of each Local Education Agency (LEA) that all pupils with disabilities have access to the variety of educational programs, non academic and extra-curricular services and activities available to nondisabled pupils.

Legal Reference

20 USC 1412 (a)(2)

Approved by Governing Council on October 12, 2007

**FULL EDUCATIONAL OPPORTUNITY
FEDERAL ASSURANCE ADMINISTRATIVE REGULATION**

In order to ensure that all students with disabilities have equal access to the variety of educational programs and services available to students without disabilities, including nonacademic and extracurricular services and activities, each LEA shall implement nondiscriminatory universal access opportunities to all such services and activities available to students who are not disabled. Access may include, but is not limited to: physical (transportation, structural); communicative (sign language or other than English interpreters); information (outreach, notices); or other as determined by the Individualized Education Program (IEP) team. Such provisions apply whether or not students are enrolled on a general education campus and are equally applicable to academic, nonacademic, and social activities.

Each LEA through the IEP process shall review the special education services provided to students to ensure adequate yearly progress is occurring. Adequate yearly progress can be addressed through a variety of data collection activities including but not limited to: STAR/CAPA testing, standards-based goals and objectives, curriculum assessments and portfolios. Per the Rowley Decision (1982), the Supreme Court decision indicated that the federal law (PL 94142) generates no additional requirement that the services provided be sufficient to maximize each child's potential commensurate with the opportunity provided other students and that the IEP development is reasonable, and calculated to enable the child to receive educational benefit.

The LEAs within the San Luis Obispo County Special Education Local Plan Area (SELPA) will consider the full inclusion test outlined in the 9th Circuit Court of Appeals decision in *Holland v. Sacramento City Unified School District*:

- The educational benefits available to the student in a general education classroom supplemented with appropriate aids and services, as compared with the educational benefits of a special education classroom
- The nonacademic benefits of interaction with students who are not disabled
- The effect of the student's presence on the teacher and other students in the classroom

Each LEA that contracts with a nonpublic, nonsectarian school shall evaluate the placement of its pupil(s) in such schools on, at least, an annual basis as part of the annual IEP review. The local education agency representative shall review the master contract, the individual services agreement, and the IEP to ensure that all services agreed upon and specified in the IEP are provided. Nonpublic, nonsectarian 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 LEA representative shall collaboratively review with the nonpublic, nonsectarian school the evaluations conducted by the nonpublic, nonsectarian school to ensure that they were appropriate and valid for

FULL EDUCATIONAL OPPORTUNITY (cont.)

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measuring pupil progress. The LEA may choose to administer additional assessments as necessary, with parent consent, to determine whether the pupil is making appropriate educational progress.

Approved by Governing Council on June 17, 2005

**FULL EDUCATIONAL OPPORTUNITY
LOCAL POLICY**

Full educational opportunity means that students with disabilities have the right to full educational opportunities to meet their unique needs, including access to a variety of educational, non academic programs and services available to nondisabled students regardless of their district of residence.

Approved by Governing Council on October 12, 2007

**CHILD FIND
FEDERAL ASSURANCE POLICY
56205(a), 56301**

It shall be the policy of each LEA that all children with disabilities residing in the SELPA, 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.

Legal Reference:

20 USC 1412 (a)(3)

Approved by Governing Council on October 12, 2007

**CHILD FIND
LOCAL POLICY**

The San Luis Obispo County Special Education Local Plan Area (SELPA) carries out a variety of activities to ensure that all individuals with disabilities residing within its jurisdiction, including students with disabilities that are homeless, wards of the State, and attending private schools, who are in need of special education and related services, are identified, located, and evaluated. These activities include maintaining an ongoing system of coordination, documentation, and reporting with regard to child find and public awareness activities throughout the SELPA, as required by statutes and regulations.

Legal Reference:

EC 56205 (a)

EC 56301

20 USC Section 1412 (a)(3)(A-B)

34 CFR Sections 300.125

Approved by Governing Council on October 12, 2007

**CHILD FIND
LOCAL ADMINISTRATIVE REGULATION**

Identification, Location and Evaluation

The San Luis Obispo County SELPA maintains an ongoing effort to identify all individuals with disabilities, including infants, children for whom English is not a primary language, students with low incidence disabilities, students attending private schools, highly mobile children, and homeless children, who are suspected of having a disability.

The San Luis Obispo County SELPA has interagency agreements and/or collaboratives with Tri-Counties Regional Center (TCRC), Head Start, California Children's Services, Mental Health, Department of Social Services, and others as appropriate in the identification of individuals with disabilities. Materials are distributed to pediatricians, health care professionals, and other agencies within the SELPA.

Each Local Education Agency within the SELPA has established procedures for the identification, location, and evaluation of students who may require special education services. Information regarding child find activities is included in the annual notice that is distributed to parents of all children.

Private School Representatives

At least annually, the SELPA will, in writing, notify private schools regarding procedures for identification for children with disabilities.

Written Request for Referral

The SELPA provides training on referral procedures. The LEA is responsible for written notification to all parents, upon enrollment of their child(ren) and annually thereafter, regarding the right to initiate a referral and to review or to file a complaint concerning an alleged violation of special education laws or regulations.

Assistance to Parents in Filing a Written Request

If a parent makes a verbal request for special education assessment, the public school employee responsible for receiving referrals will inform/assist the parent of the need to file a written request. The LEA employee will provide the parent with assistance, as needed, in completing the written request.

CHILD FIND (cont.)

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Information to Non English Speaking Parents

If a parent whose primary language is not English makes a verbal request for special education assessment, the LEA employee responsible for receiving referrals will inform the parent of the need to file a written request through the use of an interpreter or by providing the parent with written information in the parent's primary language. The LEA employee will provide the parent with assistance, as needed, in completing the written request.

Approved by Governing Council on June 18, 2004

**PROVISION OF SPECIAL EDUCATION SERVICES
TO STUDENTS WITH DISABILITIES
LOCAL POLICY**

It is the intention of the Special Education Local Plan Area (SELPA) to provide a full continuum of services to students with disabilities, including students in charter schools, throughout the geographic region of the SELPA. Access to services is through each of the Local Education Agencies (LEAs). The referral, assessment and Individualized Education Program (IEP) process is utilized to identify the needs of each individual student with disabilities. The LEAs have committed to SELPA policies and procedures to assure that students will have appropriate services provided in the least restrictive environment.

The Special Education Operations Committee (SEOC) shall identify, on an annual basis, any unmet needs for students within the SELPA. When services are required beyond the programs and services being provided by any LEA, a plan shall be developed for consideration by the Governing Council. Any plan having a fiscal impact on LEAs shall be reviewed and approved by the Governing Council.

Approved by Governing Council on June 26, 2003

**OVERIDENTIFICATION AND DISPROPORTIONALITY
FEDERAL ASSURANCE POLICY**

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

Legal Reference:

20 USC § 1412 (a)(24)

Approved by Governing Council on October 12, 2007

**PREVENTION OF SIGNIFICANT DISPROPORTIONALITY
LOCAL ADMINISTRATIVE REGULATION**

Members of the San Luis Obispo SELPA recognize that practices which lead to the unintentional overrepresentation in special education of any racial, ethnic, gender, or disability group is an unacceptable practice. It is further recognized that prevention will occur largely through research based, proven effective, planned general education interventions, especially in the area of reading which the LEAs are moving toward. The member LEAs shall institute practices to prevent significant disproportionality of students receiving special education services by following this local administrative regulation and other local policies and regulations found in the Local Plan and associated Procedures Manual. To insure the prevention of significant disproportionality, member LEAs shall institute or continue practices to prevent disproportionality while securitizing data and practices on an ongoing basis relating to the following areas:

Identification of Students with Disabilities

The member LEAs shall locate, identify and assess all children age birth thru 21 in need of special education and related services by conducting the following local policies and regulations and implementing/continuing the following practices:

1. Locating and identifying all students with disabilities in need including those who are:
 - a. Enrolled in private schools, including religious schools
 - b. Highly mobile, including migrant and homeless
 - c. Advancing from grade to grade
 - d. Wards of the state/courts
2. Assessing all students with disabilities in need and demonstrating the following:
 - a. The Assessment Plan will be presented within 15 days of referral for initial and three year reevaluation. The Plan will be presented in the primary language/mode of communication of the parents (LEAs have agreed to follow Local Policy on initial and reevaluation in this section of the Local Plan).
 - b. LEAs will use the SELPA Assessment Plan form which contains an area for a statement of the student's primary language and English language proficiency status. LEAs will complete these statements based on the student's individual needs.
 - c. Districts will conduct a complete individual assessment of all students based on the individual needs of the student (LEAs have agreed to follow Local Policy on initial and reevaluation in this section of the Local Plan).
 - d. The Assessment Report shall contain reference to a student's LEP status; their primary language; and the validity of assessment material and procedures (LEAs have agreed to follow Local Policy on initial and reevaluation in this section of the Local Plan and Section E of the Procedures Manual).

PREVENTION OF SIGNIFICANT DISPROPORTIONALITY (CONT'D)

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- e. The Assessment Report shall contain information relating to enabling the child to be involved in and progress in the general Education Curriculum (LEAs have agreed to follow Local Policy on initial and reevaluation in this section of the Local Plan and Section E of the Procedures Manual).
- f. African-American students will not be assessed using IQ tests to obtain information concerning cognitive development.
- g. The Assessment report will address how assessments were conducted for a student whose primary language is not English.
- h. When an interpreter is used, the assessment report will contain a statement concerning the validity of the assessments.
- i. The Assessment Report shall contain a statement of determination of the effects of environmental, cultural, or economic disadvantage on the assessment outcomes.

Placement

LEAs will insure that IEP development, Notice of IEP meetings, and written Prior Notice do not lead to disproportionality by complying with the practices below:

- 1. IEPs
 - a. IEPs will contain information relating to assessments conducted for students whose primary language is not English.
 - b. Provide necessary assistance for the parent to understand the proceedings, including interpreters or translators.
 - c. IEP team must consider the individual language needs of the student, including linguistically appropriate goals, objectives, programs and services for EL students.
- 2. Notice
 - a. Notice is provided in the native language of the parent, or other mode of communication used by the parent, when feasible.
 - b. When a parent's mode of communication is non-written, the LEA will provide notice in an understandable form to the parent.

Discipline

The member LEAs have agreed to follow the provisions of IDEA-04, its regulations, the state education code and the San Luis Obispo SELPA Procedures Manual when suspending and/or expelling a student with disabilities. Beyond these, LEAs will:

- 1. Have local policies in place for the suspension and expulsion of all students which will be used for students with disabilities if it is found that their offense was not a manifestation of their disability.
- 2. Monitor their use of discipline procedures to determine if LEA procedures are resulting in a significant disproportionality in reference to any racial, ethnic, gender, or disability group enrolled in special education.

PREVENTION OF SIGNIFICANT DISPROPORTIONALITY (CONT'D)

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Data Collection and Review

Member LEAs will review State Performance Plan data to identify areas of disproportionality. LEA members agree to biannually review data gathered through CASEMIS or the SELPA-wide electronic IEP system to insure the unintentional disproportionality is not occurring because of failure to carry out the practices noted in this regulation or any other policies/regulations found in the Local Plan.

Approved by Governing Council on October 12, 2007

**IDENTIFICATION OF STUDENTS WITH LEARNING DISABILITIES
LOCAL POLICY**

It shall be the policy of the San Luis Obispo County Special Education Local Plan Area that member LEAs will use the State established discrepancy formula to determine individual student's eligibility for special education services under the category of Specific Learning Disabilities. This policy requires that assessment will follow the procedures defined in EC 56337 and CCR 3030. This policy shall remain in effect until the California Department of Education provides direction concerning other acceptable methods of identifying students with Specific Learning Disabilities and the participating LEAs reach a majority vote on method(s) to be used.

Approved by Governing Council on October 10, 2008

**PROCEDURAL SAFEGUARDS
FEDERAL ASSURANCE POLICY**

It shall be the policy of each 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.

Legal Reference:

20 USC 1412 (a)(6)

Approved by Governing Council on October 12, 2007

**PROCEDURAL SAFEGUARDS
FEDERAL ASSURANCE ADMINISTRATIVE REGULATION**

Each LEA shall ensure that parents be afforded all procedural safeguards and receive written notification of their procedural safeguards including their right to file a complaint or for a due process hearing. A copy of the procedural safeguards shall be given to the parents, only one time a year, except upon:

1. Initial referral
2. Parent request for evaluation
3. First filing for a due process hearing
4. Upon parent request

The notice of procedural safeguards shall be available in the primary language of parents upon their request, unless to do so is clearly not feasible. The written notice shall be in a language easily understood by the general public and shall include the following:

1. The right to initiate a referral of a child for special education services
2. The right to obtain an independent educational assessment.
3. The right to participate in the development of the IEP and to be informed of the availability of a FAPE and of all alternative programs, both public and nonpublic

Planning for the needs of non-English speaking parents shall include access to interpreters and translators, unless to do so is clearly not feasible.

The procedural safeguards are developed by the SELPA office, approved by the SELPA legal counsel, and distributed to all LEAs. The SELPA will update the procedural safeguards on an as needed basis due to changes in the federal or state law.

Legal Reference:
EC 56301(d)(2)

Approved by Governing Council on October 12, 2007

**PROCEDURAL SAFEGUARDS
FEDERAL ASSURANCE EXHIBIT**

See the current year SELPA Procedures Manual for procedural safeguards.

- English Version
- Spanish Version

Approved by Governing Council on September 8, 2006

**PROCEDURAL SAFEGUARDS
LOCAL POLICY**

The San Luis Obispo County SELPA Parental Rights and Procedural Safeguards for Special Education will be given in writing to parents/person with educational rights one time a year, except upon initial referral, parent request for assessment, filing for a due process hearing, or upon parent request. A copy of the procedural safeguards will be posted on the SELPA internet website and may be posted on the district's Internet website.

Legal Reference:
EC 56301(d)(2)

Approved by Governing Council on October 12, 2007

**PROCEDURAL SAFEGUARDS AND COMPLAINTS
LOCAL ADMINISTRATIVE REGULATION**

Informal Process/Pre-Hearing Mediation Conference

Before requesting a due process hearing, the superintendent or designee and a parent/guardian may agree to meet informally or through San Luis Obispo County Special Education Local Plan Area's (SELPA's) alternative dispute resolution process to resolve any issue(s) relating to the identification, assessment or education and placement of the student. The superintendent or designee shall have the authority to resolve the issue(s). (Education Code 56502)

In addition, either party may file a request with the Superintendent of Public Instruction for a mediation conference to be conducted by a person under contract with the California Department of Education. Based on the mediation conference, the superintendent or designee may resolve the issue(s) in a manner that is consistent with state and federal law and is to the satisfaction of both parties. (Education Code 56500.3)

Attorneys may attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing. (Education Code 56500.3, 56501)

If either of these processes fails to resolve the issue(s), either party may file for a state-level due process hearing.

Specific filing procedures are outlined in the San Luis Obispo County SELPA Parental Rights and Procedural Safeguards for Special Education.

Approved by Governing Council on June 18, 2004

**EVALUATION
FEDERAL ASSURANCE POLICY**

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

Legal Reference:

20 USC 1412 (a)(7)

Approved by Governing Council on October 12, 2007

**ANNUAL/TRIENNIAL REASSESSMENT
FEDERAL ASSURANCE ADMINISTRATIVE REGULATION**

Each LEA in the San Luis Obispo County Special Education Local Plan Area (SELPA) shall complete all special education assessments within required timelines per federal and state laws and regulations. Each LEA in the SELPA shall complete triennial assessments within required timelines. Informal assessments may be used, as necessary, to provide the IEP team sufficient information to review the child's progress annually and the appropriateness of service(s).

Each LEA shall conduct a reassessment of each student with a disability if conditions warrant a reassessment, or if the student's parent or teacher requests a reassessment, but at least once every three years. A response will be made to parents within 15 days. Each LEA will monitor this data for compliance. Formal assessments shall require written parent consent on the SELPA assessment plan form.

Each LEA and the COE shall develop a process for monitoring the CASEMIS data. Each LEA and service provider shall meet the State Performance Plan Indicators (SPPI) of two percent or less of out-of-compliance annual and triennial IEPs.

Approved by Governing Council on October 10, 2008

**ANNUAL/TRIENNIAL REASSESSMENT
LOCAL POLICY**

Identification-Referral-Assessment-Reassessment-Planning/Implementation-Review

The San Luis Obispo County SELPA has established written policies and procedures for identification-referral-assessment-planning/implementation-review. This process includes prior notification of rights at the time of initial referral for special education assessment, three (3) year reassessment, and annual review.

Special education means specially designed instruction, at no cost to the parent/guardian, to meet the unique needs of individuals with disabilities, whose educational needs cannot be met with modification of the regular instruction program, and related services, at no cost to the parent/guardian, that may be needed to assist these individuals to benefit from specially designed instruction. Special education provides a full continuum of program options, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education, to meet the educational and service needs of individuals with disabilities in the least restrictive environment.

Legal Reference:

EC 56031
EC 56195.7 (a)
EC 56205 (a)(b)(7)
EC 56300-56382
EC 56320-333
EC 56380 (a)
CCR Title 5, 3021-3029
5 CCR 3030
20 USC Section 1412 (a)(7)
20 USC Section 1414 (a-c)

Approved by Governing Council on June 18, 2004

**INITIAL/ANNUAL/TRIENNIAL REASSESSMENT
LOCAL ADMINISTRATIVE REGULATION**

Identification-Referral-Assessment-reassessment-Planning/Implementation-Review

Identification and evaluation of persons suspected of having a disability is the responsibility of the district of residence, including those instances in which such a person is not currently enrolled in school. Referrals for special education may be made in writing to school, district and/or county office administrators. The student is assessed in all areas related to the suspected disability as described in EC 56320.

Procedures for Identification-Referral-and Initial Assessment

Parents and other concerned individuals may refer students for special education when needs cannot be met with modifications of the regular instructional program. Parents and other concerned individuals may also refer infants and preschoolers who are suspected of having a disability. Children between birth and 2 years 11 months of age are assessed by the San Luis Obispo County Office of Education.

Children between the ages of 3 to 21, who are referred to special education, are assessed by the LEA of residence.

A student is referred for special education assessment only after the resources and modifications of the regular education program have been implemented, documented, and found to be insufficient.

In the event that classroom modifications have not met the student's educational needs, referral for special education assessment is made. Parents shall be notified, in writing, that their child has been referred for assessment for possible special education services. Parental written permission is required for the process to continue.

Assessment

An assessment plan shall contain the following information (EC 56320-56330):

- Reason for assessment
- Description of materials and procedures
- Assessment personnel, listed by title and assessment area
- Individual's primary language and language proficiency status (English Language Learner)
- Recent assessments, including any available independent assessments and assessment information the parent requests to be considered

INITIAL/ANNUAL/TRIENNIAL REASSESSMENT (cont.)

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- Alternative means as appropriate
- Right of parents to obtain an independent assessment at public expense, under certain conditions

The assessment plan is developed within 15 days from the date of referral not counting days between sessions or school vacations, unless the parent agrees in writing to an extension. When a referral is made 10 days or less prior to the end of the regular school year, an assessment plan shall be developed within 10 days of the commencement of the next regular school year. The timelines for assessment are modified when referrals are made the last 20 days of the school year. Assessments are conducted by a multidisciplinary team, including at least one teacher or specialist knowledgeable in the area of suspected disability. All students being assessed for initial and 3-year reassessments have had current vision and hearing screening, unless parental permission was denied. Personnel are competent and appropriately trained to administer and interpret test results and, when necessary, are knowledgeable and understanding of cultural and ethnic backgrounds and competent in both the oral and written skills of English Language Learners (EL). When appropriate, an interpreter is used. Individuals are assessed in their primary language or other mode of communication and in all areas related to the suspected disability.

Assessment materials and procedures are selected and administered in order not to be discriminatory and to reflect the individual's skills and aptitude levels. The assessment process ensures that no single procedure is the sole criterion for determining placement. An individual with a suspected low incidence disability is assessed by qualified and trained personnel, consistent with state guidelines, and in all areas related to the suspected disability.

The assessment shall be designed to determine

- 1) Whether the student has a disability, and
- 2) The content of the student's IEP including information related to enabling the child to be involved in and progress in the general education curriculum, or, for preschool students, to participate in appropriate activities.

An IEP meeting is held, within 60 days from the date of the signed assessment plan, to review with the parent(s) assessment results, eligibility, and the need for special education services. The timeline may be expanded in the event of interruption of instruction for more than 2 weeks. An IEP required as a result of an assessment of a student shall be developed within 30 days after the commencement of the subsequent regular school year for each student for whom a referral has been made 20 days or less prior to the end of the regular school year.

Preschool children are reassessed prior to transitioning from a preschool program to

INITIAL/ANNUAL/TRIENNIAL REASSESSMENT (cont.)

LAR

kindergarten or first grade and monitored to determine a continuing need for special education.

Annual Review

IEP team meetings are held annually to review the student's progress in special education based upon prior year annual goals and objectives.

Triennial Review

A reassessment of each pupil receiving special education and related services shall be conducted at least every 3 years unless the parent and the LEA agree in writing that reassessment is not necessary. The triennial assessment shall be coordinated with the annual review date, but shall not occur beyond the required date of the evaluation.

As part of the assessment, the IEP team shall review existing data on the pupil, including assessment and information provided by the parents, current classroom assessments, observations of the pupil, current state and district assessments, and information provided by related services providers.

The district IEP team members shall administer tests and other assessment materials as needed to produce the data required to determine:

- 1) Whether the pupil continues to have a disability
- 2) Whether the disability has an impact on school performance and educational needs
- 3) Whether the student continues to need special education and related services
- 4) Whether any additions or modifications to special education and related services are needed to enable the pupil to meet the measurable annual goals and participate in the general curriculum

If the IEP team requires no additional data to make this determination, the district shall notify the pupil's parents and include their rights to request an assessment.

In either case, no assessment shall be conducted unless the written consent of the parent has been received. However, the district team shall conduct a review of records and develop a written report for the student's records based on their findings regardless of whether the parent has given written consent.

Assessment Report

The personnel who assess a student shall prepare a written report, or reports for the assessment(s) completed. An assessment report shall include:

- a. Whether the student may need special education and related services

INITIAL/ANNUAL/TRIENNIAL REASSESSMENT (cont.)

LAR

- b. The basis for making the determination.
- c. Relevant behavior noted during the observation
- d. The relationship of the behavior to the pupil's academic and social functioning
- e. The educationally relevant health, development, and medical findings if any.
- f. For pupils with learning disabilities, whether there is an inability to achieve without special education and related services.
- g. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.
- h. The need for specialized services, materials, and equipment for pupils with low incidence disabilities.

The assessment report shall be written using terminology that is understandable to the parent. An interpreter may be used to help a parent understand an assessment report. An assessment report shall be translated to the parent's native language or mode of communication (when possible) if so requested by the parent.

Revised and Approved by Governing Council on October 13, 2006

**INDIVIDUALIZED EDUCATION PROGRAM (IEP) AND
INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP)
FEDERAL ASSURANCE POLICY**

It shall be the policy of each LEA that an Individualized Education Plan (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 individualized education program. It shall be the policy of each 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.

Legal Reference:

20 USC 1412 (a)(4)

Approved by Governing Council on October 12, 2007

**INDIVIDUALIZED EDUCATION PROGRAM (IEP) FORMS
FEDERAL ASSURANCE ADMINISTRATIVE REGULATION**

The Local Education Agencies (LEAs) within the San Luis Obispo County Special Education Local Plan Area (SELPA) will use adopted SELPA-wide IEP forms. The San Luis Obispo County SELPA director will work collaboratively with the LEAs to develop and revise IEP forms to meet federal and state requirements. The IEP forms may be approved by the SELPA's legal counsel to ensure conformity with federal and state law. Instructions for the IEP will be located in the SELPA Procedure Manual.

Legal References
EC 56195.7(a)

Approved by Governing Council on June 17, 2005

**INDIVIDUALIZED EDUCATION PROGRAM (IEP) FORMS
FEDERAL ASSURANCE EXHIBIT**

See the current year SELPA Procedure Manual for IEP forms and instructions.

Approved by Governing Council on June 17, 2005

**INDIVIDUALIZED EDUCATION PROGRAM (IEP)
LOCAL POLICY**

The San Luis Obispo County Special Education Local Plan Area (SELPA) desires to provide educational alternatives that afford students with disabilities full educational opportunities. Students with disabilities shall receive a free appropriate public education (FAPE) and be placed in the least restrictive environment which meets their needs to the extent provided by law.

It is the policy of each LEA that an Individual Education Program (IEP) or Individual Family Services Plan (IFSP) will be developed, reviewed, and revised for each student with a disability who requires special education and related services to benefit from his/her IEP/IFSP. It shall be the policy of each LEA to review IEPs at least annually and IFSPs every six months.

Legal Reference:

EC 56031
EC 56195.7 (a)
EC 56195.8 (a)(3)
EC 56201
EC 56205(a)
EC 56206
EC 56303
20 USC Section 1412 (a)(4)(5)(A)
20 USC Section 1414(d)
20 USC Section 1436(d)

Approved by Governing Council on October 12, 2007

INDIVIDUALIZED EDUCATION PROGRAM (IEP) LOCAL ADMINISTRATIVE REGULATION

Intent

It is the intent of the California Legislature and the members of the San Luis Obispo SELPA that individualized education program team meetings be non adversarial and convened solely for the purpose of making educational decisions for the good of the individual with exceptional needs.

It is further the intent of the member LEAs that all students with disabilities who are eligible for special education and related services are currently receiving needed special education and related services. This Local Policy, and the other Local Policies in the Local Plan, constitutes a practical method of monitoring to meet this end.

Members of the IEP Team

The IEP team for any student with a disability shall include at least the following members: (20 USC 1414(d)(1); 34 CFR 300.321; Education Code 56341.1)

1. One or both of the student's parents/guardians, a representative appointed by the parent/guardian, and/or foster parent or surrogate appointed by SELPA.

“Parent” includes any of the following (EC 56028):
 - a. A person having legal custody of a child
 - b. Any adult pupil for whom no guardian or conservator has been appointed
 - c. A person acting in the place of a parent, such as a grandparent or stepparent, with whom the child lives
 - d. A foster parent if the natural parents’ authority to make educational decisions on the child’s behalf has been specifically limited by court order
 - e. *Surrogate parent* means an individual assigned to act as a surrogate for the parent/guardian. The surrogate may represent an individual with disabilities in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP, and in other matters relating to the provision of FAPE to an individual. (34 CFR 300.515; Education Code 56050) “Parent” does not include the state or any political subdivision of government
2. If the student is or may be participating in the regular education program, at least one regular education representative. If more than one regular education teacher is providing instructional services to the student, the LEA may designate one representative.
3. At least one special education teacher or, where appropriate, at least one special education provider for the student.

INDIVIDUALIZED EDUCATION PROGRAM (IEP) (CONT.)

LAR

4. A representative of the Local Education Agency (LEA, including county office of education) who is:
 - a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities
 - b. Knowledgeable about the general curriculum
 - c. Knowledgeable about the availability of LEA resources
5. An individual who conducted an assessment of the student or who is knowledgeable about the assessment procedures used to assess the student and who is:
 - a. Familiar with the assessment results or recommendations
 - b. Qualified to interpret the instructional implication of assessment results
6. At the discretion of the parent/guardian or LEA, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of whether the individual has special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP team. (Education Code 56341)
7. Whenever appropriate, the student with the disability
8. In addition, any of the following may participate, as appropriate:
 - a. The program specialist, school psychologist, school nurse, school social worker, counselor, or other student services worker who has conducted an assessment of the student, when the assessment is significant to the development of the IEP
 - b. Any other person whose competence is needed because of the nature and extent of the student's disability
 - c. A representative fluent in the student's primary language.
 - d. For students suspected of having a specific learning disability, at least one person of the team shall be qualified to conduct individual diagnostic examinations of the student, such as a school psychologist, speech language pathologist, or remedial reading teacher. At least one team member, other than the student's regular education teacher, shall observe the student's academic performance in the regular classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.
 - e. For transition service participants pursuant to 34 CFR 300.347. The student with the disability, if the purpose of the meeting is the consideration of the student's transition service needs. If the student does not attend the IEP team meeting, the LEA shall take other steps to ensure that the student's preferences and interests are considered.

A representative of any other agency that is likely to be responsible for

INDIVIDUALIZED EDUCATION PROGRAM (IEP) (CONT.)

LAR

providing or paying for transition services if an agency does not attend the meeting, the LEA shall take other steps to obtain participation of the agency in the planning of any transition services.

Excusals from Meeting

A member of the IEP team may be excused from attending a team meeting, in part or whole, when the parent and the administrative designee from the LEA agree in writing:

- a. For member's area of the curriculum or related services is not being modified or discussed or
- b. After consultation with the member and the member submitting written input prior to the meeting. (EC 56341(g))

Exclusions from Meetings

1. Members of the media may not attend an IEP meeting as observers or participants even though the parent/guardian has consented to such attendance.
2. Individuals having no knowledge of the educational needs of the students may not attend an IEP meeting.

Required Meetings

The IEP team shall meet:

1. When a student has received an initial formal assessment and, when desired, when a student receives any subsequent formal assessment
2. When the student demonstrates a lack of anticipated progress
3. Within 30 days of a parent/guardian written request or a meeting to develop, review or revise the IEP
4. At least annually to:
The IEP team shall conduct the annual review. Others may participate if they have essential expertise or knowledge.
 - a. Review the student's progress to determine whether the student's annual goals are being achieved
 - b. Review the IEP and the appropriateness of placement
 - c. Make any necessary revisions to the IEP
5. To consider reassessment data not more often than yearly, unless the LEA and parent agree in writing, and shall occur at least every three years unless the LEA and parent are agree in writing reassessment is unnecessary (EC 56831). This meeting shall be for the purpose of reviewing:

INDIVIDUALIZED EDUCATION PROGRAM (IEP) (CONT.)

LAR

- a. Assessment data
- b. A determination of continued eligibility and continues to need special education and related services
- c. Whether any additions or modification to special education and related services are needed to enable the student to meet the annual IEP goals

Time Lines for IEPs

1. An IEP required as a result of an assessment of the student shall be developed within 60 days, not counting days between the student's regular school sessions, terms or days of school vacation in excess of five school days, from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. However, an IEP required as a result of an assessment of a student shall be developed within 30 days after the commencement of the subsequent regular school year for each student for whom a referral has been made 20 days or less prior to the end of the regular school year. In the case of student school vacations, the 60-day time limit shall recommence on the date that student school days reconvene.
2. If a participating agency, other than the LEA, fails to provide the services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the service needs for the student set out in the IEP.
3. When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting vacation days in the excess of five days.
4. A regular education or special education teacher may ask for a review of the classroom assignment of a special education student by submitting a written request to the superintendent or designee. The superintendent or designee shall consider the request within 20 days of receiving it, not counting days in July and August or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction and/or related services, the superintendent or designee shall convene an IEP meeting, which shall be held within 30 days of the superintendent or designee's review, not counting days in July or August or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.

Procedural Safeguards and Protection of Parent Rights

1. At each IEP meeting the LEA administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights.
2. The superintendent or designee shall take steps to ensure that a parent/guardian of the student with a disability is present at each IEP meeting or is afforded the

INDIVIDUALIZED EDUCATION PROGRAM (IEP) (CONT.)

LAR

opportunity to participate. These steps shall include notifying the parent/guardian of the meeting and scheduling the meeting at a mutually agreed on time and place.

3. Parent/guardian and the LEA shall have the right to audiotape the proceedings of IEP meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the LEA gives notice of intent to audiotape a meeting, and if the parent/guardian objects or refuses to attend because the meeting would be audiotaped, the meeting shall not be audiotaped. Parent/guardian also has the right to inspect and review the audiotapes. Parent/guardian and/or LEA shall not have the right to videotape the proceedings unless all parties are in agreement. (EC 51512)

Procedure Safeguards (EC 56346)

1. A student shall not be required to participate in all or part of any special education program unless the parent/guardian is first informed in writing of the facts that make participation in the program necessary or desirable and the contents of the IEP, and the parent/guardian consents, in writing, to all or part of the IEP after receiving this notice.
2. If the parent/guardian does not consent to all of the components of the IEP, then those components of the IEP to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student.
3. If it is determined that a part of the proposed IEP to which the parent/guardian does not consent is necessary in order to provide a free appropriate public education to the student, the LEA shall either initiate local alternative dispute resolution, mediation conference, or a due process hearing.
4. During the pendency, the student shall remain in his/her current placement unless the parent/guardian and the LEA agree otherwise.

Parent Attendance and Notice of an IEP Meeting

1. The superintendent or designee shall send parent/guardian notice of the IEP team meetings early enough to ensure that they will have an opportunity to attend. This notice shall:
 - a. Indicate the purpose, time, and location of the meeting.
 - b. Indicate who will be in attendance at the meeting.
 - c. Inform the parent/guardian of the procedural safeguards relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the student.
 - d. Identify any other local agency that is likely to be responsible for providing or paying for services.
 - e. For students age 16, or younger if appropriate:

INDIVIDUALIZED EDUCATION PROGRAM (IEP) (CONT.)

LAR

- 1) Indicate that the purpose of the meeting is the consideration of needed transition services for the student.
 - 2) Indicate that the LEA will invite the student to the IEP meeting
 - 3) Identify any other agency that will be invited to send a representative
2. If no parent/guardian can attend the meeting, the superintendent or designee shall use other methods to ensure parent/guardian participation, including individual or conference telephone calls.

An IEP meeting may be conducted without a parent/guardian in attendance if the LEA is unable to convince the parent/guardian that he/she should attend. In this case, the LEA shall maintain a record of its attempts to arrange a mutually agreed upon time and place for the meeting may include:

- a. Detailed records of telephone calls made or attempted and the results of those calls
- b. Copies of correspondence sent to the parent/guardian and any response received
- c. Detailed records of visits made to the parent/guardian home or place of employment and the results of those visits

Transfer Students Out of SELPA (EC 56325)

1. Students who transfer LEAs within the San Luis Obispo SELPA the receiving LEA shall continue the existing IEP unless the parents and the LEA agree to revise the IEP.
2. Students who transfer from an LEA outside the San Luis Obispo SELPA shall after consultation with the parents be provided a free and appropriate public education consisting of comparable services to those described on the previously approved IEP for up to 30 days. The receiving LEA at that time may adopt the previously approved IEP or shall develop and implement a new IEP.
3. Students who transfer from an LEA out of the State of California into the San Luis Obispo SELPA shall after consultation with the parents be provided a free and appropriate public education consisting of comparable services previously approved until the LEA conducts an assessment and if appropriate develops an IEP.

Components and Forms of the IEP (EC 56341-56347)

The IEP shall be a written statement of the IEP team. It shall contain as appropriate the required components found in EC 56341 – 56345.5. The SELPA shall develop forms, which provide for the documentation of these requirements. The member LEAs shall use these forms to document IEP team meetings.

INDIVIDUALIZED EDUCATION PROGRAM (IEP) (CONT.)

LAR

The IEP shall be a written statement of the IEP team. It shall include, but not be limited to, all of the following:

1. A statement of the present levels of the student's educational performance, including one of the following:
 - a. For a school age child, how the student's disability affects his/her involvement and progress in the general curriculum.
 - b. For a preschool child, as appropriate, how the disability affects his/her participation in appropriate activities.
2. A statement of measurable annual goals, including benchmarks or short-term objectives related to:
 - a. For a school age child, meeting the student's needs that result from his/her disability in order to enable the student to be involved in and progress in the general curriculum based on the California Content Standards
For a preschool child, as appropriate, meeting the child's needs that result from his/her disability to enable the child to participate in appropriate activities
 - b. Meeting each of the student's other educational needs that result from the student's disability
3. A statement of the specific special educational instruction and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student to:
 - a. Advance appropriately toward attaining the annual goals
 - b. Be involved and progress in the general curriculum and to participate in extracurricular activities
 - c. Be educated and participate with other students with disabilities and nondisabled students
4. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and extracurricular activities.
5. A statement of any individual modifications in the administration of state or LEA assessments of student achievement that are needed in order for the student to participate in such assessments.
6. The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications.
7. Appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the annual goals are being achieved.
8. A statement of:

INDIVIDUALIZED EDUCATION PROGRAM (IEP) (CONT.)

LAR

- a. How the student's progress toward the annual goals will be measured
 - b. How the student's parent/guardian will be regularly informed (by such means as periodic report cards), at least as often as parent/guardian of nondisabled students, of:
9. Transition Goals and Adult Student Notification:
- a. Beginning with the IEP in effect during the time the child turns age 16, and annually thereafter shall include: measurable postsecondary goals related to training, education, employment and where appropriate, independent living; and transition services including courses of study needed to assist the pupil in reaching transition goals. (EC 56345)
 - b. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of his/her rights, if any, pursuant to the Individuals with Disabilities Education Act (IDEA) that will transfer to the student upon reaching age 18

Where appropriate, the IEP shall also include:

1. For students in grades 7-12, any alternative means and modes necessary for the student to complete the LEA's prescribed course of study and to meet or exceed standards required for graduation.
2. Linguistically appropriate goals, objectives, programs and services for students whose primary language is not English.
3. Extended school year services (when needed to prevent regression of skills which cannot be recouped in normal scheduling), as determined by the IEP team.
4. Provision for transition into the regular education program if the student is to be transferred from a special class or center, or nonpublic, nonsectarian school, into a regular education program in a public school for any part of the school day.
5. Specialized services, materials and equipment for students with low incidence disabilities.

Development, Review, and Revision of the IEP (EC 56341-56347)

1. The strengths of the student and the concerns of the parent/guardian for enhancing the education of their child.
2. The results of the initial assessment or most recent assessment of the student.
3. As appropriate, the results of the student's performance on any general state or LEA assessment programs.

INDIVIDUALIZED EDUCATION PROGRAM (IEP) (cont.)

LAR

4. In the case of a student whose behavior impedes his/her learning or that of others, if appropriate, positive behavioral interventions, strategies and supports to address that behavior.
5. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP.
6. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media, that instruction in Braille or the use of Braille is not appropriate for the student.
7. The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.
8. Whether the student requires assistive technology devices and services.
9. The IEP may be revised, as appropriate, to address:
 - a. Any lack of expected progress toward the annual goals.
 - b. The results of any reassessment.

An evaluation of the student shall be conducted at least once every three years, or more frequently if conditions warrant, or if the student's parent/guardian or teacher requests an assessment
 - c. The student's anticipated needs.
 - d. Whether the student requires an intervention, accommodation, or other program modification.
10. As a member of the IEP team, the regular education representative need not participate in all decisions made at the IEP meeting or to be present throughout the entire meeting. However, to the extent appropriate, the representative shall participate in the development, review and revision of the student's IEP.

Due Process/Mediation (EC 56346)

A student shall not be required to participate in all or part of any special education program unless the parent/guardian is first informed in writing of the facts that make participation in the program necessary or desirable and the contents of the IEP, and the parent/guardian consents, in writing, to all or part of the IEP after receiving this notice. If the parent/guardian does not consent to all of the components of the IEP, then those components of the IEP to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student.

INDIVIDUALIZED EDUCATION PROGRAM (IEP) (cont.)

LAR

If it is determined that a part of the proposed IEP to which the parent/guardian does not consent is necessary in order to provide a free appropriate public education to the student, the LEA shall either initiate local alternative dispute resolution, mediation conference, or a due process hearing.

During the pendency, the student shall remain in his/her current placement unless the parent/guardian and the LEA agree otherwise.

If a due process hearing is held, the hearing decision shall be the final administrative determination and shall be binding upon the parties.

Approved by Governing Council on October 12, 2007

**TRANSPORTATION FOR STUDENTS WITH DISABILITIES
LOCAL POLICY**

The San Luis Obispo County Special Education Local Plan Area (SELPA) shall ensure that transportation services are provided for students with disabilities as specified in their Individualized Education Program (IEP). The Local Education Agencies (LEAs) shall make transportation available for students at no cost to parent/guardian when specified as a related service in the student's IEP.

The LEAs shall establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs as determined in the IEP or accommodation plan. Transportation schedules shall be arranged so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

Legal Reference:

EC 56195.8 (b)(5)

Approved by Governing Council on June 18, 2004

**TRANSPORTATION FOR STUDENTS WITH DISABILITIES
LOCAL ADMINISTRATIVE REGULATION**

When authorizing special transportation for students with disabilities, the IEP team shall consider all of the following:

1. The student's safety and health needs
2. The extent to which transportation arrangements may help the student develop independent mobility skills
3. The student's difficulty in using regular transportation services
4. The coordination of regular and special transportation

(cf. 6159 - Individualized Education Program (IEP))

Disabled students may use transportation regularly provided to nondisabled students as determined by the IEP team.

(cf. 3540 - Transportation)

When a disabled student is excluded from school bus transportation due to violations of the education code, the district shall make provisions for alternative transportation at no cost to the student or parent/guardian. (Education Code 48915.5)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

When contracting with a nonpublic, nonsectarian school or agency to provide special education services, the superintendent or designee shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services specified in the student's IEP. (Education Code 56366)

Approved by Governing Council on June 18, 2004

**TRANSPORTATION FOR STUDENTS WITH DISABILITIES
FOR HOMELESS OR IN FOSTER PLACEMENT
LOCAL ADMINISTRATIVE REGULATION**

If there is disagreement between LEAs over responsibility for transportation of foster youth or the homeless, the LEAs will equally share the cost for the remainder of the school year.

Approved by Governing Council on June 17, 2005

**TRANSPORTATION FOR STUDENTS WITH DISABILITIES
LOCAL EXHIBIT**

See the current year SELPA Procedure Manual for IEP forms and instructions.

Approved by Governing Council on June 17, 2005

**ACCESS TO INSTRUCTIONAL MATERIALS
FEDERAL ASSURANCE POLICY**

It shall be the policy of each 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.

Legal Reference:

20 USC 1412 (a)(23)

Approved by Governing Council on October 12, 2007

**FULL ACCESS TO CORE CURRICULUM
STATE REQUIRED POLICY**

Each Local Education Agency (LEA) shall ensure that students with disabilities will have full access to the following unless otherwise provided in a student's Individualized Education Program (IEP):

- All required core curriculum including state adopted core curriculum textbooks and supplementary textbooks
- Instructional materials and support in order that students with disabilities attain higher standards in reading

Approved by Governing Council on June 26, 2003

**READING LITERACY
STATE REQUIRED POLICY**

It shall be the policy of each member 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.

Legal Reference:

State Board Requirement, 2/99

Approved by Governing Council on October 12, 2007

**LITERACY PARTICIPATION IN THE CALIFORNIA READING INITIATIVE
LOCAL POLICY**

It shall be the policy of each 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 (CRI).

The CRI is a comprehensive research-based approach to reading that will be emphasized in the early grades and which includes:

- An organized, explicit skills program that includes phonemic awareness, phonics, and decoding skills to address the needs of the emergent reader
- A strong literature, language and comprehension program that includes a balance of written and oral language activities
- An ongoing diagnostic system that provides a prescriptive basis for instruction.
- Assessment that measures student progress and program accountability
- Early intervention activities for children at risk of reading failure
- Techniques for meeting the needs of diverse learners

Revised and Approved by Governing Council on October 12, 2007

**PARTICIPATION IN STATE/DISTRICT-WIDE ASSESSMENTS
FEDERAL ASSURANCE ADMINISTRATIVE REGULATION**

The LEAs within the San Luis Obispo County Special Education Local Plan Area (SELPA) are committed to all students having access to state and/or LEA assessments. Through the Individualized Education Program (IEP) process each student's strengths and weaknesses will be determined as to the content of the LEA and/or statewide assessment to determine appropriate means of access to the assessment(s).

Special education students shall be tested with the designated state achievement test and the standards-based test, unless their IEP specifically identifies that the student will be tested with the CAPA.

Students in special education programs with IEPs or students with current Section 504 plans shall be tested and the modifications or accommodations shall be made.

A student shall be permitted to take exams or assessments with the accommodation and/or modifications as identified in the IEP or 504 plan. School personnel have a responsibility for ensuring special education students have appropriate accommodations and/or modifications to meet the individual needs of the students and allow access to all state and LEA assessments. The SELPA IEP documents include a form for state assessments, which is updated to reflect current federal and state mandates. Each LEA will follow and implement the California State Board of Education policies and administrative regulations related to assessment, data collection, and waiver processes.

Legal References

EC 56205(a), 5 CCR 853

Approved by Governing Council on June 17, 2005

**PARTICIPATION IN STATE/DISTRICT-WIDE ASSESSMENTS
LOCAL POLICY**

It shall be the policy of the San Luis Obispo County SELPA that students with disabilities are included in state and district-wide assessment including alternate assessment, with appropriate accommodations and modifications where necessary.

Legal Reference:

EC 56205(a)

20 USC 1412 (a)(17)

Approved by Governing Council on June 18, 2004

**PARTICIPATION IN ASSESSMENTS
FEDERAL ASSURANCE POLICY**

It shall be the policy of each LEA that all students with disabilities shall participate in state and district-wide assessments 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.

Federal Reference:

20 USC 1412 (a)(16)

Revised and approved by Governing Council on October 12, 2007

**LEAST RESTRICTIVE ENVIRONMENT (LRE)
FEDERAL ASSURANCE POLICY**

It shall be the policy of each 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 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.

Legal Reference:

20 USC 1412 (a)(5)

Approved by Governing Council on October 12, 2007

**LEAST RESTRICTIVE ENVIRONMENT (LRE)
FEDERAL ASSURANCE ADMINISTRATIVE REGULATION**

It is agreed by the member LEAs of the SELPA that special education is an integral part of the total public education system and provides education in a manner that promotes maximum interaction between students with disabilities, including students in public and private institutions and other care facilities, and students without disabilities, in a manner appropriate to the needs of both. To the maximum extent appropriate, students with disabilities will be educated with students 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 education in general classes with the use of supplemental aids and services cannot be achieved satisfactorily. To support this at an individual student level, the requirements of legally compliant Individualized Education Program (IEP) meetings will be reviewed, including the responsibility to first consider the general education classroom for each student. The three-part full inclusion test (listed below), as outlined by the 9th Circuit Court of Appeals in *Holland vs. Sacramento Unified School District*, is the guiding principle to be used by LEAs and IEP teams.

- The educational benefits available to the student in a general classroom, supplemented with appropriate aids and services, as compared with the educational benefits of a special education classroom
- The nonacademic benefits of interaction with students who are not disabled
- The effect of the student's presence on the teacher and other students in the classroom

When scarcity of population or other factors prevent a LEA from directly providing a required service for its pupils, the service may be provided by the county office, another school within the LEA of attendance, a school in a nearby LEA, or by a provider LEA as outlined in the Special Education Local Plan Area (SELPA) Annual Service Plan.

In determining the appropriate LRE placement for students with disabilities, the IEP team shall:

1. Determine if the student can be served in a general education classroom setting at the student's neighborhood school with supplemental aids and services. The IEP shall specify any needed supplemental aids and services
2. Determine if the student can be served by the special education services provided at the student's neighborhood school campus. The IEP shall specify the extent to which the student will not be in the general education classroom setting and activities

LEAST RESTRICTIVE ENVIRONMENT (LRE) (cont.)

FAAR

If the IEP team determines the special education services at the student's neighborhood school campus are not appropriate to meet the needs as outlined by the IEP team, the following shall be implemented:

1. Document why a different school site is necessary, including why education at the neighborhood school site with supplemental aids and services is not appropriate to meet the IEP
2. For students being transitioned to the neighborhood school setting for all or part of the school day, specify the timeline for transition as well as the activities needed to support the transition

Every attempt shall be made to place classes on general education sites where students have an opportunity for interaction with nondisabled peers. The SELPA facilities policy and administrative regulation describes the process used to assign special education programs to locations on general education campuses and for appropriate disbursement throughout the SELPA and member LEAs.

The LEAs will continue to locate facilities and programs designed to serve students with severe disabilities on general education campuses to the extent that the needs of students, as determined by the IEP team, can best be met within an instructional setting of a general education campus.

In constructing new facilities, LEAs within the SELPA will follow accessibility provisions provided by law under the Americans with Disabilities Act (ADA). It is the responsibility of the facilities plan committee to review annually the long range facility needs of the SELPA and recommend for approval by the Governing Council an updated plan and policy, if necessary, to be implemented throughout the SELPA.

Students have access to all general education activities, programs, and facilities and will participate in those activities as appropriate to their needs. The IEP team will determine how the student will participate with nondisabled peers with equal access in general education programs and what accommodations, if any, are needed. All school personnel will facilitate opportunities for social interactions between individuals with disabilities and nondisabled individuals.

The IEP form contains a statement of:

- Supplemental aids and services that the student needs to ensure participation in general education
- A statement that students will participate in a general education environment with nondisabled peers unless the student's full time involvement and progress in general education curriculum is precluded by the nature and severity of the disability

LEAST RESTRICTIVE ENVIRONMENT (LRE) (cont.)

FAAR

No student will be referred for special education unless the general education resources have been considered, utilized, and the documented accommodations and/or modifications have been made prior to referral for special education services.

Approved by Governing Council on October 12, 2007

**LEAST RESTRICTIVE ENVIRONMENT (LRE)
LOCAL POLICY**

It shall be the policy of the San Luis Obispo County (SELPA) that the *least restrictive environment* means that to an appropriate extent, students with disabilities, including children in public or private institutions, shall be educated with children who are not disabled, including nonacademic and extracurricular services and activities.

Legal Reference:

EC 56205(a)

EC 56031,

EC 56201

EC 56206

EC 56303

State Board Policy (10/10/86)

20 USC Section 1412

Approved by Governing Council on June 18, 2004

**CONFIDENTIALITY
FEDERAL ASSURANCE POLICY**

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

Legal Reference:

20 USC 1412 (a)(8)

Approved by Governing Council on October 12, 2007

**CONFIDENTIALITY
LOCAL POLICY**

It shall be the policy of the San Luis Obispo County Special Education Local Plan Area (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).

Legal Reference:

EC 56205 (a)

20 USC 1412 (a)(8)

20 USC 1417

Approved by Governing Council on October 12, 2007

**DIRECTORY INFORMATION
LOCAL ADMINISTRATIVE REGULATION**

Any LEA within San Luis Obispo County SELPA operating a regional program shall maintain student directory information as defined by EC 49076.11.b.1 in a secure location within the main office of the school site in which the program is located. The school district may release directory information from pupil records to appropriate persons in connection with an emergency if knowledge of the information is necessary to protect the health and safety of the pupil or other persons. School district staff and other education service providers working within the public schools with legitimate educational interest as defined by EC 49076 may have access to student information.

Legal Reference:

EC 49076.11.b.1

EC 49602

Approved by Governing Council November 13, 2009