



***East County SELPA***

• Special Education Local Plan Area •  
924 East Main St., El Cajon, CA 92021

**SELPA**

**POLICIES**

**AND**

**PROCEDURES**

**Revision 2020**

---

**EAST COUNTY SELPA  
POLICIES AND PROCEDURES (Rev 2020)  
TABLE OF CONTENTS**

<b>Section</b>	<b>Title</b>	<b>Page</b>
<b>I.....</b>	<b>SELPA POLICIES</b>	
1.....	Free Appropriate Public Education.....	1
2.....	Full Educational Opportunity .....	2
3.....	Child Find .....	3
4.....	Individualized Education Program (IEP) and IFSP .....	4
5.....	Least Restrictive Environment.....	5
6.....	Procedural Safeguards .....	6
7.....	Evaluation .....	7
8.....	Confidentiality .....	8
9.....	Part C to Part B Transition .....	9
10.....	Private Schools .....	10
11.....	Local Compliance Assurances .....	11
12.....	Interagency .....	12
13.....	Governance .....	13
14.....	Personnel Qualifications .....	14
15.....	Performance Goals and Indicators.....	15
16.....	Participation in Assessments .....	16
17.....	Supplementation of State, Local and Federal Funds.....	17
18.....	Maintenance of Effort.....	18
19.....	Public Participation .....	19
20.....	Suspension and Expulsion.....	20
21.....	Access to Instructional Materials.....	21
22.....	Over-identification and Disproportionality.....	22
23.....	Prohibition on Mandatory Medicine .....	23
24.....	Behavioral Interventions for Students in Special Education.....	24
25.....	Data.....	25
26.....	Charter Schools .....	26
27.....	Regional Programs .....	27
28.....	Independent Educational Evaluation (IEE).....	28
29.....	Literacy .....	34
30.....	Low Incidence Funds .....	35
31.....	Transportation of Students with Special Needs.....	36

**EAST COUNTY SELPA  
POLICIES AND PROCEDURES  
TABLE OF CONTENTS**

<b>Section</b>	<b>Title</b>	<b>Page</b>
<b>II..... SELPA PROCEDURES</b>		
1... ..	Behavioral Intervention for Students in Special Education .....	1
2.....	Child Find .....	4
3.....	Students with Auditory Processing Deficits .....	6
4.....	Students in Hospitals, Licensed Children’s Inst. and Foster Homes.....	7
5.....	Independent Educational Evaluations (IEEs) .....	8
6.....	Funding of Regional Programs.....	11
7.....	Regional Programs for Programmatic Purposes Only .....	14
8.....	Low Incidence Funds .....	19
9.....	Parentally-Placed, Private School Students .....	21
10.....	Program Compliance Monitoring and Support.....	26
11.....	Transitioning Infants to Preschool Programs .....	28
12.....	Charter Schools .....	29
13.....	Least Restrictive Environment.....	33
14.....	Overrepresentation and Disproportionality .....	35



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No: 1**

**APPROVED: 2/19/2020**

**SUBJECT: FREE APPROPRIATE PUBLIC EDUCATION**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) that a free appropriate public education is available to all children with disabilities residing in the LEAs between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.

---

**Legal Reference:** *California Education Code U.S.C.] § 1412 [a][1])*



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**POLICY No: 2**

**APPROVED: 2/19/2020**

**SUBJECT: FULL EDUCATIONAL OPPORTUNITY**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) that all children with disabilities have access to educational programs, non-academic programs, and services available to non-disabled children.

---

**Legal Reference: (20 U.S.C. § 1412 [a][2])**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No: 3**

**APPROVED: 2/19/2020**

~~12/12/18~~

~~6/20/03~~

**SUBJECT: CHILD FIND**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, who are in need of special education and related services, are identified, located, and evaluated. A practical method has been developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

---

**Legal Reference:** *United States Code: 20 US 1412(a)(3), California Education Code: 56205(a) (3)*



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No: 4**

**APPROVED: 2/19/2020**

**SUBJECT: INDIVIDUALIZED EDUCATION PROGRAM (IEP) AND INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP)**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) that an IEP, or an IFSP that meets the requirements of 20 U.S.C. § 1436 (d) is developed, implemented, reviewed, and revised for each child with a disability who requires special education and related services in accordance with 20 U.S.C. § 1414 (d). It shall be the policy of the LEAs 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 U.S.C. § 1412 [a][4])**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 5**

**APPROVED: 2/19/2020**  
~~12/12/18~~  
~~6/22/01~~

**SUBJECT: LEAST RESTRICTIVE ENVIRONMENT**

---

**Policy:**

It shall be the policy of this the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the general educational environment, occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.





**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 6**

**APPROVED: 2/19/2020**

**SUBJECT: PROCEDURAL SAFEGUARDS**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) that children with disabilities and their parents shall be afforded all procedural safeguards according to state and federal laws and regulations.

---

**Legal Reference: (20 U.S.C. § 1412 [a][6])**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 7**

**APPROVED: 2/19/2020**

**SUBJECT: EVALUATION**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) that a reassessment of a child with a disability shall be conducted at least once every three years or more frequently, if appropriate.

---

**Legal Reference: (20 U.S.C. § 1412 [a][7])**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 8**

**APPROVED: 2/19/2020**

**SUBJECT: CONFIDENTIALITY**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) that the confidentiality of personally identifiable data, information, and records maintained by the LEAs relating to children with disabilities and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act, non-academic programs, and services available to non-disabled children.

---

**Legal Reference: (20 U.S.C. § 1412 [a][8])**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 9**

**APPROVED: 2/19/2020**

**SUBJECT: Part C to Part B Transition**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) that children participating in early intervention programs under the Individuals with Disabilities Education Act (IDEA), Part C, and who will participate in preschool programs, experience a smooth and effective transition to preschool programs in a manner consistent with 20 USC Section 1437(a)(9). The transition process shall begin prior to the child's third birthday.

---

**Legal Reference: (20 U.S.C. § 1412 [a][9])**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 10**

**APPROVED: 2/19/2020**

**SUBJECT: PRIVATE SCHOOLS**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) to assure that children with disabilities voluntarily enrolled by their parents in private schools shall receive appropriate special education and related services pursuant to LEAs coordinated procedures. The proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents.

---

**Legal Reference: (20 U.S.C. § 1412 [a][10])**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 11**

**APPROVED: 2/19/2020**

**SUBJECT: LOCAL COMPLIANCE ASSURANCES**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) that the Local Plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs, and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the IDEA; the Federal Rehabilitation Act of 1973, Section 504 of Public Law; and the provisions of the California Education Code, Part 30.

---

**Legal Reference: (20 U.S.C. § 1412 [a][11])**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 12**

**APPROVED: 2/19/2020**

**SUBJECT: INTERAGENCY**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for free appropriate public education are provided, including the continuation of services during an interagency dispute resolution process.

---

**Legal Reference: (20 U.S.C. § 1412 [a][12])**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 13**

**APPROVED: 2/19/2020**

**SUBJECT: GOVERNANCE**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the Local Plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Educational Agency.

---

**Legal Reference: (20 U.S.C. § 1412 [a][13])**





**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 14**

**APPROVED: 2/19/2020**

**SUBJECT: PERSONNEL QUALIFICATIONS**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) to ensure that personnel providing special education related services are appropriately and adequately prepared and trained, and that those personnel have the content knowledge and skills to serve children with disabilities. This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the California Department of Education (CDE) about staff qualifications.

---

**Legal Reference:**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 15**

**APPROVED: 2/19/2020**

**SUBJECT: PERFORMANCE GOALS AND INDICATORS**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) 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 U.S.C. § 1412 [a][15])**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 16**

**APPROVED: 2/19/2020**

**SUBJECT: PARTICIPATION IN ASSESSMENTS**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) that all students with disabilities shall participate in state and district-wide assessment programs described in 20 USC Subsection 6311. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments where necessary and as indicated in their respective Reps.

---

**Legal Reference: (20 U.S.C. § 1412 [a][16])**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 17**

**APPROVED: 2/19/2020**

**SUBJECT: SUPPLEMENTATION OF STATE, LOCAL AND FEDERAL FUNDS**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA, and will be used to supplement and not to supplant state, local, and other federal funds.

---

**Legal Reference: (20 U.S.C. § 1412 [a][17])**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 18**

**APPROVED: 2/19/2020**

**SUBJECT: MAINTENANCE OF EFFORT**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in federal laws and regulations

---

**Legal Reference: (20 U.S.C. § 1412 [a][18])**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 19**

**APPROVED: 2/19/2020**

**SUBJECT: PUBLIC PARTICIPATION**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) that public hearings, adequate notice of the hearings, and an opportunity for comments are available to the general public, including individuals with disabilities and parents of children with disabilities, and are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA.

---

**Legal Reference: (20 U.S.C. § 1412 [a][19])**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 20**

**APPROVED: 2/19/2020**

**SUBJECT: SUSPENSION AND EXPULSION**

---

**Policy:**

The local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies, procedures, and practices related to the development and implementation of the IEPs will be revised.

---

**Legal Reference: (20 U.S.C. § 1412 [a][22])**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 21**

**APPROVED: 2/19/2020**

**SUBJECT: ACCESS TO INSTRUCTIONAL MATERIALS**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state-adopted National Instructional Materials Accessibility Standard.

---

**Legal Reference: (20 U.S.C. § 1412 [a][23])**





**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 22**

**APPROVED: 2/19/2020**

**SUBJECT: OVER-IDENTIFICATION AND DISPROPORTIONALITY**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities.

---

**Legal Reference: (20 U.S.C. § 1412 [a][24])**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 23**

**APPROVED: 2/19/2020**

**SUBJECT: PROHIBITION ON MANDATORY MEDICINE**

---

**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services

---

**Legal Reference: (20 U.S.C. § 1412 [a][25])**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 24**

**APPROVED: 2/19/2020**  
~~12/12/18~~  
~~6/1/11~~  
~~3/4/03~~

**SUBJECT: BEHAVIORAL INTERVENTIONS FOR STUDENTS IN SPECIAL EDUCATION**

---

**Policy:**

The local educational agencies (LEAs) in the East County Special Education Local Plan Area (SELPA) must provide appropriate, positive behavioral interventions, strategies and supports for special education students when their behavior impedes his/her learning, and/or the learning of others. Such interventions may include, among others: classroom-based behavioral management systems; behavioral contracts; development of Individualized Education Program (IEP) goals/benchmarks; adjustment to student's schedule or program.

When a student exhibits serious behavior problems that cannot be effectively managed through positive behavioral interventions such as those listed above, the IEP team may refer the student for Functional Behavioral Assessment (FBA) of the behavior(s) to develop a Behavior Intervention Plans (BIPs), where appropriate. Such intervention plans become part of the student's IEP and are modified, as necessary. "Serious behavior problems" refers to behaviors that are self-injurious, assaultive, or cause serious property damage, or any other severe behaviors that are pervasive and maladaptive notwithstanding the use of interventions specified in the IEP.

Emergency interventions may only be used to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the student or others, which cannot be immediately prevented by a less restrictive intervention. Emergency interventions may not be used in lieu of planned, systematic behavioral interventions. Any use of emergency interventions must be documented in a Behavioral Emergency Report.

The Directors' Council of the East County SELPA shall approve procedures and guidelines for the implementation of this policy.

---

**Legal Reference:** *California Education Code 56520-56525*



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 25**

**APPROVED: 2/19/2020**

~~12/12/18~~

~~6/1/11~~

~~6/1/07~~

**SUBJECT: DATA**

---

**Policy:**

It shall be the policy of the local educational agencies (LEA) in the East County Special Education Local Plan Area (SELPA) to provide data for information to the California Department of Education (CDE) that may be required by regulations. Such data shall include rates on suspension and expulsion in a manner prescribed by the CDE.

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

When indicated by data analysis, the LEAs further assure that policies, procedures and practices related to the development and implementation of Individualized Education Programs (IEPs) will be revised.

---

**Legal Reference:**

Federal Requirements: 20 USC Section 1418a-d; 1412 (a) (22)

California Requirements: EC 56205; 48900 et.seq.



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 26**

**APPROVED: 2/19/2020**

~~2/13/2019~~

~~11/22/02~~

**SUBJECT: CHARTER SCHOOLS**

---

**Policy for Provision of Special Education Services to Students Voluntarily Enrolled in Charter Schools:**

This policy applies to all charter schools that are chartered by Local Educational Agency members of East County Special Education Local Plan Area (SELPA) or on appeal by the San Diego County Board of Education or the State Board of Education in which oversight responsibilities have been assigned to an LEA within the SELPA.

Charter schools operating within the SELPA shall comply with all requirements of state and federal law regarding provision of special education services (Education Code section 56000 et seq., Individuals with Disabilities Education Act 20 U.S.C. Chapter 33). A charter school shall not discriminate against any pupil on the basis of disability in admissions, enrollment, or attendance. Students enrolled in charter schools shall receive services in a manner similar to students enrolled in other public schools within the SELPA. Funding for special education services, participation in the governance structure and responsibility for provision of services shall be based on the approved charter and Memorandum of Understanding (MOU) with their authorizer.



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 27**

**APPROVED: 2/19/2020**

~~12/12/18~~

~~6/26/02~~

~~6/23/00~~

**SUBJECT: REGIONAL PROGRAMS**

---

**Regional Program Definition:**

Regional programs are operated by one local educational agency (LEA) for other LEAs within the East County Special Education Local Plan Area (SELPA). Regional programs provide direct services to students. The program may be a special day class or an itinerant service. Students who are served are typically low incidence such as Deaf and Hard of Hearing (DHH), Orthopedically Impaired (OI), or Visually Impaired (VI). Day treatment programs which serve other LEA students who are usually eligible as Emotionally Disturbed (ED) are also considered regional programs.

Sometimes, a few LEAs may need to share a program or service need which all LEAs may not have due to their size and/or location. Adapted Physical Education (APE) is such a service which provides direct services to students in several smaller LEAs.

**Policy:**

Within the East County SELPA a free appropriate public education is available to all children with disabilities residing in the LEA between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school. In order to meet the wide range of needs across all districts, Regional Programs may be utilized.

The Superintendents' Council will approve any changes to the Regional Programs operated within the SELPA. Any programs that are operated within the SELPA will be funded through an excess costs model.



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 28**

**APPROVED: 2/19/2020**  
5/25/16  
1/23/08

**SUBJECT: INDEPENDENT EDUCATIONAL EVALUATION (IEE)**

---

This policy sets forth agency criteria for completion of independent educational evaluations, completed at public expense.

**Definitions**

*Independent Educational Evaluation (IEE)* means an evaluation conducted by a qualified examiner who is not employed by the responsible local educational agency.

*Qualified Examiner* is an evaluator who is competent to perform the evaluations through criteria established by the LEA in accordance with Education Code, Section 56322.

*Public expense* means that the local educational agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent or guardian.

*Local educational agency (LEA)* means the school district or charter school that is responsible for providing educational services to a child with a disability.

**Parent Requests for Independent Educational Evaluations (IEE)**

Parents may request an independent educational evaluation when they disagree with an evaluation completed by the Local Education Agency (LEA). Parents may only request one IEE in response to each evaluation completed by the LEA. Parent must make a request for an IEE within two years of the date of presentation of the assessment with which they disagree.

If the parents request an independent educational evaluation at public expense, the parents may be asked the reason why they object to the evaluation conducted by the LEA. The LEA may not require the parents to explain their reasons and may not unreasonably delay either providing an independent educational evaluation at public expense or initiating a due process hearing to defend its evaluation, or decision not to evaluate. If the LEA initiates a hearing and the final decision is that the evaluation conducted by the LEA was appropriate, the parent/guardian still has the right to an IEE, but not at public expense.

**Procedures for Parents When Requesting an IEE at Public Expense**

Parents must indicate in writing to the LEA they disagree with an evaluation conducted by the LEA and that they are requesting an independent educational evaluation at public expense. If the parent makes an oral request for an IEE, LEA staff shall offer to assist the parent in putting the request in writing and shall assist the parent if the parent so requests. The following information should be included in the request:

- a. Specific area(s) of disagreement with the LEA's assessment
- b. Requested area(s) of assessment
- c. Questions or issues with the LEA's assessment that would be addressed by the IEE; and
- d. If a specific IEE evaluator is desired, the name must be provided so that the LEA may consider the background, qualifications, and fees charged by the assessor

### **Procedures for LEAs when Parents Request an IEE at Public Expense**

Once the parent communicates his/her disagreement with the evaluation(s) completed by the LEA and requests an IEE at public expense, the LEA will:

1. Provide the parent a copy of this IEE policy, which includes the agency criteria for independent educational evaluations.
2. Consider the request, without unnecessary delay, and provide a Prior Written Notice stating whether the LEA is providing or denying the publicly funded IEE assessment.
3. If granting the request instead of filing for due process, the LEA will provide the parent provided with a list of potential evaluators and how these evaluators may be contacted. The list is not intended to be exhaustive and is not intended to limit a parent's options in obtaining an IEE from other qualified professionals who meet the agency criteria outlined in this policy, or demonstrating unique circumstances justifying departure from them.
4. In the event that a parent requests to utilize an evaluator who does not meet agency criteria, the LEA shall provide the parent the opportunity to demonstrate that there are unique circumstances to justify such departure. The LEA will then make a determination if the use of the requested evaluator that does not meet agency criteria is warranted, and respond to the parent with a prior written notice.
5. If the parent wishes for LEA to provide records to IEE assessor, or otherwise share information with such provider or communicate with them about student, parents will be required to sign a release and exchange of information between the IEE evaluator(s) and the LEA. The records review is for purposes of making recommendations as to current needs and contents of the student's IEP and not for purposes of opining on whether prior evaluations or services were appropriate.
6. If the parent obtains IEE without prior approval and is seeking reimbursement for the IEE assessment, the parent is responsible to ensure that the IEE provider comports with the SELPA's Independent Educational Evaluation Policy.
7. If the LEA does not agree to provide the IEE at public expense, the LEA must file for due process, without unnecessary delay, to demonstrate that its assessment was appropriate.

If the parent obtains an IEE and provides it to the LEA, the results of the evaluation (if the evaluation meets the agency criteria) must be considered by the LEA in making educational decisions as required by the Individuals with Disabilities Education Act. The evaluation may also be presented as evidence at a due process hearing regarding the child.

### **Conflict of Interest**



To ensure the independence of the evaluation and any recommendations therein, the LEA will not contract with an independent evaluator who is or could be providing services to the student. Likewise, if the independent evaluator recommends a particular service and the IEP team agrees to that service, in its discretion, the LEA will not fund the service through the independent evaluator.

### **Independent Evaluations Not Funded by the Local Education Agency (LEA)**

The LEA does not have an obligation to reimburse parents/guardians for privately obtained evaluations completed prior to the date that the LEA's evaluation is completed and discussed at an IEP Team meeting.

### **Consideration of Independent Educational Evaluations**

Independent educational evaluations are designed to provide an independent opinion when the parent disagrees with the LEA's evaluation(s) of the child. The LEA is responsible for offering appropriate placements and services. Therefore, the LEA will consider recommendations contained in independent educational evaluations completed in accordance with this policy and its implementing procedures and criteria. Independent educational evaluations do not control the LEA's determinations regarding eligibility for special education, appropriate goals, objectives and/or placement recommendations.

### **Reimbursement for Completed Independent Educational Evaluations**

To request reimbursement for a completed IEE, the evaluation must meet the agency criteria included in this policy. It is the responsibility of the director/coordinator of the LEA to determine whether the completed IEE meets the agency criteria. Once the LEA receives a request for reimbursement, the special education administrator shall respond to the parent/guardian in a timely manner. Reimbursement will be in an amount no greater than the actual cost to the parent and will be subject to proof of payment.

The parents will be promptly reimbursed for the costs of the previously obtained IEE if it meets the agency criteria as determined by the special education administrator for the LEA and the LEA does not elect to request a due process hearing. Reimbursement for IEE assessments shall be limited to the cost limitations set forth in this policy. If the LEA files for a due process hearing, the parents will not be reimbursed for the cost of the evaluation unless the LEA is ordered to reimburse the parents pursuant to a due process hearing decision.

In the event that the parent believes that due to the unique needs of their particular child it is necessary to select an assessor who does not meet agency criteria, Parent will be given an opportunity to explain factors that make such a selection necessary.

If the LEA observed the child in conducting the evaluation with which the parents disagree or if its assessment procedures allow in-class observations, the independent examiner will be provided with an equivalent opportunity to observe the child in the current educational setting and to observe the LEA's proposed setting, if any. This opportunity shall also be provided if the parents obtain an evaluation at private expense.

The LEA shall define the nature and scope of an independent examiner's in-class observations consistent with the right to an equivalent opportunity to observe the student to the LEA's evaluation with which parent disagreed.

To prevent unnecessary disruption in the classroom and to protect the privacy interests of other students but provide an independent examiner an equivalent opportunity to observe the student, observations are subject to reasonable restrictions outlined in LEA policy or practice. Reasonable restrictions include, but are not limited to, the following: 1) scheduling the observations per Board policy; (2) identifying reasonable time limitations; (3) identifying LEA personnel to accompany the independent evaluator during the observations; and (4) outlining reasonable restrictions on interacting with the student and teacher during classroom instruction.

## **Evaluators**

IEE Evaluators must be located within the boundaries of San Diego County. Evaluators outside of this area will be approved only on a case by case basis by the LEA if the parents or the LEA can demonstrate there is a unique need for a specialized evaluation

## **Evaluation and Cost Criteria**

The cost of an IEE shall be based on reasonable rates in the area for contractors of similar qualification to perform similar evaluations to the criteria of the LEA's evaluation, with due consideration of cost of living adjustments and any. Rates will be reviewed and adjusted periodically by the Superintendents' Council. Costs include: administration and scoring of tests, report writing, observations (if necessary) in school or alternative (interviews with school staff), review of prior evaluations and progress (if necessary), and IEP team meeting attendance (as necessary and separately arranged). (See Exhibit A). The final report for the IEE shall be prepared and provided before IEP meeting is scheduled.

When insurance will cover all or partial costs of the IEE, the LEA will request that the parent voluntarily have their insurance pay the IEE costs covered by their insurance. However, parents will not be required to use insurance benefits if such action would result in a financial cost to the parents including, but not limited to the following:

1. A decrease in the available lifetime coverage or any other benefit under an insurance policy;
2. An increase in premiums or the discontinuance of the policy; or
3. An out-of-pocket expense such as payment of a deductible amount incurred in filing a claim unless the parent is willing to have the LEA reimburse them for the amount of the deductible.

As part of the contracted evaluation, independent evaluators should include the following activities within the time estimates provided on Exhibit A:

- Review student records - the need for record review and its scope will be determined on a case by case basis, and should be driven by referral questions and forward looking instead of a review and recommendation regarding past compliance, programming, or progress;
- Determine whether it is required that they attend relevant IEP team meetings by phone or in person to discuss their findings – LEA personnel may attend meetings in place of the independent evaluator. The need for attendance of the independent evaluator at the IEP meeting will be determined on a case by case basis;
- Observe the student in educational setting - the independent evaluator may observe the student in the educational setting or other setting as dictated by referral questions and case by case evaluation needs.

Evaluators must meet qualifications specified in education code or they will not be approved unless the parent can demonstrate the appropriateness of using an evaluator meeting other qualifications. (E.C. 56320(b)(3); E.C. 56329)

The SELPA will maintain a courtesy list of potential Independent Educational Evaluation (IEE) evaluators who have agreed to the agency's criteria; however, the SELPA or its member LEAs do not endorse the evaluators listed and are not responsible for any liability that may arise from use of any evaluator listed. It is recommended that parent/guardians request a copy of potential evaluators' resume or vitae, ask for references, and request a written proposal that includes the itemized costs for the evaluation including writing the report and attending the IEP meeting, prior to making a final selection. It is recommended that parent/guardians contact the LEA prior to making the final selection of an IEE evaluator to ensure that the evaluator meets the agency's licensures/credentialing criteria.

(EDUCATION CODE 56329; 56506)  
(CALIFORNIA CODE OF REGULATIONS 3022)  
(GOVERNMENT CODE 7572)

---

Exhibit A

Type of Assessment	Qualifications	Rate*
Academic Achievement	<ul style="list-style-type: none"> <li>• Credentialed Special Education Teacher</li> <li>• Credentialed School Psychologist</li> <li>• Licensed Educational Psychologist</li> </ul>	\$1,120-\$1,970
Assistive Technology/ Augmentative Alternative Communication	<ul style="list-style-type: none"> <li>• Credentialed or Licensed Speech/Language Pathologist</li> <li>• Certified Assistive Technology Specialist</li> <li>• Licensed Occupational Therapist</li> <li>• Credentialed School Psychologist</li> </ul>	\$760-\$1,220
Auditory Processing	<ul style="list-style-type: none"> <li>• Licensed or Certificated Audiologist</li> <li>• Credentialed School Psychologist</li> <li>• Licensed Educational or Clinical Psychologist</li> <li>• Credentialed or Licensed Speech/Language Pathologist</li> </ul>	\$580-\$1,070
Behavior/Functional Behavior	<ul style="list-style-type: none"> <li>• Credentialed School Psychologist</li> <li>• Licensed Educational or Clinical Psychologist</li> <li>• Credentialed Special Education Teacher</li> </ul>	\$1,570-\$2,330
Full Psycho-Educational (includes, but is not limited to, academic, adaptive, basic psychological processing, behavior, cognition, and social- emotional)	<ul style="list-style-type: none"> <li>• Credentialed School Psychologist</li> <li>• Licensed Psychologist</li> <li>• Licensed Educational Psychologist</li> <li>• Clinical Psychologist</li> <li>• Credentialed Special Education Teacher (academic only)</li> </ul>	\$2, 670-\$3,490
Mental Health	<ul style="list-style-type: none"> <li>• Credentialed School Psychologist</li> <li>• Licensed Clinical Social Worker(s)</li> <li>• Licensed Marriage Family Therapist</li> <li>• Licensed Clinical Psychologist</li> </ul>	\$1,700 - \$2,310
Motor (Fine or Gross)	<ul style="list-style-type: none"> <li>• Credentialed Adapted Physical Education Teacher</li> <li>• Registered/Licensed Occupational Therapist</li> <li>• Licensed Physical Therapist</li> </ul>	Fine: \$590 - \$1,110 Gross: \$820- \$1,650
Neuropsychological	<ul style="list-style-type: none"> <li>• Credentialed School Psychologist with Certification/License in Neuropsychology</li> <li>• Credentialed or Licensed Neuropsychologist</li> </ul>	\$2,290- \$3,860
Speech and Language	<ul style="list-style-type: none"> <li>• Credentialed or Licensed Speech/Language Pathologist</li> </ul>	\$670-\$1,040
Visual Acuity and Perception	<ul style="list-style-type: none"> <li>• Credentialed Teacher of the Visually Impaired</li> <li>• Credentialed School Nurse</li> <li>• Vision Specialist</li> <li>• Credentialed Orientation and Mobility Instructor</li> <li>• Ophthalmologist/Licensed Optometrist</li> </ul>	\$520 -\$1,060

\* IEP meeting attendance to be arranged separately and final report must be provided before meeting is scheduled.

\*\*Typical hours spent, dictated by type of assessment, case complexity and seniority of assess.

\*\*\*Market rates, periodically assessed, hourly rates outside range must be preapproved



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No. 29**

**APPROVED: 2/19/2020**

~~12/12/18~~

~~6/1/07~~

~~6/26/02~~

**SUBJECT: LITERACY**

---

**Policy:**

In order to improve the education results for students with disabilities, the local educational agencies (LEA) in the East County Special Education Local Plan Area (SELPA) shall ensure that all students who require special education participate to the extent appropriate in state-approved reading curriculum. The core curriculum, alternative curriculum and supplemental curriculum will be provided to students based on their unique educational needs. In order that teachers may implement these programs with fidelity, special education instructional personnel will participate in staff development in-services opportunities in the areas of English Language Arts, including but not limited to:

- Information about current literacy and learning research that aligns with the state-adopted standards and framework.
- Research-based instructional strategies for teaching language arts to a wide range of diverse learners.
- State-adopted standards.

Examples of staff development opportunities may include, but are not limited to, phonemic awareness, phonics instruction, fluency, comprehension, vocabulary development, multi-modality instruction, reading fluency, writing. Some training opportunities are offered at the local level, while others are offered outside the districts. The specific needs of special education personnel are identified early, and personnel participate in staff development activities based on their individual needs for continued professional development.

**Goals:**

To help obtain higher standards in reading, special education students shall have full access to:

- All required core curriculum, including state-adopted core curriculum and textbooks.
- Alternative curriculum and textbooks, and supplementary curriculum and textbooks.
- Instructional materials to blind students or other students with print disabilities in a timely manner according to state-adopted National Instructional Materials Accessibility Standard.
- Other state, county or LEA instructional materials and support service



**EAST COUNTY**

**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 30**

**APPROVED: 2/19/2020**

12/12/18

6/1/07

10/26/01

**SUBJECT: LOW INCIDENCE FUNDS**

---

**Policy:**

The local educational agencies (LEAs) of the East County Special Education Local Plan Area (SELPA) shall use low incidence funds to provide services or equipment as required under the Individual Education Program (IEP) for each pupil with low incidence disabilities. Education Code Section 56026.5 defines low incidence disabilities to include hearing impairments, vision impairments, severe orthopedic impairments or any combination thereof. The low incidence funds shall be allocated to the LEAs according to the SELPA's Funding Allocation Plan.



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**Policy No.: 31**

**APPROVED: 2/19/2020**

~~12/12/18~~

~~6/26/02~~

**SUBJECT: TRANSPORTATION OF STUDENTS WITH SPECIAL NEEDS**

---

**Policy:**

The Special Education Local Plan Area (SELPA) shall ensure that the concept of "Least Restrictive Environment" (LRE) applies to the transportation of students with special needs as operationalized by its member local educational agencies (LEAs). When an Individualized Education Program (IEP) team determines that transportation is not a necessary related service, the child's parent/guardian shall choose the mode of travel to and from school from the options available to general education students. When addressing transportation as a related service, there are two categories of students with special needs to be considered:

- Those for whom transportation is a related service, but delivering that service does not require any accommodation. These students can ride with their peers with no special needs.
- Those for whom transportation is a related service and accommodation is necessary to ensure they can access educational services.

**LEA Services:**

The SELPA's LEAs shall ensure through their policies and procedures that appropriate transportation services are provided for students with special needs as specified in their IEP.

---

**Legal References:** *Education Code, 41850 - Definition of Special Education Transportation*



***East County SELPA***

• Special Education Local Plan Area •  
924 East Main St., El Cajon, CA 92021

# PROCEDURES





**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**PROCEDURE NO. 1**

**APPROVED: 12/12/18**  
**6/1/11**

**SUBJECT: BEHAVIORAL INTERVENTION FOR STUDENTS IN SPECIAL EDUCATION**

---

The Law

A.B. 2586, California Education Code, Part 30, Chapter 5.5 Title 5, and California Code of Regulations Section 3001 and 3052 provide(d) the description of procedures for implementing the Hughes Bill. Assembly Bill 86 (“AB 86”) was passed, resulting in the repeal of the Hughes Bill as of July 1, 2013. AB 86 amends Education Code Sections 56520-56525 and repeals Sections 3052 and 3001(d)-(g) and (ab) of Title 5 of the California Regulations with respect to Behavior Intervention Plans for special education students. It aligns state law with federal law and adds restrictions on the use of emergency behavior interventions.

**PROCEDURES FOR SYSTEMATIC USE OF POSITIVE BEHAVIORAL INTERVENTIONS AND EMERGENCY**

Positive Behavioral Interventions Definition:

Behavioral intervention: is the systematic implementation of procedures that result in lasting positive changes in the individual's behavior. They are designed to provide:

- Greater access to a variety of community settings;
- Greater access to social contacts and public events;
- Ensure the individual's rights to placement in the least restrictive environment; and
- An educational environment as outlined in the individual's IEP.

Such interventions shall only be used to replace specified maladaptive behavior(s) with alternative acceptable behavior(s) and shall never be used solely to eliminate maladaptive behaviors.

**A referral for a Functional Behavior Assessment (FBA) and subsequent IEP team meeting at which a Behavior Intervention Plan may be written is mandated whenever:**

1. The IEP team finds that instructional/behavioral approaches specified in the student's IEP have been ineffective, or
2. The IEP Team determines at an IEP meeting the necessity for a FBA after any Behavioral Emergency Report has been written regarding an individual who does not have a Behavior

Intervention Plan. Nothing in this section shall preclude a parent or legal guardian from requesting a FBA pursuant to provisions of Education Code Sections 56330, et. seq.

**The criteria to be used to determine the possible need for special behavioral interventions include the following:**

1. A pupil demonstrates a continuous serious behavior problem, which poses a threat of injury to self, other pupils, and/or staff, AND/OR
2. A pupil demonstrates continuous serious property damage, AND/OR
3. A pupil demonstrates a severe behavior problem that is pervasive and maladaptive which requires the systematic and frequent application of behavioral intervention including special behavioral interventions, AND
4. The severe behavior significantly interferes with implementation of the pupil's IEP goals and objectives, AND
5. A behavioral program involving positive-only behavioral interventions has been unsuccessful in reducing the pupil's behavior to a safe level, OR
6. The IEP team determines that it would be unsafe to provide a trial of positive-only behavioral programming for a pupil based on research suggesting that the use of special behavioral interventions (along with positive behavioral interventions) is more effective in quickly reducing dangerous behaviors (particularly self-injurious behaviors).

**NOTE**

*It is to be expected that in a significant majority of the cases where individuals with exceptional needs are exhibiting inappropriate behavior, the behavior problem can be addressed appropriately through development of a Behavior Intervention Plan. SELPA form, Behavior Intervention Plan (SELPA10), or a district equivalent, should be used for this purpose. The IEP Team will record on this form the function of the student's behavior (i.e. what is the student attempting to achieve through his/her behavior), the replacement behavior that the Team has identified for the student to use instead, and the instructional approaches and interventions that will be used to assist the student to learn to utilize the more positive behavior.*

**EMERGENCY INTERVENTIONS**

**Education Code section 56521.1** states that emergency interventions may only be used to control unpredictable, spontaneous behavior which:

1. Poses clear and present danger of serious physical harm to the individual with exceptional needs, or others AND
2. Cannot be immediately prevented by a response less restrictive than temporary application of a technique used to contain the behavior.

**Section 56521.1** further states emergency intervention(s) shall not be used to substitute for the systematic Behavior Intervention Plan that is designed to change, replace, modify, or eliminate a targeted behavior. Whenever a behavior emergency occurs, only behavioral emergency interventions approved by the EC SELPA may be used. Staff utilizing these procedures must be certified according to EC SELPA approved training programs which are Non Violent Crisis Prevention Intervention (CPI) or ProAct. No emergency intervention shall be employed for longer than necessary to contain the behavior. Any situation which, requires prolonged use of an emergency intervention, shall require staff to seek assistance of the school site administrator for further guidance.

**Emergency interventions MAY NOT include:**

1. Locked seclusion unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
2. Restrictive interventions which employ a device, material or objects that simultaneously immobilize all four extremities, except techniques such as prone containment may be used by staff trained in those procedures as a limited emergency intervention.
3. An amount of force that exceeds that which is reasonable and necessary under the circumstances.

## **PROHIBITED BEHAVIORAL INTERVENTIONS**

The legislation states that a local educational agency or nonpublic, nonsectarian school or agency serving individuals with exceptional needs shall not authorize, order, consent to, or pay for the following interventions, or any other interventions similar to or like the following:

1. Any intervention that is designed to, or likely to cause physical pain, including, but not limited to electric shock.
2. An intervention that involves the release of noxious, toxic or otherwise unpleasant sprays, mists, or substances in proximity to the individual's face.
3. Any intervention which denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities.  
Any intervention which is designed to subject, or likely to subject, the individual to verbal abuse, ridicule or humiliation, or which can be expected to cause excessive emotional trauma.
4. Restrictive interventions which employ a device, or material or objects that simultaneously immobilize all four extremities, including the procedure known as prone containment, except that techniques such as prone containment or similar techniques may be used by staff trained personnel in those procedures as a limited emergency intervention.
5. Locked seclusion, unless it is a facility otherwise licensed by state law to use a locked room.
6. Any intervention that precludes adequate supervision of the individual.
7. Any intervention which deprives the individual of one or more of his or her senses.

**When writing a Functional Behavior Assessment (FBA)/Behavior Intervention Plan (BIP) please review the EC SELPA revised FBA/BIP Manual.**



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**PROCEDURE NO. 2**

**APPROVED: 12/12/18**  
**4/25/03**

**SUBJECT: CHILD FIND**

---

Procedure:

Child Find activities may include, but are not limited to:

- Legal notices, in a variety of languages, in countywide and East County newspapers.
- Coordination of activities with other agencies, such as Regional Center for the Developmentally Disabled, Head Start, Early Head Start, California Children Services, and local medical centers.
- Training local educational agency (LEA) and Special Education Local Plan Area (SELPA) employees in the Child Find process.
- Presentations, brochures and other outreach activities for school groups and community organizations.
- Establishing and maintaining contact with parents and community members through groups such as the Community Advisory Committee, as well as other activities.
- Establishing liaisons with agencies, such as the Exceptional Family Resource Center that provide services to individuals with disabilities.
- Annual notices to private schools.

Child Find identification, referral, and activities may include, but are not limited to:

- Parental/Guardian Request: Request for identification from a parent/guardian or from a student 18 years or older shall be processed following mandated timelines. If the request is verbal, the requestor shall be informed of the need for a written request. If the requestor needs assistance writing the request, the LEA representative shall provide assistance. If the parent/guardian or student 18 years or older, speaks a language other than English, the LEA employee shall provide the parent with assistance, as needed, in the individual's primary language.
- Infants and Toddlers - Birth to Three Years: The East County Early Start Program (Individuals with Disabilities Education Act (IDEA) Part C) ensures that infants and toddlers within East County with disabilities or who are at risk for developmental delays receive coordinated services. Part C agency representatives shall review referrals received and determine which agency, SELPA Infant Toddler Regional Program or the Regional Center, shall be responsible for case management including assessment, Individual Family Service Plan (IFSP) development, and the provision of needed services, in accordance with the interagency agreement.

- Children within 45 days or less of their third birthday shall be referred to their LEA of residence instead of the Part C agency.
- Preschoolers - Age Three to Kindergarten: Infants or toddlers receiving early education services through an IFSP shall be referred to the proper East County LEA for determination of continuing needs and services. This process occurs between ages 2 years 6 months and 2 years 11 months.
- Any individual suspected of having a disability, and not previously identified by child-find procedures, shall be referred to the LEA of residence. Referral information shall also be provided to agencies, physicians, private preschools, Head Start preschool providers and caregivers, as needed
- School Age: All LEAs in the East County SELPA have trained staff on referral procedures and eligibility. Most schools utilize Student Study Teams (SSTs) That convene to discuss areas of concern and refer to special education as appropriate
- Post-Secondary: LEAs with post-secondary students shall participate in regularly scheduled meetings with California Children Services, San Diego Regional Center, and other private agencies. Referrals shall be processed through the local high school or the LEA's special education office.

---

**Legal References:** *United States Code: 20 US 1412(a)(3), California Education Code: 56205(a)*



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**PROCEDURE NO. 3**

**APPROVED: 12/12/18**  
**5/24/02**

**SUBJECT: STUDENTS WITH AUDITORY PROCESSING DEFICITS**

---

**Procedures:**

Some students with disabilities may have difficulty with auditory processing

Based on a referral from an LEA, the SELPA audiologists will conduct an assessment in the area of auditory processing. As these students do not have a low incidence disability, districts who requests these types of assessments shall be invoiced twice per year for each referral.

If a student has a need for support in the area of auditory processing, LEAs may address their needs through a variety of strategies including:

- IEP goals to address needs
- Assistive technology
- Research-based software/applications that address auditory processing skills.

It should be noted that an LEA would be responsible for the provision of these supplementary aids and/or services.



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**PROCEDURE NO. 4**

**APPROVED: 12/12/18**  
**2/28/03**

**SUBJECT: STUDENTS IN HOSPITALS, LICENSED CHILDREN'S INSTITUTIONS (LCIs), AND FOSTER HOMES**

---

**Procedure:**

**Public Hospitals, Proprietary Hospitals and Other Residential Medical Facilities:**

Students with Individualized Education Programs (IEPs): The local educational agency (LEA) where the facility is located provides educational services for individuals who are residents of hospitals or other residential medical facilities. This is the process for both short and long-term placements.

Students without IEPs: If the need for special education is suspected, the LEA where the facility is located is responsible for completing the Child Find activities. The LEA, where the student's parent resides, and the parent may be involved in the process, when appropriate.

Placements outside the Special Education Local Plan Area (SELPA): If a student who is a resident of an LEA in the East County SELPA is placed in a public hospital, proprietary hospital, or other residential medical facility located in another SELPA by a parent, Regional Center, court, or other public agency, it becomes the responsibility of the LEA, county office of education or SELPA where the facility is located to provide special education programs and services.

If an LEA of the East County SELPA elects to place a student in a state-certified nonpublic school operated by a proprietary hospital or residential medical facility in another SELPA, the LEA developing the IEP is responsible for the educational costs.

**Licensed Children's Institutions (LCIs) and Foster Homes:**

Each LEA shall be responsible for the provision of special education programs and services to students with IEPs living in licensed children's institutions (LCIs) and foster homes located within the geographic boundaries of the LEA. The special education programs and services may be provided by a public education agency or by contract with a California-certified, non-public, non-sectarian school.

---

**Legal References:** *California Education Code 56195.7 (d-e), 56167*



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**PROCEDURE NO. 5**

**APPROVED: 12/12/18**  
**~~12/14/07~~**

---

**SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS (IEEs)**

---

**Procedure:**

If the parents request an independent educational evaluation at public expense, the parents may be asked the reason why they object to the evaluation conducted by the LEA. The LEA may not, however, require the parents to explain their reasons and may not unreasonably delay either providing an independent educational evaluation at public expense or initiating a due process hearing to defend its evaluation. If the LEA initiates a hearing and the final decision is that the evaluation conducted by the LEA was appropriate, the parent/guardian still has the right to an IEE, but not at public expense.

**Procedures for Parents When Requesting an IEE at Public Expense:**

Parents must indicate in writing to the LEA or inform the LEA at an IEP meeting that they disagree with an evaluation conducted by the LEA and that they are requesting an independent educational evaluation at public expense. If the parent makes an oral request for an IEE, LEA staff shall offer to assist the parent in putting the request in writing and shall assist the parent if the parent so requests. The following information should be included in the request:

- a. Specific area(s) of disagreement or disputed in the District's assessment
- b. Requested area(s) of assessment
- c. Questions or issues with the District's assessment that would be addressed by the IEE; and
- d. If a specific IEE evaluator is desired, the name must be provided so that the District may consider the background, qualifications, and fees charged by the assessor.

**Procedures for Districts when Parents Request an IEE at Public Expense:**

Once the parent communicates his/her disagreement with the evaluation(s) completed by the LEA and requests an IEE at public expense, the following procedures will be followed:

1. The parent will receive a copy of the IEE policy, which includes the agency criteria for independent educational evaluations.
2. The District will consider the request, without unnecessary delay, and provide a Prior Written Notice stating whether the District is providing or denying the publicly funded IEE assessment. If the District agrees to provide the IEE at public expense, the District will seek additional information:



- a. Assessor qualification, credentials, and/or licensure (if the assessor is not identified on the IEE Assessors list)
  - b. Assessor geographic location; and
  - c. Assessor fees.<sup>1,2</sup>
3. The parent will be provided with a list of potential evaluators and how these evaluators may be contacted. The list is not intended to be exhaustive and is not intended to limit a parent's options in obtaining an IEE from other qualified professionals who meet the agency criteria outlined in this policy.
4. In the event that a parent/guardian requests to utilize an evaluator who does not meet agency criteria, including cost limitations, the LEA shall provide the parent the opportunity to demonstrate that there are unique circumstances to justify their selection of such an evaluator. The LEA will then make a determination if the use of the requested evaluator that does not meet agency criteria is warranted, and respond to the parent with a prior written notice.
5. The completed assessment must comply with the location limitations for the evaluation, the minimum qualifications for the examiner, cost limits, and use of approved instruments.

<sup>2</sup>The proposed fees must be both reasonable and customary, similar to those performed by qualified professional in the local area.

6. Parents will be required to sign a release and exchange of information between the IEE evaluator(s) and the LEA.
7. Independent education evaluators will be requested to write reports focusing on the "unique needs" of the child. Independent education evaluators will be requested not to identify specific providers of special education programs and services as to avoid any possible "conflict of interest" situations. Evaluators must be knowledgeable of and agree to comply with all provisions of the Federal Code of Regulations (IDEA) and California Education Codes governing special education, to include the criteria required to make recommendations for eligibility.
8. If the parent is seeking reimbursement for the IEE assessment, the parent is responsible to ensure that the IEE provider comports with the East County SELPA's Independent Educational Evaluation Policy prior to the District funding the IEE. If the District does not agree to provide the IEE at public expense, the District must file for due process, without unnecessary delay, to demonstrate that its assessment was appropriate.

If the parent obtains an IEE at private expense, the results of the evaluation (if the evaluation meets the agency criteria) must be considered by the LEA in making educational decisions as required by the Individuals with Disabilities Education Act. The evaluation may also be presented as evidence at a due process hearing regarding the child.

#### Reimbursement for Completed Independent Educational Evaluations:

If parents/guardians request reimbursement for a completed IEE, the evaluation must meet the agency criteria as defined in the IEE policy. It is the responsibility of the special education administrator of the LEA to determine whether the completed IEE meets the agency criteria. Once the LEA receives a request for reimbursement, the special education administrator shall respond to the parent/guardian in a timely manner.

The parents will be promptly reimbursed for the costs of the previously obtained IEE if it meets the agency criteria as determined by the special education administrator for the LEA and the LEA does not elect to request a due process hearing. Reimbursement for IEE assessments shall be limited to the cost limitations set forth in this policy. If the LEA files for a due process

hearing, the parents will not be reimbursed for the cost of the evaluation unless the LEA is ordered to reimburse the parents pursuant to a due process hearing decision.

The criteria, under which an IEE is obtained at public expense, including the location limitations for the evaluation, minimum qualifications of the examiner, cost limits, and use of approved instruments, must be consistent with the criteria set forth in the policy. In the event that the parent believes that due to the unique needs of their particular child it is necessary to select an assessor who does not meet agency criteria, Parent will be given an opportunity to explain factors that make such a selection necessary.

Parents will be required to sign releases to exchange information between the independent educational evaluator and the LEA as a prerequisite to the payment or provision of an IEE.

Independent evaluators must agree to release their assessment information, original testing protocols, report, and results to the LEA prior to receipt of payment for services. The results of the IEE will be considered in the eligibility determination, program decisions, and placement of the child with disabilities as required by the Individuals with Disabilities Education Act.

If the LEA observed the child in conducting the evaluation with which the parents disagree or if its assessment procedures allow in-class observations, the independent examiner will be provided with an equivalent opportunity to observe the child in the current educational setting and to observe the LEA's proposed setting, if any. This opportunity shall also be provided if the parents obtain an evaluation at private expense.

The LEA shall define the nature and scope of an independent examiner's in-class observations consistent with the right to an equivalent opportunity to observe, but also consistent with its obligations to prevent unnecessary disruption in the class and to protect the privacy interests of other students. These parameters may include, but are not limited to, identifying the time constraints of such observation, district personnel who will participate in the observation and restrictions on student/teacher interactions.

To prevent unnecessary disruption in the classroom, and to protect the privacy interests of other students, but provide an independent examiner an equivalent opportunity to observe the student, observations are subject to reasonable restrictions outlined in District policy or practice. Reasonable restrictions include, but are not limited to, the following: 1) scheduling the observations per Board policy; (2) identifying reasonable time limitations; (3) identifying District personnel to accompany the independent evaluator during the observations; and (4) outlining reasonable restrictions on interacting with the student and teacher during classroom instruction.

---

**Legal References:** *California Education Code 56329; 56506; California Code of Regulations 3022; Government Code 7572*



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**APPROVED: 05/28/2021**

~~12/12/18~~

~~6/26/02~~

6/23/00

---

**SUBJECT: FUNDING OF REGIONAL PROGRAMS**

---

**Procedures:**

As of the 2017-18 school year, the following Regional Programs are operated within the SELPA:

- Itinerant Adapted Physical Education (Mountain Empire)
- Audiology & Itinerant Teachers of the Deaf and Hard of Hearing (SELPA)
- Elementary Day Treatment (Cajon Valley)
- Itinerant Teachers of the Orthopedic Impairment (Cajon Valley)
- Itinerant Teachers of the Visually Impaired (Santee)

As the SELPA runs the Audiology and Itinerant Teachers of the Deaf and Hard of Hearing programs, those budgets are agreed upon on an annual basis by the Financial Advisory Committee (FAC). Any changes to the staffing will be taken to the Superintendents' Council for approval. These funds are allocated to the SELPA directly as a part of the Funding Allocation Plan.

The Adapted Physical Education Regional Program run by Mountain Empire only serves districts choosing to utilize those services. The process outlined below will apply, but will only be calculated on the districts participating in that Regional Program.

Excess costs incurred by the LEA providing services for operating a regional program will be agreed upon annually at the beginning of each school year, based on the following factors:

- Actual salaries (in lieu of average salaries) from prior year
- Costs and revenues from prior year

East County LEAs operate regional and LEA programs. When a student is being served in an East County LEA program from another SELPA in San Diego County, the InterSELPA transfer procedures which are agreed upon across San Diego County, will be utilized.

**Regional Program Costs:**

Costs are agreed upon on an annual basis. Special education staff who provide direct services to the student in the "regional program" are considered to be part of the program costs. Staff may include special day class teachers, instructional aides, itinerant teachers, speech and language pathologists, adapted physical education specialists, or counselors. Other related services such

as occupational therapy or vision therapy may also be included. Actual salaries are to be utilized in order to determine costs. Direct support personnel such as a program specialist, psychologists, and/or nurse are also part of the costs. Materials, equipment, conference attendance, and mileage are also part of the formula. Excess costs incurred beyond the base program such as additional aide time, OT, PT, etc. are the responsibility of the District of Special Education Accountability.

A flat fee of \$5,219.00 has been developed and agreed upon by the respective providers for infrastructure costs. Custodial cleaning, custodial supplies, trash services, gas/electric, telephone, property/liability insurance are included. A rate has been determined which includes replacement of furniture and equipment, facility maintenance, (repair or replacement) over a 25 year period. The costs have been based on a 960 square foot relocatable classroom. An itinerant program would use a proportional fee based on its square footage compared to the 960 square foot classroom cost.

#### Facility Maintenance

Based on 5-25 year replacement or repair of the following items:

- Heating, ventilating, air conditioning (HVAC) 20 years
- Lighting fixtures and door hardware 20 years
- Carpet 15 years
- Ceiling tile 15 years
- Roof 15 years
- White boards 12 years
- Exterior paint 10 years
- Window covering 10 years
- Ramp recoating with non-skid 5 years

#### Furniture and Equipment Replacement

Based on 25-year replacement of the following items:

- Teacher desk
- Student desk and chair (10)
- Activity table
- Chair
- Storage cabinet
- AV equipment
- Bookcase

#### **Excess Costs:**

Excess costs are derived from taking the difference between revenue generated and agreed-upon costs. The difference will be paid by users of the regional program. For regional programs which are special day classes, the average special education pupil count between December 1 and April 1 will be utilized in order to determine the portion each LEA which utilized the program owes the provider. Costs for itinerant programs shall be passed on to LEAs based on the prior year's total student CBEDS count of students in grade levels that can access the program.

#### Billing Process for Excess Cost:

The Financial Advisory Committee (FAC) shall approve the excess cost calculations annually.

It shall be the responsibility of the billing LEA to see that each LEA being invoiced will get an invoice containing:

- The student identification number from the LEA who incurred the costs, or
- The CBEDS information used to determine costs.

This invoice should be signed and returned to the sending LEA within 30 days. The SELPA Director shall be notified within the 30 days if there is a discrepancy in the billing. If errors are not reported within 30 days, the SELPA Office shall compute the billing per the original invoices.

The SELPA Office shall maintain a spreadsheet for all LEAs indicating the balance of regional program costs. This information shall be reviewed by the FAC at the first meeting in the month of January. After approval by the FAC, the SELPA Office, working with the County Office of Education will process an Auditor's Transfer to transfer funds among the East County LEAs. Invoices not presented to the FAC before December 31<sup>st</sup> shall be deferred to the following year for payment.

#### Expansion of Regional Programs:

Infrastructure costs will be paid by a LEA based on its percentage of CBEDs as compared to the total CBEDs. A standard rate for furniture and equipment, and materials of \$2,250 has been agreed upon by the Financial Advisory Committee (FAC) beginning with the 2000-2001 fiscal year. An inflationary factor of three (3) percent will be added to the flat rate on an annual basis. The one-time facility and equipment costs will be borne by all LEAs which serve elementary-age students. Each LEA's share will be based on the CBEDS counts of grade levels that the program serves. CBEDs from the prior year will be utilized in order to calculate each LEA's share of the costs. The projected costs will be approved by the Superintendents' Council. Upon completion of the work, the actual invoices will be approved by the FAC.

The new regional provider will bill excess costs under the same methodology utilized for special day class or itinerant programs, as appropriate. Thus, the provider will incur personnel costs one year prior to obtaining reimbursement from other LEAs.

#### Relocation of Regional Program:

Due to fluctuations in students' ages served by a regional program, a program shift may need to be made from one level to another such as elementary to middle school. When a facility is required due to the relocation, the costs of the facility will be shared by all elementary LEAs. Under the condition when a relocatable is purchased, the procedure described under "Expansion of Regional Program" will be utilized. Under the conditions when a LEA leases a facility due to a regional program need, the annual cost for the lease will be included in the program cost calculation. Both conditions require that the LEA certifies that no reasonable space exists for the program within the LEA.



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
 924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

**PROCEDURE NO. 7**

**APPROVED: 12/12/18**  
**9/21/11**

**SUBJECT: REGIONAL PROGRAMS FOR PROGRAMMATIC PURPOSES ONLY**

**Procedure:**

**ADAPTED PHYSICAL EDUCATION (APE):**

<b>Program Provider/ Supervision</b>	<i><b>Mountain Empire</b></i>
<b>Program(s) Available</b>	<ul style="list-style-type: none"> <li>• Itinerant services for Mountain Empire, Dehesa, Alpine and Jamul.</li> </ul>
<b>Ages/Grades</b>	<ul style="list-style-type: none"> <li>• Preschool through age 22</li> </ul>
<b>Referrals</b>	<p><b><u>Initial Evaluations</u></b></p> <ul style="list-style-type: none"> <li>• District of Residence (DOR) case manager contacts APE Specialists at <i>identified district (Mountain Empire)</i> employing the APE Specialist to develop gross motor portion of assessment plan</li> </ul> <p><b><u>IEP Outside East County</u></b></p> <ul style="list-style-type: none"> <li>• DOR case manager contacts APE specialist to share interim placement and add APE services to their schedule.</li> </ul> <p><b><u>IEP from East County SELPA</u></b></p> <ul style="list-style-type: none"> <li>• DOR case manager contacts APE specialist to add APE services to their schedule</li> </ul>
<b>IEP Meetings</b>	<p><b><u>Annuals</u></b></p> <ul style="list-style-type: none"> <li>• DOR case manager contacts APE specialist when scheduling IEP meeting.</li> <li>• APE specialist completes progress on previous goals, present levels (gross motor), and drafted goals.</li> </ul> <p><b><u>Triennials</u></b></p> <ul style="list-style-type: none"> <li>• DOR case manager contacts APE specialist to complete assessment.</li> <li>• DOR case manager contacts APE specialist when scheduling triennial meeting.</li> </ul>
<b>Extended School Year</b>	<ul style="list-style-type: none"> <li>• DOR case manager notifies APE specialist if any services are needed.</li> <li>• Appropriate services or accommodations will be made as required on the IEP.</li> <li>• District will establish contracted services with provider.</li> </ul>

## DAY TREATMENT PROGRAM:

<b>Program Provider/ Supervision Program Available</b>	<p style="text-align: center;"><b>Cajon Valley</b></p> <p>Students in K-8 districts with a mental health assessment recommending Day Treatment services.</p>
<b>Ages/Grades</b>	<p style="text-align: center;"><b>Kindergarten - 8th</b></p>
<b>Referrals</b>	<p><b><u>Initial</u></b></p> <ul style="list-style-type: none"> <li>• After DOR has exhausted all local options and a mental health assessment has been conducted, a packet requesting school-based day treatment placement will be made and sent to Cajon Day Treatment Coordinator.</li> </ul> <p><b><u>IEPs from Outside East County</u></b></p> <ul style="list-style-type: none"> <li>• DOR case manager contacts Cajon Day Treatment Coordinator to share interim placement and information packet regarding placement.</li> </ul> <p><b><u>IEPs From East County</u></b></p> <ul style="list-style-type: none"> <li>• DOR case manager contacts Cajon Day Treatment coordinator and shares assessments and packet for purposes of placement.</li> </ul> <p><b><u>Access to Web-Based IEP System</u></b></p> <ul style="list-style-type: none"> <li>• DOR may provide view only access to Cajon Valley until the students is placed in their program.</li> </ul>
<b>IEP Team Meetings</b>	<p><b><u>Annuals</u></b></p> <ul style="list-style-type: none"> <li>• Cajon Day Treatment case manager coordinates with DOR case manager for scheduling and district representative's attendance</li> <li>• Program provider case manager completes all necessary portions of IEP, invites team members and conducts meeting.</li> </ul> <p><b><u>Triennials</u></b></p> <ul style="list-style-type: none"> <li>• Completed by DOR. . Program provider performs/completes academic assessment.</li> </ul> <p><b><u>Functional Behavioral Assessments</u></b></p> <ul style="list-style-type: none"> <li>• Completed by DOR</li> </ul> <p><b><u>Access to Web-Based IEP System</u></b></p> <ul style="list-style-type: none"> <li>• Cajon Valley becomes the case manager within the web-based IEP system. The DOR will have shared access to the IEP as a provider.</li> </ul>
<b>Included Related Services</b>	<ul style="list-style-type: none"> <li>• Speech &amp; Language</li> <li>• Adapted P.E.</li> <li>• Occupational Therapy</li> <li>• Develops/implements behavior plans</li> <li>• All mental health services</li> <li>• On going case review provided by Cajon Valley Day Treatment team</li> <li>• Transportation-provided by DOR</li> <li>• Other services available as needed. May not be a part of the base program</li> </ul>
<b>Extended School Year</b>	<ul style="list-style-type: none"> <li>• Cajon Valley provides DOR with ESY schedule.</li> <li>• Cajon Valley implements student's IEP.</li> <li>• Necessary counseling sessions are offered during ESY</li> </ul>

## DEAF AND HARD OF HEARING (DHH) PROGRAMS:

<b>Program Provider/ Supervision</b>	<b>SELPA (Itinerant)</b>
<b>Ages/Grade</b>	<b>Infant-Age 22</b>
<b>Referrals</b>	<p><b><u>Initial Evaluation:</u></b></p> <ul style="list-style-type: none"> <li>• DOR contacts DHH Referral Phone line #(619) 590-3963</li> <li>• DHH staff will assist in completion of referral information.</li> <li>• SELPA audiologist contacts DHH Itinerant teacher when necessary</li> </ul> <p><b><u>With an IEP from Out-of-SELPA:</u></b></p> <ul style="list-style-type: none"> <li>• DOR case manager contacts DHH phone line (619) 590-3963 to share IEP and assessments. DHH staff will assist in completion of necessary referral information</li> </ul>
<b>IEP Team Meetings</b>	<p><b><u>Annuals and Periodic Review</u></b></p> <ul style="list-style-type: none"> <li>• DOR case manager contacts DHH itinerant teacher and/or audiologist.</li> <li>• Adequate lead-time must be given to assure attendance.</li> </ul> <p><b><u>Triennials</u></b></p> <ul style="list-style-type: none"> <li>• DOR case manager contacts DHH itinerant teacher and/or audiologist to schedule meeting</li> <li>• Adequate lead time must be given to assure attendance</li> </ul>
<b>Extended School Year</b>	<ul style="list-style-type: none"> <li>• Case manager notifies DHH teacher if student will attend and sends application to family.</li> </ul>
<b>Included Related Services</b>	<ul style="list-style-type: none"> <li>• As Needed</li> </ul>



## ORTHOPEDIC IMPAIRMENT (OI) PROGRAM:

<b>Program Provider /Supervision</b>	<b>Cajon Valley</b>
<b>Program Available</b>	<b>All K-8 districts as an itinerant service Assistive Technology services for OI students</b>
<b>Ages/Grades</b>	<b>Infant - Grade 8</b>
<b>Referrals</b>	<p><b><u>Initial Evaluation:</u></b></p> <ul style="list-style-type: none"> <li>• DOR case manager notifies OI office (Sevick) /Teachers of need for assessment</li> <li>• Referrals can be made directly by California Children’s Services (CCS).</li> </ul> <p><b><u>With an IEP from Outside East County:</u></b></p> <ul style="list-style-type: none"> <li>• DOR case manager notifies itinerant OI office/ teachers of interim placement and add student to their schedule.</li> </ul> <p><b><u>IEP within East County</u></b></p> <ul style="list-style-type: none"> <li>• DOR case manager notifies itinerant OI office/teachers of student to be added to their caseload.</li> </ul>
<b>IEP Meetings</b>	<p><b><u>Annuals</u></b></p> <ul style="list-style-type: none"> <li>• DOR case manager notifies OI teacher when scheduling annual IEP meeting.</li> <li>• OI specialist completes progress on previous goals, present levels of performance, schedule of service, and drafted goal(s) if applicable.</li> </ul> <p><b><u>Triennials</u></b></p> <ul style="list-style-type: none"> <li>• DOR case manager contacts OI teacher when scheduling triennial</li> <li>• If necessary OI teacher assists in completion of assessment plan</li> <li>• If necessary OI teacher completes any assessments (AT)</li> </ul>
<b>Related Services</b>	<p><b><u>Assisted Technology</u></b></p> <ul style="list-style-type: none"> <li>• OI teacher will consult with DOR case manager to determine need for AT assessment once student is eligible for OI services</li> <li>• AT is not a stand-alone goal. The service is added as a support to existing goals</li> </ul>
<b>Extended School Year</b>	<ul style="list-style-type: none"> <li>• DOR case manager consults with OI teacher regarding services and equipment needed for ESY sessions.</li> </ul>

## VISUALLY IMPAIRED (VI) PROGRAMS:

<b>Program Provider/ Supervision</b>	<b>Santee</b>
<b>Ages/Grades</b>	<b>Infant - Grade 8</b>
<b>Referrals</b>	<p><b><u>Initial Evaluation:</u></b></p> <ul style="list-style-type: none"> <li>• School nurse screens student, and referral is made for vision exam.</li> <li>• Parent provides vision exam to school nurse.</li> <li>• DOR makes referral to VI assessment team using Vision Report Review Request Form. (Vision report from doctor must be included.)</li> </ul> <p><b><u>With an IEP from Out-of-SELPA:</u></b></p> <ul style="list-style-type: none"> <li>• DOR develops Interim IEP</li> <li>• DOR case manager sends IEP to VI staff.</li> <li>• IEP meeting held within 30 days.</li> </ul>
<b>IEP Team Meetings</b>	<p><b><u>Annuals</u></b></p> <p>If VI is only service, VI itinerant case manager will schedule meeting and coordinate with parents and DOR.</p> <ul style="list-style-type: none"> <li>• If child receives other special education services, DOR will coordinate with the VI itinerant and parents.</li> </ul> <p><b><u>Triennials</u></b></p> <ul style="list-style-type: none"> <li>• If VI is only service child receives, VI itinerant is case manager and develops assessment plan and Prior Written Notice.</li> <li>• If child receives other special education services, DOR will develop assessment plan with VI itinerant cooperation.</li> </ul>
<b>Extended School Year</b>	<ul style="list-style-type: none"> <li>• DOR case manager will notify VI itinerant staff if student will attend ESY.</li> </ul>
<b>Included DIS Services</b>	<ul style="list-style-type: none"> <li>• Orientation and Mobility by itinerant staff</li> </ul>



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**PROCEDURE NO. 8**

**APPROVED: 12/12/18**  
**6/1/07**  
**10/26/01**

**SUBJECT: LOW INCIDENCE FUNDS**

---

**Procedure:**

The SELPA shall maintain an accounting of low incidence funds for each local educational agency (LEA). Low incidence funds, received annually, shall be distributed among the LEAs based on each LEA's December 1 count as specified in the East County SELPA's Funding Allocation Plan. As a condition for receiving these funds, districts provide assurances that are being used for services or equipment within the IEP of a student with low incidence disabilities. , The SELPA Office shall calculate necessary costs to purchase consumable supplies used for all deaf and hard of hearing (DHH) students; e.g., ear mold impression material and hearing aid batteries

When a district purchases low incidence equipment for a student that moves within the SELPA, the district may send the equipment to the receiving district. The districts may agree between themselves that the purchasing district may loan or sell the equipment to the new district of residence. If equipment is loaned, a form may be completed to track the equipment for inventory purposes.

**Equipment Purchases for a Regional Low Incidence Program:**

When a regional, low incidence program must purchase highly specialized equipment, the Director of the program shall submit a justification statement and cost estimate to the Directors' Council and the Financial Advisory Committee (FAC). Examples of such equipment would be an enlarging photocopier for the Visually Impaired Program or optoacoustic emissions testing equipment for the DHH Program. With the approval of the Directors' Council and the FAC, such equipment shall be purchased.

When LEAs are billed, charges shall be based on the percentage of students in the grade levels served by the Low Incidence Program. (The LEA's California Longitudinal Pupil Achievement Data System count of all students in these grade levels shall be used to determine each LEA's percentage of the cost of this equipment.) **Equipment Purchase for Individual Students:**

Each LEA will purchase any equipment needed for students with a low incidence disability, with the exception of audiological equipment. As the Deaf/Hard of Hearing and Audiology Programs are run by the SELPA, ordering will be done by the SELPA. Districts will be invoiced twice per year for these purchases.

**Low Incidence Service Provider's Committee:**

Each LEA providing a SELPA low incidence program shall have a representative on this committee, and a SELPA representative shall chair the committee. This committee shall meet as needed. The committee shall monitor implementation of this policy and, if necessary, recommend proposed policy revisions to the Directors' Council and FAC.



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**PROCEDURE NO. 9**

**APPROVED: 12/12/18**  
**6/1/07**

**SUBJECT: PARENTALLY-PLACED, PRIVATE SCHOOL STUDENTS**

---

**Definitions:**

District of Residence (DOR): *As used in this document, the DOR refers to the school district within which boundaries the child with a disability resides.*

District of Private School (DOPS): *As used in this document, DOPS refers to the school district where the private school or facility is located.*

Private School Children with Disabilities: *As used in this document, “private school children with disabilities” means children with disabilities who have been deemed eligible for special education services in a public school but whose parents have enrolled them in private schools or facilities.*

Private School or In California, this includes students in kindergarten through 12<sup>th</sup> grade and excludes preschoolers: *As used in this document, “private school or facility” means: (1) private, full-time day school pursuant to California Education Code Section 56170 (including religious schools); (2) private tutor pursuant to California Education Code Section 48224; and/or (3) any other California Department of Education (CDE)-identified educational institution, program, arrangement, or facility not sponsored, maintained, or managed by the school district and for which the school district does not collect average daily attendance funds; (4) CDE-authorized private school affidavit. This does not include for-profit schools.*

**Consultation:**

The DOPS or their designee, shall consult with private school representatives and parents of parentally-placed, private school children with disabilities during the design and development of special education and related services for the children, regarding:

- The Child Find process and how parentally-placed, private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process.
- The determination of the proportionate amount of federal funds available to serve parentally-placed, private school children with disabilities under this subparagraph, including the determination of how the amount was calculated.
- The consultation process among the local educational agency (LEA), private school officials, and representatives of parents of parentally-placed, private school children with disabilities, including how such process will operate throughout the school year to ensure that parentally-placed, private school children with disabilities identified through the Child Find process can meaningfully participate in special education and related services.

- How, where, and by whom special education and related services will be provided for parentally-placed, private school children with disabilities, including a discussion of types of services, including direct services and alternate service delivery mechanisms, how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made.

Following the consultation process, the DOPS will notify the respective private schools indicating what the DOPS determined regarding services to private school children with disabilities ages five (5) to twenty-two (22) who are determined to be eligible for special education services.

If the LEA disagrees with the views of the private school officials on the provision of services or the types of services, either provided directly or through a contract, the LEA shall provide to the private school officials a written explanation of the reasons why the LEA chose not to provide services directly or through a contract.

When timely and meaningful consultation as described above has occurred, the DOPS shall obtain a written affirmation signed by the representatives of participating private schools and, if such representatives do not provide such affirmation within a reasonable period of time, the DOPS shall forward the documentation of the consultation process to the State Educational Agency.

#### **Funding for Private School Services:**

- One time, each year, based on the unduplicated special education pupil count on December 1, each DOPS will calculate the proportionate share of the federal dollars that must be spent on parentally-placed students in private schools.
- A count of private school students that have been evaluated and are deemed eligible for special education services, shall be conducted, based on the number of students with disabilities, including students in private schools.
- Based on the calculation of the total number of children with disabilities attending private schools in its jurisdiction, each DOPS must spend the proportionate share of its federal grant under Part B on providing special education and related services for parentally-placed, private school children with disabilities.

#### **Private School Complaint Procedure:**

A private school official has the right to submit a complaint to the California Department of Education (CDE) if:

- The DOPS's consultation was not meaningful and timely, or
- The DOPS did not give due consideration to the views of the private school official.

#### If a complaint is filed:

- The private school official must provide the basis of the complaint of noncompliance, and
- The DOPS must forward the appropriate documentation to the CDE.

If the private school official is dissatisfied with the decision of the CDE, he/she may appeal the decision to the U.S. Department of Education.

#### **Child Find:**

The DOPS, unless the private school is for profit, shall undertake the following Child Find activities with regard to private school children in kindergarten to age twenty-two (22):

- Consult with representatives of private school children with disabilities regarding the Child Find process, including, but not limited to, criteria for special education eligibility and special education referral procedures under federal and state laws and regulations.
- Distribute materials to representatives of private school children with disabilities regarding issues including, but not limited to, criteria for special education eligibility and special education referral procedures under federal and state laws and regulations.
- The proportionate share of federal funds described in this document shall not be used for Child Find activities.

The DOPS shall ensure Child Find activities undertaken for private school students are comparable to activities undertaken for children with disabilities in kindergarten to age twenty-one (21) in public schools. Child Find activities shall include consultation with representatives of private school children regarding how to conduct Child Find activities.

### **Special Education Referral:**

- Students shall be referred for special education instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized.
- If after considering and, where appropriate, utilizing general education resources, representatives of private school children with disabilities (including private school administrators, teachers, and parents) determine that a private school child may be eligible for special education services, a referral shall be directed to the DOPS representative. In the case that the private school is for profit, the referral shall be made directly to the DOR.
- The DOPS shall notify the DOR of referral. It is the responsibility of the DOR to establish residence.
- The DOPS, in consultation with the DOR, will develop an evaluation plan clearly indicating which district will conduct each part of the evaluation, if appropriate. The DOPS is ultimately responsible for the evaluation.
- The DOPS shall report the student in California Special Education Management Information System (CASEMIS).

### **Procedures Determining Eligibility for Special Education Services:**

- Upon completion of the evaluation, the DOPS shall schedule an Individualized Educational Program (IEP) meeting to review the assessments and determine eligibility for special education services.
- The DOPS shall invite representatives of both the DOR and the private school (including the teacher) to the IEP meeting. If the private school representative cannot attend, the DOPS shall use other methods to ensure participation by the private school, including individual or conference telephone calls.
- The IEP team, including DOR and/or DOPS representatives, shall document the eligibility decision in accordance with applicable state and federal laws and regulations.
- If the child is eligible for an area in accordance with service plan option(s) determined after collaboration with the private school representatives, the District of Private School shall develop a service plan.
- If the parents of a private school child with a disability are interested in enrolling their child in public school, or are unsure of their intentions, the DOR will convene an IEP team at the DOR within 30 days to establish either of the following:
  - ✓ If the parents of a private school child with a disability agree with and consent to the IEP developed by the IEP team, the parent shall enroll the child in the DOR public school and the IEP shall be implemented without undue delay.

- ✓ If the parents of a private school child with a disability agree with, but decline the IEP developed by the IEP team, the IEP team shall ask the parents to indicate their agreement with the following statement on the student's IEP form: "I agree that the District of Residence has offered to my child a free appropriate public education, including appropriate services in special education. However, I am voluntarily placing my child in a private school."

### **IEP Meetings after the Initial IEP Team Meeting:**

All children with disabilities eligible for special education are entitled to receive a Free, appropriate Public Education (FAPE) from their DOR if they are enrolled in public school. One year after an eligible private school child's initial IEP team meeting, and annually thereafter, the DOR shall notify the child's parents in writing that the DOR:

- Continues to offer FAPE in accordance with federal and state laws and regulations:
- Is ready, willing and able to schedule an IEP team meeting for their child in order to offer the child FAPE, subject to assessment and if appropriate, if the parents express an interest in enrolling their child in public school.

The parents shall be requested to send the document back to the district of residence and indicate their preference with one or more of the following statements:

- The District of Residence continues to offer a free, appropriate public education (including appropriate special education and related services) if a student is enrolled in public school, however, they are continuing to unilaterally place the student in a private school; and:
- \_\_\_ The parents want to continue to receive services pursuant to his/her Service Plan (SP) and not interested in enrolling their child in public school.  
(In this case, the District of Residence will forward within 3 business days a copy of this document to the DOPS.)

Or

- \_\_\_ If the parents want to enroll their child in public school and schedule an IEP meeting.
- If the parent does not respond to the notification, it shall be assumed that the parent is not interested in enrolling the child in the public school.

The District of Residence shall, at least every three years, determine continuing eligibility for special education. Districts would offer an evaluation plan to conduct a triennial assessment. If the parent consents to the assessment, an IEP meeting would be convened to determine eligibility and make an offer of FAPE, if appropriate.

### **Dispute Resolution:**

- When FAPE is not at issue, special education due process procedures are not available to parents for resolving disagreements about the services provided to private school children unilaterally placed by their parents.
- Neither the DOPS nor the DOR are required to pay for the cost of educating a child with a disability at a private school (including special education and related services if: (1) the DOR made a FAPE available to the child, and (2) the parents voluntarily elected to place their child in a private school.
- Disputes regarding whether the DOR made a FAPE available to the child may be resolved pursuant to local policies and procedures and/or by filing a request for a due process hearing with the Office of Administrative Hearings.

### **Service Plan:**



After consultation with representatives of private school children with disabilities, the East County SELPA districts developed the following plan for the provision of services through the SP:

For students deemed eligible for speech/language services, such services will be provided to students in grades K through 12 attending a private school within the boundaries of the SELPA in the following manner (unless otherwise determined by the annual consultation:

- For students in grades K through 5 deemed eligible for speech/language services, direct therapy may be provided in individual or small groups at a location selected by the providing LEA. Duration of sessions may be up to one-half (1/2) hour and may be as frequent as two (2) times per month during the regular school year, following the LEA school calendar. Therapy will be provided per specified SP by Speech/Language Pathologists or trained speech assistants within the limits of federal funding.
- For students in grades 6 through 12 deemed eligible for speech/language services, consultation to the private school staff and parents and monitoring of student progress on specified SPs by a Speech/Language Pathologist (SLP) and/or trained speech assistants within the limits of federal funding. Services will be provided at a location to be determined by the LEA.



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**PROCEDURE NO. 10**

**APPROVED: 12/12/18**  
**5/23/03**

**SUBJECT: PROGRAM COMPLIANCE MONITORING AND SUPPORT**

---

**Procedure:**

**Local Educational Area (LEA) Responsibilities:**

LEAs of the East County Special Education Local Plan Area (SELPA) shall monitor all special education students who are legal educational residents in the LEA. Procedures to monitor compliance may include, but not be limited to:

- Staff meetings with special education staff
- Training for administrators and other school staff/employees
- School site and classroom visits
- Review of Individualized Education Programs (IEPs)
- Review of parental input
- Review of LEA's Annual Performance Reports (APRs)
- Review of LEA's California Special Education Management Information System CASEMIS data/reports
- Results of state compliance reviews

**SELPA Responsibilities:**

The SELPA shall monitor the LEAs of the East County SELPA for compliance with state and federal laws and implementation of the Local Plan. The procedures utilized may include, but not be limited to:

- Review of the Annual Budget Plan
- Review of the Annual Service Plan
- Review of the SELPA LEA's APRs
- Review of pertinent CASEMIS and/or CALPADS data/reports
- Review of the Funding Allocation Plan
- Evaluation of services offered by the SELPA Office by LEA Directors
- SELPA-Wide Needs Survey to determine training needs
- Results of state Compliance Reviews

The SELPA shall conduct pro-active activities to achieve and maintain ongoing compliance with state and federal special education laws. These activities may include, but are not limited to:

- Meetings held by the SELPA Director for the LEA Directors of Special Education
- At least four meetings a year with the SELPA Director and LEA Superintendents
- Meetings, as necessary, with the SELPA Director and the Financial Advisory Committee (FAC)
- SELPA-sponsored trainings for staff members at all levels on related topics
- Technical assistance to LEAs from the SELPA Director and/or the SELPA Program Specialists

In cases of substantial or prolonged noncompliance by an LEA, and with the understanding that problems will be solved at the lowest possible level, the SELPA Director may, but is not limited to:

- Conferences with the LEA's Director of Special Education and the Superintendent
- Notification of the Superintendents' Council
- Notification of the LEA's Board of Education concerning the extent of the problem and recommended steps to resolve the problems
- Withholding of special education funding, if approved by the Superintendents' Council
- Use of funds withheld to assist the LEA in attaining program compliance



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**PROCEDURE NO. 11**

**APPROVED: 12/12/18**  
**5/19/00**

**SUBJECT: TRANSITIONING INFANTS TO PRESCHOOL PROGRAMS**

---

Guidelines:

Age 2-6: Periodic Review of Individualized Family Service Plan (IFSP) and Transition Plan Conference (TPC) is Held.

- Participants include representatives from: receiving preschool program and Regional Center. San Diego Regional Center participates when the student is in a vendored program or dually-served.
- During the IFSP meeting, the outcomes and services are reviewed and adjusted as needed. A transition plan is developed. The Preschool Program representative will discuss the assessment process and the continuum of preschool options.
- The Infant Program will continue to case manage the student until the age 3-0 and an Individualized Education Program (IEP) is developed.
- The Infant Program will continue to case manage the student until the third birthday, when the Individualized Education Program (IEP) is in effect.

Age 2-9: Between 90-100 days before the student turns three (3):

- If the student is being served by San Diego Regional Center (SDRC), SDRC sends the referral to the district of residence for the student who is turning 3. A "Transition Exchange of Information Mailing Packet" checklist is prepared and mailed to the contact person appointed for the district of residence.
- If the student is solely low incidence, the LEA providing services provides the referral to special education to the district of residence.
- In either case, the district of residence develops assessment plan in all areas of suspected disability and provides it to the parent no later than 15 days after the referral is received.

By the Third Birthday:

- The district of residence will ensure an IEP meeting is held by the third birthday. Participants include: the parent(s), a district representative, a special education teacher, a preschool general education teacher and all other members that are part of the evaluation team. The service coordinator is invited but attendance is not required.
- If the child was served by an LEA, the infant provider will conduct a final review of the IFSP outcomes.
- Assessment results will be reviewed with the IEP team. The parent will be provided a copy of the assessment report(s).
- Eligibility determination will be made and an IEP will be developed, as appropriate.



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**PROCEDURE NO. 12**

**APPROVED: 2/19/2020**

**SUBJECT: CHARTER SCHOOLS**

---

**Procedure:**

**SELPA Involvement with Approval and Renewal of Charters:**

Prior to approval or renewal of a charter, the Superintendent or designee of the chartering entity should consult with the SELPA administrator regarding the sufficiency of assurances in the petition related to the provision of special education services. The petition must provide assurances that all eligible students enrolled in the charter school shall receive appropriate special education services in accordance with applicable state and federal laws and regulations as well as the Local Plan. The petition must provide that no student otherwise eligible to enroll in the charter school shall be denied enrollment due to a disability or to the charter school's inability to provide necessary services, and that students shall only be questioned about disability and/or special education services once they are admitted, and not prior on application forms, interviews or otherwise. Each charter petition must contain a reasonably comprehensive description of the charter school's educational program, as it relates to the provision of special education services, including the following:

- The specialized instruction and services available at the charter school
- The procedures for ensuring that students are referred, assessed and served in a timely manner
- Assurances that staff members providing special education services are appropriately credentialed
- Assurances that the facility used by the charter school does not present physical barriers that would limit an eligible student's full participation in the educational and extracurricular program
- Disenrollment, suspension and expulsion policies and procedures must ensure that the protections of federal and state law are afforded to special education and 504 eligible students
- Dispute resolution procedures that shall apply to any disputes between educational entities, including the SELPA, regarding the provision of special education services in the charter school.

**Categories of Charter Schools:**

For the purpose of complying with the Individuals with Disabilities Education Act (IDEA); charter schools are either a public school of the chartering LEA or an LEA member of the SELPA. All

approved charter schools shall be deemed public schools of the authorizing LEA unless the charter school has provided written verifiable assurances of LEA membership in a SELPA.

### Public School within an LEA or SDCOE

Charter Schools that operate as public schools within the chartering entity for purposes of special education compliance shall participate in state and federal funding in the same manner as other schools or programs within the chartering LEA. The chartering LEA shall be responsible for ensuring that all children with disabilities enrolled in the charter school receive special education and related services in a manner that is consistent with state and federal law, no matter where the student may reside or otherwise be entitled to enroll.

The chartering LEA shall:

- Include the charter schools in state and federal funding for special education in the same manner as any other public school in the LEA.
- Represent the needs of the charter school in the SELPA governance structure
- Be responsible for ensuring that all eligible students enrolled in the charter school are appropriately referred, assessed and provided FAPE in the same manner as students with disabilities attending other public schools of the LEA
- Ensure the charter school receives an equitable share of special education funding and services, or any combination thereof, to including administrative and support services and itinerant services.
- Ensure that each charter school that is a deemed a public school for purposes of special education also contributes an equitable share, pro-rata per ADA, of its charter school regular program funding to support district wide special education instruction and services for pupils with disabilities enrolled in the charter school.

The charter school must comply with LEA directives, including coordination and collaboration in searching and serving students with disabilities enrolled in the charter school. The LEA and charter school must enter into a memorandum of understanding (MOU) to specify their compliance with these requirements.

### Charter School as LEA

A charter school may alternatively comply with the IDEA by providing verifiable, written assurances that the charter school will participate as an LEA in a SELPA.

A charter school may apply to become a member LEA of the SELPA. Application must be made to the East County SELPA in accordance with the following application timeline and procedures. Upon receipt of a charter school's application to become an LEA, the East County SELPA Superintendent's Council shall review and determine whether the charter school has met requirements to become an LEA member. These include<sup>1</sup>:

- Location within the geographic boundaries of the East County SELPA;
- Capacity to administer its special education program and serve its special education students as an LEA;
- Complete the East County SELPA LEA application and submit it to the SELPA Director along with the following documents:

---

<sup>1</sup> These requirements apply only to charter schools that apply to become an LEA of the SELPA subsequent to July 1, 2010 and not to charter schools that were already deemed an LEA of the SELPA prior to July 1, 2010.

1. Most recently approved charter petition
2. Copy of board resolution from its chartering authority approving the charter school's application to become an LEA of the SELPA;
3. Copy of fiscal and program audit reports up to past three years, along with evidence of corrective actions, if any;
4. Income/expense reports for special education for the past three years, if any;
5. Copy of the School Accountability Report Card (SARC), if any;
6. Copies of credentials, certifications, licenses for all certificated staff;
7. Signed copy of SELPA assurances;
8. Proof of liability insurance;
9. Copy of notice of withdrawal from current SELPA, if applicable;
10. Documentation of student enrollment for past three years, or projected enrollment.

An application to become an LEA of the SELPA must contain the following assurances:

1. That all eligible individuals with exceptional needs shall have access to appropriate special education programs and services;
2. That the charter school shall provide sufficient staff or contract with public or private agencies, as necessary, to meet federal and state special education mandates;
3. That the charter school shall follow all SELPA policies and procedures;
4. That the charter school shall utilize all SELPA approved forms
5. That the charter school shall provide placement and services, including transportation, in accordance with each student's IEP;
6. That the charter school shall indemnify and hold harmless the SELPA and each of its member entities against any act or acts committed by the charter school, its agents, or its employees.

Completed applications are subject to the following timelines:

- September 1: Application must be submitted to the SELPA on or before September 1 of the school year preceding the school year in which the charter school anticipates operating as an LEA within the SELPA;
- February 1: Completion of review of application by SELPA Director, including site visitation and written recommendations to Superintendents' Council regarding the application;
- April 1: SELPA Superintendents' Council vote on approval or disapproval of charter school application to become an LEA of the SELPA.
- If approved, LEA status shall become effective on July 1 of the fiscal year following the charter school's application to become an LEA of the SELPA.

Prior to becoming an LEA, and at all the times the charter school does not have LEA status, the charter school shall continue to be deemed a public school of the chartering LEA. If disapproved, the SELPA Director shall provide the applicant with a written finding that delineates the reason(s) for disapproval.

Once deemed an LEA, the charter school, like other member LEAs shall:

- Fully participate in governance of the SELPA in the manner outlined in the Local Plan.
- Contribute to, participate in, and receive the benefits of Regionalized Services.
- Receive state and federal funding for special education in accordance with the SELPA Funding Allocation Plan.
- Receive any available federal funds one year in arrears and calculated based on applicable special education counts.

- Be responsible for all costs incurred in the provision of special education services, without regard for the location in which the student may reside. These costs may include, but are not limited to instruction, services, transportation, nonpublic school/agency placements, inter/intra-SELPA placements, Due Process proceedings, complaints and attorney fees.
- Document that all state and federal special education funds apportioned to the charter school are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities.
- Meet the annual maintenance of effort obligation.
- Return any special education apportionment not used solely for the purpose of providing special education instruction and/or services to identified students with disabilities.

If approval of a charter school requires a change in the SELPA Funding Allocation Plan, such change shall be adopted pursuant to the policy-making process outlined in the Local Plan.

---

Legal References: United States Code, Title 20: 1400 et seq.; Code of Federal Regulation, Title 34: 300 et seq.  
California Education Code: 47641, 47646, 56145, 56195.1 (f), 56203 (a-c), 56207.5 (a-c)





**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**PROCEDURE NO. 13**

**APPROVED: 2/19/2020**

**SUBJECT: LEAST RESTRICTIVE ENVIRONMENT**

---

Procedure:

The local educational agencies LEAs in East County Special Education Local Plan Area (SELPA) believe that special education students can best be educated when they have opportunities to interact with same-age, non-disabled peers in the community school where they reside. The special education teacher at each school site provides services to students within the general education classroom whenever possible through collaboration and consultation with general education teachers. Opportunities for interaction may also occur in a variety of settings, including but not limited to: the general education classroom, special day classes, resource specialist program, lunch, recess, assemblies, appropriate extracurricular activities, etc. Students are educated at neighborhood schools whenever possible. District decisions regarding location of new special education programs will consider the impact of providing the least restrictive environment for students.

Therefore, in the East County SELPA, placement in an educational environment other than a general education class is considered only when the Individualized Education Program (IEP) team determines that the general education class environment, services, and/or curriculum cannot be modified effectively to meet the needs of the students as specified in his/her IEP. A general education teacher shall attend all IEP meetings, including preschool students' IEPs, if the child is, or may be, participating in the regular education environment. The IEP team, with the assistance of the general education teacher, shall determine what activities children, including preschool children, shall have in the general education program.

Students referred to special education, when appropriate, shall have experienced modification of the general education program. Modifications to the general education program, when appropriate, may include, but are not limited to, modifications of curriculum and/or environment, remedial instruction, and other support services recommended by the Student Study Team or the 504 Support Team.

To ensure that a full continuum of programs is available, all LEAs will insure that:

1. Program options in general education environments, when feasible, are available at the student's neighborhood school.

2. Special education programs, to the maximum extent possible, are housed on, or adjacent to, general education school sites.
3. Administrative policies and procedures and the physical location of the program fosters continuing social interaction with non-disabled peers, to the maximum extent possible.
4. Individuals with exceptional needs have equal access to all general education and extra-curricular activities, programs, and facilities on the school site and participate in those activities as appropriate to their abilities and needs.
5. Administrative policies and procedures encourage the close cooperation of all school personnel to facilitate opportunities for social interaction between individuals with exceptional needs and general education students.
6. Administrative policies and procedures allow individuals with exceptional needs maximum access to appropriate general education academic programs, and school personnel are given necessary support to ensure the student's success. There is coordination of instruction and curriculum between special education and general education staff. All students will have access to the general education curriculum.
7. Long-range plans and commitments for facilities on general school campuses are encouraged in order to avoid frequent and disruptive program relocations.
8. Students with low incidence disabilities are provided instruction that is consistent with state guidelines.
9. Students of diverse ethnic backgrounds will not be disproportionately represented in special education programs.
10. Administrative policies and procedures of the LEAs are consistent with the state facilities allocation plan for new construction and follow guidelines for special education needs. Existing facilities must be commensurate to those provided to general education.

Placement of SELPA-wide programs:

1. The SELPA Director will work with the LEA special education Directors and the Superintendents to determine locations for new SELPA-wide programs, such as additional low incidence programs or day treatment programs.
2. Factors to be considered in program placement include:
  - a. Location on an age-appropriate general education campus
  - b. Availability and ease of access to all East County LEAs.
  - c. Space and building access for long-term placement.



**EAST COUNTY**  
**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**  
924 East Main Street \* El Cajon, CA 92021 \* Phone: (619) 590-3920 \* Fax: (619) 579-7699

---

**PROCEDURE NO. 14**

**Approved: 2/19/2020**

**SUBJECT: OVERREPRESENTATION AND DISPROPORTIONALITY**

---

**Procedure:**

**Child Find:**

LEAs shall ensure that prior to children being referred for an evaluation to determine eligibility for special education services, all general education program options and services have been considered and where appropriate utilized. General education programs and services include structured, research-based intervention programs for both academics and behavior.

**Evaluation:**

In accordance with California Education Code Sections 56320 (a) and 56324 (a) all evaluation materials and procedures are selected and administered so as not to be racially, culturally, or sexually discriminatory and are administered by qualified staff who have been trained in cultural and ethnic factors appropriate to the pupil being assessed.

**Eligibility:**

As Individualized Education Program (IEP) teams review evaluation results and determine eligibility for special education services utilizing all state-developed criteria for each handicapping condition, the effect of cultural, ethnic, language and socio-economic factors shall be considered in determining the student's need for special education services and the determination of least restrictive environment. Such factors may include the child's learning style, preferences for mode of instruction, level of English proficiency, and behavioral issues.

**Monitoring:**

Each LEA shall conduct internal monitoring activities. These activities may include, but not limited to; periodic review of IEP documents developed by LEA IEP teams, analysis of LEA State Performance Plan (SPP) data, review and analysis of LEA's special education data reported to the California Department of Education (CDE), participation in the CDE's monitoring activities (i.e. Verifications Reviews, and follow-up corrective action activities), participation in selected LEA IEP team meetings, and review of selected LEA assessment reports.