

# **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

Reviewed and Approved by Governing Council April 12, 2013

**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

Reviewed and Approved by Governing Council April 12, 2013

**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

Reviewed and Approved by Governing Council April 12, 2013

**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 individual compliance

**COMPLIANCE ASSURANCES (cont'd)**

**FAAR**

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),

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'd)**

**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

Revised and Approved by Governing Council on September 9, 2011

Reviewed and Approved by Governing Council April 12, 2013

**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

Reviewed and Approved by Governing Council April 12, 2013



**ANNUAL PERFORMANCE REPORT MEASURES SPPI  
LOCAL ADMINISTRATIVE REGULATION**

San Luis Obispo County SELPA shall comply with California Department of Education (CDE) student data reporting requirements used to generate the State Performance Plan Indicator (SPPI) report for each LEA. SELPA shall compile LEA data for a report each year as required by CDE. The state collects data from LEAs in 14 areas, and has set target criteria for quality performance which districts must meet. Based on CDE SPPI reports, the LEAs shall monitor areas of need which are identified by CDE for “needs improvement.” The Indicators are:

1. **Graduation Rate.** Calculates the percentage of all exiting students in grade 12 who graduate from high school with a regular diploma.
2. **Dropout Rate.** Calculates the percentage of all students in grades 7 and higher who exit special education by dropping out of school.
3. **Assessment.** Calculates results of STAR testing scores to meet the requirements of No Child Left Behind (NCLB) legislation:
  - A. The district met all the requirements for Adequate Yearly Progress
  - B. At least 95% of the special education students were tested in Math and English Language Arts
  - C. The percent of students scoring proficient or advanced on the assessments met the district target percentage
4. **Suspension/Expulsion.** Calculates the percentage of special education students who were suspended or expelled for more than 10 days in a school year.
  - A. Overall
  - B. Race/ethnic disproportion exists among students who were suspended or expelled for more than 10 days
5. **Least Restrictive Environment (LRE).** Calculates the amount of time students ages 6 to 22 receive special education services in settings apart from their non-disabled peers.
  - A. Out of regular class less than 21% of the time. This percentage should be increasing from year to year.
  - B. Out of regular class more than 60 % of the time. This percentage should be decreasing year to year.
  - C. Separate facility. Students served in a facility that educates only students with disabilities. This percentage should decrease from year to year.
6. **Preschool LRE.** Calculates the percentage of preschool students (ages 3 to 5) who receive their services in various settings:
  - A. Attending a regular early childhood program
  - B. Attending a special education program only
  - C. Not attending a general education or special education program

**ANNUAL PERFORMANCE REPORT MEASURES SPPI (cont'd)**

**LAR**

7. **Preschool Assessment.** Calculates the progress of preschool students (ages 3 to 5) in three areas:
  - A. Positive social-emotional skills
  - B. Acquisition and use of knowledge and skills
  - C. Use of appropriate behaviors to meet their needs in each area, growth is measured in levels of achievement, rather than in percentages or standard scores.
8. **Parent Involvement.** Calculates the percent of parents of children in special education reporting that schools facilitated their involvement as a means of improving services and results.
9. **Disproportional Representation Overall.** Indicates whether there is racial or ethnic disproportionality among students ages 6-22 which may be due to policies, procedures or practices.
10. **Disproportional Representation by Disability.** Indicates whether or not there is racial or ethnic disproportionality that is the result of inappropriate identification.
11. **Eligibility Evaluation.** Calculates the percent of children ages birth to 22 whose eligibility for special education was determined within 60 days of receipt of parental consent for evaluation. This value should be 100%.
12. **Transition from Part C to Part B.** Calculates the percent of students age three who received special education under Part C, were referred for assessment for special education and found eligible under Part B, and had an IEP developed before their third birthday. This value should be 100%.
13. **Secondary Transition.** Calculates the percent of children ages 16 and above whose IEPs include coordinated, measurable annual IEP goals and transition services. This value should be 100%.
14. **Post-school Outcomes.** Calculates the percent of high school age children who are competitively employed, enrolled in a post secondary school, or both, within one year of leaving high school.

In addition, the CDE collects data from the Office of Administrative Hearings and the Complaints Management Unit on the handling of disputes for another six performance indicators (Indicators # 15-20). The CDE does not collect data in every category every year. In the categories in which data is collected, LEAs that fail to meet their targets for improvement may be the subject of required corrective actions and on-site reviews that can result in sanctions.

*Legal Reference:*

EC 30 56195.7 (c)(6)

Approved by Governing Council on November 19, 2010  
Reviewed and Approved by Governing Council April 12, 2013

**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

Reviewed and Approved by Governing Council April 12, 2013

**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

Reviewed and Approved by Governing Council April 12, 2013

## **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 Behavioral Health Services of San Luis Obispo County, California Children's Services (CCS), and Tri-Counties Regional Center (TCRC). The SELPA and/or any LEA may contract with Behavioral Health Services to provide Educationally Related Social-Emotional Supports and Services. 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.

### **Agency Participation in an IEP Which Addresses Post Secondary Transition**

Section 300.21 (b)(3) states:

“To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, in implementing the requirements of paragraph (b)(1) [*Transition services participants*] of this section, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.”

- a. LEAs shall invite potentially responsible participating agencies to most IEPs that relate to transition.
- b. LEAs shall obtain consent from the parents/student prior to inviting possible responsible agencies.
- c. LEAs shall document:
  - Attempts to gain permission from the parents/student to invite possible participating agencies.

**COORDINATION WITH OTHER LOCAL AGENCIES (*cont'd*)**

***LP***

- Invitation of participating agencies.

*Legal Reference:*

*EC 56195.7 (d-g)*

*EC 56205(a)*

*IDEA Regulation Section 300.21 (b)(3)*

Approved by Governing Council on June 18, 2004

Revised and Approved by Governing Council on November 19, 2010; September 9, 2011;

April 12, 2013

**BEHAVIORAL HEALTH SERVICES INTERAGENCY AGREEMENT**  
*(available upon request)*

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

Special Education Local Plan Areas (SELPAs) 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 based on the approved Fiscal Allocation Plan.
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

Revised and Approved by Governing Council April 12, 2013



**CCS INTERAGENCY AGREEMENT**  
*(available upon request)*

**TCRC INTERAGENCY AGREEMENT – PART B**  
*(see insert)*

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

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.

*Legal Reference:*

*56205(b)(3)*

*56429*

*14 GC 95000 et. seq.*

*17 CCR 52000-52175*

Approved by Governing Council on June 26, 2003

Reviewed and Approved by Governing Council April 12, 2013

**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

Reviewed and Approved by Governing Council April 12, 2013

*San Luis Obispo County Special Education Local Plan Area*

**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

Reviewed and Approved by Governing Council April 12, 2013

**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

Reviewed and Approved by Governing Council April 12, 2013

**HEAD START INTERAGENCY AGREEMENT**  
*(see insert)*