



APPENDICES

Butte County Special Education Local Plan Area
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APPENDICES

*A supplement to the Butte County Local Plan and SELPA Procedural Manual
which incorporates the following:*

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REF 5 State SELPA SEIS Forms Manual, 2019 222
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APPENDIX A

GBP 1 **Alternate Dispute Resolution Policy**

The Dispute Resolution Process

EC 56205(b)(5)

In the event of a dispute among local education agencies, local education agencies and the administrative unit or local education agencies and/or the county office and the SELPA, it is the intent of the SELPA Governing Board and the SELPA Coordinating Council that the matter be resolved at the lowest level possible in the SELPA governance structure outlined in the Local Plan. There are three options available for resolving disputes: Informal resolution, Formal Mediation and Independent Review Panel. Each option is described below:

Informal Resolution

The first step in the dispute resolution process is for the aggrieved party(s) to discuss and attempt resolution of the disagreement with the party, or parties, directly involved. The parties involved may present the issues to their respective superintendents, or designees, who will attempt to resolve the matter. Either party may request the assistance of the SELPA Administrator, or his/her designee, or the Chair of the SELPA Governing Board in resolving the dispute. If both parties agree, the issue may be submitted to the SELPA Governing Board for resolution. In this case, the decision of the SELPA Governing Board is final and the parties may not pursue the matter through formal mediation or an independent review panel.

Formal Mediation

A request for formal mediation must be submitted in writing to the SELPA Administrator. If the dispute is related to a Governing Board decision, the request must be submitted within thirty (30) days of the date the action was taken. The written request must include a description of the dispute and proposed resolution to the problem. The parties will make a good faith effort to mutually agree to a mediator. If the parties cannot agree on a mediator, the SELPA Administrator will submit the dispute to mediation administered by an agency specializing in mediation. Each party shall bear its own costs and expenses and an equal share of the mediator's administrative fees.

Independent Review Panel (IRP) (EC 56205 (b)(5))

If the dispute was not resolved through Informal Resolution or Formal Mediation, the aggrieved party(s) may request review by an Independent Review Panel. The request must be submitted in writing to the SELPA Administrator. If the dispute is related to a Governing Board decision, the request must be submitted within thirty (30) days of the date the action was taken. If the request comes as a result of a failure to resolve the matter through formal mediation, it must be submitted within thirty (30) days of the conclusion of mediation. The request must clearly identify the reason(s) for the request and the potential resolution(s) to the problem. Upon receipt of the request, the SELPA Administrator will compile a list of persons from SELPAs, districts, or county offices, who are knowledgeable in the area of special education and who would be willing to serve as a member of such panel. From the list of available panel members, the party who requested the review and the responding party(s), shall each select a representative for the panel. In the case of multiple

parties, one representative from each side of the dispute shall select a representative. These representatives will then select one additional neutral member to serve as chairperson of the panel.

The panel shall hear testimony from the involved parties, collect additional information, as they deem relevant and submit a written report and recommendations to the SELPA Governing Board. The report from the IRP shall be binding.

Each party shall bear its own costs and expenses outside the cost of the actual review panel. The non-prevailing party will pay all costs associated with the review panel. If more than one non-prevailing party is involved, the costs of the review panel will be shared equally between the non-prevailing parties.

Approved 10/14/03: Revised 1/21/04

GBP 2 Behavior Intervention Policy for Special Education Students

Legal Requirements

When a student exhibits behavior that impedes his or her learning and/or the learning of others, the IEP team must consider the use of positive behavioral interventions, supports, and strategies to address that behavior (E.C. § 56520(b)(1); 20 U.S.C. § 1414 (d)(3)(B)(i); and 20 U.S.C. § 1414(d)(4)). The IEP Team shall consider these matters when reviewing an IEP. The IEP Team may address the behavior through annual goals in the IEP, program modifications, support for teachers, and any related services necessary to achieve behavioral goals in the IEP.

A functional behavioral assessment shall be conducted under the following circumstances:

1. The student's behavior has resulted in disciplinary suspension beyond 10 cumulative days in a school year.
2. An interim alternative educational setting or involuntary change in placement is being considered in a disciplinary context.
3. A manifestation determination in response to a violation of a rule or code of conduct is occurring. (See SELPA Procedural Manual for more information on manifestation determination timelines and procedures).

Local Procedures

An IEP Team shall facilitate and supervise all assessment, intervention, and evaluation activities related to a student's Behavioral Intervention Plan (BIP). Behavior Intervention Plans shall be used to substitute acceptable behavior for specified maladaptive behaviors, be based on functional behavior assessment (FBA), and be used in a systematic manner.

The following behavioral interventions are prohibited from use under any circumstances:

1. Interventions designed to, or likely to, cause pain or trauma;
2. Locked seclusion;
3. Devices, materials, or objects that simultaneously immobilize all four extremities;
4. Release of noxious, toxic or unpleasant sprays in proximity to the individual's face;
5. Denial of sleep, food, water, shelter, bedding, physical comfort, or bathroom facilities;
6. Use of verbal abuse, ridicule, humiliation;
7. Denial of adequate supervision;
8. Deprivation of his or her senses.

Functional Behavior Assessment

A functional behavior assessment (FBA) shall gather information from multiple sources, which may include direct observation, interviews and record reviews. Prior to conducting the assessment, parent notice shall be given and parental consent obtained.

The FBA may include:

- A systematic observation of the occurrence of the targeted behavior across all school settings;
- A systematic observation and analysis of the antecedent events;
- A systematic observation and analysis of the consequences of the behavior to determine the function of the behavior;

- An ecological analysis of the environment in which the behavior occurs;
- A review of the health and medical records;
- A review of the history of the behavior; and
- A determination of possible reinforcements.

Functional Behavior Assessment Report

An FBA report may include the following (see Recommended Forms below):

- A description of the nature and severity of the targeted behaviors in objective and measurable terms;
- A description of the targeted behavior that includes baseline data and an analysis of the antecedents and consequences that maintain the targeted behavior;
- A description of the hypothesized function of the targeted behavior;
- A description of the rate of alternative behaviors including the antecedent and consequences that maintain the alternative behaviors;
- Recommendations for consideration by the IEP team which may include
 - No BIP required (implement positive classroom supports)
 - A Behavior Intervention Plan
 - Complete a Direct Treatment Protocol (if it is determined the behavior is emotionally driven)

Positive programming for behavioral intervention may include the following:

- Altering the antecedent events to prevent the occurrence of the behavior;
- Teaching alternative replacement behaviors that serve the same function as the targeted behavior;
- Teaching adaptive behaviors to prevent inappropriate behaviors;
- Manipulating the consequences in order to have the alternative behaviors produce the desired outcome;
- Other positive interventions and supports and/or strategies to address behavior.

An IEP team meeting shall be held upon completion of the functional behavior assessment for the purpose of reviewing the assessment results and recommendations. A Behavioral Intervention Plan may be developed by the IEP team. Behavior Intervention Plans and/or positive behavioral programming/goals shall become part of the student's individual education plan.

Evaluation of the effectiveness of the plan shall be determined by:

- Comparison of baseline measure of frequency, duration, and intensity of targeted behavior and of measures of frequency, duration and intensity of the targeted behavior after utilizing the plan;
- Documentation of implementation of the plan;
- Documentation of skill acquisition of the functionally equivalent replacement behavior.

The effectiveness of the plan shall be reviewed by the IEP team at scheduled intervals determined at the IEP meeting. The IEP team shall collect additional data and, based on the outcomes, may

propose changes to the Behavioral Intervention Plan. The IEP team may develop the plan to include provisions for altering specified procedures without the necessity for reconvening the IEP team.

Emergency Interventions

The Butte County SELPA approves only those Behavior Emergency Interventions that comport with the language of Education Code § 56121.1 and Education Code § 49005 and § 49006, pursuant to the passage of Assembly Bill 2657, which became effective January 2019.

Emergency interventions may be used only to control unpredictable, spontaneous behavior, which poses clear and present danger of serious physical harm to the individual or others, which cannot be immediately prevented by a less restrictive response.

Emergency interventions shall not substitute for Behavior Intervention Plans and may consist only of those approved by the Butte County SELPA.

No emergency intervention shall be employed for longer than is necessary to contain the behavior. If the situation requires prolonged use of an emergency intervention, or the safety of both staff and students cannot be effectively maintained, staff shall seek the assistance of the school site administrator or law enforcement agency as appropriate.

Emergency interventions may not include:

- Locked seclusion;
- Any device, materials or objects to immobilize all four extremities;
- Force that exceeds that which is necessary.

Emergency interventions may include:

- SELPA-approved physical intervention containment strategies by a trained individual;
- Intervention by the police;
- Intervention by Butte County Behavioral Health;
- Physical intervention containment strategies by staff on hand only sufficient to prevent harm to self or others in the absence of other alternatives noted;
- Removal from classroom or school by staff or parent as many be appropriate to protect student, other students, and staff.

Pursuant to Education Code § 49005.8, which applies to general and special education students, an educational provider shall not do any of the following:

- 1) Use seclusion or a behavioral restraint for the purpose of coercion, discipline, convenience, or retaliation.
- 2) Use locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
- 3) Use a physical restraint technique that obstructs a pupil's respiratory airway or impairs the pupil's breathing or respiratory capacity, including techniques in which a staff member places pressure on a pupil's back or places his or her body weight against the pupil's torso or back.

- 4) Use a behavioral restraint technique that restricts breathing, including, but not limited to, using a pillow, blanket, carpet, mat, or other item to cover a pupil's face.
- 5) Place a pupil in a facedown position with the pupil's hands held or restrained behind the pupil's back.
- 6) Use a behavioral restraint for longer than is necessary to contain the behavior that poses a clear and present danger of serious physical harm to the pupil or others.
 - a. An educational provider shall keep constant, direct observation of a pupil who is in seclusion, which may be through observation of the pupil through a window, or another barrier, through which the educational provider is able to make direct eye contact with the pupil. The observation required pursuant to this subdivision shall not be through indirect means, including through a security camera or a closed-circuit television.
 - b. An educational provider shall afford to pupils who are restrained the least restrictive alternative and the maximum freedom of movement, and shall use the least number of restraint points, while ensuring the physical safety of the pupil and others.
 - c. If prone restraint techniques are used, a staff member shall observe the pupil for any signs of physical distress throughout the use of prone restraint. Whenever possible, the staff member monitoring the pupil shall not be involved in restraining the pupil.

To prevent emergency interventions from being used in lieu of planned, systematic behavioral interventions, the parent or care provider shall be notified within one school day whenever an emergency intervention is used or serious property damage occurs.

A Behavioral Emergency Report (BER) shall be completed when an emergency intervention is used and shall be maintained in the student's file. The report shall include:

- The name and age of the student;
- The setting and location of the incident;
- The name of the staff or other persons involved;
- A description of the incident and the emergency intervention used;
- Whether there is a current behavior intervention plan for the student;
- Description of any injuries sustained by the student, other students, the staff or others.

Butte County SELPA Procedures Manual Revised 4/24/19

GBP 3 Charter School Policy

Policy Statement

This policy applies to all charter schools that are chartered by any of the Butte County SELPA member districts or the Butte County Office of Education (BCOE) or are granted a charter on appeal by the State Board of Education in which oversight responsibilities have been assigned to a district within the SELPA. This policy does not extend to a charter school that was chartered by, or assigned to, an entity that is not a member of the Butte County SELPA.

The purpose of this policy is to clarify the relationship between charter schools, member school agencies and the SELPA. This policy has the further purpose of assisting applicable charter schools and chartering districts that are members of this SELPA with their individual and mutual responsibilities under the law. In addition this policy has the purpose of assisting applicable charter schools and chartering agencies to meet the special education needs of all eligible students enrolled in applicable charter schools.

Pursuant to legal provisions of both federal and state law, eligible students in charter schools are entitled to special education services provided in the same manner as such services are provided in other public schools and charter schools within the SELPA. All chartering entities within the Butte County SELPA sponsoring school charters are responsible to assure that their sponsored school charters comply with all applicable requirements of state and federal law regarding provision of special education services (Education Code 56000 et seq., Individuals With Disabilities Education Act 20 S.U.S.C. Chapter 33).

In order to assist the sponsoring entities and their sponsored charter schools the following assurances and considerations should be addressed:

- The administration of the sponsoring entity and the charter school may consult with the SELPA Director at any time regarding compliance with state and federal law and regulations.
- The chartering entity should require a comprehensive description of the charter school's provision of special education and related services as part of the proposed charter.
- An assurance that the charter school will comply with SELPA policies.
- An assurance that all charter school teachers are properly credentialed.
- Assurance that the charter school will provide all required CALPADS data within timelines.
- An assurance that no student otherwise eligible to enroll in the charter school will be denied nor discouraged from enrollment due to disability or due to the charter school's concerns about its ability to provide appropriate services.
- An assurance that the charter shall fully inform parents of students with disabilities seeking enrollment in the school of their rights and educational options available.
- Provide an assurance that a student with disabilities attending the charter school will have access to special education services in the same manner as a student with a disability who attends another public school in the district and;
- Provide an assurance that the charter school and its employees will work under the direction of the district with regard to the delivery of special education services.

Charter School as an LEA Within the SELPA

A charter school that is chartered by or assigned to a Butte County member district, Butte County Office of Education or a charter granted on appeal to the Butte County Board of Education or the State Board of Education may apply to the SELPA Governing Board to become an LEA for the provision of special education services. Charter schools applying for LEA status will be considered for approval as an individual charter and not on the merits of an existing LEA charter Joint Powers Agreement (JPA). Application must be made to the SELPA and approved by the Governing Board on or before November 1 of the school year, one year prior to the school year in which the charter school anticipates operating as an LEA within the SELPA. LEA status will become effective as of July 1 of the year following the SELPA Governing Board's approval of the request for LEA status (for example if a charter application is approved by the Governing Board on or before November 1 of 2005, they will become an active charter LEA on July 1 of 2006. This delay allows the sponsoring LEA time to determine if they need to lay off staff and meet the required staff layoff notifications). Once granted LEA status the charter school will participate in the governance of the SELPA in the same manner as all other LEAs within the SELPA, including voting on issues brought before the governing body. For voting purposes, in accordance with Section VII of the Butte County Local Plan, the LEA charter will be assigned to the voting region of the chartering district consistent with Section VII, Part II (pages 2 and 3) of the Butte County SELPA Local Plan.

Charter applicants should anticipate three to six months for the review and approval process to be completed.

The applicant charter school will be deemed an LEA if the SELPA Governing Board determines that the charter school has met all requirements to be included as a member LEA of the SELPA as specified in this policy and the SELPA Local Plan. These requirements include the following:

- Provide assurances that all eligible individuals with disabilities (ages birth to 22) shall have access to appropriate special education programs and services;
- Provide assurances of an understanding and knowledge of applicable special education laws and regulations;
- Provide assurances that each certificated employee is appropriately credentialed to serve in his/her assignment;
- Provide necessary staff required to meet state and federal mandates;
- Follow all requirements of the SELPA Local Plan;
- Utilize SELPA forms;
- Provide all required CALPADS and other SELPA required information/data/reports required by the state and federal Government;
- Provide transportation as indicated in student's IEPs and;
- Provide assurances that the charter school has the sole legal and financial responsibility to provide appropriate services to eligible students and will provide search and serve to identify students who may qualify for and require special education and related services.

Once Deemed an LEA the Charter School Shall

- Participate in the governance of the SELPA in the same manner as all other LEAs in the SELPA including participation in voting on issues before the governing body. LEA charters shall be assigned to the voting region of the chartering district;
- Contribute to, participate in and receive the reimbursement from all SELPA fiscal pools and participate in any charge backs in the same manner as other members. Receive state and federal funding for special education in accordance with the SELPA Special Education Funding Allocation Plan. For the purpose of AB 602 funding LEA charter schools will receive the average of the rate of the 9 largest districts within the SELPA or the chartering entity rate whichever is less;
- Comply with all requirements of Elementary and Secondary Education Act;
- Be responsible for all costs incurred in the provision of special education services to students enrolled in the charter school. These costs may include but are not limited to, instruction, related services, transportation, nonpublic school/agency placements, inter/intra SELPA placements, due process proceedings, complaints and attorney fees and;
- 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 related services for students with IEPs.

Renewed LEA status will be granted consistent with when the charter's next five year renewal cycle is due with its chartering entity. If the entity and charter agreement indicates the charter shall continue as a LEA member of the Governance, the LEA status shall continue until the next renewal occurs. If there is a disagreement between the charter and the district whether the charter should continue in LEA status, the district or the charter can request dispute resolution of the matter per SELPA policy.

If LEA status is discontinued, the charter shall have up to one year to transition from LEA status to services from the chartering entity unless an earlier date is agreed upon.

REVOCAION OF LEA STATUS

LEA status may be revoked by the SELPA Governing Board for any of the following actions:

1. Committed a material violation of any of the conditions, standards, policies or procedures in this policy or the Local Plan.
2. Failed to meet generally accepted accounting principles or engaged in mismanagement of special education funds.
3. Violated any provision of state or federal law applicable to the charter school relating to special education.

When considering the revocation of LEA status of a charter school the SELPA Governing Board shall examine the conduct of the charter school in their implementation of special education laws. The decision to revoke may be based on the ability of the charter school to cure and correct

violations and/or the charter school's ability to ensure future consistent compliance with all applicable special education laws.

Prior to revocation the SELPA Governing Board shall notify the charter school of any violation of this policy and give the charter school a reasonable opportunity to cure the violation unless the SELPA Governing Board determines, with written notice that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

Throughout this process the SELPA Director shall work closely with the sponsoring district.

Charter School Affiliated With an LEA Outside the SELPA

When a charter school has no affiliation with an LEA within the SELPA, neither the SELPA nor the local district where the charter school is physically located within the SELPA has an obligation to reach agreement on the provision of special education services. If the charter school is granted a charter by an entity outside the SELPA the charter school is responsible to work out provision of special education services with the sponsoring district and related SELPA in order to meet the requirements to provide special education and related services.

LEA Charter Schools Exiting Butte County SELPA

A member LEA charter in Butte County SELPA has the option of applying for membership in a charter only SELPA, sometimes referred to as a CHELPA. It is highly recommended that such LEA charters considering leaving contact the SELPA Director to explore the reasons for the charter exiting to determine if the concern(s) underlying the exit could be resolved. If the matter(s) cannot be resolved, the LEA charter needs to officially notify the SELPA of their intent to exit by November 1st the year prior to the exit effect July 1st of the next school year. For example, if a LEA charter wished to exit the SELPA on July 1, 2019, it is required to notify the SELPA on November 1st, 2018 or before. If an LEA charter exits without meeting this timeline could be subject to a penalty withholding any final SELPA revenue distribution to the LEA charter.

Butte SELPA also has no obligation to provide services to any LEA charter who is accepted as a member of a charter SELPA even if they are physically located within the geographical boundaries of Butte SELPA. In these cases, the SELPA and/or its LEA members may choose to utilize a Memorandum of Understanding and contract for services with such charters.

LEA charters who join another SELPA and wish to return to Butte SELPA can be considered for re-admission on a case by case basis. These LEA charters must complete the application process applied to newly applying LEA charters and re-submit this application for consideration. The same timelines shall apply to re-entering LEA charters as do with newly applying charters. The Governance board reserves the ability to charge a re-admission fee to the re-entry LEA charter for the costs associated with the application process.

Application For LEA Status

Date:

Name of Applicant Charter School:

Address:

Telephone:

FAX:

E-mail address:

Name of Director:

Name of Chartering School District:

Please fill out this application and provide all requested information, data and documents.

Describe the applicant's process to modify the general education curriculum and instruction prior to a student's referral for special education services including the use of a school site team or another process that may be used.

Describe the applicant's plan to provide a continuum of special education services including child find, referral, assessment, Individualized Education Program (IEP) process and delivery of services.

Include a description of how the charter school will find children who may be in need of special education and related services:

Describe the charter school's process to refer a student for assessment if there may be a need for special education services

- Include a description of who will conduct assessments in all areas of suspected disability
- If the applicant will conduct assessments, list the appropriate credentials of staff that authorizes them to conduct assessments.
- If the applicant will contract for assessments, specify the district and/or agency that have agreed to conduct assessments. Include a letter of commitment to provide assessment services from the superintendent and/or agency director.

Describe how applicant will provide a continuum of special education and related services listed below:

- Resource Specialist Program (RSP) services
- Designated Instruction and Services (DIS) (e.g. Speech and Language therapy, Adaptive P.E., Occupational therapy, Counseling, etc.)

- Non-severe Special Day Class (e.g. SDC for students with learning and communication disabilities)
- Severe Special Day Class (e.g. SDC for students with severe physical, medical, emotional disturbance and/or significant developmental delays requiring intensive services)
- Full Inclusion (e.g. Full time placement in regular education classes for students with severe physical, medical, emotional disturbance and/or significant developmental delays requiring intensive services)
- Include a description of who will provide the instruction for each of the categories listed above and describe how each certificated employee is appropriately credentialed to serve in his/her assignment.
- If the applicant will contract for instructional services, specify the district and/or agency that have agreed to provide the services. Include a letter of commitment to provide the instructional services from the superintendent and/or agency director.
- Describe how the applicant will provide transportation for students if required by the IEP.
- Describe how the applicant will comply with all federal and state laws regarding discipline and change of placement of special education students.
- Include a copy of applicant's policies and procedures regarding the discipline of special education students.

Provide a budget plan including anticipated income to establish that the applicant receives adequate revenue to provide all the special education programs and services listed above.

This application requires the attachment of the following documents:

- A list of services to be provided directly by the LEA Charter and services to be provided through agreement or contract with another LEA, if any or another qualified special education provider.
- Qualifications of service providers, including credentials and/or certificates.
- A list of students currently enrolled in the charter school in the most recent reporting period. Please specify reporting period.
- Number of students in the Charter School receiving special education and related services.
- Number of students anticipated to need special education and related services if the charter school is not yet open.

Describe the level of knowledge of Charter school administration and/or staff in the legal and policy requirements of special education. If the charter school administration and staff are not experienced or knowledgeable in the legal and policy requirements of special education describe how the charter school will gain access to such knowledge.

Certification of Assurances

I certify and assure that the Applicant INSERT NAME will carry out the following:

- Will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act (IDEA, 20 USC 1400 et seq.), Section 504 of Public Law 93-112, 20 USC 8065 (a) and the provisions of the California Education Code, Part 30;
- Will ensure that all individuals with exceptional needs (ages birth to 22) shall have access to appropriate special education programs and services;
- Will assure that no child eligible for special education and related services seeking to enroll in the charter school will be denied nor discouraged from enrollment due to disability or due to the charter school's concern about its ability to provide appropriate services;
- Will assure that the charter school will fully inform parents of students with disabilities seeking enrollment in the charter school of their rights and educational options available;
- Will deliver special education and related services to any eligible child enrolled in the charter school;
- Will expend all state and federal special education funds for the sole purpose of providing special education instruction and/or services to eligible students with disabilities;
- Will provide assurance that the charter school will adhere to all policies, procedures and requirements of the SELPA Local Plan For Special Education
- Will utilize SELPA approved forms and documents and will follow all SELPA agreements, policies, and procedures;
- Will ensure that students will be instructed in a safe environment with no physical barriers to the mobility of the child;
- Have provided the SELPA with a copy of the charter school's original petition, as approved by the chartering entity and any subsequently approved amendments to the charter
- Will follow all federal and state laws regarding discipline and change of placement of special education students;
- Understands its legal and financial responsibilities to provide appropriate special education services to eligible students. Financial responsibilities may include, but are not limited to, instruction, related services, transportation, non public school/agency placements, inter/intra SELPA placements, due process hearing proceedings and attorney fees and;
- Will not seek defense or indemnification from the SELPA or SELPA members unless liability is the result of acts or omissions of other agencies, their agents or employees, while performing services under an agreement.

Date of Governing Board Approval of Application for LEA Status

Date of Approval _____

Signature of Applicant Director or Superintendent

Director: _____

Approved 4/26/00; Revised 10/17/18

GBP 4 Classroom Observations Policy

General Policies:

It is the policy of the Butte County SELPA and its member LEAs to limit outside observations of school-based programs for the following reasons:

- Confidentiality;
- Impact on the learning environment;
- Time away from task by staff;
- Additional stressors in the learning environment; and/or
- School safety.

Individuals requesting an observation shall conform to the policies and procedures of the host district. Generally, all observations are schedule in advance, with the reason for the observation, qualifications (position) of the person making the observation, and specific standardized observational measures to be used (if any) shared with the school contact person or administrator. For pupils with disabilities, the District Director of Special Education shall have the authority to grant or deny requests. By knowing the specifics of the observation, school staff can schedule the observation at a time when student issues or concerns may most likely be observed.

Limitations:

- All observations are hosted by a district staff person of a similar background or position. The district staff person shall also make observational notes of the same visitation.
- Observation is for a specific pupil, and information about other children cannot be shared, nor used as a basis for placement, diagnosis, or empirical data specific to other children.
- Specific areas of concern that form the basis for the observation must be shared with the school administrator or other school contact person prior to the observation. If a specific standardized observation measure is to be used, the name of the test must be shared along with documentation by the parent authorizing use of the testing instruments or observational checklist.
- Generally, observations are for 30 minutes.
- In no way may the observation of a specific child be used as an evaluation of a credentialed staff person, teacher, or other professional. All evaluations are subject to district policy on school visitors and other policies. In the event an observer has any comments regarding the performance of any staff person, either positive or negative, this information shall not be included in any written report and shall be provided to the supervisor as necessary and appropriate. District complain procedures are available upon request.
- It is understood that this SELPA Policy is superseded by any approved district policy.

Interagency Responsibilities:

- It is understood that Regional Center, Department of Mental Health, and or California Children's Services may have specific needs to observe children at school. These guidelines are in addition to any such guidelines contained in the interagency agreement SELPA has with each agency. School districts shall collaborate to assure that the observation is

completed within the guidelines and within a reasonable period of time from the original request.

- All concerns at a given school shall be referred to the District Director of Special Education. Any concerns about a given district shall be referred to the SELPA Director.
- To the maximum extent possible, agencies are asked to obtain required observational information from opportunities outside the school program and school environment.

Approved: 10/17/18

GBP 5 Compliance Policy

Monitoring Compliance with State and Federal Laws

Education Code Section 56195.7 requires development of written agreements to be entered into by the entities participating in the Local Plan for Special Education which include regionalized services to local program. Among the regionalized services is the provision for ongoing review of programs conducted, and procedures utilized, under the local plan, and a mechanism for correcting any identified problem.

SELPA monitoring activities to meet the Education Code requirement specified above may include but not be limited to the following:

- Observation of special education programs operated by each SELPA LEA (local education agency);
- Periodic review of IEP (individualized education program) documents developed by LEA IEP teams;
- Analysis of Statewide Compliance, Performance Measures, and Fiscal Data;
- Review and analysis of LEA CALPADS (CA Longitudinal Pupil Achievement Data System) data;
- Participation in the state's Quality Assurance Process (i.e., CCR (Coordinated Compliance Review) Self Reviews, Verification Reviews and follow-up corrective action activities);
- Participation in selected LEA IEP team meetings;
- Review of selected LEA assessment reports;
- Provision of ongoing training and technical assistance regarding compliant special education procedures;
- Annual meetings with district superintendents.

Correction of identified problems may be carried out through the following means:

- Consultation with the administrative personnel responsible for the LEA's special education programs;
- Provision of training and technical assistance as necessary to clarify compliant practices with appropriate LEA staff;
- Assistance with correction of noncompliant procedures or practices identified through state or local compliance complaint investigations.

In cases where the identified problem persists following implementation of such steps as outlined above, the LEA superintendent shall be notified regarding the issue.

The Local Education Agencies within the Butte County SELPA shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special instruction or related services, a system of procedural safeguards that includes records, an impartial hearing

with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of Section 615 of the Education of the Handicapped Act is one means of meeting this requirement.

Federal and state law requires the CDE (California Department of Education), as the state education agency, enforce local compliance with laws guaranteeing children with disabilities a free appropriate public education (20 U.S.C. Section 1412(a)(11); 34 C.F.R. Section 300.600; Ed. Code Section 56000). CDE has established a process to monitor complaints and timelines associated with complaints through individual compliance complaint investigations, the coordinated compliance review (CCR), and the quality assurance process (QAP). A complaint investigation is a formal inquiry required by federal and state law when it is alleged that a public education agency (PEA) has not followed a special education law or regulation. An investigation is required when it is alleged that:

- A due process final decision has not or is not being implemented;
- The health, safety, and welfare of a student or students are of concern;
- Federal law (Part B of IDEIA; Individuals with Disabilities Education Improvement Act) is not being followed;
- The student's IEP is not being implemented as written
- A public agency, other than the local education agency (LEA), has failed or refused to comply with an applicable law or regulation relating to the provision of free appropriate public education to students with disabilities (Government Code Section 7570, i.e., mental health, etc.)

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

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

OPTION 1

The LEA will attempt to negotiate a resolution to the issues identified in the complaint document if the complaint is not settled by the ninth day of the ten-day timeline.

- By the ninth day of the ten-day timeline, the LEAs within Butte County SELPA will contact the CDE (verbal or written communication) and provide an update as to the status of the case.
- The LEA will attempt to secure a timeline extension with the parent in order to continue a negotiated resolution at the local level.

- The LEA will provide CDE a copy of the written time extension. The LEA will request that CDE approve the timeline extension.
- The LEA will receive written communication from CDE with a copy to the parent of the agreements related to extending the timeline in order to continue to resolve the issues at the local level.

OPTION 2

The LEA and parent are able to resolve the issues identified in the complaint document.

- The LEA will use the CDE provided complaint resolution form to record:
 - Information gathered in the investigation.
 - Resolution achieved.
 - Obtain appropriate signatures.
 - Fax and send hard copy of the report to the CDE investigator.

OPTION 3

No resolution due to (but not limited to) the following:

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

The LEA contacts CDE to notify that no resolution can be reached.

CDE will conduct their own investigation and provide both parties with their findings.

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

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

The SELPA Director will inform the LEA Superintendent at a public meeting of a LEA's prolonged and substantial noncompliance. The item will be placed on the public meeting agenda

The SELPA Director and LEA Superintendent will provide supportive documentation to the LEA compliant investigation findings.

- Attempts to resolve the case locally
- Interactions with the CDE in an attempt to resolve the issues.

- Requests for mediation through Special Education Hearing Office (SEHO) and the mediation outcomes

The SELPA Governing Board may:

- Provide a directive to the LEA through an action
- Ask the LEA Superintendent/designee to mediate with one or all parties

GBP 6 Adults in Correctional Facilities Policy

Free Appropriate Public Education (FAPE)

Every individual with exceptional needs who is eligible to receive special education instruction and related services under the Individuals with Disabilities Education Act (IDEA) and state special education laws, shall have access to that instruction and those services at no cost, as appropriate, to him or her. FAPE shall be available to individuals with exceptional needs in accordance with Section 1412(a)(1) of Title 20 of the United States Code and Section 300.101 of Title 34 of the Code of Federal Regulations.

Eligible Adults

Adults who are aged 18 to 21 years, who have not graduated with a high school diploma, who, at the time they turned 18 were identified as an individual with exceptional needs and had an individualized education program (IEP) under the IDEA, are also entitled to a FAPE (hereinafter referred to as “eligible adults”). (See 20 U.S.C. § 1400 (d)(1)(A), (B), (C); 20 U.S.C. § 1412(a)(1)(A); Cal. Educ. Code, §§ 56000, 56026(c)(4).) This applies to adults incarcerated in California adult jails and prisons. However, an individual aged 18 through 21 years, who, in the educational placement prior to his or her incarceration in an adult correctional facility was not identified as an individual with exceptional needs or did not have an IEP under the IDEA, is not entitled to a FAPE. (20 U.S.C. § 1412(a)(1)(B); Cal. Educ. Code, § 56040(b).)

District of Residence

For eligible adults the district of residence (DOR) shall be the Butte County Office of Education (BCOE) for the purpose of this policy unless the student’s current district of residence indicates a desire to be the DOR if the student is currently enrolled in school. (CA Educ. Code, § 56041.)

Child Find

The SELPA shall actively and systematically seek out all eligible adults incarcerated within its boundaries. The SELPA and BCOE shall ensure that they are identifying and providing a FAPE consistent with this policy. Referrals can be submitted to either the Butte County SELPA or the Butte County Office of Education.

Individualized Education Program

Butte County Office of Education shall be the provider of services identified in the FAPE offer as described below. If the eligible adult consents to receive services, BCOE will work with the correctional facility staff to offer services to the eligible adult student with disabilities consistent with IDEA and corresponding California regulations.

Once BCOE is informed that an eligible adult is incarcerated in an adult correctional facility, they will determine whether the eligible adult requests to receive FAPE and, if so, will ensure that the eligible adult student is provided FAPE pursuant to the IDEA and corresponding California regulations. The BCOE shall review and revise the individual’s IEP as necessary, subject to the cooperation of the correctional facility where the eligible adult is located. The eligible adult must consent to the receipt of such services in order to receive said services while incarcerated.

Funding

The funding for the costs of providing services to eligible adults under this policy will be budgeted through annual SELPA budgeting process. Services eligible for reimbursement are restricted to costs associated with provision of all special education services, including mediation and due process. Butte County Office of Education shall be reimbursed annually for the entire year's costs to provide these services.

Limitations

The following special education requirements do not apply to eligible individuals who are convicted as adults under State law and incarcerated in adult prisons:

1. The requirements set out in 20 U.S.C. § 1412(a)(16) and 20 U.S.C. § 1414(d)(1)(A)(i)(VI) (relating to participation in general assessments) do not apply. Eligible individuals convicted as adults under State law and incarcerated in adult prisons are exempted from participation in State and district-wide assessment programs under the IDEA.
2. The requirements of items (aa) and (bb) of 20 U.S.C. § 1414(d)(1)(A)(i)(VIII) (relating to transition planning and transition services), do not apply with respect to such individuals whose eligibility under the IDEA will end, because of their age, before such individuals will be released from prison.
3. If an individual with a disability is convicted as an adult under state law and incarcerated in an adult prison, the individual's IEP Team may modify the individual's IEP or placement notwithstanding the least restrictive environment ("LRE") requirements of 20 U.S.C. § 1412(a)(5)(A) and the IEP contents requirements of 20 U.S.C. § 1414(d)(1)(A) if there is a bona fide security or compelling penological interest that cannot otherwise be accommodated.

BCOE can discontinue services provided under this policy upon request to Butte County SELPA Governance Council. The request must be received by March 1 of the calendar year and becomes effective July 1 of the next school year. The SELPA Governance Council will determine how services shall be provided to these incarcerated adults in the future.

Legal Reference: 20 U.S.C. § 1414(d)(7); 34 C.F.R. §§ 300.102, 300.324(d); Cal. Educ. Code, §§ 56040-56041; Cal. Gov. Code, § 7579(d); *Letter to Yudien*, 39 IDELR 270, 103 LRP 37913 (OSEP 2003).

Approved 3/9/11

GBP 7 Due Process Policy

LEA Responsibilities

Each local education agency within the local plan area shall be responsible for responding to requests for due process or initiating due process proceedings. LEAs will make every effort to settle formal cases of due process through mediation or local forms of alternative dispute resolution. Upon request of the local education agency, the SELPA Director will provide assistance in evaluating and responding to requests for due process.

When due process is filed on behalf of a student who is served in a program operated by a LEA other than the district of residence, the district of residence and district of service will collaborate in responding to the request for due process. If either the district of residence or the district of service is not named in the due process, the party that is named will notify and collaborate with the other party in responding to the claim. If any other LEA is named in the due process, they will also collaborate in resolving the dispute.

Any settlement offer or agreement entered into prior to hearing will be agreed upon jointly by the involved parties.

Responsible Local Agency

It is the intent of the SELPA that LEAs, who provide regionalized programs and services or district operated programs and services to students outside of their attendance area at the request of their district of residence, be relieved of financial responsibility for due process to the maximum extent possible unless:

- The district of service accepts some degree of responsibility in the course of a settlement agreement, or
- The district of service is assigned responsibility as a result of a due process ruling.

Other than in these cases, the district of residence is considered the responsible local agency.

Dispute Resolution

If there is a question or disagreement with regard to any aspect of this policy, the aggrieved LEA(s) may submit the matter for dispute resolution according to the local plan.

Note: Due Process expenses are not considered an approved program expense for bill-back purposes.

Approved: 9/6/02; Revised: 10/13/10

GBP 8 Educationally-Related Mental Health Services

History

In 1984, Assembly Bill 3632 statutorily required a partnership between school districts and county mental health agencies to deliver mental health services to students with individualized education programs (IEPs). In 2011, the California Legislature passed Assembly Bill 114, which repealed the state mandate on special education and county mental health agencies and eliminated related references to mental health services in California statute. As a result of this new legislation, school districts are solely responsible for ensuring that students with disabilities receive special education and related services to meet their needs according to the Individuals with Disabilities Education Act (IDEA) of 2004.

Mental health as a related service is identified as mental health services necessary for a student to benefit from their special education program. Within the educational environment these can include assessment of needs for mental health services, crisis intervention within the educational setting, outpatient counseling, day treatment placement, case management, parent consultation, and/or residential placement recommendations. Please note that *medication management* is not included among these services since federal guidelines consider it a medically necessary and not an educationally necessary service. The term, “mental health as a related service”, is currently utilized in place of “AB3632” or “26.5” services”. Mental health a related service and Educationally Related Mental Health Services (ERMHS) can be used interchangeably.

Educationally-Related Mental Health Services

Educationally-Related Mental Health Services (ERMHS) are mental health services that are provided to students receiving special education services. These services are provided when students have significant socio-emotional or socio-behavioral needs that impede their ability to benefit from their special education services. There must be a direct relationship between the emotional/behavioral characteristics and the lack of benefit from special education services. This may be shown as lack of progress on goals/objectives, declining grades, absences, suspensions, etc. Referral is appropriate when these concerns are determined to be associated with a condition that cannot be described solely as a temporary adjustment problem that can be resolved with less than three months of school counseling. Students eligible for mental health services are not just those identified as Emotionally Disturbed but can be those of any disability category. Educationally Related Mental Health Services may be provided by district personnel as well as by the Butte County SELPA through clinical services in the ED/SDC classroom. Students identified with emotional /behavioral issues which impede their ability to benefit from their Special Education may be referred to the SELPA for ERMHS support. Educationally Related Mental Health Services, once referred and approved, will be documented in the IEP. The services will be regularly monitored for efficacy and due diligence. Adjustments in the level of service provided will be made as appropriate. An IEP will be held and the service will be discontinued when the behavioral goals are met signaling that the services are no longer needed for the student to benefit from special education services.

SELPA ERMHS Referral Process

Needs Identified

The referral process begins when a student is identified with emotional/behavioral issues which impede their ability to benefit from special education (Considerations: attendance, declining grades/work completion, suspension data, lack of progress on goals/objectives, standardized test scores, district assessments etc.)

- The concerns are identified as significant as indicated by rate of occurrence and intensity
- The concerns are associated with a condition that cannot be described solely as a temporary adjustment problem that can be resolved with less than three months of school counseling.
- The school has provided pre-referral counseling as appropriate, psychological, and or guidance services and the IEP team has determined that the services do not meet the pupil's educational needs or are inappropriate.
- The school has identified the specific lack of educational progress and how this is directly related to the student's mental health needs.

School Psychologist/Case Manager (per district Special ED Director) may consult with ERMHS Coordinator. This consult is to identify the referral is in process and to answer any questions regarding the process or scope of the ERMHS referral.

The School Psychologist/Case Manager:

- Has an assessment plan signed by the parents or guardians including the referral to SELPA for Psycho-Social-Behavioral Assessment and recommendation of level of service. This is documented,
- Suggestions for Assessment: Under other: Review of records, observation, and interview with student and family. Under Alternative means: Referral to SELPA for Psycho-Social-Behavioral assessment and recommendation of appropriate level of service.
- Explore the data and information regarding the student's need for mental health services
- Document emotional behavioral need that causes the student to need mental health service in order to benefit from their special education
- Identify a behavioral need to be indicated on the ERMHS cover sheet
- If you have identified a need it will be important to write a goal in order to address the concern. This may be part of the BIP.
- The goal may be adjusted at some point after consultation and assessment by SELPA.
- Note that all LEA based counseling services have been considered and found to not be appropriate or effective
- Look at the BIP –or indicate why it's not deemed appropriate or necessary. The BIP needs to score a 14 or better on the PENT rubric.
- HIPPA and FERPA releases signed(see referral process below)
- At this point the IEP team determines the student is eligible for ERMHS at an IEP meeting and documents the referral will be made.

Psychologist/ Case Manager completes referral packet to include:

- ERMHS cover sheet
- Copy of IEP
- Copy of BIP
- Most recent psycho educational evaluation (Not more than two years old)
- Release of Information sheets signed for appropriate schools and BCBH Both the BCBH HIPPA form and the BCOE FERPA form are required
- PLEASE INSURE THAT THE RELEASE INCLUDES:
 - BCBH and any others who are providing mental health service, BCOE, the school district and other pertinent agencies
- Statement of progress that would indicate when the services are no longer needed (on cover sheet)
- Include outside agency assessments and reports if available.
- Other pertinent information or circumstances that escalate the current level of need? (suicidality, hospitalizations, etc.) (Indicated on cover sheet)

The referral packet is sent to ERMHS Coordinator at Butte County SELPA.

The SELPA ERMHS Clinician will review/assess for therapeutic needs. The Clinician will notify the case manager and the ERMHS coordinator that they are initiating the assessment process. If there are any complications in accessing the family/ student for assessment the Clinician will consult with ERMHS Coordinator and the Case Manager.

- Once the assessment is completed the clinician will contact ERMHS Coordinator and the appropriate Case Manager/ School Psychologist so an IEP can be held to review the assessment and the recommended service and to consider writing services on the IEP.
- The clinician will provide the assessment to the Case Manager for review.
- ERMHS Coordinator will consult with IEP team Psychologist/Case Manager and the SELPA clinician regarding the recommended services and appropriate service codes
- It is important to remember that the IEP team makes the decision regarding whether to write services and what services to write

Addendum is held to document ERMHS on IEP

- Invite the SELPA Clinician and the ERMHS coordinator to the IEP
- The SELPA clinician will insure that ERMHS Coordinator and the IEP case manager (indicated on cover page) have contact information (name, phone, E-mail) for the proposed provider of services.
- Insure there is at least one specific measurable behavioral goal (see sample goals)
- The service is provided by SELPA and SELPA is indicated as the provider of services on the drop down menu (services page).
- It is important to remember that services are determined for each student by the IEP team. The examples given are intended to provide some guidance as to usual levels of service
- Use the correct codes for services provided. For most referrals:
 - Individual Counseling 510 180 min monthly
 - Social Work Services 525 60 min monthly (see sample codes page)

- Services are written for the minimum level of service to be delivered since the IEP process requires that the written services are provided. (The provider may actually provide increased minutes of service as needed in cooperation with the referring Psychologist and the ERMHS Coordinator.)
- There may be times when additional services are needed because the student is in danger of hospitalization or of needing out of home placement in order to be able to benefit from their special education. It is possible to provide additional or enhanced mental health services after consultation with the Case Manager/School Psychologist, SELPA clinician and the ERMHS Coordinator
- For enhanced services the following codes are often used:
 - Parent Counseling 520 60 min 2X 120 min/month
 - Behavior Intervention Services 535 60 min 3X 180 min/month
- There are occasions when a residential placement may be necessary in order to provide FAPE
- Consideration for residential placement is made by the IEP team in conjunction with the Special Ed. Director, School Psychologist/Case Manager the SELPA clinician and the SELPA ERMHS Coordinator.

Monitoring and adjustment of services

- Services should be monitored and adjusted as needed
- The Case Manager will provide a timeline to the SELPA clinician for progress reports in accordance with their district timelines.
- The SELPA clinician will provide a progress report including: dates of service, minutes served and progress toward meeting goals, to the case manager indicated on the cover page. In addition, reports will be provided within ten days if requested.
- ERMHS services are normally written for 12 months. It is recommended that the IEP team meet at least twice during the school year to monitor the services and evaluate for benefit and need.
- An IEP will be held to discuss the discontinuation of ERMHS services when the IEP team's original statement of need is resolved signaling that the mental health service is no longer needed for the student to benefit from their Special Education.

Sample Behavior Goals for Use in IEPs for ERMHS Services

By 11/2/12, STUDENT will demonstrate appropriate protests in class, speaking to staff in a 1:1 setting or raising hand, refraining from negative comments like "Get away from me," or "Don't talk to me." STUDENT will do so with 90% completion 9/10 days as measured by staff observation.

By 5/29/2013 having been taught coping skills and participated in group and individual counseling, STUDENT will demonstrate the use of coping skills by appropriately handling his peer conflicts, independently, as measured by no more than 1 reported incident per month for 2 of 3 months.

By 5/29/2013, having been taught coping skills and appropriate replacement behaviors STUDENT will demonstrate the use of them by having no more than one charted incident of disruptive

classroom behavior per week for 2 of three consecutive weeks as measured by daily behavioral charting.

12/16/2012, STUDENT will negotiate alternative assignments using appropriate language in classroom, break time and lunchtime 95% as evidence by behavior point card. ED Staff observation and daily point card.

By 11/18/2012, STUDENT will use appropriate voice level and tone in class, break, and lunchtime earning, 4 out of 5 points on the behavior rubric measured by daily point card.

By 5/30/2013, STUDENT will increase his ability to identify those situations that cause him a great deal of anxiety or frustration. He will manage that anxiety with alternate behavior such as reading, another academic activity or appropriately timed recreational activities, within defined area, without prompting from another person, less than 3 to 4 times per week as measured by instructor/care provider evaluation.

By December 2012, When STUDENT feels frustrated or angry, instead of crying or yelling he will ask for a brief break and will use that time to engage in a self-calming strategy from his menu of choices, 60% of the time, as measured by teacher records.

By November 2012, STUDENT will increase his ability to recognize when he is engaging in an unacceptable behavior by accurately self-monitoring his identified problematic behavior with 80% reliability (or better) as indicated by STUDENT and instructor/data.

By 1/5/2013, when in a group setting, STUDENT will listen attentively to peers without interrupting and respond on topic with no more than one prompt in four out of five observations as measured by teacher

SAMPLE BEHAVIOR GOALS FOR USE IN IEPs FOR ERMHS SERVICES

By 2/9/2013, STUDENT will seek support from staff for the purpose of avoiding conflicts instead of letting things buildup and lashing out verbally or physically in order to cope with feeling angry and overwhelmed. STUDENT will utilize these strategies whenever she is upset or feeling on edge 90 % of the time working towards 100% of the time as measured by school and classroom staff.

By 2/9/11when feeling aggravated by her peers or staff, STUDENT will use her words in an appropriate manner to express herself 95% of the time as measured by daily data collection, discipline records, and staff observation.

By 2/9/13, STUDENT will demonstrate the ability to identify when she needs to take a break, take the break, re-direct herself by using strategies provided by her therapist, and return to class within 10 minutes 95% of the time as measured by teacher kept records.

By 10/9/2013, when feeling he is being treated unfairly, STUDENT will use self-calming techniques, accept emotional first aid, and if necessary, work in a quiet space to calm down in 80% of the time as measured by teacher observation and daily point sheets.

By 8/17/2013, STUDENT will take a 5-minute break or talk to staff when frustrated or angry to escape non-preferred tasks and activities. Non-compliance, arguing and leaving area without permission in regular ed. classes, special day class and vocational setting 95% in 6 out of 6 classes.

By 3/5/2013, STUDENT will be able to follow school rules and expectations and use appropriate negotiation skills to resolve conflicts, 90% of the time during a 6th period class day, as measured by teacher chart and discipline record.

(Socio-Emotional/Behavior) By 12/1/2012, STUDENT will be able to use appropriate communication and social skills when interacting with staff and peers 9 out of 10 trials as documented by a decrease in arguments and an increase in positive relationships with others.

By October 31, 2012, STUDENT will use a nonverbal communication system (e.g. a "conference card") to indicate her desire to engage with staff and voice a displeasure / problem in order to protest perceived injustices or requests to engage in non-preferred activities. She will do this instead of being demanding and verbally aggressive to staff and peers in order to protest perceived injustices or requests to engage in non-preferred activities. She will do this 75% of the time as measured by teacher record.

Service Codes for ERMHS Mental Health Services

510	Individual Counseling: One-to-one counseling, provided by a qualified individual pursuant to an IEP. Counseling may focus on aspects, such as educational, career, personal; or be with parents or staff members on learning problems or guidance programs for students. Individual counseling is expected to supplement the regular guidance and counseling program. (34 CFR § 300.24(b)(2), (CCR Title 5 §3051.9).
515	Counseling and guidance: Counseling in a group setting, provided by a qualified individual pursuant to an IEP. Group counseling is typically social skills development, but may focus on aspects, such as educational, career, personal; or be with parents or staff members on learning problems or guidance programs for students. IEP-required group counseling is expected to supplement the regular guidance and counseling program. (34 CFR §300.24.(b)(2)); CCR Title 5 §3051.9) Guidance services include interpersonal, intrapersonal or family interventions, performed in an individual or group setting by a qualified individual pursuant to an IEP. Specific programs include social skills development, self-esteem building, parent training, and assistance to special education students supervised by staff credentialed to serve special education students. These services are expected to supplement the regular guidance and counseling program. (34 CFR 300.306; CCR Title 5 §3051.9).

520	<p>Parent Counseling: Individual or group counseling provided by a qualified individual pursuant to an IEP to assist the parent(s) of special education students in better understanding and meeting their child's needs; may include parenting skills or other pertinent issues. IEP-required parent counseling is expected to supplement the regular guidance and counseling program. (34 <i>CFR</i> §300.31(b)(7); <i>CCR Title 5</i> §3051.11).</p>
525	<p>Social Work Services: Social Work services, provided pursuant to an IEP by a qualified individual, includes, but are not limited to, preparing a social or developmental history of a child with a disability; group and individual counseling with the child and family; working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; and mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program. Social work services are expected to supplement the regular guidance and counseling program. (34 <i>CFR</i> §300.24(b)(13); <i>CCR Title 5</i> §3051.13).</p>
530	<p>Psychological Services: These services, provided by a credentialed or licensed psychologist pursuant to an IEP, include interpreting assessment results to parents and staff in implementing the IEP; obtaining and interpreting information about child behavior and conditions related to learning; planning programs of individual and group counseling and guidance services for children and parents.</p> <p>These services may include consulting with other staff in planning school programs to meet the special needs of children as indicated in the IEP. (<i>CFR Part 300</i> §300.24).</p> <p>IEP-required psychological services are expected to supplement the regular guidance and counseling program. (34 <i>CFR</i> §300.24; <i>CCR Title 5</i> §3051.10).</p>
535	<p>Behavior Intervention Services: A systematic implementation of procedures designed to promote lasting, positive changes in the student's behavior resulting in greater access to a variety of community settings, social contacts, public events, and placement in the least restrictive environment. (<i>CCR Title 5</i> §3001(d)).</p>

(This language is not intended to be simply copied as it is student specific. Please modify these examples to fit the individual student plans.)

Ed. Rep. / parent / team requested a referral for Educationally Related Mental Health Services (ERMS). In order to determine ERMHS eligibility, the IEP discussed and have determined the following:

- STUDENT exhibits emotional and behavioral characteristics and symptoms that have been observed by qualified educational staff in educational and other settings. (*the following is customized to the individual student*) STUDENT is currently eligible for special education under the category of Emotional Disturbance. STUDENT has intermittently been 'on the run' from CPS-based residential placements and school progress has been poor. STUDENT has received intensive counseling services and these have proven ineffective in managing STUDENT's emotional and behavioral needs. STUDENT is not currently benefitting from

STUDENT's educational program as STUDENT has made little progress in STUDENT's current goals and objectives in ELA, Writing, and social-emotional functioning.

- STUDENT's behavioral and emotional concerns have been significant as indicated by rate and intensity. STUDENT is easily emotionally overwhelmed and avoids even the mildest stressful situations. When eloping, events lasting up to several weeks and STUDENT has been involved in illegal activities that have put STUDENT's health and well-being in danger.
- STUDENT's condition cannot be described as a social maladjustment or a temporary adjustment problem. STUDENT'S behavioral presentation has been evident for several years.
- The team has reviewed assessments of STUDENT's cognitive functioning and results indicate it is possible for STUDENT to benefit from mental health services.
- Team has reviewed the behavior support plan. STUDENT has been unwilling or unavailable to participate in revisions, implementation and/or updating of this plan.
- At this time, PARENT consents to a referral for the school based mental health assessment to be conducted by Butte County Behavioral Health. A release of information has also been authorized.

GBP 9 Funding and Budget Allocation

I. Distribution of Federal and State Funds

The Butte County Office of Education shall be the Responsible Local Agency (RLA), also known as the Administrative Unit (AU) for the Butte County Special Education Local Plan Area (SELPA). Under the direction of the SELPA, the RLA shall act as the fiscal agent authorized to receive, disburse and expend funds in accordance with the approval of the Governing Board.

The SELPA Director is authorized by the Governing Board to implement the Butte County SELPA policies and specific Governing Board action on behalf of the Governing Board and the SELPA. These responsibilities include, but are not limited to, the signing of official documents, state reports, and authorization of expenditures or distribution of funds as approved by the Governing Board.

The Budget Allocation Plan reflects the actual costs of services used by students and each LEA is responsible for paying for services provided to their students through their federal, state, and local revenues. Some services, as noted in the allocation plan, are paid for by all LEAs in the Local Plan.

The SELPA Director will, consult at least quarterly with the RLA Business Advisory Group, made up of LEA Business Officials, to provide updates and status reports regarding special education funding trends and specific information for Butte County SELPA. Each LEA is responsible for ensuring the timely submission of all required reports to the Administrative Unit, as this allows the AU to facilitate the timely distribution of funds to all LEAs.

The Butte County SELPA is required to develop an Annual Budget Plan. The Governing Board shall adopt the Annual Budget Plan in a public meeting as required, and it will be included with the Local Plan. The purpose of the Annual Budget Plan is to provide the public with an overview of the resources available as allocated within the SELPA.

The Governing Board shall adopt policies to allocate and distribute funds. The following guidelines are provided to the Governing Board for such policies to develop the Annual Budget Plan for the SELPA.

II. Mission and Purpose

The Governing Board of the Butte County SELPA is committed to the principles of equity, transparency, accuracy, and sustainability in the allocation and distribution of federal, state, and local dollars to provide educationally appropriate programs and services to all students with disabilities within the boundaries of Butte County. The SELPA recognizes, however, that the cost of providing special education programs regularly exceeds available funding sources. It is critical that the SELPA facilitate participation, cooperation, and communication among the all its member LEAs to address the funding of special education programs. This means the SELPA must work to provide all available and necessary information to its LEAs to assist them in making appropriate fiscal decisions in order to provide special education services to the students they serve.

The Butte County SELPA Budget Allocation Plan is based on the following principles:

- The Budget Allocation Plan must ensure that the needs of ALL students in the Butte County SELPA are met;
- The Budget Allocation Plan should be easily understood and transparent;
- Funding should be primarily focused on access to quality, effective special education programs to ensure positive, measurable outcomes for students with disabilities;
- Allocation of funds should provide neither incentive to over-identify students as students with disabilities nor to place students in more restrictive environments;
- Revenues should be distributed as indicated in the SELPA Budget Allocation Plan adopted by the SELPA Governing Board;
- The impact of special education funding on the overall budget of each LEA is considered, and providing for the impact to small districts should be part of the Plan;
- LEAs are responsible for actual education costs for their students, whether in centralized or non-public school settings, therefore limiting shared risk;
- Funding for charter schools, whether as LEAs or as schools of the district, should be clearly established; and
- All LEAs in the Butte County SELPA comply with state and federal requirements, and all local assurances, to ensure eligibility for continued funding.

III. Definitions

AB602: Assembly Bill 602 provides the funding calculation methodology for Special Education (SE) revenue based on countywide funded Period 2 (P-2) and select Annual Average Daily Attendance (ADA). For purposes of this Budget Allocation Plan, total AB602 funding will be the amount of money generated by countywide ADA.

Bill-Back: The Bill-back refers to the difference between income and expenses for centralized SELPA programs when expenses exceed federal, state, and local revenue.

Carry-Over: When revenue exceeds the LEA's cost for centralized and LEA operated SE programs, the LEAs can carry over state and local funds in excess of their SE costs. Federal funds may not be carried over. Special education carry-over funds are restricted for future special education expenditures.

Centralized Programs: Formerly called "Regional Programs," this describes Special Day Classes previously approved as regional "units" which produced an excess cost bill-back to LEAs sending students to these classroom placements. The term "regional" is often associated with the term "units," a concept we are moving away from for the 2020-2021 school year.

Centralized Services: Centralized Services refers to those related services that have been requested by LEAs to be provided centrally to create economies of scale, and were or are now approved by the SELPA Governing Board.

Expense: To determine LEA expense for centralized programs and services, the SELPA identifies all students with disabilities by DOR, who are placed in centralized programs and/or who receive services in regionally operated programs as of December 1 of the current year.

The number of identified students, and the cost of their placement and services, determines each LEA's portion of the cost for each centralized program and service. Costs for centralized programs and services, by LEA, are summarized annually on a Bill-Back Allocation spreadsheet, and this is provided to each member LEA.

Local Educational Agency (LEA)

For the purposes of this document, a local educational agency means a school district, county office, or charter school operating as its own LEA for special education purposes.

LEA Programs and Services: Special education programs and services that are created and funded solely with local LEA funds and are for the purposes of serving students within a particular LEA.

Other Funding: Special Education funding other than AB602 funds used to support special education programs, such as federal and state preschool grants, mental health dollars, out of home care dollars, and federal local assistance grants.

Program Provider: A Local Education Agency (LEA) operating a centralized program or services program for the benefit of all students within the Butte County SELPA, whether charter, district, or county.

Revenue: Special education revenue is comprised of federal, state and local funding. After funding risk pools, if any, SE funds are used to pay for centralized programs, centralized services, and LEA operated SE programs and services. Federal and State SE resources are not sufficient to cover the complete cost of special education programs. LEAs within the SELPA support SE services, when necessary, with General Fund contributions.

SELPA-Provided Services: SELPA provides several services through its staff and the SELPA Administrative budget approved each spring by the SELPA Governing Board. These include professional development, teacher and district supports, compliance and data reporting, behavior support, school to career training and employment, and assistive technology assessment and services.

IV. Description of Revenue Sources

A. AB 602

Current year P2 and select annual ADA, or prior year, whichever is higher, will be used to determine current year revenue. In the event of any changes in LEA membership or authorization, revenues will be re-allocated to remaining members based on current year calculated revenues.

B. Alternative Dispute Resolution (ADR) Grant

This grant is awarded to SELPAs across the state to encourage training and supports to LEAs to utilize alternative dispute resolution strategies to resolve disagreements between LEAs and parents and guardians regarding the provision of a free and appropriate public education.

C. Educationally-Related Mental Health (ERMHS)

State and federal ERMHS funds are non-AB602 funds intended to be used to provide mental health services and supports within the school setting.

D. Federal IDEA Grants for Preschool and Infant Populations

These grants are non-AB602 funds intended to be used to provide program and services for infants and preschool students with disabilities.

E. Federal Local Assistance Grant

This is a non-AB602 funding source.

F. LEA / Medi-Cal Funding

Medi-Cal funds generated within all centralized programs and services will be used to supplement these respective programs and services as determined by the respective providers. LEAs within the SELPA can administer LEA / Medi-Cal Activities according to state laws and requirements and through decision-making of each LEA's Collaborative, which meets several times per year.

G. Local Control Funding Formula

LEAs receive funds through the Local Control Funding Formula (LCFF) directly for all students including students with disabilities.

H. Low Incidence (LI) Equipment and Services

The SELPA administers Low Incidence funds in accordance with the Butte County SELPA Low Incidence policy. The amount of funding for low incidence disabilities is determined in the CDE Apportionment Exhibits and is based on P-2 Certification from current year. Low incidence equipment/materials funds will only be approved to purchase equipment, materials, or to reimburse for services for special education students enrolled in public schools with an IEP/IFSP indicating that the student meets the eligibility criteria for either severely orthopedically impaired, deaf, hearing impaired, deaf/blind, visually impaired or blind.

I. Medi-Cal Administrative Activities ("MAA")

MAA-eligible SELPA personnel participate in the "MAA" reimbursement program and income is generated from their work. These funds will be allocated to the SELPA MAA cost center. These funds are always described as unrestricted.

J. Out of Home Care

These funds are allocated to the SELPA based on the number of students residing in licensed children's institutions and those in Foster Family Homes and Agencies (LCI/FFH). For LCI group home students, bed counts are used, and for students residing in foster family homes,

census data is used. Revenue is received in an amount equal to the specific funding schedule for Out of Home Care (OHC) Funding and the annual apportionment is listed on the CDE website. OHC funds are for the purpose of providing greater support to students with disabilities in group home and foster living situations.

K. Regionalized Services/Program Specialists (RS/PS)

The SELPA Budget Allocation Plan recognizes this former grant as included in AB 602 to fund SELPA activities, adjusted annually by COLA. This language is added for clarity and reflects current Budget Allocation Plan methodology. As described above, RS/PS funds are included in the AB 602 amount allocated in the base rate.

V. Description of Expenditures and Distributions

A. Centralized Programs and Related Services (formerly “DIS”)

The LEA cost for SELPA Centralized Programs (formerly regional classroom placements) will be distributed proportionally based on the current year pupil counts in each program taken four times per year. The LEA cost for centralized related services will also be distributed proportionally based on the current year pupil counts in each service area taken four times per year.

B. SELPA Regionalized Services

Any difference between revenues and expenses for SELPA Regionalized Services (also known as "SELPA Administration Budget" or "SELPA Main Budget") shall be covered by a contribution from total AB602 funds. The SELPA Administration Budget is approved annually by the SELPA Governing Board.

C. Educationally Related Mental Health Services (ERMHS)

State and federal ERMHS funds are also non-AB602 funds and they are distributed in the following manner: First, mental health, room, board, and care costs for students in residential treatment facilities is set aside from the federal portion. Next, centralized ERMHS personnel costs are then funded. Any remaining dollars shall be distributed on the basis of the average of the [December 1st and April 1st] pupil count of students with ERMHS-eligible services on their IEPs, as indicated in the special education information system.

D. Federal Local Assistance Grant

The Federal Local Assistance Grant passes through the Butte County Office of Education (BCOE) and is then allocated based on prior year pupil counts for students with significant disabilities. “Significant disability” will be defined as all IDEA disability categories other than Other Health Impairment, Specific Learning Disability, and Speech and Language Impairment, as indicated in the Special Education Data System used at the SELPA level as of Census Day taken in October and made final in January of each year.

E. Low Incidence

From annual total LI funding, equipment requests are first processed. Then, if there are funds remaining at close of the school year, up to 40% of the total LI funding may be used to

distribute a proportionate share reimbursement for LI services provided by LEAs who submit the proper paperwork, pursuant to the Butte County SELPA Low Incidence policy.

F. Out of Home Care

OHC funds will be maintained at the SELPA and distributed in the following manner. For LEAs with licensed group homes, the superintendent or his/her designee Special Education Administrator may request financial assistance from this fund for high-cost programs such as a Centralized Program, Non-Public School, or Residential Treatment Center. For the latter two types of placement, only educational costs may be reimbursed provided requests are received with accompanying proofs of payment by August 1 following the year for which services were paid. Out of Home Care will otherwise be held in reserve for unforeseen circumstances and distributed at the discretion of the Governing Board. If OHC funds achieve a \$500,000 ending fund balance at the end of the year, the SELPA Director will recommend a distribution of anything over that amount to LEAs based on their individual foster youth census information. Census information used to determine this revenue can vary and it is important not to create any undue over-reliance on OHC funds as a rule.

VI. Budget Allocation Formula for Distribution of AB 602 Funds

It is the desire of the Butte County SELPA Governing Board to update its Budget Allocation Plan. Therefore, beginning with the 2020-2021 school year, the “regional unit” funding methodology will no longer exist. Rather, after setting aside the designated “off the top” amounts from AB 602 funds listed in this Budget Allocation Plan, LEAs who are consumers of Centralized Programs and Services will pay on a full fee-for-service basis using the existing Bill-Back methodology approved by the SELPA Governing Board and included in this Plan. All other state and federal dollars will be combined to produce an entitlement per LEA.

In order to make this change effective for all member LEAs, the following agreements must be understood and adhered to:

- To avoid as much potential for instability as possible, the financial phase-in of this plan should take place over the 2020-2021 through 2022-2023 school years;
- To increase the likelihood of success, monitoring of challenges will be reported to the Governing Board and Business Advisory Group in order to further improve the formula;
- There will be no cost pools for any Centralized Programs, including the DHH program. However, the SH-SDC program costs for Butte County Office of Education will continue to blend with the DHH SDC program to create a single placement cost.
- Enrollment protections must be built into the plan with the goal of obtaining accurate projections at each reporting period. This will avoid unexpected inflation of program costs. This process may include the use of current year enrollment, or may look back to prior year enrollment to obtain an average.
- DHH Program Preservation must be a priority. LEAs must agree that there can only be one DHH Program in the Butte County SELPA in order to protect students and provide the economy of scale that is one of the key functions of having membership in a SELPA.

Distribution of Revenue

Special Education Revenues will be allocated on the following basis:

- Federal dollars will be allocated based on significant disability counts obtained from the prior year October Census Day Special Education Pupil Count in CALPADS, and formerly a standard CALPADS report.
- State dollars will be distributed by total funded ADA, inclusive of the Small LEA Minimum Guarantee, AFTER the following are set aside, or taken “off the top:”
 - SELPA Administration allocation (includes line items for Community Advisory Committee and California Children’s Services Medical Treatment Units)
 - Low Incidence allocation
 - Professional Development allocation
 - SELPA-approved Cost Pools
- Small LEA Minimum Guarantee – In order to maintain continuity of staffing and program, special education funding will be established at a minimum guaranteed level, based on certain criteria. The first criteria is the preliminary LEA allocation (federal allocation and state allocation). If the preliminary LEA allocation is less than \$50,000, then the next criteria is funded Average Daily Attendance (ADA). If the LEA’s funded ADA within the AB 602 calculation is less than 50, they will receive a total of \$30,000. If the LEA’s funded ADA within the AB 602 calculation is 50 to 150, then they will receive a total of \$50,000.

Maintenance of Effort

Due to the shift in federal and state funds as a result of the new allocation plan, the LEA shall contact the Administrative Unit (AU) for assistance if an LEA cannot pass the Maintenance of Effort (MOE) test. The AU shall work with the affected LEA to resolve, and may contact other LEA’s to reallocate the state and federal dollars. The reallocation of state and federal dollars will not change the total allocation to the affected LEA’s, and shall not jeopardize any other LEA’s MOE.

VII. Program Cost Allocation

Centralized Programs and Centralized Services from Program Providers will operate as separate “cost centers.” The allocation of shared costs is distributed across programs as outlined below. For SELPA Regionalized Programs, those listed are not otherwise funded from other sources, and positions are listed that represent administrative and program costs consisting primarily of certificated and classified salaries and associated costs eligible for bill- back.

- | | |
|----------------------|--|
| Cost Center 1 | Centralized Programs are Special Day Classes for students with any of the following eligibilities: Autism, Deaf/Hard of Hearing, Emotional Disturbance, Intellectual Disabilities, Multiple Disabilities, Orthopedic Impairment, and/or Visual Impairment, including those in Transition programs for 18-22 year old students. |
| Cost Center 2 | Centralized Programs for Special Day Classes for Severely Handicapped Preschool Students – South County |
| Cost Center 3 | Juvenile Court and Community Schools |
| Cost Center 4 | Centralized Services, including any related service provided, including, but not limited to, DHH and visual impairment itinerant services, health and nursing, speech and language, Early Start, occupational |

	therapy, orientation and mobility, physical therapy, and adapted physical education
Cost Center 5	SELPA Regionalized Services such as SELPA director, assistive technology specialist, program specialists, and administrative assistant support staff
Cost Center 6	Educationally-Related Mental Health staffing and operations

A. Risk Pools

The Butte County SELPA allocates Risk Pools to offset costs in designated areas. The funding for the risk pools revenue will be generated from LEA contributions from AB602 funds. The proportionate share will be based on the prior year K-12 certified P-2 ADA. In any given year, the SELPA Governing Board may elect to modify the amount held within any of the Risk Pools.

1. High-Cost Protection Guarantee Pool:

Additionally, districts eligible for the Small District Minimum Guarantee, are also be eligible to receive a reimbursement of up to \$40,000 in the form of a high-cost protection guarantee from AB 602 funds to ameliorate the effects of removing shared cost from the Budget Allocation Plan for centralized program placements, centralized services, and non-public school or NPS alternative placement. This amount will be funded "off the top" and adjusted by the net special education COLA each year. Any portion not required toward centralized program and services will be redistributed annually by funded ADA.

2. Unanticipated Cost Pool:

If necessary, the Butte County SELPA Governing Board may elect to set aside a minimum amount for the purpose of protecting users of Centralized Program and Centralized Services as a safeguard against unanticipated costs, or for any other reason it deems appropriate to best serve the needs of member LEAs.

VIII. Other Agreements

Community Advisory Committee (CAC)

The Butte County SELPA CAC will be budgeted at a rate of \$1 per special education pupil based on the prior year December CALPADS -reported Special Education pupil count. At the end of the fiscal year, unexpended funds will be returned to the SELPA for allocation in the next year, unless a request is made to Governing Board to keep the funds for an ongoing project or other purpose.

California Children's Services – Medical Treatment Units

Costs associated with continued maintenance and operation of the California Children's Services Medical Treatment Units will be funded off the top from AB602 funds in an amount not to exceed \$30,000 annually.

SELPA Staff Development

Funds for SELPA Professional Development are set aside annually from AB 602 funds as determined by action of the Butte County SELPA Governing Board. While Butte County SELPA always seeks to provide the highest quality professional development, it also aims to make this a cost-neutral account by charging minimum amounts to cover the costs for presenters and facilities use.

Deaf and Hard of Hearing (DHH) Program Preservation

The SELPA Governing Board recognizes the value of the economy of scale created to provide high-quality placements and services for our DHH students, currently housed in Durham. In moving away from a shared cost model, the bill-back costs will look larger for individual users of the program. In order to preserve one DHH center-based program for Butte County SELPA students of all grade levels, member LEAs agree that no such DHH programs will be created in other locations.

Inter-SELPA Transfers for High Cost Placements

Students whose IEP calls for a non-public school (NPS) placement or NPS alternative placement are the financial responsibility of the district of residence or charter LEA in which the student enrolls. In the event they move from one LEA to another LEA within the Butte County SELPA during the course of a school year, the LEA of origin's responsibility ends at the time of enrollment in the new district of residence or charter LEA.

For residential non-public transfers from another SELPA, the Butte County SELPA will follow funding responsibilities required under Education Code 56325 (C). The financial responsibility for placement a residential non-public school student will remain with the district of origin for the remainder of the school year.

IX. Enrollment Projections

Financial predictability has been one of the benefits of the Butte County Budget Allocation Plan that for many years provided approximately 45% of a shared cost from AB 602 funds. In moving away from this model, users of formerly regional units benefited from all districts paying into that shared cost. In this version of the SELPA Budget Allocation Plan, only actual users of these programs will bear the cost of the programs. Costs will look higher for each type of placement and service, and for that reason, projections of enrollment must be accurate and based on a combination of best source information.

It is understood that sudden movement of students away from these programs could cause serious detrimental effects not just on bill-backs, but also on students and staff.

While enrollment projection procedures for centralized or special education programs and services may vary across LEAs, projections for Centralized Programs and Services will utilize current and previous enrollments to build class lists for the coming year.

Enrollment projections process shall begin in early December. Preliminary projections will be sent to each Superintendent or his/her designee in LEAs who utilize the Centralized Program and Services for verification by no later than January 25th of each year. Staffing projections are developed based

on current SELPA-approved staffing ratios. A Centralized Program and Services Verification Report must signed by the Superintendent and/or his/her designee confirming the current projections for both programs and services.

It is understood by member LEAs that the current SELPA Program Transfer Policy, based in Education Code, remains in effect and adds an additional layer of protection for both Centralized Programs and Centralized Services.

X. Bill-Back Procedures

Whenever an LEA places a student in a Centralized Program outside of their District of Residence, that LEA is responsible for their share of the deficit incurred by the District of Service or Program Provider. Likewise, whenever an LEA contracts with a Program Provider to provide a Centralized Service, that LEA is responsible for their share of the deficit incurred by the District of Service or Program Provider. Bill-back formulas contained in this policy will be used in the same manner by all LEAs in the SELPA.

A. Formulas

Unfunded program costs that qualify for Bill-Back will be addressed in the following manner:

- 1. SELPA-Approved Centralized Programs:** These include Special Day Classes for students with Autism, Deaf/Hard of Hearing, Emotional Disturbance, Intellectual Disabilities, Multiple Disabilities, Orthopedic Impairment. Additionally, it includes resource specialist services provided to any students in Juvenile Court and Community Schools.
Unfunded costs are converted to a 'Cost per Student' amount and billed to individual districts based on average number of students served. Program enrollment for Centralized (classroom) Programs is monitored four times per year.
- 2. SELPA-Approved Centralized Services:** This includes a combination of Related Services (formerly known as DIS), provided, including but not limited to, health and nursing, vision, hearing, speech and language, occupational therapy, physical therapy, Early Start, and adapted physical education. This could also include resource specialist services for preschool and infant programs.
Unfunded costs are converted to a 'Cost per Student' amount and billed to individual districts based on average number of students served. Program enrollment for Centralized Services is monitored four times per year. Four times per year, LEAs receive enrollment information from Program Providers of students served in Centralized Program and Centralized Services. They are asked to verify the accuracy of the report, obtain authorized signatures from Special Education Administrator and Fiscal Administrator, and return to the Program Provider.

Programs qualifying as “Centralized Programs” shall include those operated by Butte County Office of Education, Butte County SELPA for BASES Learning Center, and Oroville City Elementary School District for Preschool.

3. **District Program Classrooms / Intra-SELPA Placement Agreement:** This section applies to students placed in District-operated, as opposed to Centralized Programs outside their District of Residence through an Intra- SELPA Placement process. Rather than utilize a typical Bill-Back, unfunded costs are estimated at a set amount and billed to individual districts in accordance with the placement agreement. A Placement Agreement Form must be completed and signed by authorized Special Education Administrators from each LEA, with notification to the SELPA Director. (This section replaced the prior policy “Request for Non-Regional out of District Placement Policy.”)
4. **SELPA Office Administration Budget:** Unfunded costs in the SELPA budget will be funded from the AB 602 allocation.
5. **Educationally Related Mental Health Services:** In the event all federal and state educationally related mental health revenues are exhausted in a given fiscal year, excess costs for these services shall be paid by the district of residence based on fees for the services rendered to the student(s). The Bill-Back methodology used for Centralized Services will be used in the same way for this purpose.

Note: The formula for determining bill-backs is built into the Bill-Back Calculation Worksheet section of this document. For a fillable version, please contact the SELPA office directly.

B. Local Control Funding Formula ADA

Whenever a student receiving services at a Centralized Program location is mainstreamed on a regular basis into a general education classroom during the instructional day for academic or non-academic purposes, the District operating the general education program will receive the Local Control Funding Formula (LCFF) per ADA for their local program. LCFF funds generated for students attending a Centralized Program full-time will be determined through the Program Provider’s LCFF Calculator and be applied in calculating bill-backs (this includes the revenue generated by the Program Provider’s students and students from participating districts).

The program start date shall be taken into consideration when applying the LCFF ADA funds offset, as the SELPA is funded on either current year or prior year ADA. The application of the LCFF ADA funds offset will be affected by how the SELPA is funded in a particular year. Evidence of attendance assignment must be clearly documented in each student’s IEP.

C. Bill-Back Information Timelines

Bill-Back Pupil Counts: All Program Providers will complete data extracts for enrollment of students participating in their programs from the SEIS program four times during the fiscal

year. Specifically, the pupil count data extracts (enrollment lists) will be October 1st, December 1st, February 1st, and April 1st.

LEAs have an opportunity to review the enrollment lists and make corrections for two weeks after the lists are distributed. A bill-back estimate is provided at Original Budget, 1st Interim Budget, and Estimated

Actuals Budget. Prior year pupil counts will be used for the Original Budget and 1st Interim Budget bill-back estimates. The current year October, December and February (if available) pupil counts will be used for the Estimated Actuals estimate.

D. Bill-Back Calculations

Bill-Back Calculations shall include the following:

Revenues:

AB602 funding, federal local assistance grant, LCFF funds, program transfers, applicable federal grants and local revenue.

Expenditures:

Certificated and classified salaries (including management), employee benefits, books, materials and supplies, services and other operating expenditures (including classroom unit allocations), indirect costs and other outgoing/financing uses.

The deficit, or amount to Bill-back is the excess of expenditures over revenues. The bill-back per student is calculated by dividing the average of the total number of students in the program into the deficit to arrive at a bill-back amount per student. The applicable bill-back to the district of residence is calculated by multiplying the bill-back per student by the number of students from each district of residence.

E. Billing and Payments Schedule

Bill-Backs will be based on current year excess costs with two cash collections completed during the fiscal year. The first invoice or S-transfer will be completed in January for 50% of the estimated total bill-back for Centralized Programs and Services in the current year. The second cash collection by either invoice or S-transfer will be completed in June for the remaining 50% of the current year estimate. For Placement Agreements, invoicing and cash collection will occur in accordance with the content of the agreement itself.

Program Providers will distribute the final bill-back for the fiscal year within 60 days of the fiscal year end.

All Program Provider's may use the S-transfer process for collecting payments from districts receiving Centralized Program and Services, or from those using Placement Agreements. If a dispute arises regarding bill-back calculations, Program Providers and districts may submit the matter for dispute resolution according to the local plan.

Prior year corrections will be processed by the Administrative Unit within 60 days of the annual CDE recertification in February.

APPROVED BY THE GOVERNING BOARD: September 18, 2019

Butte County SELPA Intra-SELPA Placement Agreement

Current Contract Year _____

Initial Contract Year _____

The _____ School District, hereby agrees that effective _____

attendance will be authorized for the pupil named below in a program operated by the _____ School District.

Name of Pupil	Birthdate	District of Residence
Address (Number, Street, City, Zip Code)		
Name of School Pupil will Attend		Proposed District of Attendance
Check Type of Program		
<input type="checkbox"/> Special Day Class (SDC) <input type="checkbox"/> Resource, Learning Center (RSP/LC) <input type="checkbox"/> Related Services (a.k.a. DIS)		
Other		
Identify Unique Pupil Needs		

Area of Disability		
Specific Service(s) for DIS (Additional DIS Services may be identified in the pupil IEP and reported on SEIS)		
Additional Costs Borne by District of Residence		
YES NO	Start Date	Duration:
<input type="checkbox"/> Instructional Aide		
<input type="checkbox"/> Special Equipment	Other (specify):	
<input type="checkbox"/> NPS Code		
<input type="checkbox"/> Assessment		
<input type="checkbox"/> Transportation		

Transportation Provided By		Home to School Provided by _____
<input type="checkbox"/> District of Attendance	<input type="checkbox"/> District of Residence	Other (specify) _____

APPROVALS/ ACKNOWLEDGEMENTS

*Annual Placement Fee \$ _____	Invoice Date: Prior to _____
*Full cost shall be billed for 90 days or more of enrolled days annually. Half the amount shall be billed for enrollments of 90 days or less.	

District of Residence Approval

Signature (Authorized Agent, District of Residence)	Date Signed

District of Attendance Approval

Signature (Authorized Agent, District of Attendance, or County Office Agent)	Date Signed

Acknowledgement by SELPA

Signature	Date Signed
Aaron Benton, Director of Butte County SELPA	

Return to Butte County SELPA for Distribution

GBP 10 Governance Policy

I. Participating Members

Bangor Union Elementary School District
Biggs Unified School District
Butte County Office of Education
Chico Unified School District
Durham Unified School District
Golden Feather Union Elementary School District
Gridley Unified School District
Manzanita Elementary School District
Oroville City Elementary School District
Oroville Union High School District
Palermo Union Elementary School District
Paradise Unified School District
Pioneer Union Elementary School District
Thermalito Union Elementary School District

In order to apply for membership in the Butte County SELPA, please see Local Plan Procedures for application for membership.

II. Local Education Agency Assurances

1. Free Appropriate Public Education [20 United States Code (USC), Section § 1412 (a) (1)]

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

2. Full Educational Opportunity [20 USC §1412(a)(2)]

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

3. Child Find [20 USC §1412(a)(3)]

It shall be the policy of this SELPA and of each member LEA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located and evaluated. A practical method is developed and implemented to determine which students with disabilities are currently receiving needed special education and related services.

4. Individualized Education Program (IEP) and Individualized Family Service Plan (IFSP) [20 USC § 1412 (a)(4)]

It shall be the policy of this SELPA and of each member LEA that an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) is developed, reviewed and revised for each child with a disability who requires special education and related services in order to benefit from his/her individualized education program. It shall be the policy of this LEA that a review of an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions.

5. Least Restrictive Environment [20 USC § 1412 (a)(5)]

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

6. Procedural Safeguards [20 USC § 1412 (a)(6)]

It shall be the policy of this SELPA and of each member LEA that children with disabilities and their parents shall be afforded all procedural safeguards throughout the provision of a free appropriate public education including the identification, evaluation, and placement process.

7. Evaluation [20 USC § 1412 (a) (7)]

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

8. Confidentiality [20 USC § 1412(a)(8)]

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

9. Part C, Transition [20 USC § 1412(a)(9)]

It shall be the policy of this SELPA and of each member LEA that a transition process for a child who is participating in Early Intervention Programs (IDEA, Part C) with an IFSP is begun prior to a toddler's third birthday. The transition process shall be smooth, timely, and effective for the child and family.

10. Private Schools [20 USC § 1412(a)(10)]

It shall be the policy of this SELPA and of each member LEA to assure that children with disabilities voluntarily enrolled by their parents in private schools shall receive appropriate special education and related services pursuant to LEA coordinated procedures. The

proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents.

11. Local Compliance Assurances [20 USC § 1412(a)(11)]

It shall be the policy of this SELPA and of each member LEA that the local plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act (IDEA), the Federal Rehabilitation Act of 1973, Section 504 of Public Law and the provisions of the California Education Code, Part 30.

12. Interagency [20 USC § 1412(a)(12)]

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

13. Governance [20 USC § 1412(a)(13)]

It shall be the policy of this SELPA and of each member LEA 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.

14. Personnel Qualifications [20 USC § 1412(a)(14)]

It shall be the policy of this SELPA and of each member LEA to ensure that personnel providing special education related services meet the highly qualified requirements as defined under federal law, including that those personnel have the content knowledge and skills to serve children with disabilities.

This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the California Department of Education (CDE) about staff qualifications.

15. Performance Goals and Indicators [20 USC § 1412 (a)(15)]

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

16. Participation in Assessments [20 USC § 1412 (a)(16)]

It shall be the policy of this SELPA and of each member LEA that all students with disabilities shall participate in state and district-wide assessment programs. The IEP team

determines how a student will access assessments with or without accommodations, or access alternate assessments, consistent with state standards governing such determinations.

17. Supplementation of State/Federal Funds [20 USC § 1412 (a) (17)]

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

18. Maintenance of Effort [20 USC § 1412(a)(18)]

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

19. Public Participation [20 USC § 1412(a)(19)]

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

20. Rule of Construction (Federal requirement for State Education Agency only)

21. State Advisory Panel (Federal Requirement for State Education Agency only)

22. Suspension/Expulsion [20 USC § 1412(a)(22)]

The SELPA and of each member LEA 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.

23. Access to Instructional Materials [20 USC § 1412 (a)(23)]

It shall be the policy of this SELPA and of each member LEA to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state adopted National Instructional Materials Accessibility Standard.

24. Over-identification and Disproportionality [20 USC § 1412(a) (24)]

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

25. Prohibition on Mandatory Medicine [20 USC § 1412 (a)(25)]

It shall be the policy of this SELPA and of each member LEA 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.

26. Distribution of Funds (Federal Requirement for State Agency only)

27. Data [20USC § 1418 (a-d)]

It shall be the policy of this SELPA and of each member LEA to provide data or information to the CDE that may be required by regulations.

28. Reading Literacy [State Board requirement,2/99]

It shall be the policy of this SELPA and of each member LEA that in order to improve the educational results for students with disabilities, Special Education Local Plan Area's (SELPA) Local Plans shall include specific information to ensure that all students who require special education will participate in the California Reading Initiative.

29. Charter Schools [EC 56207.5(a-c)]

It shall be the policy of this SELPA and of each member LEA that a request by a charter school to participate as a local educational agency in a special education local plan area may not be treated differently from a similar request made by a school district.

GOVERNANCE STRUCTURE DESCRIPTION

Local Education Agencies (LEAs) within Butte County and the Butte County Office of Education, as the Responsible Local Agency (RLA), or Administrative Unit (AU) of the SELPA, hereby join together pursuant to Education Code Section 56195 to adopt a plan in accordance with Education Code Section 56200 to assure equal access to special education and services for all eligible persons with disabilities residing in the geographic area served by these agencies, hereafter known as the Butte County Special Education Local Plan Area (Butte County SELPA). In adopting the Local Plan, each participating agency agrees to carry out the duties and responsibilities assigned to it within the plan. Participating agencies may enter into additional contractual arrangements to meet the requirements of applicable federal and state laws. [EC 56195; 56195.1(c); 56195.5(a); 56195.5(b); 56205(a) (12) (D)].

The Butte County Office of Education and Butte County Board of Education shall serve as the Responsible Local Agency (RLA) or Administrative Unit (AU) for the SELPA and perform the following functions.

- The AU is designated to receive and distribute special education funds according to the locally approved Special Education Budget Allocation Plan.
- The AU employs staff to support SELPA functions.
- The AU oversees the coordination of the Local Plan.

In adopting the SELPA Local Plan, each participating LEA agrees to carry out the duties and responsibilities assigned to it within the plan. Each district governing board and the Butte County Office of Education shall have authority over the programs it directly maintains consistent with the local plan. Centralized Programs and Services operated on behalf of the SELPA are subject to oversight by the SELPA Governing Board according to SELPA policies and procedures.

Each agency shall provide special education and services to all eligible students within its boundaries, including students attending charter schools where a LEA of the SELPA has granted that charter. Charter schools with LEA status in the SELPA are responsible for special education services according to the provisions of the SELPA's Charter School policy. In addition, each agency shall cooperate to the maximum extent possible with other agencies to serve individuals with disabilities who cannot be served in the LEA of residence program. Such cooperation ensures that a range of program options is available throughout Butte County.

The county office or district governing boards may enter into agreements to provide service to pupils in special education programs maintained by other districts or counties and may include within their special education programs pupils residing in other districts or counties.

A. LEA Governing Boards

The Governing Boards of LEAs in Butte County shall adopt policies and procedures for special education programs and services provided in the Butte County SELPA. Such policies and procedures shall include, but not be limited to, assurances in all areas as required by federal and state statutes. [EC 56205 (a)(12)(D)(i)].

Responsibilities of the governing boards include, but are not limited to:

- Approve the Local Plan and revisions to the Local Plan for the Butte County SELPA.
- Participate in the governance of the Butte County SELPA by empowering their superintendent or designee to act as their agent in the approval and amendment of policies and procedures.
- Ensure compliance with all elements of the Local Plan.
- Cooperate with the governing boards of participating Local Education Agencies to assure the availability of appropriate services to eligible individuals regardless of district of residence.
- Provide suitable housing for special education programs maintained by the Local Education Agency.
- Operate local programs consistent with state and federal law and regulations and policies and procedures approved for the Special Education Local Plan Area. [EC56195.5(a)]
- Annually review and approve special education programs and services of the Local Education Agency.
- Develop and adopt policies for the operation of the Local Education Agency, which are consistent with those of the Special Education Local Plan Area, and which promote the concept to ensure access to appropriate programs and services for all children with disabilities.
- Appoint members to the Butte County Community Advisory Committee.
- Review formal complaints forwarded by the respective LEA superintendents as outlined in the district's Uniform Complaint Procedures.
- Address questions and concerns of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the Local Plan. [EC56205(b)(4)]

B. SELPA Governing Board

The governing body of the SELPA is the Butte County SELPA Governing Board. [EC 56205 (a)(12) (A)]. The SELPA Governing Board is comprised of the superintendent or designee (proxy) from each of the following LEAs:

Bangor Union Elementary School District
Biggs Unified School District
Butte County Office of Education
Chico Unified School District
Durham Unified School District
Golden Feather Union Elementary School District
Gridley Unified School District
Manzanita Elementary School District
Oroville City Elementary School District
Oroville Union High School District
Palermo Union Elementary School District
Paradise Unified School District
Pioneer Union Elementary School District
Thermalito Union Elementary School District

SELPA Governing Board meetings are public meetings and, therefore, all Superintendents may attend. Only Superintendents or their designated representatives (proxy), however, are considered voting members of the Governing Board.

The SELPA Governing Board shall meet on a regular basis according to Brown Act requirements. The chairperson for the SELPA Governing Board shall be elected according to the voting procedures described herein at the last meeting of the school year. The term of office shall be one year commencing on July 1 of the year elected. The chairperson may be re-elected for additional terms.

The chairperson shall develop a schedule of meetings and convene and preside over each meeting. If the chairperson is unable to attend a meeting, she/he shall designate another member of the governing board to chair the meeting. When necessary, the chairperson may call for special meetings or cancel regular meetings. The Chairperson will collaborate with the SELPA Director in the development of meeting agendas.

1. Responsibilities of the SELPA Governing Board

The SELPA Governing Board members, under the direction of their respective elected Governing Boards, shall act to establish operational procedures and make decisions on any matters regarding the development, implementation, administration and operation of special education programs in accordance with the intent of the Local Plan. The SELPA Governing Board will perform the following functions:

- Review and approve needed modification of this agreement on behalf of all districts in the SELPA and adopt amendments to the permanent portion of the Local Plan on an “interim basis”, not to exceed one year. Amendments approved in this manner shall become permanent upon subsequent approval by LEA Governing Boards during the annual service and budget plan process and upon subsequent approval by the State Board of Education.
- Adopt SELPA policies and procedures on behalf of their respective LEA Governing Boards to ensure compliance with the Local Plan and state and federal laws and regulations.
- Assure equal access to programs and services for all individuals with exceptional needs within the SELPA regardless of their district of residence.
- Approve the annual services plan and annual budget plan.
- Adopt policies for the distribution of federal, state and local funds received for special education programs.
- Adopt agreements including, but not limited to, interagency agreements with Behavioral Health, California Children’s Services, Far Northern Regional Center and other public agencies that provide services to students with exceptional needs.
- Establish and promote the Community Advisory Committee. Encourage parental involvement through members of the CAC and consider requests and recommendations from the CAC and other parent groups.
- Provide assistance in the selection, direction, discipline and evaluation of the SELPA Director.

2. Voting by the Governing Board

The Butte County SELPA Governing Board has enjoyed a long history of good faith cooperation. For this reason, one vote is allocated to each member LEA for most all SELPA Governing Board matters on which action must be taken. Each LEA listed above will receive one (1) vote, except in the following situations, when a weighted vote and higher threshold for passage of an item will apply, as further detailed below:

- a. When there is any proposed change in the overall SELPA Budget Allocation Plan model.
- b. When there are programmatic decisions that could result in changes in budget or appropriations exceeding \$100,000.
- c. When there is a vote to change the overall voting structure of the SELPA.
- d. If any of these situations applies, a weighted vote will be used, with each LEA still receiving its one vote, and one additional vote for every 1,000 students in total funded LCFF average daily attendance from the prior year (the greater of P2 ADA from prior year or two years prior). ADA numbers will be from P2 of the previous year. Updates to the weighted vote allocation will be disseminated by July 1st of each year. The SELPA Director and Governing Board Chair shall work together to ensure that agenda items are clearly marked to indicate a weighted vote is needed.

LEA Name	Vote	Weighted
Bangor Union Elementary School District	1 vote	1 vote
Biggs Unified School District	1 vote	1 vote
Butte County Office of Education	1 vote	1 vote
Chico Unified School District	1 vote	14 votes
Durham Unified School District	1 vote	2 votes
Golden Feather Union Elementary School District	1 vote	1 vote
Gridley Unified School District	1 vote	2 votes
Manzanita Elementary School District	1 vote	1 vote
Oroville City Elementary School District	1 vote	3 votes
Oroville Union High School District	1 vote	3 votes
Palermo Union Elementary School District	1 vote	2 votes
Paradise Unified School District	1 vote	4 votes
Pioneer Union Elementary School District	1 vote	1 vote
Thermalito Union Elementary School District	1 vote	2 votes
TOTAL	14 votes	38 votes

In order for a motion to pass, it must receive a majority of votes in the quorum, except when a weighted vote applies. In these situations, two-thirds (2/3) of the votes of the sitting quorum must vote in favor. A quorum will consist of at least seven (7) member LEAs in attendance.

Superintendents have the option of designating a representative, or proxy, from their LEA when unable themselves to attend a meeting of the SELPA Governing Board. The SELPA Director or his/her designee must be notified in advance of the meeting of name of the proxy who will attend and vote in their absence.

Small districts or LEAs with under 150 total ADA (currently Bangor, Golden Feather, and Pioneer in 2019-20) who previously designated one representative may continue to do so as long as an appropriate proxy is in place. Votes placed by the representative on behalf of these small districts using “one LEA, one vote,” do not need to be voted in a block, but may be different than the representative’s vote on behalf of his/her own district. In this case, Governing Board member’s wishes should be presented in writing to the SELPA Director in order to confirm votes on particular items. However, for anything requiring a weighted vote, each LEA will need to be physically present at the Governing Board meeting in order for their vote to be counted.

Once an agenda item has been voted on by the Governing Board, it may not be placed on the agenda again unless two-thirds (2/3) of the voting members present agree.

3. Responsibilities of LEA Superintendents or Designees [EC 56205(a)(12)(D)(i)]

- Provide administrative leadership in support of the special education programs operated by the Local Education Agency. [EC 56195.5 (a)]
- Act as a liaison between the governing board of the Local Education Agency and the SELPA Governing Board, transmitting suggestions for the development and/or modification of policy to the SELPA Governing Board and vote upon such matters in accordance with direction from the Local Education Agency governing boards.

- Annually recommend to the governing board the modifications of Local Education Agency special education programs that are necessary to meet the changing needs of students, to be included in the annual service and budget plans submitted to the SELPA.
- Maintain and submit financial and program information to the administrative unit and SELPA as required.
- Establish and maintain all procedural safeguards as defined by the Individuals with Disabilities Education Act.
- Provide for the ongoing evaluation of special education programs operated by the Local Education Agency in accordance with guidelines established by the California Department of Education.
- Respond to all complaints and requests for due process relative to the provision of services to students with disabilities.

C. SELPA Directors' Council (DC) [EC 56205(a)(12)(D)(i)]

The SELPA Directors' Council (DC) will consist of one Special Education Administrator or designee appointed by each local education agency and one parent member of the Community Advisory Committee. The DC shall be an advisory body to the SELPA Director and the SELPA Governing Board.

The Council will meet regularly according to Brown Act requirements. Additional meetings may be scheduled as the needs of the Local Plan dictate. A quorum shall consist of a majority of members present. Each council member shall have one vote. Members may designate another person to attend in their place or designate another member to cast their vote. The SELPA Director must be notified in advance of the meeting in either case. Decisions will be based on a simple majority vote of the members present. A tie vote will be considered a negative vote.

The SELPA Director serves as the chairperson of the Council and is responsible for providing timely written notice of the meeting and agenda, minutes for the meeting, and additional documentation as needed to provide for informed decision-making.

1. Responsibilities of the SELPA Directors' Council

- Advise the SELPA Director and the SELPA Governing Board regarding the status, accomplishments and needs of special education programs operated within the Local Education Agencies.
- Provide technical advice and assistance to the SELPA Director and the SELPA Governing Board.
- Work cooperatively to plan and coordinate educational programs and services for all individuals with exceptional needs within the SELPA.
- Provide leadership and support in the implementation of SELPA policies and procedures.

- Act as liaison with parents, community resources, other Local Education Agencies, the SELPA Director and the SELPA Governing Board.
- Gather, interpret, and report data regarding the implementation, administration and operation of the Local Plan.
- Advise the SELPA Director of the annual program needs of the Local Plan Area to be considered in the development of the annual budget plan.
- Provide the SELPA Director with information relative to the development of the annual service plan.
- Recommend staff development activities for the SELPA.
- Recommend members for the Community Advisory Committee (CAC).

A charter school that has been approved to operate as an LEA for special education purposes shall be included in the DC in the same manner as other LEAs.

D. Other Committees

SELPA Committees are formed and appropriate members are appointed as needed to address current issues. Membership on these committees is designed to fulfill a particular task within a specified time frame. SELPA personnel or selected representatives will serve as chairpersons of committees. Examples of standing committees are as follows:

- **Low Incidence Review Committee**
This committee is comprised of one representative of each low incidence disability appointed by the Coordinating Council, the Assistive Technology Specialist and the SELPA Director or designee. The purpose of this committee is to review requests to access funds for low incidence services and equipment according to the Butte County SELPA Low Incidence Guidelines, and make recommendations to update the Low Incidence Guidelines.

E. Charter Schools

A Charter School that has been approved as a Local Education Agency shall participate in the governance of the SELPA and distribution of state and federal funds for special education in the same manner as other Local Education Agency members of the SELPA. More detailed information regarding the role of Charter Schools in the SELPA can be found in the SELPA Policies and Procedures Manual kept on file in the SELPA. [EC 56195.1(f); 56207.5]

F. Administration of the SELPA

1. SELPA Staff

The LEA governing boards, through their representatives to the SELPA Governing Board, shall identify the need for and designate positions necessary for the operation of SELPA functions according to this policy. [EC 56205 (a)(12)(D)(ii)(10)]

The SELPA Governing Board shall be responsible for designating staff to support the functioning of the SELPA. In reviewing and approving the SELPA budget on an annual basis, the governing board designates staffing for the SELPA office.

SELPA staff shall be employed by the BCOE and shall be supervised and evaluated by the SELPA Director according to policy and practice. SELPA positions will be advertised and selected according to BCOE personnel procedures. Representatives from participating LEAs will be involved in the screening and interview process. Recommendations will be submitted to the Butte County Superintendent of Schools for approval.

2. SELPA Director

The SELPA Director will coordinate the provision of all special education services of the SELPA and will administer those functions delegated to the SELPA pursuant to the local Plan adopted by the SELPA Governing Board. [EC 56205(a)(12)(D)(ii)]

a. Responsibilities of the SELPA Director

- Develop, implement, supervise, and provide for the evaluation of the SELPA Regionalized Services program.
- Serve as ex-officio member of the SELPA Governing Board to develop agendas, provide information and recommendations regarding the operation of the SELPA and report minutes of the meetings.
- Serve as the Chairperson of the SELPA Directors' Council and assist Council members to implement each LEA's responsibility under the Local Plan.
- Function as a liaison to the CAC, assist in promoting community involvement and work closely with the Committee to develop recommendations to be presented to the Directors' Council and the SELPA Governing Board.
- Prepare program and fiscal reports required of the SELPA by the state; manage the CALPADS data system to comply with all state requirements. [EC 56205(a)(12)(D)(ii)(V)]
- Recommend employment of, assign, supervise and evaluate staff assigned to the SELPA Office.
- Provide assistance to the SELPA staff to carry out their responsibility to ensure that all pupils have access to full educational opportunity.
- Provide leadership in the development of the Local Plan and policies and procedures necessary to operation of the SELPA.
- Provide support to participating LEAs in their operation of special education programs and services.
- Monitor the appropriate use of federal, state and local funds allocated for special education programs. EC 56205(a)(12)(D)(ii)(IV)
- Schedule regular meetings of the SELPA Governing Board, Directors' Council and Community Advisory Committee for policy and budget development, support and information sharing.

- Ensure the implementation of all federal, state and local responsibilities of the SELPA, including personnel development and procedural safeguards and other assurances.
- Assist LEAs in mediation and due process hearings.

It is the SELPA Director's responsibility to represent the interests of the SELPA as a whole without promoting any particular LEA interest over the interest of any other agency. In the event there are differences of opinions and/or positions on issues, the SELPA Director will assist the parties in reaching a reasonable solution of the issue(s).

b. Employment, Direction and Evaluation of the SELPA Director

The SELPA Governing Board shall be responsible for the selection, direction, discipline and annual evaluation of the SELPA Director. The SELPA Governing Board shall be assisted in the hiring and selection process by the Administrative Unit. The SELPA Director is subject to the AU's policies and procedures for day-to-day operations, but receives direction from, and is responsible to, the SELPA Governing Board. The SELPA Director is evaluated by the Chairperson of the SELPA Governing Board, the AU Superintendent and one other superintendent from the Governing Board. The evaluation is confirmed by a vote of the SELPA Governing Board.

It shall be the responsibility of the SELPA Director to, by January 1, remind the SELPA Governing Board Chair of the need to conduct an evaluation, and the evaluation shall be presented in an item by the May Governing Board meeting.

G. Regionalized Services and Operations

The SELPA Director shall implement the Local Plan including the following regionalized services and operations: [EC 56836.23, EC 56205(a)(12)(B)]

- Coordination of the special education local plan area and the implementation of the local plan.
- Coordinated system of identification and assessment.
- Coordinated system of procedural safeguards.
- Coordinated system of staff development and parent education.
- Coordinated system of curriculum development and alignment with the core curriculum.
- Coordinated system of internal program review, evaluation of the effectiveness of the local plan and implementation of a local plan accountability mechanism.
- Coordinated system of data collection and management.
- Coordination of interagency agreements.
- Coordination of services to medical facilities.
- Coordination of services to licensed children's institutions and foster family homes.
- Preparation and transmission of required special education local plan area reports. EC56205(a)(12)(D)(ii)(V)
- Assist and participate in Community Advisory Committee activities.

- The SELPA Director will act as liaison between the CAC and the SELPA Governing Board, sharing information and recommendations between the two groups.
- Coordination of transportation services for individuals with exceptional needs.
- Coordination of career and vocational education and transition services.
- Assurance of full educational opportunity.
- Monitor the appropriate use of federal, state and local funds allocated for special education programs. EC56205(a)(12)(D)(ii)(IV)
- Direct instructional program support.

H. Program Specialist Services [EC 56205(a)(12)(B);56368]

A program specialist is a specialist who holds a valid special education credential, clinical services credential, health services credential or a school psychologist authorization and advanced training and related experience in the education of individuals with exceptional needs. Program specialist services are provided by the SELPA and include the following services:

- Facilitation for the placement of students in programs outside their district of residence.
- Observation, consultation and assistance to special education teachers and support staff in accordance with LEA procedures.
- Program planning, coordination of curricular resources and the evaluation of the effectiveness of programs for children with disabilities.
- Provision of in-service training and technical assistance for regular and special education teachers, administrators, support staff and parents.
- Provision of coordination, consultation and program development in one or more specialized areas of expertise.
- Participation in and/or facilitation of IEP team meetings, upon request, when technical assistance is needed.
- Assistance in mediation, due process hearings and compliance proceedings by providing expertise and knowledge of special education law and regulations as well as programs and appropriate interventions available throughout the SELPA.
- Assistance in developing training for parents and members of the Community Advisory Committee.
- Assistance as a liaison to various community agencies such as the Department of Behavioral Health, Far Northern Regional Center, California Children's Services, Probation Department, etc.
- Assure that pupils have full educational opportunity regardless of the district of residence.

Program specialist services shall be allocated to districts annually by mutual agreement of the SELPA Director and LEA Special Education Administrators. Allocations will be based on factors such as the number of staff available, SELPA priorities and LEA needs.

I. Local Plan Development [EC 56195.3(a), (b), (c)]

The Butte County SELPA Local Plan is developed with input from the following groups:

- The SELPA Directors' Council members may consult with their bargaining units or school site staff to select general education and special education teachers who may want to serve on a subcommittee for the purpose of providing input to the development of the Local Plan and/or the Annual Service Plan and Annual Budget Plan.
- General and special education administrators are selected by their superintendents.
- Parent representatives are selected by the CAC. Parents may or may not be members of the CAC. Parents will be selected from the north and south regions of the county. The CAC voting representative to the SELPA Directors' Council also serves on the Local Plan Committee.

The committee shall develop the local plan in accordance with EC Sections 56195.3 (b), (c) and (d). Prior to approval by the LEA governing boards, the local plan will be submitted to the CAC for their review.

1. Amendments to the Permanent Section of the Local Plan

The local plan will be updated/amended in cooperation with a Local Plan Committee. The SELPA Governing Board may adopt amendments to the permanent portion of the local plan on an interim basis, not to exceed one school year. Amendments approved in this manner shall become permanent upon subsequent approval by all LEA governing boards and the State Board of Education. EC 56195.9

2. Amendments to the Annual Service and Budget Plans

The governing boards of the participating LEAs agree to designate authority to the SELPA Governing Board to approve the SELPA-wide annual service and budget plans and any subsequent modifications.

J. Literacy

In order to improve educational results for students with disabilities, participating LEAs within the Butte County SELPA assure that all students who require special education will participate in the California Reading Initiative, just as all other students. In order to facilitate that effort, each district assures that special education instructional personnel will participate in and have full access to the following:

- District and county staff development in literacy and learning research that aligns with state adopted standards and frameworks; and
- District and county staff development in research based instructional strategies for teaching reading to a wide range of diverse learners.

Our goal is:

- To increase the participation of students with disabilities in statewide assessments with and without accommodations or modifications as monitored by the IEP process; and
- To increase the percentage of children with disabilities who are literate; and
- To assure that students with disabilities attain higher standards in reading.

In order to reach these goals, each LEA assures students with disabilities have full access to:

- All required core curriculum, including state-adopted textbooks and supplementary textbooks; and
- District, county or state adopted texts and state adopted instructional materials and any necessary supports to obtain higher standards in reading.

K. Public / Parent Input

All LEA Boards within the SELPA have public comment sections on their agendas, as does the SELPA Governing Board. The Butte County SELPA Director, the Director of Special Education for the Butte County Office of Education and the District Special Education Administrators are also available to meet with parents or members of the public who may have questions or concerns. Meetings can be arranged by contacting the SELPA office.

L. Dispute Resolution

If a dispute arises over the responsibility for service provision, governance activities, program transfer, or distribution of funding; or if a school district, including any charter school LEA, group of school districts, or the county office believes that an action taken by the SELPA Governing Board will create an undue hardship on member LEAs or county office; or that an action taken exceeds the authority granted the Governing Board within the Local Plan and /or state or federal statute, the aggrieved district(s) or county office may submit the matter for dispute resolution. [EC 56205(b)(5)].

The goal of the SELPA is for disputes to be resolved at the lowest possible level. The first step in the dispute resolution process, therefore, is for the aggrieved party(s) to contact the other party(s) and attempt to resolve the matter informally. If the matter is not resolved at this level, the aggrieved party(s) may request formal mediation. Any request for mediation must be submitted in writing to the SELPA Director. If the issue is related to an action taken by the Governing Board, the request must be submitted within thirty (30) days of the action taken by the Governing Board. The written request must clearly identify the reason(s) for the request and the potential resolution(s) to the problem. If mediation is not successful, the aggrieved party(s) may request a review by an independent review panel of the results of the mediation. A request for review by an independent review panel must be submitted in writing to the SELPA Director within thirty (30) days of the completion of the mediation process, and must include the reason(s) for the request and the potential resolution(s) to the problem.

A more detailed description of the procedures related to dispute resolution can be found in the Butte County SELPA Policies and Procedures Manual kept on file in the SELPA.

APPROVED BY THE GOVERNING BOARD: 9/18/19

GBP 11 Independence Facilitator Assistance (IFA) Policy

The Individuals with Disabilities Education Act affords students the right to attend school in the Least Restrictive Environment. This means that, to the maximum extent appropriate, school districts must educate students with disabilities in the regular classroom with appropriate aids and supports, referred to as "supplementary aids and services," along with their non-disabled peers in the school they would attend if not disabled, unless a student's IEP requires some other arrangement.

It adds that, "special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs" only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

IDEA further defines related services as the utilization of aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate. This applies to any general education program or special education program in which the student may participate (34 CFR § 300.550- 300.556).

Every school district or charter LEA within the Butte County SELPA is required to provide a full continuum of placement options for students with identified disabilities who are receiving special education services. Districts must provide a full continuum of alternative placements to ensure that students receive services in the least restrictive environment. This includes the following:

- Regular class placement;
- Regular class with resource or itinerant instructional services;
- Regular class with special education related services;
- Special classes or special schools (either of which often also involve the provision of related services);
- Nonpublic schools;
- State schools for students with "low incidence" disabilities; &
- Instruction in settings other than classrooms (such as in homes or hospitals). (34 CFR § 300.551(b)(1)).

Each school district and/or charter LEA is comprised of highly qualified employees to serve students with special education needs. Individual LEA Board Policies determine conditions for employee's duties, hours and contractual agreements.

There may be special circumstances when a student may need additional adult support in order to be successful in his/her educational placement. When this occurs, staff shall refer to this Board Policy to assist them in making decisions for allocating additional staff support, which in Butte County SELPA is termed, "Independence Facilitator Assistance," or "IFA" support.

The Butte County SELPA Procedures will provide guidance to staff in assessing and determining the need for IFA support, although the final determination of what will be required as part of the assessment may be specialized by each LEA. When assessing student need for IFA support, staff will utilize best practices, which should include a review of student's current program and academic

and behavioral record, interviews with staff and parents, observations of the student in the environment(s) of concern, and appropriate assessment measures.

IFA staff may be utilized to provide support services to a special education student who is placed in a less restrictive educational environment who may need support transitioning into a new classroom placement. IFA support services may include monitoring of attending behaviors including cueing, maximizing social interaction, daily toileting and classroom participation per the IEP. Additionally, IFA support can assist with specific behavior management of targeted behaviors consistent with IEP goals and/or a behavior intervention plan. Finally, IFA staff can provide specialized health care procedures as documented in the IEP and authorized by a physician.

The Butte County SELPA's believes that it is important for staff and parents to understand the following:

- A goal for any student with special needs is to encourage, promote, and maximize independence. The Individualized Education Plan (IEP) team is responsible for developing and implementing a program that promotes that independence. Natural supports and existing staff supports should be used whenever possible.
- Additional support services or personnel are valuable resources for the educational community and some students; however, educational/behavioral support personnel are not a replacement for the teacher in providing direct instruction in academics and/or behavior.
- Additional support staff shall not become the communication link between school and home.

Prior to making a referral, each member of the IEP team should consider whether (1) the additional support staff interfere with the typical peer-to-peer process of interaction and/or communication; (2) the use of the additional support staff will be a barrier to the pupil receiving direct instruction from the teacher; (3) the approach used by the additional support staff increase the pupil's dependency, including over-reliance on prompting and redirecting of attention; and (4) the original need for additional support staff has changed and a re-evaluation of the assignment appropriate.

Legal References:

United States Code, Title 20 Sec 1400-1482, Individuals with Disabilities Education Act Education Code § 56195.8 Adoption of policies for programs and services Education Code § 56300-56381 Identification and referral, assessment, instructional planning, implementation, and review CCR, Title 5, § 3000-3089, 34 CFR § 300.550-300.556, 34 CFR § 300.551(b)(1)
Adopted 4.24.19

GBP 12 Independent Educational Evaluations Policy

This policy sets forth the procedures under which students with disabilities are entitled to an IEE at public expense.

The Butte County Special Education Local Plan Area (“SELPA”) has developed this policy, corresponding procedures and criteria that govern independent educational evaluations. (20 USC 1415; EC 56506[c]; EC 56329[b]; 34 CFR 300.502). For purposes of this policy, the term “SELPA” also includes the appropriate school district/charter school and/or administrative unit responsible for your child’s education.

Parents should be sure to read the entire document carefully prior to obtaining a private educational evaluation at their own expense. Before obtaining an independent educational assessment, please contact your District’s special education administrator to discuss your assessment questions and options. Please read this document before obtaining or paying for an independent education assessment. This document may limit your right to reimbursement. Please note the District or SELPA will not automatically reimburse parents who unilaterally obtain independent educational evaluations. Please review this document for further information about a parent’s right to obtain independent assessments at public expense.

The policy, procedures, and criteria are to be read in conjunction with one another as one comprehensive document. Parents who need additional information about independent educational evaluations should contact their district Special Education Administrator, the Butte County SELPA, or the California Department of Education as outlined in their Notice of Parent’s Rights and Procedural Safeguards.

Definitions

1. *Independent Educational Evaluation (IEE)* means an evaluation conducted by a qualified examiner who is not employed by the Local Educational Agency (LEA or District) that completed the assessment at issue.
2. *Qualified Examiner* is an evaluator who is competent (i.e. licensed or credentialed) to perform the evaluations through criteria established by the LEA in accordance with Education Code § 56322.
3. *Public Expense* means the LEA either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. *Parent-Initiated Evaluation* is an educational evaluation obtained by the parent at private expense.

Parent Requests for Independent Educational Evaluations

Parents who have a child with a disability have the right to an independent educational evaluation at public expense if they disagree with an evaluation completed by the LEA. Parents may only request an IEE in response to each evaluation completed by the LEA. Parents must make a request for an

IEE so long as it comes within two years of the date of presentation of the assessment which they disagree consistent with the statute of limitations.

If the parents request an independent educational evaluation at public expense, the parents will 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.

Cost Limitations for Independent Assessment Requests

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. 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 this IEE policy, which includes the agency criteria for independent educational evaluations, along with a copy of their Parents' Rights and Procedural Safeguards.
2. The LEA will determine whether to initiate due process to establish the appropriateness of its evaluation or proceed with providing an IEE.
3. If the LEA agrees to fund an IEE, the parent will be asked to provide his/her input into the development of the assessment plan and to indicate the specific portions of the LEA's evaluation(s) with which he or she disagrees.
4. 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.
5. In the event that a parent/guardian 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 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, per 34 C.F.R. § 300.503.
6. The LEA will develop an assessment plan, which specifies those areas to be evaluated. 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.

7. The assessment plan will be sent to the parent for his/her review and consent within 15 calendar days of the parental request for an IEE.
8. Parents will be required to sign a release and exchange of information between the IEE evaluator(s) and the LEA.
9. Upon receipt of the signed consent to assess, the LEA will arrange for the completion of the IEE.
10. Independent education evaluators will be requested to write reports focusing on the “unique needs” of the child and if appropriate, the types of special education programs and services recommended to address the “unique needs”. 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.
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.

Timeline Regarding Completion of Independent Educational Evaluations

In the interest of consistency between public and private evaluations, parents are encouraged to choose an option for additional assessments offered by the LEA within 15 calendar days of receiving the options.

After the parent signs an assessment plan for completion of an IEE, the LEA will initiate a contract with the examiner. If the selected evaluator indicates that he/she cannot complete the evaluation and provide a written report within 60 days of receipt of the parent’s signed consent for the IEE, the LEA will inform the parent and request agreement to either extend the assessment timeline or select another assessor.

Independent Evaluations Not Funded By the 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 determine the educational needs of students with disabilities. 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, however, will not control the LEA’s determinations regarding eligibility for special education, appropriate goals, objectives and/or placement recommendations and may not be considered if not completed by a qualified professional.

Reimbursement for Completed Independent Educational Evaluations

If parents/guardians 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 for the 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.

If the LEA determines that the completed IEE does not comply with agency criteria, the LEA must inform the parent in writing, the reason(s) that the completed IEE does not comply with agency criteria. The LEA shall give parent an opportunity to demonstrate that the student has unique circumstances (such as complex medical or other needs, foreign language, etc.) warranting reimbursement for the cost of the IEE even though the completed IEE does not comply with agency criteria.

After the parent responds to the LEA's request, the LEA shall timely determine if the student has unique circumstances warranting public payment for the entire cost of the completed IEE. If the LEA determines there are unique circumstances warranting public funding, the LEA shall inform the parent in writing and without unreasonable delay, pay the entire cost of the completed IEE.

If the LEA determines that the student does not have unique circumstances warranting public payment of the completed IEE, the LEA shall inform the parent in writing. If the parent continues to request funding of the completed IEE, the LEA shall, without unreasonable delay, request a due process hearing to demonstrate that the completed IEE does not meet with agency criteria. If the LEA files a request for a due process hearing, the parent shall not be reimbursed for any cost of the IEE unless the LEA is ordered to do so pursuant to a due process hearing decision.

Local Educational Agency Criteria

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 this 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, which make such a selection necessary.

Parents will be required to sign consent for the evaluation and appropriate releases to exchange information between the independent educational evaluator and the LEA as a prerequisite to the payment or provision of an IEE. Assessors must meet all requirements of the LEA, including fingerprinting and appropriate insurance coverage as requested.

Independent evaluators must agree to release their assessment information, testing protocols, report, and results to the LEA prior to the receipt of payment for services. The results of the IEE will be considered in the diagnosis, 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. See Butte County SELPA Guidelines for School-Based Classroom Observation.

Location Limitation for IEE Evaluators

Evaluators must be located within 90 (ninety) miles of the prospective school district. Evaluators outside of this area will be approved only on an exceptional basis by the LEA/district if the parents or the LEA can demonstrate there is a unique need for a specialized evaluation and that there are no qualified evaluators within the specified area who can appropriately assess their child's educational needs. IEE Evaluators will be paid the federal business mileage reimbursement rate for required travel if assessor is located outside of Butte County associated with the assessment to the student's school of attendance.

Conflict of Interest

The LEA may, at its discretion, refuse to fund an IEE by an independent evaluator who provides service(s), or is sought to provide service(s) to the student for whom the IEE is requested. Likewise, the LEA may, at its discretion, refuse to fund services through an individual or agency who has conducted an IEE for a particular student.

Criteria for Administration and Selection of Testing Instruments

The instruments used for the IEE must be selected and administered in a manner that is not racially, culturally, or otherwise discriminatory. If student's primary language is a language other than English, tests must be administered in the student's primary language or other mode of communication, unless it is not feasible to do so. Tests and other evaluation materials must be validated for the specific purposes for which they are used, and must be administered by trained personnel and tailored to evaluate specific areas of educational need.

Cost Limitations for Evaluations

The cost of an IEE shall be comparable to those costs that the LEA incurs when it uses its own employees or the going rate in the area for contractors to perform a similar assessment. Costs include: observations, record review, administration and scoring of tests, report writing, and attendance in person or by phone at an IEP Team meeting. Reimbursement will be in an amount no greater than the actual cost to the parent and will be subject to proof of payment.

The following cost limitations have been agreed upon and set forth by the governing Board of the Butte County SELPA:

Type of Assessment	Allowable Rate Range <i>(Actual cost should depend on tasks performed and assessor qualifications) eff. 2019</i>
Academic Achievement	\$500-\$800
Adapted Physical Education (APE)	\$600-\$1,000
Assistive Technology	\$800-\$2,000
Behavioral-Functional Behavior Analysis (FBA)	\$1,200-\$1,500
Central Auditory Processing (CAPD)	\$1,200-\$1,750
Occupational Therapy	\$300-\$950
Physical Therapy	\$1,200-\$1,500
Psycho-Educational/Neuropsychological <i>(Includes academic achievement)</i>	\$1,400-\$5,000
Recreational Therapist	\$500-\$800
Speech and Language	\$650-\$1,500
Social Emotional/ERMHS	\$500-\$1,500
Functional Vision Assessment/Vision Therapy	\$200-\$1,000

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 asked to have insurance cover independent evaluation costs if such action would result in a financial cost to the parents including, but not limited to the following:

- a. A decrease in the available lifetime coverage or any other benefit under an insurance policy;
- b. An increase in premiums or the discontinuance of the policy; or
- c. 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 must:

- Attend relevant IEP Team meetings by phone or in person to discuss their findings
- Provide protocols of the assessments, and
- Provide a written report prior to the IEP Team meeting.

The written report must meet the requirements of the Individuals with Disabilities Education Act and California Education Code Section 56327.

Minimum Qualifications for Evaluators

Evaluators must meet qualifications specified in ed. 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)

Type of Assessment	Qualifications
Academic Achievement	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist
Assistive Technology	Credentialed or Licensed Speech/Language Pathologist Certified Assistive Technology Specialist Credentialed Special Education Teacher Registered Occupational Therapist
Behavioral-Functional Behavior Analysis (FBA)	Licensed Psychologist Licensed Educational Psychologist Credentialed School Psychologist Board Certified Behavior Analysis
CAPD (Central Auditory Processing Disorder)	Licensed or Certificated Audiologist
Neuropsychological Assessment	Licensed Psychologist Licensed Educational Psychologist
Occupational Therapy	Licensed Occupational Therapist
Physical Therapy	Licensed Physical therapist
Psycho-Educational	Credentialed School Psychologist Licensed Educational Psychologist Licensed Psychiatrist Licensed Clinical Psychologist
Recreational Therapy	Certified Recreational Therapist (CTRS)
Social/Emotional/ERMHS	Credentialed School Psychologist Licensed Educational Psychologist Licensed Psychiatrist Licensed Clinical Psychologist

	Licensed Clinical Social Worker
	Licensed Marriage and Family Therapist
Speech and Language	Credentialed or Licensed Speech/Language Pathologist
Speech and Language	Credentialed or Licensed Speech/Language Pathologist
Vision Assessment/Therapy	Board Certification in Optometry

The SELPA will maintain a courtesy list of potential Independent Educational Evaluation (IEE) evaluators who have agreed to the agency's criteria; however, the Butte County SELPA or its member LEAs/districts do not endorse the evaluators listed in the courtesy list, and are not responsible for any liability that may arise from use of any evaluators 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 cost 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/district prior to making the final selection of an IEE evaluator to ensure that the evaluator meets the agency's licensure/credentialing criteria.

Education Code § 56329
Education Code § 56506
California Code of Regulations § 3022
Government Code § 7572

Approved: 10/17/18

GBP 13 Independent Study and Students with Disabilities Policy

In order for a student with exceptional needs to participate in an independent study program, California Education Code 51745(c) requires that his or her IEP specifically “provides for that participation”. In order to comply with this provision, Butte County SELPA shall require all districts of residence to conduct an IEP meeting prior to the student’s enrollment in the independent study program. If the IEP team determines that independent study is appropriate, then the district may offer the program as part of the student’s “free and appropriate education” (FAPE) in the IEP and obtain parental consent. If the team determines that independent study is not appropriate for the student, then the team should discuss and offer alternative program options.

If the student enrolls in an independent study charter school that functions as its own “local educational agency” (LEA) or is under a district different than the student’s current district, then the new LEA becomes responsible for complying with all provisions of the Individuals with Disabilities Act (IDEA), including providing FAPE (California Education Code 47640) It is the parent’s option to enroll in the charter even if the IEP does not include participation in an independent study program per Education Code 47605(d), which states the student cannot be denied enrollment based on his or her disability. In this case, the charter independent study program should enroll the student, initiate an interim placement and hold an IEP meeting within 30 days to discuss the student's needs and determine if an independent study is appropriate for the student. In cases where the IEP team determines that independent study is not appropriate for the student, the charter school is responsible for identifying and providing an appropriate program or placement for the student. When the student with exceptional needs dis-enrolls from the independent study charter school program, the school district in which the student enrolls shall be considered the student’s new LEA and shall initiate an interim placement and hold an IEP with 30 days to offer FAPE.

Approved 12/8/10: Revised 12/9/14

GBP 14 Low Incidence Funding for Specialized Books, Materials, and Equipment

California Education Code §56836.22 provides for funds to purchase specialized books, materials, and equipment as required under the individualized education program (IEP) for each pupil with low incidence disabilities as defined in Education Code §56026.5 (“hearing impairments, vision impairments, severe orthopedic impairments, or any combination thereof”).

It is also the “intent of the Legislature that local plan areas share unused low incidence books, materials, and equipment with neighboring special education local plan areas.” Items purchased with these funds may only be used by students with low incidence disabilities, unless a waiver has been approved by the State Board of Education.

IDEA now includes the requirement that the IEP team shall “consider whether the child requires assistive technology devices and services” for all students with disabilities, as well as other requirements including the need for “...Braille” for students who are “blind or visually impaired” and “language and communication needs...” for students who are deaf or hard of hearing.

Existing law (Education Code §56822) provides that “sound recordings, large print, and Braille books purchased, instructional materials transcribed from regular print into special media, and special supplies and equipment purchased for individuals with exceptional needs for which state or federal funds were allowed, are property of the state, and shall be available for use by individuals with exceptional needs throughout the state as the board shall provide.”

A thorough discussion of the requirements regarding low incidence funding can be found in the CDE publication “Funding for Specialized Books, Materials and Equipment for Low Incidence Students” which is included in the appendix of this document.

Criteria

1. Each student for whom an item is to be purchased must have a “low incidence disability” (i.e., deaf-blind, deaf, hard of hearing, severe orthopedic impairment and/or visual impairment).
2. The item is “specialized” (i.e., it relates to a need or needs resulting directly from the low incidence disability, as indicated in the comprehensive assessment in all areas related to the student’s disability, involving staff who are credentialed/knowledgeable of the low incidence disability area(s)).
3. The item is “required for the child with a disability to benefit from special education” (i.e., it meets the legal definition of a related service).
4. Low incidence funds are used to “supplement,” not to “supplant” other funding sources (i.e., general education funding, other special education funding by other agencies.)

5. The item is required “under” the student’s IFSP/IEP/ITP (i.e., it relates to a goal/ objective or some other need indicated in the plan.)
6. Funds are NOT used to purchase medical equipment, to furnish medical therapy units, to construct or alter facilities or to assess the student or to provide in-service/ parent education.

Guidelines for Low Incidence Equipment/Materials Funding

1. Low incidence equipment/materials funds will only be approved to purchase equipment and/or materials for special education students enrolled in public schools with an IEP/IFSP indicating that the student meets the eligibility criteria for either severely orthopedically impaired, deaf, hearing impaired, deaf/blind, visually impaired or blind.

For low incidence purposes, severely orthopedically impaired is defined as: “A severe orthopedic impairment that is persistent and significantly restricts an individual’s normal physical development, movement, and activities of daily living. As a result, this impairment may affect the pupil’s educational performance. Accompanying sensory, intellectual, learning, and medical problems often occur which may affect the pupil’s school performance.”

2. The item(s) being requested must be documented in an assessment report prepared by staff who are credentialed/knowledgeable of the low incidence disability areas(s) in accordance with Education Code Section 56327 (h) which states, “The personnel who assess the pupil shall prepare a written report(s), as appropriate, of the results of each assessment. The report shall include, but not be limited to, the following: The need for specialized services, materials, and equipment for pupils with low incidence disabilities consistent with guidelines established pursuant to Section 56136.” The LIRC may request additional information as necessary.
3. The item(s) being requested must be specialized, in that it relates to a need(s) resulting directly from the low incidence disability, and is necessary in order for the student to benefit from his/her educational program.
4. Requests for low incidence funds must be a minimum of \$200.00 for each student. Individual items costing less than \$200.00 will be the responsibility of the district. These are frequently items that are “expendable” or should be considered as part of the base program. Exceptions to this requirement are described in the approval process section of the guidelines.
5. Computer software will be considered by the LIRC on an individual basis if it is reflected in the assessment, considered to be assistive technology and on the IEP/IFSP and only if it is specific to the low Incidence disability. The software must be intended for individual use only; it is not to be purchased for a lab. Purchasing site licenses is permitted when more than one low incidence student is or is likely to be in need of the same program.

6. Low incidence funds will not be expended for service contracts or maintenance agreements for low incidence equipment. This responsibility will be that of the LEA/District that is providing the low incidence service. Significant repairs of equipment purchased by low incidence funds may be considered for funding through the low incidence dollars.
7. Funds will not be used to provide basic equipment or materials of the base program or to furnish low incidence classrooms. It is expected that a classroom giving services to students that have low incidence disabilities will continue to provide a base program that may include some materials and equipment that will be needed by most of the students in the classroom.
8. If the student has received other low incidence equipment, the equipment request should include a description of how the materials previously purchased are currently being used and why they no longer meet the student's needs.
9. Any equipment that is no longer being used by an individual student shall be returned in good working order to the SELPA for use by another student with a low incidence disability.
10. If a student moves **from** the LEA/school district he or she was attending when the low incidence equipment was purchased for his or her use, the LEA/District must notify the SELPA office immediately. Arrangements will be made for the transfer of the equipment.

If a student moves into the LEA/District from outside the SELPA, the LEA/District will notify the SELPA office immediately. It is expected that equipment will move with the student. If the student has brought low incidence equipment with him or her, it must be added to the inventory of this SELPA. If it needs to be requested from the previous placement, the SELPA office may provide assistance.

11. All low incidence equipment and/or materials must be clearly labeled with the following information for inventory and insurance purposes: "Property of Butte County SELPA." An annual inventory of all equipment and materials purchased will be conducted by the SELPA office.
12. Local Guidelines, as well as State Guidelines, will be distributed to all districts each year. The local guidelines and required documentation (forms) will be reviewed by the LIRC before the end of each school year for possible recommendations for adjustment and changes for the following year. The review will include a summary of the expenditures. Any significant change in the Guidelines will be taken to the Superintendents' Council for approval.

Assessment of Low Incidence Students When Requesting Low Incidence Funding

In accordance with the California Education Code §56320(g), "the assessment of a pupil, including the assessment of a pupil with a suspected low incidence disability, shall be conducted by persons knowledgeable of the disability. Special attention shall be given to the unique educational needs

including, but not limited to, skills and the need for specialized services, materials, and equipment consistent with guidelines established pursuant to Section 56136.”

In assessing the unique educational needs as well as the need for specialized services, materials, and equipment, some pupils counted as orthopedically impaired may not be eligible because they are not “severely orthopedically impaired” according to the definition of low incidence disabilities in Education Code §56026.5. Pupils who are severely orthopedically impaired require highly specialized services, equipment, and materials in accordance with Education Code §56000.5(b).

Education Code §56327(h) states, “The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all of the following:

The need for specialized services, materials, and equipment for pupils with low incidence disabilities consistent with guidelines established pursuant to Section 56136.”

In addition to the requirements of E. C. §56136 the assessment report shall also include all of the following:

1. How the item(s) will assist the student’s instruction in accordance with the IEP
2. How frequently the item(s) will be used
3. How the item(s) will facilitate integration in to the classroom
4. Evidence that the student is willing to use the proposed item(s)
5. In cases where computer systems, communication devices, and peripherals valued at over \$1,000 are being recommended for purchase, the report must include evidence that the student is capable of using the device. This can be demonstrated through trial teaching on the actual target device, a comparable device or, in the case of communication devices, on some type of communication system such as picture boards, communication books or voice output devices. Following are examples of basic readiness skills:
 - Physical ability to manipulate the target device or a similar device or system
 - Current use of a system involving visual or tactile representations
 - Initiating and responding with a device or system
 - Using a device or system in different environments
 - Using a device or system on a regular basis
 - Evidence the student uses the device or system safely and appropriately

Trial teaching should take place anywhere from three to six months and include target performance criteria for the student to achieve.

Communication Devices

Following, are examples of basic skill guidelines when communication devices are being considered:

1. Simple Communication Boards/Books

This category includes communication boards consisting of graphic symbols, pictures, or objects. The boards may consist of one or multiple pictures and various sizes depending on the user's ability. Various display set-ups may be used. Often with items within this category, communication displays are made for specific activities or to take along into the community or to a situation where a voice output device may not work as easily or well. This type of communication display is also often used to encourage use of visual language strategies as with calendars, schedules and step-by-step directions.

This type of communication board or book may be used as the only AAC option for a young communicator or a child with a very limited vocabulary and considered to be a beginning level communication system or as a back up to a more complex voice output device.

2. **Simple and /or Low Cost Voice Output Devices**

These devices provide voice output with one message or one set of messages available to the user at a time. Pressing a key or cell produces one message. These devices are available in any number of messages from 1 to usually 32. The amount of buttons available to the child will depend on their physical and cognitive ability. Most children will begin with one switch and advance to multiple switches as their skills improve.

Examples of skills needed:

- **Single-message communication:** This is a diagnostic step to show evidence that the student has the physical ability to operate a switch and to show understanding of cause and effect. Used mainly for introducing switches as a form of language and for full inclusion environments.
- **Two-message communication:** You will want to see evidence that the student understands cause and effect before providing opportunities for two-message communications.
- **Three-message communications:** At this stage, the student is learning to understand new symbols and to discriminate among a growing number of messages, presented three at a time. By the time they get to three messages, you should be fairly confident that they discriminate among symbols.
- **Four-Message Communications:** The student has a vocabulary set of three or more symbols and participates in communicative interactions at least 3 times per day.
- **Eight-message Communications:** The student communicates among at least 4 switches or cells. They are able to discriminate between labels and/or textures. The student participates in communication interactions at least 3 times per day.
- **Sixteen to thirty-two message Communications:** The student has demonstrated the ability to distinguish picture icons, up to the allotted number of cells available. This size of device is usually considered to be the device that will fit the student's needs for several years. A student uses this type of device to be able to communicate basic needs and information and is to be used throughout the day.

3. **Leveling or Layering Devices**

This category includes those devices capable of storing several layers of messages. Each level can be programmed with different messages. Changing from one level to another requires pushing a button (or sliding a switch) and physically changing the overlay.

Examples of skills needed:

The student uses a minimum of 3 overlays containing 8 or more symbols or uses only one overlay containing 16 or more across three categories. The student will initiate responses on the device regularly and does not require prompting before making a request.

When considering this device, needs for the next several years should be considered.

4. **Devices using Icon Sequencing or Minspeak**

Minspeak/Icon sequencing is a way of organizing language, which uses an ordered array of pictures to code vocabulary. The user presses one, two, or three keys in sequence to produce one message. Prentke-Romich Co. devices typically use icon sequencing with their own set of picture symbols called Minspeak.

Examples of skills needed:

- The student uses a minimum of 3 overlays containing 8 or more symbols or uses one overlay containing 16 or more labels across 3 categories.
- Student has a cognitive ability and is able to demonstrate an understanding of the associations of the Minspeak pictures to their meanings.

5. **Dynamic Display Devices**

This category of device include those that represent pictures on a screen, much like a laptop computer; usually the screen is capable of touch activation and pressing a picture on the screen produces a message. The devices automatically change the picture overlays and the corresponding messages. (This high-end device usually requires purchase of a commercial mounting system also.)

Example of skills needed:

- Prior to purchasing one of these systems, less expensive options (such as Speaking Dynamically Pro) must have been trail taught, reviewed and found to be inadequate.
- The student must be able to discriminate among and access 24 icons simultaneously displayed.
- The student must also demonstrate the ability to locate a third level label. For example, when asked to find banana the student selects the following:

First level of categories for “Daily Activities”

“Home” “School” “Community” “Leisure” “Food”

Second level of categories for “Food”

“Drink” “Fruit” “Fast Food” “Meat” “Vegetables”

Third level Menu of choices for “Fruit”

“Apple” “Orange” “*Banana*” “Melon” “Pineapple”

This device is capable of growing with the child and should be considered the only device the student will need for communication purposes for several years.

6. **Spelling with a Speech Synthesizer/Written Text**

This type of device allows the user to type and the device either speaks or prints out the message. These devices often feature abbreviation expansion features to allow storage of longer messages with a few keystrokes to activate.

Example of skills needed:

- This category of device requires the user have good spelling skills and the fine motor ability to isolate a single key.

Computers

Generally, computers are not considered Low Incidence equipment. They are considered ordinary equipment in a classroom and should be provided through the base program. There are, however, certain circumstances when computers may qualify as Low Incidence equipment and be purchased through Low Incidence funds.

The Low Incidence inventory includes Macintosh and PC desktop and laptop computers. Special needs software and adaptive computer devices are available for these systems. Low Incidence funds, according to California state law, may not be used to purchase curriculum software (such as math or reading programs).

Low Incidence funds may not be used to purchase more than one computer per eligible student. Low Incidence funds may not be used to purchase additional hardware or peripherals to upgrade a second computer owned by the district or program.

Eligibility criteria require that the student demonstrate both the ability and the willingness to use a computer at a level of independence deemed acceptable by the Low Incidence committee.

Shared use of equipment to benefit other students is allowable under the following condition: The low incidence student is *always* given priority for use.

Macintosh and PC Platform Desktop Computers

Low Incidence students may need computers under the following circumstances:

1. **Access:** The student has a physical impairment that requires an access modification or a special needs software program that is not required by classroom peers. Examples might include, but are not limited to, the following:

- The student can only access the computer using head control. A computer head-control device (such as Headmaster) can only be achieved using a computer.
 - The student can only access the computer by using a joystick, an on-screen keyboard or a specialized adaptive keyboard and needs the computer to complete a majority of their class assignments.
 - The student is able to access the computer through use of specialized enlargement or screen reader programs and needs to use a computer to complete a majority of their class assignments.
2. **Writing:** The student has a physical impairment, which makes paper/pencil tasks so inefficient that the student cannot keep pace with classroom demands placed on peers. The student receives daily assignments requiring note taking or writing. Special needs writing software might include programs such as: Write: Outloud word processing or Co: Writer word prediction programs.
 3. **Communication:** The student's ability to use a multi-level communication system is being determined by using a computer equipped with a communication program such as Speaking Dynamically Pro.

Macintosh and PC Platform Laptop Computers

A student may require a portable computer because s/he moves among three or more environments in the academic setting and these environments demand software use, note taking, and/or writing. A portable computer should only be considered when a word processor, such as an AlphaSmart, has been determined to be inappropriate in meeting the student's needs.

The committee requires a written loan agreement to be signed by the parents that specifies the purpose and the responsibility of the equipment. Equipment abuse, neglect, or use for purposes not authorized under low incidence guidelines will result in recall of the equipment.

Laptop computers require monitoring in order to manage battery life, transportation, and appropriate use in the academic setting. The student's team must identify an adult at the school site who will assume responsibility for the laptop and its use.

How to Apply for Low Incidence Funding

1. Check with the Clearinghouse for Specialized Media and Technology (CSMT) to determine whether material can be acquired through that agency. (916-445-5103)
2. For students with orthopedic impairments, check with CCS to see if they have access to the appropriate equipment.
3. Attach an assessment report for each student in accordance with Education Code §56320(g) and the assessment guidelines outlined in this guide.

4. Attach the student's current IEP, which includes documentation of the need for the specialized books, materials, or equipment.
5. Complete a request for Low Incidence Equipment/Material form for each student. All requests must be submitted on the requisition form. Be sure to fill the form out in its entirety. Partially completed forms will be returned to the originator.
6. Submit all of the above to the Butte County SELPA Office on or before April 15.

Approval Process for Low Incidence Equipment Requests

All requests for low incidence funds must be reviewed and approved by the Low Incidence Review Committee (LIRC). The committee will meet monthly for this purpose.

Committee Membership

The committee consists of a representative from each of the low incidence categories, an assistive technology specialist, and the SELPA Director. Low incidence representatives will be approved by the SELPA Coordinating Council.

Committee members are responsible for:

- a) Attending monthly expenditure review meetings
- b) Representing the concerns of selected low incidence groups
- c) Providing training and consultation support in completing requests and supporting staff in understanding criteria and requests

Review Process

The LIRC will review all requests for equipment using the following guiding principles:

1. Specialized equipment, materials are necessary to allow the pupil access to classroom instruction within the student's classroom environment.
2. The equipment/materials requested are not meant to supplant funding for normally used specialized equipment in Special Day Classes. All program operators will be expected to make all reasonable efforts to set up classrooms with appropriate equipment and assure that surplus equipment was researched.
3. Equipment/materials address the individual needs of the student in the most cost effective manner.
4. The committee places priority on students with low incidence disabilities who are enrolled in public schools and who require specialized equipment in order to access the general education curriculum.
5. If there is not enough money in the low incidence budget to honor all requests, the committee will allocate remaining funds on a priority basis according to the nature and number of requests.

Criteria for Purchases

The LIRC retains the right to modify or add criteria as the need arises to monitor expenses and better define guidelines for appropriate purchases.

Low incidence funds are not available for the purchase of certain materials / equipment. The current list of **unallowable** equipment for purchase using low incidence funds includes, but is not limited to, the following:

- a. Ordinary computer hardware, software, and monitors used as a general learning resource in the classroom
- b. Standard classroom necessary toilet devices
- c. Data collection devices used as diagnostic and assessment tools for student or teacher
- d. Any duplication of existing classroom equipment for student or teacher
- e. Non-specialized recreational equipment
- f. Instructional materials used primarily by teachers instead of student
- g. More than one specialized computer per student
- h. Service contracts and maintenance agreements

Exceptions to the previous may be allowed when requests and information determine that a special circumstance exists.

The **lowest cost of equipment** that can be presented for purchase of new equipment will be \$200.00. Exceptions to the \$200.00 cost base are:

- a. Very specialized textbooks in appropriate media (i.e. large print dictionaries)
- b. Items which constitute a system (there is no limitation on the lower cost of items necessary to create one piece of equipment as long as it constitutes part of the same new system and the total value exceeds \$200.00)
- c. Repairs/modifications under \$200.00 for previously purchased equipment costing over \$200.00
- d. Applications or software designed to support student's access needs when a mobile device/computer has been provided through LI funds.
- e. Batteries, rechargeable or otherwise, required to operate the LI device.
- f. Ink and toner cartridges for LI printers.

Process for Denials

It is anticipated that a representative will be in touch with the appropriate program director or specialist whose request is denied, in order to assist in clarifying the reason for the denial. In the event additional information is needed to reconsider the request, the representative will assist the appropriate district staff. If the requesting district is not satisfied with the final results, a letter of rebuttal may be submitted to the committee for review and response. No personal appearances to appeal directly to the committee will be allowed unless authorized in advance by the SELPA Director.

Ordering Procedures

1. Once approved by the Low Incidence Review Committee, the SELPA Office will order the appropriate materials and/or equipment.
2. Materials and/or equipment will be shipped directly to the requesting LEA staff person.
3. Once the materials/equipment are received, the LEA must immediately send to the SELPA Office:
 - All packing slips and/or invoices
 - A completed Low Incidence Equipment/Materials Inventory form.
 - If the item is to be used at home, a loan agreement must be signed by the parents and submitted to the SELPA office.
4. The SELPA office will register the equipment, assign an inventory number and mail inventory tags to the LEA to be applied to the equipment.
5. The invoice shall not exceed the dollar amount approved, unless the student is using an electronic device. In which case, \$200.00 will be set aside at the time of purchase for additional apps for each student. Applications fit the LI requirement for accessing the educationally related needs as they pertain to the student's Low Incidence disability. A written request (either at a meeting or through email) for the application requires a brief summary with justification of the need. Requests for new applications must be approved by the team and listed in the inventory. Applications will be managed by the Low Incidence Secretary.

GBP 15 Maintenance of Effort Policy

The Butte County Special Education Local Plan Area ("SELPA") shall meet Maintenance of Effort (MOE) regulations requiring the federal funds be used only to pay the excess costs of providing special education and related services to children with disabilities and to supplement and not supplant state and local funds for special education (ref: Title 34 Code of Federal Regulations CFR Section 300.203- 300.205).

The SELPA Administrative Unit, as the grantee of federal funds from the State Department of Education, shall distribute all or part of the federal funds received to participating Local Education Agencies (LEA) within the SELPA through a sub-granting process and shall annually conduct and report to the State Education Agency (SEA) the required MOE information. The LEAs within the Butte County SELPA shall compile and submit budget and expenditure information including SEMA and SEMB reports to the Butte County Office of Education (BCOE). The two required comparison tests are as follows:

First Comparison – Grant Year Budget to Prior Actual Expenditures (SEMB)

- Each LEA will submit to the SELPA the required MOE documentation each year.
- Budgeted local or state and local expenditures must equal or exceed prior year expenditures for each LEA and for the SELPA, as a whole.
- Comparison is made before the allocations of Part B funds are made to the LEAs

Section 1 - Each year, LEA's should record any of the exceptions listed below:

- a. These items will reduce the amount required to meet MOE:
 - The voluntary departure or departure for just cause, of special education or related service personnel, who are replaced by qualified, lower-salaried staff
 - A decrease in the enrollment of children with disabilities
 - The termination of the obligation of the agency to provide a program of special education to a particular child with disabilities that is an exceptionally costly program because the child:
 - a) Has left the jurisdiction of the agency
 - b) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or
 - c) No longer needs the program of special education
 - The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities

Section 2 – LEAs who received a “meets requirement” compliance determination from CDE and have not been found to be significantly disproportionate may also reduce their MOE requirement. Under these conditions, the LEA may reduce the level of local or state and local expenditures otherwise required by the LEA MOE requirement by:

- a. Calculating 50 percent of the increase in federal sub-grant allocation received for the current fiscal year compared to the prior fiscal year, and reducing their state and local MOE requirement by that amount.
- b. The LEA must spend the calculated “freed up” local, or state and local funds on activities that are authorized under the Elementary and Secondary Education Act (ESEA) of 1965. **This includes any activities under Title 1, Impact Aid, and other ESEA programs.**

Section 3 – MOE Test

- a. Either local or state and local funding sources are used for comparison at the SELPA level as well as for each individual LEA.
- b. When the capability exists to isolate “local only” funding sources, the comparison may be made using only “local” resources.
- c. Comparison may be either total amount or a per capita (per child with a disability unless some other basis is permitted by the SEA for determining “per capita”) basis (34 CFR Section 300.203) “Per Capita” will be determined using the December 1 unduplicated pupil count for Butte County SELPA.

If the SELPA as a whole passes Comparison 1, the SELPA as a whole, is eligible to receive Part B funding.

If the SELPA still fails Comparison 1, the SELPA, as a whole, and all of its participating members will be ineligible to receive Part B funding until budgetary revisions are made to enable the SELPA, as a whole to meet MOE requirements.

If the SELPA, as a whole, passes Comparison 1, but one or more individual LEA sub-grant recipients fail Comparison 1, they shall have until First Interim occurs to comply with MOE requirements. If an LEA has not rectified the problem by the date that First Interim budget report is made, its proportionate share of the federal funds shall be re-distributed, on a proportionate share basis, to those LEA sub-grant recipients that complied with the MOE requirements at Comparison 1, but only to the extent that they don't reduce state and local or “local only” expenditures to the point that they create MOE problems for the receiving LEA.

Second Comparison – Prior Year Actuals vs. Second Prior Year Actuals (SEMA)

- Actual local or state and local expenditures must equal or exceed prior year expenditures
- Comparison is made after unaudited actuals data is submitted to CDE following the end of the fiscal year
- The comparison will occur annually

Section 1 – Each year LEAs should record any of the exceptions listed below:

These items will reduce the amount required to meet MOE:

- The voluntary departure or departure for just cause, of special education or related service personnel, who are replaced by qualified, lower-salaried staff
- A decrease in the enrollment of children with disabilities
- The termination of the obligation of the agency to provide a program of special education to a particular child with disabilities that is an exceptionally costly program because the child:
 - a) Has left the jurisdiction of the agency
 - b) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or
 - c) No longer needs the program of special education
- The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities

Section 2 – LEAs who received a “meets requirement” compliance determination from CDE and have not been found to be significantly disproportionate may also reduce their MOE requirement. Under these conditions, the LEA may reduce the level of local or state and local expenditures otherwise required by the LEA MOE requirement by:

- a. Calculating 50 percent of the increase in federal sub-grant allocation received for the current fiscal year compared to the prior fiscal year, and reducing their state and local MOE requirement by that amount.
- b. The LEA must spend the calculated “freed up” local, or state and local funds on activities that are authorized under the Elementary and Secondary Education Act (ESEA) of 1965. **This includes any activities under Title 1, Impact Aid, and other ESEA programs.**

Section 3 – MOE test

- a. Combined actual local or state and local funding sources are used for comparison at the SELPA level as well as for each individual LEA.
- b. When the capability exists to isolate “local only” funding sources, the comparison may be made using only “local” resources.
- c. Comparison may be either total amount or a per capita (per child with a disability unless some other basis is permitted by the SEA for determining “per capita”) basis (34 CFR Section 300.203(c)) “Per Capita” will be determined using the December 1 unduplicated pupil count for Butte County SELPA.

If the SELPA, as a whole, still fails Comparison 2 after applying the exceptions, the SELPA will be billed by the State for the amount the SELPA, collectively, failed to spend from local or state and local funds to maintain its level of effort. The SELPA AU will then invoice the LEA(s) or adjust the apportionment of the individual sub-grant recipient/s that failed MOE Comparison Test 2 for the amount the LEA(s) failed to spend from local or state and local funds to maintain its level of effort.

If the SELPA, as a whole, passes Comparison 2 but one or more individual LEA sub-grant recipients fail to spend from local or state and local funds to maintain their level of effort, CDE will invoice the LEA for the amount that the LEA failed to spend from local or state and local funds to maintain their level of effort. The amount must be paid to CDE by the LEA from its State and local funding in the budget year.

For the purposes of Maintenance of Effort, the SELPA AU is the recipient of the federal funds from CDE and is, in turn, a grantor of all, or part, of those funds as sub-grants to participating LEAs.

Approved 12/15/04: Revised 4/10/13

GBP 16 Multi-Tiered System of Support

The Butte County SELPA is dedicated to the belief that all students can learn, and that students with special needs shall be guaranteed an equal opportunity to become contributing members of society. Butte County SELPA believes in success for all students and supports inclusion in all aspects of life.

Multi-tiered System of Supports (MTSS), specifically, CA MTSS, is an equity-based inclusive framework that uses a strengths-based approach to assist schools in creating an optimal culture for learning for all students. The key components of MTSS framework include the effective use of data and evidence-based processes to connect students to the proper supports; transformational leadership in creating purpose and relational trust to engage staff and students; collaborative inquiry that involves staff in action research to improve teaching and learning; and a prevention-driven, tiered support system not only for academics, but also for behavior and social emotional needs.

The Every Student Succeeds Act (ESSA) provides greater flexibility to states in determining specific practices and service delivery models to improve school climate, increase school safety, and expand access to comprehensive learning supports. MTSS enables the integration of multiple school improvement efforts and represents an effective strategy to accomplish the following goals.

- Improve outcomes for *all* students, including high-performing students, English language learners, students receiving special education services, and those struggling with barriers to learning;
- Improve instruction and alignment of curricula across general and special education;
- Improve school climate and safety;
- Create safe and supportive learning environments free from bullying and harassment;
- Support students' mental and behavioral health; and
- Implement effective discipline policy and practice.

MTSS is a framework to help students graduate from high school ready for career, college, and life. It offers different levels of academic and non-academic services and supports based on individual student needs. MTSS incorporates elements of Response to Intervention and Instruction (RtI), Positive Behavior Instruction and Supports (PBIS), Universal Design for Learning (UDL) and other evidence-based methodologies that have a proven record of success in helping all students to better succeed. For a more complete description of MTSS, see the following link to the California Department of Education (CDE) description of MTSS components: <https://www.cde.ca.gov/ci/cr/ri/>

Butte County SELPA supports the vision of the CDE in transitioning to One Statewide System of Support, connecting resources and supports to all students in order to better meet the needs of the whole child and to support capacity of LEAs to meet Local Control priority areas. On this basis, the SELPA will play a part, in partnership with Butte County Office of Education, in developing and maintaining supports for the development of MTSS within schools in Butte County. SELPA will partner with district members at times to collaboratively provide technical assistance and training on components of MTSS. Since implementation of MTSS is complex and often requires many years to complete, the SELPA is committed to supporting a multi-year approach to help facilitate the adoption of a MTSS framework.

It is important that the SELPA continue to encourage and support “best first instruction” at a universal level; monitor supplemental and intensive interventions to ensure efficacy and fidelity to evidence-based interventions; and consider referral for special education services only after these have been utilized and documented as ineffective. SELPA recognizes that a Multi-Tiered System of Support, fully implemented with fidelity, can address most students’ needs promptly, effectively and inclusively, without the need for assessment or a special education label. Pursuant to California Education Code Section 56303, “A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized.” For a more detailed description of how MTSS for academics is currently determined in our LEAs, please refer to the Butte County SELPA Local Plan policy on Patterns of Strengths and Weaknesses at the following link:

https://coredocs.s3.amazonaws.com/documents/asset/uploaded_file/87003/PSW_Manual_DRAFT_5.24.17.pdf

Legal References:

Elementary and Secondary Education Act/ESSA (five occurrences)

Education Code § 56303

Approved 10/17/18

GBP 17 Non-Public Schools Oversight and Rate Negotiations

Non-public, nonsectarian school (NPS) means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an IEP and is certified by the CDE. A local education agency (LEA) may contract with a NPS when no public education program is available, as determined by the IEP team.

Pursuant to changes enacted by the passage of Assembly Bill 1172, the Butte County SELPA requires that a local education agency which contracts with a non-public, non-sectarian school:

- 1) Annually verify the NPS has conducted training pursuant to EC 56366.1 (a)(4) regarding evidence-based interventions for reducing and replacing challenging behaviors, including de-escalation techniques.
- 2) Conduct one onsite visit to the NPS prior to placement of a pupil if the LEA does not have any pupils enrolled at the school at the time of placement; and
- 3) Conducts a minimum of one on-site monitoring visit to the non-public, non-sectarian school per school year that the LEA has a pupil attending and which it maintains a master contract.
- 4) The monitoring visit shall include, but is not limited to:
 - a) a review of services provided to the pupil through the individual service agreement between the local educational agency and the nonpublic, nonsectarian school,
 - b) a review of progress the pupil is making toward the goals set forth in the pupil's individualized education program,
 - c) a review of progress the pupil is making toward the goals set forth in the pupil's behavioral intervention plan, if applicable, an observation of the pupil during instruction,
 - d) and a walkthrough of the facility.
 - e) The local educational agency shall utilize the Butte County Non-Public School On-Site Review form or, when available, official monitoring forms created by the California Department of Education. The contracting local education agency will report findings resulting from the monitoring visit to the department within 60 calendar days of the onsite visit.

The IEP team shall consider the onsite monitoring visit report when evaluating whether the student is making appropriate educational progress at the NPS.

By May 30th of each year the SELPA Director will convene a committee of district representatives to review NPS (Non-public school) program issues, NPS (Non-public school) services and any NPS request for rate increases. The committee will review the following information:

1. Copies of the status of NPS school certification.
2. Copies of staff credentials.
3. If a residential facility, the level and a copy of the license.
4. Proof of insurance (auto, liability and workers compensation).
5. Population served by age and disability.
6. Transportation daily rate.
7. School budget and federal identification number.
8. School calendar.
9. School hours and extended school year and listing of hours spent in various core curriculum offerings.

10. Listing of services provided for both residential and day students.
11. List of Board of Directors.
12. Therapy and frequency of services provided and by whom.
13. Behavior management services/plan.
14. Student /certificated teacher ratio.
15. List of other support staff, their roles and responsibilities.
16. Fingerprint verification.
17. Proof of application or certification of accreditation.
18. Ongoing documentation of the process of accreditation.
19. Evidence of adopted standards based curriculum.
20. Documented proof of compliance with NCLB (No Child Left Behind act).

Following a review of the above information the committee will review any request for a rate increase and will take their recommendation to the SELPA Governing Board for approval. The rate approved will be the Master Contract rate and will be in force until June 30th of the following school year.

Legal References:

Education Code § 51225.2

Education Code 49005.1[g][i]

Assembly Bill 2657, 2019

Assembly Bill 1172, 2019

See also Butte County SELPA Behavior Intervention Policy for Special Education Students

See also Butte County SELPA Behavior Interventions and Emergencies Procedures

Approved 4/20/05: Updated 04/22/20

GBP 18 Over-Identification and Disproportionality Policy

It is the policy of the Butte County SELPA and its member LEAs to prevent inappropriate and disproportionate representation by race and ethnicity of students with disabilities. The LEAs of Butte County SELPA will implement procedures designed to prevent the inappropriate over-identification and/or disproportionate representation by race and ethnicity of students with disabilities, including students with disabilities within specific eligibility categories, those suspended or expelled at higher than state target rates, and those students with disabilities removed from the least restrictive environment and in separate schools.

Practices and procedures may include:

- Implementation of general education interventions prior to a referral for special education assessment;
- Use of a student study team or like process to consider the effects of environmental and cultural factors, including other limiting factors, relative to students' academic performance;
- Evaluation of the interventions applied in general education for a period of time prior to a referral for special education assessment;
- Monitoring of special education pupil count data relative to identification rates by ethnicity; and
- Monitoring of district Annual Performance Plan data relative to equitable identification rates by ethnicity

Legal References:

California Education Code § 56205 (a)

20 U.S. Code § 1412(a)(1)(24)

34 CFR 300.646

34 CFR 300.173

Approved 9/19/18

GBP 19 Policy and Procedures for Serving Pupils with Disabilities Enrolled By Their Parents in Private School

The Butte County Special Education Local Plan Area (SELPA) will ensure that school districts locate and identify all children with disabilities enrolled by their parents in private, including religious, elementary schools and secondary schools, pursuant to Education Code 56170.

The SELPA will ensure that each school district will accept and consider referrals for assessment and will offer a free appropriate public education (FAPE) to such children who are determined to be eligible for special education services. These procedures are intended to ensure compliance with all federal and state laws and regulations.

A. Child Find, Referral and Assessment

1. The Butte County SELPA will:
 - a. Provide information for local private schools about the provisions in the Federal Law for students enrolled by their parents in private schools who may be eligible for special education services. Information will include criteria for special education eligibility and special education referral procedures.
 - b. Ensure that child find activities undertaken for private school students are comparable to activities undertaken for children with disabilities in public elementary and secondary schools.
2. Districts that have private schools within their boundaries will:
 - a. Identify all private schools within their boundaries that have an affidavit on file with the California Department of Education (Education Code 33190) and have six or more students enrolled.
 - b. Between October 1 and December 1 each year, request private schools to list all students enrolled in the school who are eligible for special education services, with or without Individual Service Plans (ISPs), and the districts of residence of those children. The district of residence is the district where the child resides.
 - c. Provide the districts of residence within the Butte County SELPA names of those students identified in each private school who are from their district.
 - d. Hold at least one annual meeting at which representatives of the private school (including parents) will be given an opportunity to give input about:
 - The child find process
 - How the consultation process will operate through the school year.

If the private school representatives do not attend, the information will be mailed to them.

- e. Obtain written affirmation from each private school within their boundaries that they were given opportunity to participate in a timely and meaningful consultation with the district.
 - f. Upon request, provide a written explanation to the private school if the district disagrees with the input of the private school.
 - g. Follow all appropriate policies and procedures for assessment for eligibility for special education services. If eligible, forward all assessment reports to the district of residence.
 - h. The district of location is the school district where the private school is located. The district of location shall be responsible for locating, identifying, and assessing all private school children with disabilities in need of special education and related services and who are attending private school located within the service area of the district of location.
 - i. The district of location is responsible to obtain all information from local private schools regarding pupils with suspected disabilities, obtain the Release and Exchange of Information form from the parent and notify the district of residence. If a Release and Exchange of Information is obtained, the district of residence will be invited to the IEP/ISP meeting and to participate in the assessment of the student.
 - j. The district of location will complete the assessment and determine eligibility, in collaboration with the district of residence as appropriate (see above).
 - k. The district of location will hold the IEP/ISP meeting to determine eligibility. The district of residence may attend and collaborate at the IEP/ISP meeting.
 - If the parent agrees to attend public school, the district of residence will develop an IEP
 - If the parent declines the offer of public school, the district of location continues the private school process.
 - l. The district of location will offer an Individual Service Plan (ISP) and review the plan annually, as appropriate.
3. Private schools will:
- a. Refer students for special education instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized.
 - b. Direct referrals to the district in which the private school is located for assessment for eligibility.

- c. Participate on an ongoing basis with the district in which they are located to give input on the provision of special education services.
4. Students in Preschool, Kindergarten, and Transitional Kindergarten of Kindergarten Age under age 6.
 - a. Students of preschool age who attend a private school will be served by their district of residence through the IEP process.
 - b. Students of kindergarten age who continue to be enrolled in a preschool program in a private school will be served by their district of residence through the IEP process.
 - c. Students of kindergarten age who are between the ages of 5 and 6 and who continue to be enrolled in a private kindergarten program will be served by the district of location through the IEP process until they reach age 6.
 - d. Students age 6 and above who are enrolled in a private kindergarten program or transitional kindergarten program will be served by the district of location through the Student's Individual Services Plan.

B. Guidelines for Services

Each district in the Butte County SELPA shall spend a proportionate share of federal funds to provide special education and related services to children with disabilities in private schools as to those spent on children in public schools. These funds may not be used for repair, remodeling or construction of private school facilities.

Each district that has private schools located within its boundaries in the Butte County SELPA shall develop guidelines regarding the special education and related services to be provided to special education eligible students in private schools. Such decisions shall be made after consulting in a timely and meaningful way with representatives of private school(s) within their boundaries and shall include:

1. Which eligible children may receive services;
2. Types of services to be provided (including direct and alternative methods of service delivery);
3. How, where and by whom the services will be provided:
 - Guidelines will be forwarded to the SELPA.
 - SELPA will make a compilation of all guidelines available to all districts within the SELPA.

C. Initial Individualized Education Program (IEP) Team Meeting

In accordance with Child Find, Referral and Assessment (Section A.2(h)), the district of location is responsible for the initial assessment. The district of residence, however, is responsible for the offer

of FAPE based on the initial assessment. Both districts are encouraged to collaborate together to complete the initial assessment. An IEP team meeting will convene within 60 calendar days, excluding school holidays in excess of 5 days, of receipt of the signed assessment plan. The District of Location will schedule the IEP meeting and seek permission to invite representatives from both the Private School and the District of Residence. The District of Residence will be invited to the IEP meeting, as they are responsible for providing the offer of FAPE to the parent, if the child is eligible for services. If the parent refuses to allow the district of residence to participate in the IEP meeting and present their offer of FAPE, this shall constitute the student's refusal of FAPE from the district of residence.

If the IEP team determines that the student is eligible for special education services, the IEP team shall develop an appropriate IEP for the student, which serves as an offer of FAPE in accordance with federal and state laws and regulations. Such offer shall be recorded on appropriate IEP forms. The district of residence shall be responsible for the offer of FAPE to the eligible student.

If the parent agrees that the IEP would be the appropriate program if the child were enrolled in the public school, the parent initials "yes" to all statements and signs the IEP.

If the parent wants to continue to enroll the child in the private school, the "Private School" box will be checked and an Individual Services Plan may be developed according to district guidelines for children age 6 and above.

The following statement shall be written on the IEP document: "I agree that the LEA has offered my child a free and appropriate public education (FAPE), including appropriate special education and related services. However, I refuse the LEA's offer of FAPE on my own accord and am voluntarily placing my child in a private school."

D. Individual Services Plan (ISP)

The ISP will be developed by the district of location on the SELPA ISP form. The ISP will specify services that the district has determined it will make available, according to its guidelines.

A representative of the private school will be invited to attend the ISP meeting. If the representative of the private school cannot attend the meeting, the district special education case manager will consult with the private school representative by other methods such as sending a copy of the ISP (with parent permission) and/or individual or conference calls.

The services provided pursuant to an ISP may be provided at a private school, including a religious school, to the extent consistent with law. Services must be provided by personnel meeting the same standards as personnel providing the services in public schools. These personnel shall be employees of the district or contractors of the district. However, the Butte County SELPA and/or the district shall not use federal special education funds to finance the existing level of instruction in a private school or to otherwise benefit the private school or the general needs of other students enrolled in the private schools.

If necessary for the child to benefit from or participate in the services provided pursuant to the ISP, a private school child with a disability must be provided transportation to/from the service location. However, districts are not required to provide transportation from home to the private school. The cost of the transportation may be included in calculating whether the district has met the obligation to spend a proportionate share of federal funds on providing special education and related services to private school children with disabilities eligible for special education services as it spends on its children enrolled in public schools.

Any specialized equipment provided to benefit private school children with disabilities shall remain the property of the district and must be able to be removed without remodeling the private school facility. It shall be returned to the district when no longer required by the child, the child is no longer enrolled in the private school, or removal is necessary to avoid unauthorized use.

The district does not have the responsibility to develop/continue an ISP if:

- a) The proportionate share of federal funds has been expended.
- b) The student's needs do not fall within district guidelines for services.

E. Review

1. ISP Review: If an ISP is developed, it will be reviewed and updated on an annual basis. Students who are age 5 who are enrolled in a private school kindergarten and served on an IEP will be reviewed upon reaching age 6. If at the IEP meeting, it is determined that the child is eligible for special education services and the parent declines the offer of FAPE in public school and chooses to continue their student's enrollment in the private school, an ISP shall be developed.
2. Annual Offers of FAPE:
All students with disabilities eligible for special education who reside in Butte County SELPA are entitled to receive a FAPE from the student's district of residence, if they are enrolled in public school. One year after an eligible private school child's initial IEP team meeting and annually thereafter, the district of residence shall notify the parents of eligible students in writing of the following (see Private School Notice of Annual Review):
 3. The district of residence continues to offer a FAPE in accordance with federal and state laws and regulations;
 4. The district of residence is ready, willing, and able to schedule an IEP team meeting for their child in order to offer the child a FAPE, subject to assessment, if appropriate, whereupon 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. If the parents do not return the form and cannot be reached by phone, an IEP meeting notice shall be mailed to parents, an IEP meeting shall be convened, and an offer of FAPE made in an IEP. For the parents who choose to decline the offer of FAPE and have the student remain at the private school, the following statement shall be written on the IEP document:

“I agree that the LEA has offered my child a free and appropriate public education (FAPE), including appropriate special education and related services. However, I refuse the LEA’s offer of FAPE on my own accord and am voluntarily placing my child in a private school.”

5. Triennial Review: On the year when the triennial evaluation is due, the district of residence shall conduct the triennial evaluation, as necessary, and convene an IEP team meeting. The IEP Team shall determine the student’s continuing eligibility for special education and, if the student continues to be eligible for services, either develop an IEP or service plan, as appropriate. See forms: Private School Notification of Parental Intent (Annual Review) and Private School Notification of Parental Intent (Triennial Review).
6. The parents shall be requested to send the documents(s) back to the district of residence. If the parents do not return the form and cannot be reached by phone, an IEP meeting notice shall be mailed to parents, and IEP meeting shall be convened, the district will review records to determine eligibility for special education services, and an offer of FAPE made, if the student continues to qualify. The district of residence shall notify the district of location of the child’s eligibility for special education or related services, if the parent continues enrollment in the private school setting.

F. Due Process and Complaints

Parents will be informed that as long as they continue to place their child in a private school their rights for due process are limited.

A school district is NOT required to pay for the cost of educating a child with a disability at a private school (including special education and related services) if the school district made FAPE available to the child and the parents voluntarily elected to place the child in a private school. No parentally placed private school child with a disability has an individual right to receive some or all of the special education and related services that he/she would receive if enrolled in a public school.

Disputes regarding whether a school district made FAPE available to the child via the IEP, as well as disputes about identification and evaluation of parentally placed private school children with disabilities, may be resolved pursuant to due process procedures specified in the “Parent Rights for Special Education.”

Due process procedures DO NOT apply to disputes regarding provision of services specified in the ISP.

Parents have the right to file a complaint alleging a violation by the SELPA or district in implementation of state or federal law on any other issue, according to complaint procedures specified in the “Parent Rights for Special Education.”

Private Schools may submit a complaint to California Department of Education if they believe that the district did not:

- Engage in meaningful and timely consultation.
- Give due consideration to the view of the private school official.

G. Record Keeping

1. The district of location will report through CALPADS each parentally placed private school student evaluated to determine eligibility for special education services. They also will report each child found eligible.
2. The district of location will report through CALPADS each student who is served through an ISP.

Legal Citations:

34 Code of Federal Regulations sections 300.130-144

California Education Code Sections 56170-56174.5

Approved 12/18/02: Revised 4/7/15

GBP 20 Program Transfer Policy

According to Education Code Sections 56207, special education programs may be transferred from the county superintendent of schools to school districts, from school districts to the county superintendent of schools and from one school district to another. For the purpose of this policy, programs may also be transferred to charter schools that have been granted LEA status.

Definition of a Formal Program Transfer

According to the California State Department of Education (CDE) memorandum of April 7, 1999, “a program change is presumptively considered a program transfer when all of the following criteria are met”:

1. The proposed change involves a change in the LEA of service – as stated in Memo 93-08, the movement of students from one service provider (LEA) to another.
2. The change involves the movement of funding locally from one service provider (LEA) to another.
3. The change must involve one or more employees who would be affected by the provisions of Education Code Section 44903.7. Section 44903.7 establishes the right of certificated employees to retain employment if their assignment moves to another LEA.

When there is a proposed change in programs in the LEA of service and it is not certain as to whether the CDE’s definition of program transfer applies, either one or both of the LEA’s superintendents should submit a written request for clarification to CDE to undertake a determination regarding whether a proposed change constitutes a program transfer. Requests are to be forwarded to the Division Director of Special Education and should be signed by the district or county superintendent.

Time Lines and Approval Process

The timeline for submitting and processing transfer requests will vary depending on whether the LEA is requesting regular or fast track. Regular track requests will not take effect before the first day of the second fiscal year following the year in which the request is filed with the SELPA. Fast track requests may take place as early as the first day of the first fiscal year following the year in which the request is filed.

For a regular track transfer, the receiving LEA shall submit a letter to the proposed sending LEA and SELPA office by March 1. The receiving LEA will also submit a plan to the SELPA by March 1 addressing all of the requirements contained in E.C. Section 56207(a). The LEA will submit their plan using the application contained in the appendix of this document. The request will be reviewed by the SELPA Directors’ Council at their March meeting. The SELPA Directors’ Council will make a recommendation to the SELPA Governing Board for review no later than their May meeting. If approved by the SELPA Governing Board, the planning process will take place over the course of the following fiscal year in preparation for the change to take effect in the second fiscal year. Final approval will require all of the following:

- Signed agreement by the sending LEA

- Signed agreement by the receiving LEA
- Signed agreement by the Chairperson of the SELPA Governing Board.

For a fast track transfer, the receiving LEA shall submit a letter to the proposed sending LEA and the SELPA office prior October 1. The receiving LEA will also submit a plan to the SELPA prior to October 1 addressing all of the requirements contained in E.C. Section 56207 (a). The LEA will submit their plan using the application contained in the appendix of this document. The request will be reviewed by the SELPA Directors' Council at their October meeting. The SELPA Directors' Council will make a recommendation to the SELPA Governing Board for consideration at their November meeting. If approved by the SELPA Governing Board, the receiving LEA must complete their planning process by May 30 (see Appendix B). In order to be eligible for the fast track time line, the following criteria must be met:

1. The SELPA Governing Board must unanimously approve the request.
2. There must be adequate time to complete the local planning.
3. There must be adequate time to meet all legally required and locally negotiated time lines regarding personnel notifications.

Final approval will require all of the following:

- Signed agreement by the sending LEA
- Signed agreement by the receiving LEA
- Signed agreement by the Chairperson of the SELPA Governing Board

The timelines for a fast track transfer may be waived in cases where staff are not affected by the proposed transfer, e.g. retirements, resignations, etc., provided that there is adequate time to meet the criteria in subsections 1, 2, and 3 above.

All requests for transfers will be decided on a case-by-case basis. Prior to any transfer taking effect, regardless of whether it meets the state definition of a formal program transfer, the receiving LEA must verify compliance with the requirements outlined in the following section 'Transfer Guidelines'.

Note: Requests to relinquish programs must be submitted in writing to the SELPA Office. The SELPA Director will forward requests to the SELPA Governing Board for consideration. Until another LEA agrees to operate the program, it will remain the responsibility of the current LEA. Any action to transfer the program will follow the procedures and timelines outlined above.

Transfer Guidelines

Prior to transferring special education programs from one LEA to another the receiving LEA, will implement the plan described in the preceding section. The plan will address all of the following (Reference E.C Section 56207):

1. Pupil needs
2. The availability of a full continuum of services to affected pupils
3. The functional continuation of the current IEPs of all affected pupils
4. The provision of services in the least restrictive environment from which affected pupils can benefit
5. The maintenance of all appropriate services
6. The assurance that there will be compliance with all federal and state laws and regulations and special education local plan areas policies
7. The means through which parents and staff were represented in the planning process
8. The effective date of the program transfer, which is the first day of the fiscal year that the receiving district begins operating the program.

Funding

Income includes AB602 funding, property taxes allotted to Special Education, Federal Local Assistance Grant, and Federal IDEA grants. Once the income is apportioned to the separate programs, each of the separate programs will determine program transfer values by dividing the income by the total number of programs operated. The program transfer amount will be adjusted throughout the year, as each of the income components changes. Transfer rates for each program category will be recalculated each school year.

Preschool Grants will be prorated evenly and added to preschool program transfer values. Infant program transfer values will be determined by dividing state apportionment and Federal Grants for Infant Programs by the number of programs currently being operated.

At the end of each operating year, the transferred programs or services will theoretically be returned to the County Office so that new transfer rates can be recomputed each year. This will allow mathematical integrity for transferring programs or services in the subsequent years and allow the districts to benefit from any additional funding granted to the county office.

A charter school that has been granted LEA status may operate programs in the same manner as any other LEA. When programs are transferred to them from another LEA within the SELPA, they will be funded in the manner described above.

LEA Responsibilities When Operating Centralized Programs

Some LEAs within the Butte County SELPA do not have enough students in certain disability categories to operate programs of their own. The SELPA assures service to these students by providing regional programs through member LEAs. When one of these programs is subject to transfer, the receiving LEA will enter into an MOU with the SELPA, guaranteeing the continuation/provision of

services to students outside the LEA's attendance area. Completion of the MOU will be required prior to approval of the transfer by the SELPA Governing Board.

Program Standards

In order to assure program continuity and quality, all program operators agree to maintain the standard of program delivery provided by the sending LEA unless they receive approval to change the nature of the program. Districts may only change the nature of the program if they can continue to implement the IEPs of the students affected by the program transfer. The receiving LEA agrees to operate the program for at least three years unless agreed to otherwise by the SELPA Governing Board.

Special Considerations

- Programs may be transferred in increments of more or less than 1.0 FTE
- It is assumed that the receiving district will continue to serve the same students currently served by the program. Changes in the number of students served may result in a commensurate adjustment in the amount of FTE to be transferred
- The transfer of any program must not impede the delivery of services to students from small, dependent school districts
- The SELPA may consider any other factors, which are deemed relevant to the proposed transfer, such as LEA identification rates, impact on transportation, etc. The primary consideration, however, must be whether the proposed transfer is consistent with the purpose of the SELPA, which is to provide service to all identified students within its boundaries regardless of their district of residence. The transfer of programs must not in any way interfere with that mission.

Facilities

Effective July 1, 2002, whenever a program is transferred from one LEA to another the receiving LEA assumes responsibility for the facilities (i.e. portables, mobiles, etc.) currently occupied by the program.

Materials, and Equipment

Unless otherwise agreed upon, materials and equipment purchased by the sending LEA for the program being transferred will be transferred with the program and become the property of the receiving LEA. Any material or equipment purchased with Low Incidence funds is the property of the CDE and will remain with the student.

Student Records

When the transfer of a program has received final approval, the sending and receiving LEAs will develop a plan for the transfer of all student records to the receiving LEA.

Disputes

Whenever there is a dispute within the SELPA over the transfer of special education programs as described above, the involved agencies will follow the dispute resolution procedures described in the governance section of the local plan.

Certificated/Classified Employee Transfers

(Certificated staff include special education teachers, speech therapists and other specialists providing direct service to students. Classified direct service providers include paraprofessionals, interpreters, braillists, etc.)

Employee's rights when transferred, terminated, or reassigned as a result of a program transfer:

1. Seniority for transferred or reassigned employees:
Employee retains his/her seniority date and classification.
2. Salary placement for the transferred or reassigned employees:
Employee is credited year for year for placement on the salary schedule in the district or county office to which s/he is transferred or reassigned and his/her salary may be subject to Y rating.
3. Salary placement for laid off employee who is later hired by the district/county office which received the transferred program ("receiving district/county office"):
Employee is credited year-for-year for placement on the salary schedule in the district or county office to which she/he is hired and his/her salary may be subject to Y rating.
4. Employment Rights
When a program is being transferred from one LEA to another, the receiving LEA will observe the following procedures:
 - a. The position will be offered to the person who is currently assigned to the program being transferred, provided that s/he is appropriately credentialed.
 - b. If the person in step one is offered and declines the position, the receiving district post the vacancy within the sending LEA and hire from within that pool of applicants.
 - c. If no one applies for the position, the receiving LEA will follow normal hiring procedures and the sending LEA will provide a lay-off notice as appropriate.
5. Employee Health Benefits
The sending LEA will continue to provide the same level of health benefits after the end of the fiscal year for each certificated and classified employee moving to another district as a result of a program transfer. The sending LEA will provide benefits from July 1 through the end of the month when the employee begins his/her assignment in the receiving district, but not beyond August 31. The receiving district will begin providing health benefits on the first day of the month after the employee begins work in the district, but no later than September 1. The cost associated with providing benefits during this period of time will be billed back to all members of the SELPA on a pro-rata basis based on the total unduplicated pupil count taken on December 1 of the year prior to the transfer.

Exceptions to Employee Transfer Rights: While it is the intent of the SELPA to provide the above rights as described to both certificated and classified staff, the SELPA recognizes that the rights and procedures pertaining to classified staff exceed provisions of the California Education Code and supporting regulations. The SELPA further recognizes the right of each LEA to develop agreements

with its local bargaining units. In the event, therefore, that a LEA is unable to implement any one of these provisions due to a conflict with its local classified bargaining agreement, that provision may be waived by a two thirds vote of the SELPA Governing Board.

Time lines specified or applicable to this policy may be waived by agreement of the respective parties and the SELPA Governing Board when there is a conflict with either or both of the LEA's collective bargaining agreements.

Application for Special Education Program Transfer

Note: This form to be completed by the Receiving LEA.

Part I: Identification (Education Code 56207)

1. Receiving Agency:
2. Sending Agency:
3. Date of Request:
4. Effective Date of Transfer:
5. Type of Request: Regular Track Fast Track

Part II: List type of programs and services being transferred:

1. Number of students:
2. Number of staff:
3. Description of Program:

***If partial transfer of program, please list type of program and services remaining:**

Part III: Education Code 56207 requires school districts and county offices requesting a program transfer to develop a plan that addresses the seven areas listed below as relate to the impact of the transfer:

1. Pupil Needs (Describe how the students' special education needs will be addressed.):
2. Availability of a full continuum of services to affected students:
3. Functional continuation of the current individual educational program for affected students:
4. Provision of services in the least restrictive environment from which the affected students can benefit:
5. Maintenance of all appropriate support services:

6. Assurance of compliance with all federal and state laws, regulations and policies of the Butte County SELPA:
7. Means by which parents and staff were represented in the planning process of the transfer:

Describe any special factors or conditions that might affect the ability of the receiving LEA to provide comparable services to the affected students:

Part IV: Administrative Approval of All Three Entities:

Important Note: All entities involved in the program transfer are advised to read the following requirements prior to signing below.

1. The sending agency, the receiving agency and the governing body of the Special Education Local Plan Area (SELPA) of which the agencies are members, agree to the transfer.
2. In addition, by signing this form, all signatories assure that:
 - a. Special Education instruction and related services provided by each affected LEA comply with all state and federal requirements;
 - b. The level of services and the opportunity of the affected students to interact with the general school population is not diminished as a result of the program transfer; and
 - c. The transfer is consistent with all SELPA policies and the local plan.
3. If either the sending or receiving agency disagree with the proposed transfer, the matter will be resolved by the alternative resolution process established pursuant to Education Code Section 56207(c).

CERTIFICATIONS

Sending Program Operator Name:

Superintendent or Authorized Designee Telephone Date

Receiving Program Operator Name:

Superintendent or Authorized Designee Telephone Date

Governing Body of SELPA: Butte County SELPA Governing Board

SELPA Governing Board Chair Telephone Date

Program Transfer Flow Chart Regular Track

YEAR ONE

- | | |
|------------|--|
| By March 1 | Requesting LEA submits letter of request to sending LEA and SELPA Director. District also submits Part I, II and III of form SED-PT (Rev. 4-99) to the SELPA Director. |
| March | SELPA Director submits request to SELPA Directors' Council for review and recommendation. |
| May | Recommendations from the SELPA Directors' Council will be submitted to the SELPA Governing Board for action. |

YEAR TWO

(For Approved Requests)

- | | |
|-------------|--|
| By March 15 | Sending LEA will have completed the staff notification process. |
| By May 1 | Receiving LEA will have complied with steps outlined in transfer plan. |

YEAR THREE

(Implementation)

- | | |
|--------|---|
| July 1 | Receiving LEA assumes operation of program. |
|--------|---|

Program Transfer Flow Chart Fast Track

YEAR ONE

- | | |
|-------------|--|
| By Oct. 1 | Requesting LEA submits letter of request to sending LEA and SELPA Director. District also submits Part I, II and III of form SED-PT(rev 4-99) to the SELPA Director. |
| October | SELPA Director submits request to SELPA Directors' Council for review and recommendation. |
| November | Recommendations from SELPA Directors' Council are submitted to SELPA Governing Board for action. |
| By March 15 | Sending LEA will have completed staff notification process. |
| By May 30 | Receiving LEA will have complied with steps outlined in transfer plan. |

YEAR TWO

- | | |
|--------|--|
| July 1 | Receiving district assumes operation of program. |
|--------|--|

GBP 21 Policy on Centralized Programs and Services

Background

One of the main functions of a special education local plan area, or SELPA, is to ensure a continuum of programs and services exists for all students with disabilities in its member local educational agencies (LEAs). For decades, the Butte County SELPA has, in accordance with Education Code § 56200, adopted a SELPA Local Plan that provides numerous assurances of access to special education and services for all eligible persons with disabilities residing in the geographic area served by these LEAs.

With the consent of each LEA's Board of Education, the Butte County Board of Education (BCOE), and the SELPA Governing Board, each participating agency agrees to carry out the duties and responsibilities assigned to it within the plan. Our SELPA Governing Board policies in the area of governance and funding echo these mutual commitments which include, among other things:

- Assure equal access to programs and services for all individuals with exceptional needs within the SELPA regardless of their district of residence;
- Cooperate to the maximum extent possible with other agencies to serve individuals with disabilities who cannot be served by a program or service offered in the LEA of residence, with the understanding that such cooperation ensures that a range of program options are available throughout Butte County.
- Operate local programs consistent with state and federal laws and regulations, as well as the policies and procedures approved for the Special Education Local Plan Area. [E.C. 56195.5 (a)]
- Provide suitable facilities for special education programs maintained by the Local Education Agency.
- Annually review and approve special education programs and services of the Local Education Agency.
- Develop and adopt policies for the operation of the Local Education Agency, which are consistent with those of the Special Education Local Plan Area, and which promote the concept to ensure access to appropriate programs and services for all children with disabilities.
- Annually recommend modifications of Local Education Agency special education programs necessary to meet the changing needs of students, to be included in the annual service and budget plans submitted by the SELPA.

Prior to 2019, the Butte County SELPA referred to many of its more restrictive or limited-use programs as “Regional Programs and Services” and individual classes or caseloads were referred to as “Regional Units.” Because the word “regional” was often associated with a per-unit method of funding the county is moving away from, the Butte County SELPA has adopted the term “Centralized Programs and Services” for programs and services that create what is called an “economy of scale” for the benefit of all LEA members, as elaborated below.

Definitions

Centralized Programs and Services are designed to serve students requiring more intensive services through a sharing arrangement by which all LEAs (local education agencies) cooperate and assist in

serving students, either within their LEA or from another LEA. This sharing arrangement, or economy of scale, exists because often single LEAs may not have enough eligible students with a specific program or service need to operate their own program. By sharing Centralized Programs and Services, all LEAs can more efficiently serve students through the utilization of existing services available in another LEA which may not be available within their LEA.

The definition of a Centralized Program is a classroom-based program serving students from multiple LEAs who have more intense disabilities and needs. This may include special day classes for students with any of the following eligibilities: Autism, Deaf/Hard of Hearing, Emotional Disturbance, Intellectual Disabilities, Multiple Disabilities, Orthopedic Impairment, and/or Visual Impairment, including those in Transition programs for 18-22-year-old students. These programs include special day classes operated by BCOE and the SELPA; special day classes for preschool students with moderate to severe disabilities in the south part of Butte County; Table Mountain School located at the Butte County Juvenile Court, and Butte County Community School.

The definition of Centralized Services includes specific related services (formerly referred to as “designated instruction and services” or “DIS”) necessary in order for students with disabilities to benefit from special education. These may include adapted physical education, speech and language therapy, orthopedic impairment services, orientation/mobility services, assistive technology, vision impairment services, hearing impairment services, occupational therapy and educationally-related mental health services.

To be recognized as a Centralized Program or Service within Butte County SELPA, the program or service must be officially designated as such by the SELPA Governing Board.

The definition of LEA Programs or Services are those programs or services operated by an individual LEA that may appear to be similar in nature to Centralized Programs and Services, but which are no longer officially designated as such by the SELPA Governing Board, and do not predominantly consist of students enrolled from multiple LEAs in an economy of scale. The availability of LEA Programs or Services is at the discretion of the operating LEA, is usually based on space available, and placements are subject to bill-back arrangements and the Butte County SELPA Bill-Back Calculation Worksheet.

The Butte County SELPA will maintain an official record of all Centralized Programs and Services identified by the SELPA Governing Board, including enrollment and staffing. Additionally, LEA Programs and Services will, if requested, share information with the Butte County SELPA regarding availability, enrollment, or staffing to assist LEAs with locating potentially appropriate programs or services for students.

Program Operation Standards

Centralized Programs and Services operators are responsible for maintaining a program option in support of the SELPA-wide continuum of services. Host districts and site administrators where Centralized Programs are located are responsible for ensuring the integration of all students into the regular program to the fullest extent possible as appropriate for each student and as required in their

IEP. This may require the provision of staff development to increase student awareness of human exceptionalities, and parent training to assure the highest level of successful inclusion.

Both the Centralized Program provider and the host district are responsible for providing all instructional materials required to implement students' IEPs. Materials required may include age and developmentally appropriate core curriculum as well as specialized curriculum and materials specific to classroom and individual student needs. Students with disabilities shall have access to the general curriculum with appropriate accommodations and modifications on the campus where the Centralized Programs and Services are located.

Facilities

Facilities agreements between host sites and the Centralized Program Provider shall outline specific needs relating to custodial and maintenance modifications; access; health, sanitation and building standards; safety and fire warning systems, and zoning and occupancy capacity. Issues relating to facility modification needs of host site classrooms should be referred to BCOE or SELPA, or the host district facilities specialists, if specific issues arise.

Mainstreaming

Mainstreaming of students with special education needs into host site classes, courses and activities is a requirement of the Americans with Disabilities Act, and the IDEA requirements regarding placement in the least restrictive environment. In most cases, before mainstreaming is determined on a student's IEP, host site communication will occur between BCOE or Centralized Program Provider staff and host site Administration to determine the types of mainstreaming opportunities that would be available and specific to the site. This may include discussions surrounding the purposes of the mainstreaming such as academic, social, extracurricular, etc. and the types of support needed by the students with specific types of disabilities, to be enrolled in the programs at the host site.

All mainstreaming activities shall be delineated on student IEPs per federal and state law. The type of supports and length of mainstreaming provisions will be outlined clearly and explained to host site staff through systematic procedures which will include providing host site staff copies of IEPs and explanation of student needs. Accommodations and modifications shall be fully explained and understood following IEP team decision making processes with host site staff involvement at the IEP team meetings.

Participation in IEP Meetings

To comply with Education Code 56341 (b), school districts are required to include input and participation from the student's general education classroom teacher at the IEP team meetings. At least one general education teacher of the pupils shall be included on the IEP team if the child is or may be participating in the general education environment. The host site shall comply with this requirement and will arrange for general education teacher(s)' attendance at Centralized Program Provider IEP team meetings. In certain circumstances, a general education teacher may be excused from attending the IEP team meeting.

Program Evaluation

Program evaluation is the joint responsibility of Centralized Program operators, the users of these programs, and the SELPA. The Butte County SELPA requires that Centralized Program operators adhere to program operation standards agreed to in this policy. The Continuum of Supports Advisory Committee, or C-SAC, described below, will review annually the need for program evaluation in particular programs, and will work with the SELPA to complete any evaluations initiated by the program operators themselves.

It is essential for SELPA LEA member stakeholders within the region to work collaboratively to define “what success looks like” for special education programs and services, and to ensure it is happening for students with disabilities in Centralized Programs. The Program Quality Review Committee of the SELPA has established standards of practice and quality indicators for the types of supports and services that should exist within such programs. The program evaluation process supports the development of trust and shared expectations across all stakeholders.

Periodic review of Centralized Programs will be conducted in accordance with established Program Quality Review committee documents and processes.

Program Procedures

The newly-constituted Continuum of Supports Advisory Committee, or C-SAC, shall assume the functions of three previous groups: the Regional Services Review Committee, the ACCESS Coordinating Committee (ACC or EDCC), and the Ratio Committee. The C-SAC committee will be an active, problem-solving committee that will have as its primary function the advocacy and planning work necessary to provide access and availability of a continuum of program and services options for all SELPA member LEA students with disabilities.

The Continuum of Supports Advisory Committee will be comprised of a Special Education Director or his/her designee from each LEA who operates Centralized Programs and Services; a minimum of two standing Special Education Directors whose LEAs are users of such programs but not providers; the SELPA Director and/or his/her designee; and a minimum of two SELPA Specialists (i.e. Program Specialist, ERMHS Coordinator or Clinician Supervisor, or Board-Certified Behavior Analyst).

The role of the Continuum of Supports Advisory Committee will be to discuss and organize data and recommendations regarding program coordination in various aspects related to Centralized Programs and Services:

- Gathering and analysis of enrollment reports for all Centralized Programs and Services types including student enrollment and certificated and classified staffing numbers;
- Develop recommendations to the SELPA Governing Board regarding increase in allocation of additional programs and services based on changing needs;
- Provide a forum for members to problem-solve potential placement options of individual students while respecting confidentiality of student information;
- Determine recommended guidance for caseload and staffing ratios for certificated and classified personnel for various program and services types;

- Facilitate coordination of placements across the continuum of therapeutic classrooms, with emphasis on programming of students requiring educationally-related mental health services;
- Maintain preparedness for growth by identifying potentially appropriate classroom space on district campuses throughout the county;
- Assess the integrity of the continuum of Centralized Programs and Services across all other programs and services types, such as those serving students with an eligibility of Autism, Intellectual Disability, Low Incidence Disabilities, etc.;
- Ensure adherence to process regarding the opening, closing, or transfer of programs, and adherence to necessary timelines that will facilitate smooth transitions and clear communications to staff and families as needed; and
- Take action or make recommendations on other topics within the scope of the committee to improve on the continuum of supports within the Butte County SELPA.

Complete protocols and procedures regarding the establishment, operation, and evaluation of Centralized Programs and Services can be found in the corresponding Directors' Council Procedure No. 21.

Related Policies and Procedures

GBP 9	Funding and Budget Allocation Policy
GBP 10	Governance Policy
GBP 20	Program Transfer Policy
GBP 22	Change of Placement Procedures
DCP 3	ACCESS Program Policy/Procedures
DCP 8	Centralized Placement Procedures

Approved 11/18/2020

GBP 22 Request for Out-Of-District Placement

Background

The district of residence is responsible for providing a free appropriate public education to all identified special education students residing within its geographical boundaries. In this regard, each district is responsible for providing a continuum of service options to meet the needs of students. When a district does not directly operate an appropriate program, the district may make arrangements with another district/agency to provide services on an individual basis as necessary. All local education agencies within Butte County, therefore, agree to cooperate with one another in providing service to students living outside their attendance areas. The decision to accept a request for an inter-district placement will be made on a case-by-case basis and will depend on each district's ability to meet the needs of the student within its existing resources.

Placement Procedures within the SELPA

Prior to requesting a placement in a program operated by another district, the request may be reviewed by the SELPA Program Specialist or Program Provider serving the district. Every effort will be made to accommodate the student's needs in the district of residence prior to requesting placement in another district. If it is determined that the program options available within the district do not meet the needs of one of its special education students, the responsible district special education representative will consult with the Program Specialist to determine if an appropriate placement and or services is available in another district or the county office. Once an appropriate program is identified and the receiving Local Education Agency (LEA) agrees to a placement, the district of residence will schedule an IEP meeting and invite the appropriate representative(s) from the receiving LEA. The IEP team will make the final determination regarding placement and the content of the IEP.

Note: When a district receives a request to place a student in a SELPA Centralized Program or Service, the district will adhere to the procedures outlined in Directors' Council Procedure 8 on Centralized Programs and Services. Referrals for particular programs or services operated by a Program Provider, including BCOE or Butte County SELPA, should be submitted to the program operator for review and response. Referral forms are available in the SEIS Document Library. When a district receives a request to place a student in an LEA Program, the receiving district will consider the following factors in determining whether to approve the request:

- the size of the class
- the makeup of the class
- the ability of program to meet the unique needs of the student
- the level of staffing in the program

Placement Procedures Outside the SELPA

Whenever the district of residence determines that program options available within the SELPA do not meet the needs of a particular student, the responsible district special education representative will locate and make the necessary arrangements with a Local Education Agency from another SELPA, a non-public school or a non-public agency.

Funding

Whenever a student is placed in a program outside his/her district of residence but within the SELPA, the financial arrangement will be made in one of two ways. For a Centralized Program or Service, the Bill-Back Calculation Worksheet is used which incorporates the calculation methodology that has been agreed to by the SELPA Governing Board. This form is available at the SELPA Office. Alternately, if the placement is for an LEA Program or Service, the SELPA Placement Agreement Form is utilized which details the expectations of the parties in terms of related costs of having the student in an LEA Program or Service.

For a Centralized Program or Service, the District of Special Education Accountability is responsible for providing or paying for transportation services and the cost of any one to one paraprofessional for the student if required in the student's IEP. Whenever a student is placed in a program outside of the SELPA or in a non-public school or agency, the DOR/DSEA and receiving agency will jointly determine any and all arrangements related to payment for the services provided. The sending and receiving LEA's will abide by the bill-back terms set forth in the SELPA Funding and Budget Allocation Plan, GBP 9, and this placement policy, GBP 22, as it relates to LEA Programs and Services.

Dispute Resolution

If a disagreement arises regarding any of the provisions of this policy it will be referred to the SELPA Governing Board for resolution. The SELPA has the responsibility to provide resources or new programs as needed. In providing resources or programs, consideration shall be given to sharing costs across the SELPA. The SELPA Governing Board decision will be final.

GBP 23 Butte County SELPA Resolution 247-2015

Urging the Use of People-First Language for Students with Disabilities

WHEREAS, All students deserve to be treated with dignity and respect; and
WHEREAS, More than 705,000 students with disabilities receive special education services in California, comprising about ten percent of the state's public school enrollment; and

WHEREAS, The Butte County Special Education Local Plan Area serves the Achieve Charter LEA, Butte County Office of Education, Bangor Union School District, Biggs Unified School District, Chico Country Day Charter LEA, Chico Unified School District, Durham Unified School District, Feather Falls Union School District, Golden Feather Union School District, Gridley Unified School District, Manzanita Elementary School District, Nord Country School Charter LEA, Oroville City Elementary School District, Oroville Union High School District, Palermo Union School District, Paradise Unified School District, Pioneer Union School District, and Thermalito Union School District, comprised of more than 4,000 students with disabilities; and

WHEREAS, Students with disabilities are sons, daughters, sisters, brothers, friends, and neighbors; and

WHEREAS, The contributions of students with disabilities enrich our communities as they live, learn and share their lives; and

WHEREAS, The language used to refer to students with disabilities has a profound impact in shaping beliefs and attitudes about these students, driving policies and laws, influencing our feelings and decisions, and affecting students' daily lives; and

WHEREAS, Old, inaccurate, and inappropriate descriptors about students with disabilities perpetuate negative stereotypes and attitudinal barriers; and

WHEREAS, When we identify or describe students with disabilities primarily in terms of their disability or mental diagnosis, we devalue and stigmatize them; and

WHEREAS, Using thoughtful terminology can foster positive attitudes about students with disabilities; and

WHEREAS, One of the major improvements in communicating verbally or in writing with or about students with disabilities is People-First Language, which places the person ahead of his or her disability; and

WHEREAS, People-First Language is an objective form of communication that eliminates generalizations and stereotypes by focusing on the person rather than the disability; and

WHEREAS, Forexample, we do not refer to a child with cancer as "a cancerous child," and similarly, we should not refer to a child with autism as an "autistic child" or a child with epilepsy as "an epileptic," and

WHEREAS, A recent report of the Statewide Special Education Task Force called for a unified, inclusive educational system that supports all students based on individual needs;

WHEREAS, The manner in which written and verbal policies and communications refer to students with disabilities can undermine this important state educational goal; and

WHEREAS, The Butte County Special Education Local Plan Area recognizes the necessity of a more respectful and humanistic view of students with disabilities;

NOW, THEREFORE, be it resolved and affirmed by the Governing Board of the Butte County Special Education Local Plan Area, that state policies and procedures should utilize People-First Terminology to the greatest extent possible, especially those utilized by state and local educational agencies; and,

BE IT FURTHER RESOLVED, that the Secretary of the Butte County Special Education Local Plan Area transmits copies of this resolution to the author for appropriate distribution.

PASSED AND ADOPTED on May 13, 2015, by the following vote:

AYES: 9
NOES: 0
ABSENT: 0

STATE OF CALIFORNIA COUNTY
OF BUTTE

I, Rusty Gordon, Secretary of the Butte County SELPA, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the Board at a regularly called and conducted meeting held on said date.



Rusty Gordon, Director
Butte County SELPA

APPENDIX B

DCP 1 Behavior Interventions and Emergencies Procedures

Please use the following instructions to properly complete the BER and accompanying documents, as required under Education Code § 56521.1, regarding emergency interventions.

1. Complete the BER Form as soon as possible whenever an emergency intervention (physical restraint) is employed.
2. The parent or guardian shall be notified within one school day if an emergency intervention is used or serious property damage occurs.
3. All behavioral emergency reports shall immediately be forwarded to, and reviewed by, a designated responsible administrator.
4. Place a completed and reviewed copy in the student's special education file.
5. Determine, depending on the nature of the behavior, whether revision of the Behavior Intervention Plan is necessary.
6. If a behavioral emergency report (BER) is written regarding an individual with exceptional needs who does not have a Behavior Intervention plan, the designated responsible administrator shall, within two days, schedule an individualized education program (IEP) team meeting to review the emergency report, to determine the necessity for a functional behavioral assessment, and to determine the necessity for an interim plan. The IEP team shall document the reasons for not conducting the functional behavioral assessment, not developing an interim plan, or both.
7. If a behavioral emergency report is written regarding an individual with exceptional needs who has a Behavioral Intervention Plan, an incident involving a previously unseen serious behavior problem, or where a previously designed intervention is ineffective, shall be referred to the IEP team to review and determine if the incident constitutes a need to modify the positive behavioral intervention plan.
8. Complete the BER Checklist form, which is for internal use, and send a copy to the SELPA Office.
9. Complete the BER Post-Vention Form in accordance with the intent of Education Code § 56521.1 (e) through (g).

Butte County Special Education Local Plan Area (SELPA)

Behavior Emergency Report (BER) Checklist

(This is a form to be used for TEAM use ONLY, not to be placed in student's file.)

Student Name: _____ **DOB:** _____ **Incident Date:** _____

District of Residence: _____ **District of Attendance:** _____

School: _____ **Location of Incident:** _____

	Date	Initial
The parent and/or residential care provider, if appropriate, were notified within one school day that an emergency intervention was used.		
The Behavior Emergency Report (BER) was immediately completed and a copy placed in the student's file.		
The Behavior Emergency Report was immediately forwarded to, and reviewed by, the designated, responsible administrator.		
(a) If the Behavior Emergency Report was written regarding a student who does not have a Behavior Intervention Plan (BIP), within two days, the designated, responsible administrator scheduled an IEP team meeting to review the Behavior Emergency Report and determine whether an FBA and/or an interim Behavior Intervention Plan are needed.		
(b) If the Behavior Emergency Report was written regarding a student who does have a Behavior Intervention Plan, any incident involving a previously unseen serious behavior problem or where previously designed behavior interventions is not effective, has been referred to the IEP team to review and determine the need for modifications to the Behavior Intervention Plan.		
Designated responsible administrator forwarded a copy of the Behavioral Emergency Report and this form (Behavioral Emergency Report Checklist) to the district's Director of Special Education.		
A copy of the Behavioral Emergency Report was forwarded to the SELPA office to the attention of the SELPA Director.		

Name of person completing this form: _____

Title of person completing this form: _____

Signature: _____ **Date:** _____

The use and distribution of this form is intended for employees of the public schools within the Butte County Special Education Local Plan Area (SELPA).



**BUTTE COUNTY SELPA
BEHAVIOR EMERGENCY REPORT (BER) OR
BEHAVIOR INCIDENT REPORT**

Student:	DOB:	Primary Disability:	Race/Ethnicity:	Grade:
Date of Incident	Emergency Procedure Start Time:	End Time:	Name/Title of Person Completing Form:	
Current BIP: <input type="checkbox"/> Yes <input type="checkbox"/> No	Type of Report: <input type="checkbox"/> BER <input type="checkbox"/> Incident Report	District:	School:	Location of incident:

Describe Student Behavior/Description of Incident

Staff Response

Anxiety/Defensive		<p>Supportive/Non-judgmental:</p> <p><input type="checkbox"/> Proximity <input type="checkbox"/> Listening</p> <p><input type="checkbox"/> Counseling <input type="checkbox"/> Accommodations</p> <p><input type="checkbox"/> Restructure routine / environment <input type="checkbox"/> Referral to:</p> <p><input type="checkbox"/> Other:</p> <p>Directive/Setting Limits:</p> <p><input type="checkbox"/> Redirect, restate direction <input type="checkbox"/> Set limits, give choices</p> <p><input type="checkbox"/> Separate student from group <input type="checkbox"/> Go to specific location</p> <p><input type="checkbox"/> Other:</p>	Prevention
Risk Behavior		<p>Physical & non-physical interventions that DO NOT require a BER:</p> <p><input type="checkbox"/> Clear area <input type="checkbox"/> Lower-level holding</p> <p><input type="checkbox"/> Call Administrator <input type="checkbox"/> Disengagement Skills</p> <p>Physical Interventions that REQUIRE a BER (Med or High Level only):</p> <p><input type="checkbox"/> Seated Position <input type="checkbox"/> Children's Control Position</p> <p><input type="checkbox"/> Standing Position <input type="checkbox"/> Team Control Position <input type="checkbox"/> with Transport</p>	Intervention
Tension Reduction		<p>Re-establish Communication:</p> <p><input type="checkbox"/> Review Events <input type="checkbox"/> Make Plan</p> <p><input type="checkbox"/> Review Schedule <input type="checkbox"/> Other:</p>	Debriefing
Injury	<p>Injury/Medical:</p> <p><input type="checkbox"/> Student</p> <p><input type="checkbox"/> Staff</p>	<p><input type="checkbox"/> Nurse <input type="checkbox"/> First Aid <input type="checkbox"/> 911 Paramedics</p> <p><input type="checkbox"/> CPR</p> <p><input type="checkbox"/> Other:</p>	Action Taken

Instructions for Completing:

- Determine if emergency or incident and mark appropriate box.
- Determine if student does or does not have a current BIP and mark appropriate box.
- Document duration of physical intervention.
- Use pen or complete electronic version.
- If you include information on the back, indicate.
- Report must be completed and submitted to administrator on same day of incident.

Incident or Emergency?

1. A "Behavior Emergency" is defined as serious, dangerous behavior that staff has determined to present a clear and present danger to others. It requires a Non-violent Physical Intervention to protect the safety of student, self, or others. A physical intervention has been used. OR, a physical intervention has not been used, but an injury or serious property damage has occurred. Disengagement skills may or may not have been used.

2. Behavior Emergencies require this form to be completed and submitted to the administrator for administrative action.

3. A "Behavior Incident" is defined as behavior that is unusual or out of the ordinary for the student, is disruptive to the classroom, and/or abuse of the environment occurs. **Behavior incidents may** be documented with this form if the student does not have a behavior plan addressing the behavior.* Then submit to the administrator for administrative action.

* Procedure may vary between districts

ADMINISTRATIVE ACTION: *(To be completed by Administrator)*

Emergency:

Notified parents within 24 hrs. via phone call, and provide a copy of the emergency report

Parents contacted by: Admin Teacher

No BIP, schedule IEP meeting within 2 days

Yes BIP, refer to IEP team for possible revisions

Copy to confidential file & Copy to SELPA

Date BER sent to SELPA: _____

Incident:

-Determine if copy to be sent home

-Copy to cumulative/teacher file (use as data for behavior plan if necessary/purge annually)

*Procedure may vary between districts.

Team Members Involved with intervention (names):

Signature of Person Completing Form: _____

Signature of Site Administrator: _____

Butte County Special Education Local Plan Area (SELPA)

Post-Vention Resolution Process

(This is a form to be used for TEAM use ONLY, not to be placed in student's file.)

To be completed by involved staff members after a physical intervention was implemented as the "Tension Reduction" stage of the crisis prevention model.

Date of Incident: _____ **Time:** _____

Date of Post-vention Resolution Meeting: _____ **Time:** _____

Team Members Involved:

Name	Position	Signature

Pattern:

Identify patterns of response by team members:

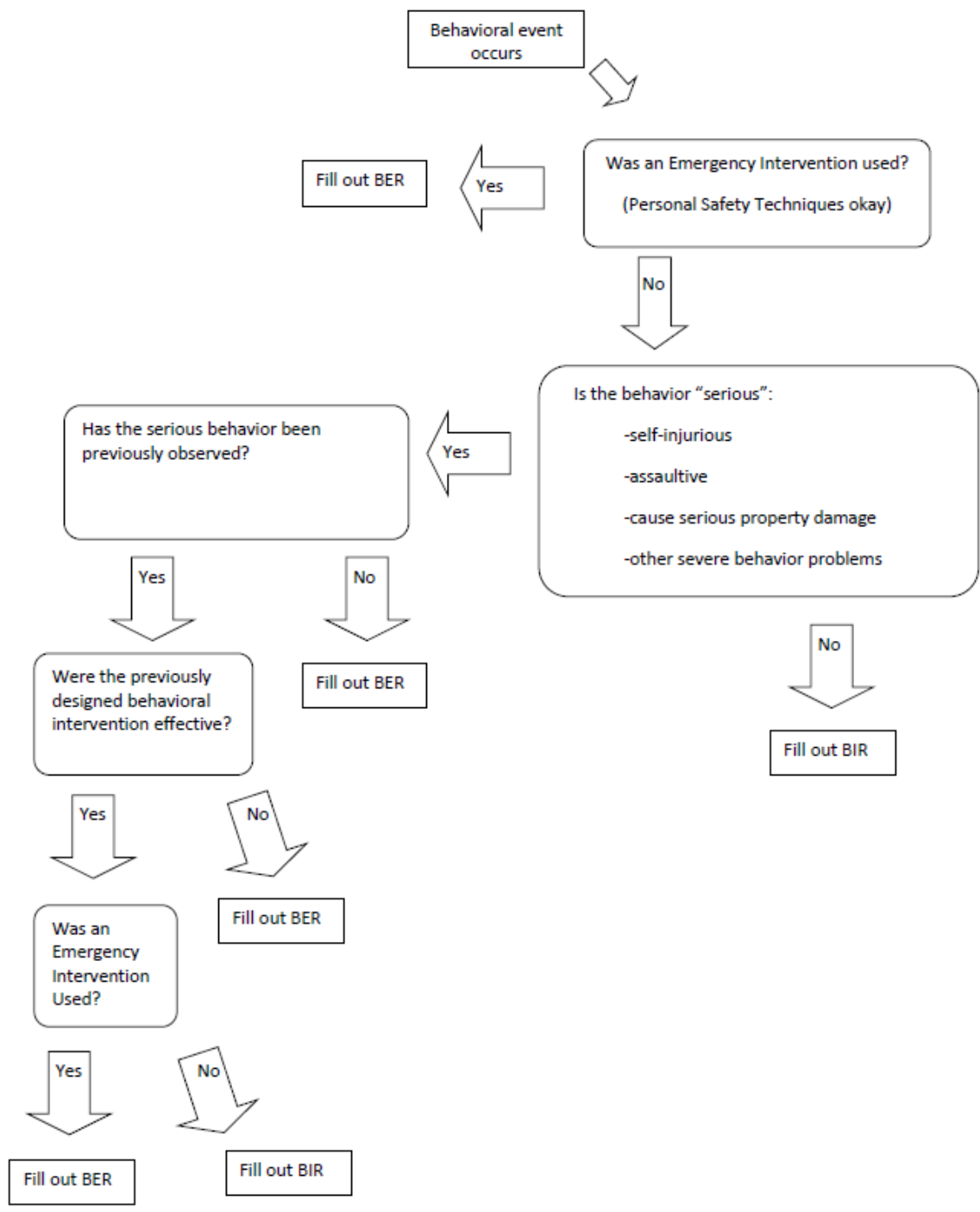
Investigate/Negotiate:

Identify alternative methods of team response that may be appropriate:

Give:

Document positive support to involved crisis intervention team members:

The use and distribution of this form is intended for employees of the public schools within the Butte County Special Education Local Plan Area (SELPA).



Approved: 4/24/19



February 19, 2019

Butte County SELPA Superintendents and Principals:

As you are all aware, Assembly Bill (AB) 2657 went into effect on January 1, 2019. This bill involves the use of restraints and seclusion in the school setting and reporting these incidents. LEAs will be responsible for reporting these incidents to the California Department Education. Before this bill goes into effect, I wanted to clarify the current and ongoing position of the Butte County SELPA on the use of restraints and seclusion with students with identified disabilities.

The Butte County SELPA office does not support the use of any restraints or seclusion except as a last resort by trained personnel when the student “presents an immediate danger to self or to others” (*Education Code Section 49005.1 [a]*). Immediate danger means a student will be injured or hurt if the restraint is not used. A student running away from staff or destroying campus property or classroom materials does not constitute an “immediate danger”. Any restraints shall only be used by trained personnel.

The Butte County SELPA offers Crisis Prevention and Intervention (CPI) trainings multiple times each school year. Special arrangements can be made for site specific training upon request. This training is provided at a limited cost and is open to any school employee in the county. CPI training involves learning the proper techniques for using restraints as well as learning alternate and preventative techniques. The SELPA office does not support the use of restraints by staff not trained in this or another certified program of its type, as there is too high a risk for incorrect or improper usage of restraints or injury to staff or students.

To clarify, physical restraint is defined as “a personal restriction that immobilizes or reduces the ability of a pupil to move his or her torso, arms, legs, or head freely” (*Education Code Section 49005.1[f][1]*). This means motoring, pulling, or holding the hands or wrists of students while they are escorted to or from the classroom, to or from the office, or between rooms on campus is a physical restraint. To further clarify, this does not mean that staff cannot hold a student’s hand; what it does mean is that a student can refuse physical contact that “reduces the ability of the pupil to move... arms freely” if they are not in immediate danger.

The SELPA office will be creating a Behavior Emergency Reporting form for LEAs to complete whenever a restraint is used on a student with an Individual Education Plan. This report should be submitted to the SELPA office for tracking and data analysis along with any reporting requirements from the CDE.

Thank you all for your time and attention on this matter.

Sincerely,

Aaron Benton
SELPA Director

“WHERE STUDENTS COME FIRST”

Mary Sakuma
Superintendent
msakuma@bcoe.org

Aaron P. Benton
SELPA Director
abenton@bcoe.org



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Board of Education
Amy Christianson
Howard M. Ferguson
Ryne Johnson
Jeannine MacKay
Brenda J. McLaughlin
Roger Steel
Mike Walsh

An Equal Opportunity
Employer

DCP 2 Dispute Resolution Procedures

Dispute Resolution Process

EC 56205(b)(5)

In the event of a dispute among local education agencies, local education agencies and the administrative unit or local education agencies and/or the county office and the SELPA, it is the intent of the SELPA Governing Board and the SELPA Coordinating Council that the matter be resolved at the lowest level possible in the SELPA governance structure outlined in the Local Plan. There are three options available for resolving disputes: Informal resolution, Formal Mediation and Independent Review Panel. Each option is described below:

Informal Resolution

The first step in the dispute resolution process is for the aggrieved party(s) to discuss and attempt resolution of the disagreement with the party, or parties, directly involved. The parties involved may present the issues to their respective superintendents, or designees, who will attempt to resolve the matter. Either party may request the assistance of the SELPA Administrator, or his/her designee, or the Chair of the SELPA Governing Board in resolving the dispute. If both parties agree, the issue may be submitted to the SELPA Governing Board for resolution. In this case, the decision of the SELPA Governing Board is final and the parties may not pursue the matter through formal mediation or an independent review panel.

Formal Mediation

A request for formal mediation must be submitted in writing to the SELPA Administrator. If the dispute is related to a Governing Board decision, the request must be submitted within thirty (30) days of the date the action was taken. The written request must include a description of the dispute and proposed resolution to the problem. The parties will make a good faith effort to mutually agree to a mediator. If the parties cannot agree on a mediator, the SELPA Administrator will submit the dispute to mediation administered by an agency specializing in mediation. Each party shall bear its own costs and expenses and an equal share of the mediator's administrative fees.

Independent Review Panel (IRP) (EC 56205 (b)(5))

If the dispute was not resolved through Informal Resolution or Formal Mediation, the aggrieved party(s) may request review by an Independent Review Panel. The request must be submitted in writing to the SELPA Administrator. If the dispute is related to a Governing Board decision, the request must be submitted within thirty (30) days of the date the action was taken. If the request comes as a result of a failure to resolve the matter through formal mediation, it must be submitted within thirty (30) days of the conclusion of mediation. The request must clearly identify the reason(s) for the request and the potential resolution(s) to the problem. Upon receipt of the request, the SELPA Administrator will compile a list of persons from SELPAs, districts, or county offices, who are knowledgeable in the area of special education and who would be willing to serve as a member of such panel. From the list of available panel members, the party who requested the review and the responding party(s), shall each select a representative for the panel. In the case of multiple parties, one representative from each side of the dispute shall select a representative. These representatives will then select one additional neutral member to serve as chairperson of the panel.

The panel shall hear testimony from the involved parties, collect additional information as they deem relevant and submit a written report and recommendations to the SELPA Governing Board. The report from the IRP shall be binding.

Each party shall bear its own costs and expenses outside the cost of the actual review panel. The non-prevailing party will pay all costs associated with the review panel. If more than one non-prevailing party is involved, the costs of the review panel will be shared equally between the non-prevailing parties.

Dispute Resolution Procedure

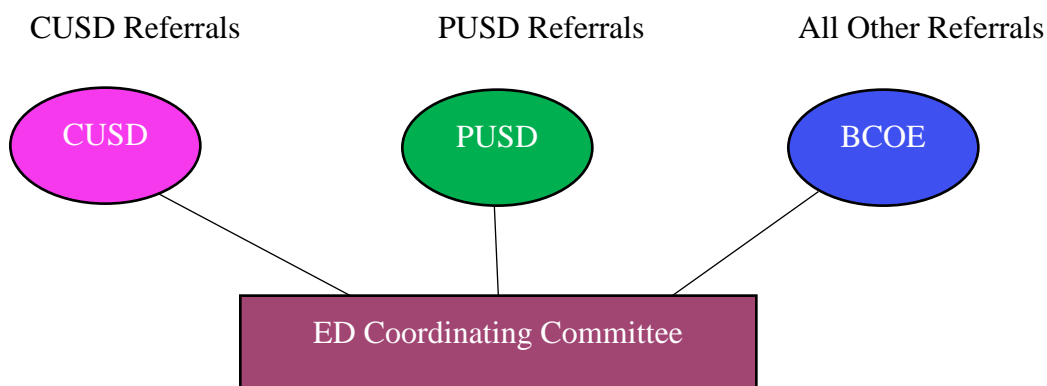
The panel shall hear testimony from the involved parties, collect additional information as they deem relevant and submit a written report and recommendations to the SELPA Governing Board. The report from the IRP shall be binding.

Each party shall bear its own costs and expenses outside the cost of the actual review panel. The non-prevailing party will pay all costs associated with the review panel. If more than one non-prevailing party is involved, the costs of the review panel will be shared equally between the non-prevailing parties.

Approved: 1/21/04

DCP 3 ACC Placement, Meeting, and Referral Guidelines and Procedures

Day Treatment Referral and Monitoring Process



ED Coordinating Committee (ACC):

SELPA Director
PUSD Representative
CUSD Representative
BCOE Representative
SELPA Clinical Supervisor
BH Program Manager
Non-provider High School Representative (OUHS)
Non-provider Elementary School Representative (OCESD)

Referrals: (3 copies)

Will be sent directly to the Day Treatment LEA provider. The SELPA clinical supervisor will work with the provider to screen the application, complete the assessment and determine if the referral is complete and appropriate.

ACC Areas of Decision Making:

When there are two student referrals vying for the same slot, the ACC will determine which referral takes precedent, utilizing the existing key principles in allocating placement and other pertinent facts presented (*refer to page 1 Placement Guidelines*).

When a District considers placement of a student outside of their area of residence into another Provider's Day Treatment class the ACC will review and make a recommendation.

The ACC will determine when it is feasible to exceed the 10-student cap utilizing the existing Day Treatment guidelines.

Operations:

The ACC will meet two times each month but is available through e-mail and phone calls to settle issues requiring immediate answers. ACC will review program admissions, discharge and classroom status to maintain the integrity of care and to maximize access for the largest number of students in a timely fashion.

ACC will be charged with looking for alternatives to capacity problems and working with the SELPA Directors to find resources and work on implementation plans. The ACC will provide monthly update to the SELPA directors at their monthly meetings. Reports will include openings and pending placements.

Meeting Process

1. Review of Current Status of Day Treatment Classes

- The committee will reconcile the class lists approved at the previous ED Coordinating Council meeting with actual class enrollment.

2. NPS Transitions

- The committee will consider Day Treatment placement requests for students who are ready to transition from a NPS placement to an ED program.

3. Interim Placement Transitions

- The committee will consider openings in Day Treatment for a student with an ED or NPS placement indicated on their IEP if, during or at the conclusion of an interim placement, it is determined that the interim placement does not appropriately meet the needs of the student.

4. Interim Placements

- The ACC will consider an interim placement for a student with an ED or NPS placement indicated on their IEP provided that the student has not been placed in another special education program within the SELPA and the request is within the 30 day time limit for interim placements.

5. Intra Program Student Movement

- The committee will consider and may recommend transfers from one Day Treatment Class to another. Program Operators and, or SELPA clinical supervisor may submit requests/suggestions for student transfers to other DTX classes. A representative from the district of service, the clinical supervisor for SELPA and an appropriate representative from the district of residence should have discussed the proposed changes.

Note: This same procedure should be followed prior to recommending a student for dismissal or transition back to the district of residence.

6. New Referrals (Referral means that a district has submitted a completed referral packet, as described in the DTP Referral Process, to a program operator.)

- The ACC will consider and may recommend the placement of new referrals. Prior to the ACC taking action on new referrals, the district of residence must submit a complete referral packet and the SELPA Clinical Supervisor must review and approve the referral for consideration.

Note: Program Operators and the SELPA Clinical Supervisor may provide a list of referrals that have been submitted but are incomplete.

7. Other Business

- ACC members may submit other items for discussion

Timelines for Decision Making:

- As a rule, the committee will not make recommendations regarding placement more than two school months in advance of the target start date.
- Students who, due to age or grade, should advance to another grade level or age grouping the following school year will be reviewed beginning in January. The process should be completed by the end of April.
- Students who are transitioning back from non-public schools should be reviewed two school months prior to the projected transition date when possible.
- Once a recommendation is made to place a student in a program, the placement will be reserved until the IEP team finalizes the placement unless determined otherwise by the ED Coordinators

All ACC recommendations regarding placement are to be considered advisory pending final action by an appropriate IEP Team.

Note: It is imperative that the person representing the program operator at ACC meetings have the authority to enter into agreements, pending finalization by an IEP Team, relative to the placement/movement of students in the ED Program under their supervision.

Placement Guidelines

Referral Categories

- NPS Transitions
- Interim Placements
- Interim Placement Transitions
- Intra Program Transfers
- New Referrals

Key Principles in Allocating Placements

All referrals into any Regionalized Day Treatment Program in Butte County must be reviewed and recommended by the ACC prior to final determination by the IEP team. Once a decision is reached as to the appropriateness of a referral, the available space is considered filled/unavailable until the IEP team takes action or the committee reconsiders the case. When considering students for unfilled/available spaces, the following principles will be considered.

- Student Needs - The primary consideration in recommending placements must be the program that best meets the student's identified needs.

- Cost Effectiveness - Every effort must be made to minimize costs to the District of Residence. Following are examples of possible cost savings to districts: returning students from NPS placements, reducing program bill back, reducing transportation costs, etc.
- Proximity – Student placements must be made as close to home as possible.
- Classroom Grouping – Consideration should be given to grouping students in a manner that maximizes program effectiveness. Examples of factors to consider include: siblings, victims vs. aggressors, age ranges, gender, etc.
- Transfer Timing – Students should be transferred to a new class only at the beginning or end of a semester to avoid the disruption of credits and positive social relationships.

Placement Priorities

First Priority

- NPS Transitions – Students transitioning from an NPS.

Second Priority

- Interim Placement Transitions – If a district provides an interim placement into a district operated program (not a day treatment program) for a student with an ED or NPS placement indicated on their IEP and the interim placement proves to be ineffective, that student will have priority over intra program transfers and new referrals. *Referral for interim placement transitions must be submitted within the 30-day interim placement period or presented to the committee no later than the first regularly scheduled meeting after the 30-day interim placement.*

Third Priority

- Interim Placements – New students with and active incoming DTX IEP

Fourth Priority

- Intra program transfers – Students recommended for transfer from one ED program to another will have priority over new referrals

Fifth Priority

- New Referrals – New referral will be considered after the previous priorities have been accommodated.

Dismissals/Re-entries

When a student is dismissed from an ED classroom and transitions to a less restrictive placement, at the request of the District of Residence, the student may be kept on a list for possible re-entry into the program for a maximum of 60 days. If during the 60-day period the district requests that the student be placed back into an ED classroom, the student will be given priority over new referrals.

Action Timeline for ACC Approvals

It is assumed that placements will occur as soon as possible after approval, pending IEP Team decisions, with the following exceptions:

- NPS Transitions – For mid-year transitions, a placement may be held no more than 2 months in advance of the target entry date. For end of year transitions, requests for placements will be considered no earlier than April.
- Intra Program Transfers – For mid-year transfers, placements may be addressed no more than 2 months prior to the targeted entry date. For end of year transfers, the review process may begin as early as January. The goal for completing the process is May.

Decisions:

Once a decision has been reached, the decision is final unless the committee unanimously agrees to change its decision.

Note: Districts may request an emergency meeting of the ACC if an immediate need for placement occurs. All members of the ACC must be notified and a majority of committee members must attend the meeting.

Approved: 12/2/03; Revised: 3/14/07

DCP 4 Educationally-Related Mental Health Services (ERMHS) IEP Procedures

History

In 1984, Assembly Bill 3632 statutorily required a partnership between school districts and county mental health agencies to deliver mental health services to students with individualized education programs (IEPs). In 2011, the California Legislature passed Assembly Bill 114, which repealed the state mandate on special education and county mental health agencies and eliminated related references to mental health services in California statute. As a result of this new legislation, school districts are solely responsible for ensuring that students with disabilities receive special education and related services to meet their needs according to the Individuals with Disabilities Education Act (IDEA) of 2004. Mental health as a related service is identified as mental health services necessary for a student to benefit from their special education program. Within the educational environment these can include assessment of needs for mental health services, crisis intervention within the educational setting, outpatient counseling, day treatment placement, case management, parent consultation, and/or residential placement recommendations. Please note that medication management is not included among these services since federal guidelines consider it a medically necessary and not an educationally necessary service. The term, “mental health as a related service”, is currently utilized in place of “AB3632” or “26.5” services”. Mental health a related service and Educationally Related Mental Health Services (ERMHS) can be used interchangeably.

Educationally-Related Mental Health Services

Educationally-Related Mental Health Services (ERMHS) are mental health services that are provided to students receiving special education services. These services are provided when students have significant socio-emotional or socio-behavioral needs that impede their ability to benefit from their special education services. There must be a direct relationship between the emotional/behavioral characteristics and the lack of benefit from special education services. This may be shown as lack of progress on goals/objectives, declining grades, absences, suspensions, etc. Referral is appropriate when these concerns are determined to be associated with a condition that cannot be described solely as a temporary adjustment problem that can be resolved with less than three months of school counseling. Students eligible for mental health services are not just those identified as Emotionally Disturbed but can be those of any disability category. Educationally Related Mental Health Services may be provided by district personnel as well as by the Butte County SELPA through clinical services in the ED/SDC classroom. Students identified with emotional /behavioral issues which impede their ability to benefit from their Special Education may be referred to the SELPA for ERMHS support. Educationally Related Mental Health Services, once referred and approved, will be documented in the IEP. The services will be regularly monitored for efficacy and due diligence. Adjustments in the level of service provided will be made as appropriate. An IEP will be held and the service will be discontinued when the behavioral goals are met signaling that the services are no longer needed for the student to benefit from special education services.

SELPA ERMHS Referral Process

Needs Identified

The referral process begins when a student is identified with emotional/behavioral issues which impede their ability to benefit from special education (Considerations: attendance, declining grades/work completion, suspension data, lack of progress on goals/objectives, standardized test scores, district assessments etc.)

- The concerns are identified as significant as indicated by rate of occurrence and intensity.
- The concerns are associated with a condition that cannot be described solely as a temporary adjustment problem that can be resolved with less than three months of school counseling.
- The school has provided pre-referral counseling as appropriate, psychological, and or guidance services and the IEP team has determined that the services do not meet the pupil's educational needs or are inappropriate.
- The school has identified the specific lack of educational progress and how this is directly related to the student's mental health needs

School Psychologist/Case Manager (per district Special ED Director) may consult with ERMHS Coordinator BCOE 864-4347.

This consult is to identify the referral is in process and to answer any questions regarding the process or scope of the ERMHS referral.

The School Psychologist/Case Manager

- Has an assessment plan signed by the parents or guardians including the referral to SELPA for Psycho-Social-Behavioral Assessment and recommendation of level of service. This is documented,
- **Suggestions for Assessment:** Under other: Review of records, observation, and interview with student and family. Under Alternative means: Referral to SELPA for Psycho-Social-Behavioral assessment and recommendation of appropriate level of service.
- Explore the data and information regarding the student's need for mental health services.
- Document emotional behavioral need that causes the student to need mental health service in order to benefit from their special education.
- Identify a behavioral need to be indicated on the ERMHS cover sheet.
- If you have identified a need it will be important to write a goal in order to address the concern. This may be part of the BIP.
- The goal may be adjusted at some point after consultation and assessment by SELPA.
- Note that all LEA based counseling services have been considered and found to not be appropriate or effective.
- Look at the BIP –or indicate why it's not deemed appropriate or necessary. The BIP needs to score a 14 or better on the PENT rubric.
- HIPPA and FERPA releases signed(see referral process below).
- At this point the IEP team determines the student is eligible for ERMHS at an IEP meeting and documents the referral will be made.

Psychologist/ Case Manager completes referral packet to include:

- ERMHS cover sheet
- Copy of IEP
- Copy of BIP

- Most recent psycho educational evaluation (Not more than two years old)
- Release of Information sheets signed for appropriate schools and BCBH Both the BCBH HIPPA form and the BCOE FERPA form are required
- PLEASE INSURE THAT THE RELEASE INCLUDES: BCBH and any others who are providing mental health service, BCOE, the school district and other pertinent agencies
- Statement of progress that would indicate when the services are no longer needed (on cover sheet)
- Include outside agency assessments and reports if available.
- Other pertinent information or circumstances that escalate the current level of need? (Suicidality, hospitalizations, etc.) (Indicated on cover sheet).

The referral packet is sent to ERMHS Coordinator at Butte County SELPA.

The SELPA ERMHS Clinician will review/assess for therapeutic needs. The Clinician will notify the case manager and the ERMHS coordinator that they are initiating the assessment process. If there are any complications in accessing the family/ student for assessment the Clinician will consult with ERMHS Coordinator and the Case Manager.

- Once the assessment is completed the clinician will contact ERMHS Coordinator and the appropriate Case Manager/ School Psychologist so an IEP can be held to review the assessment and the recommended service and to consider writing services on the IEP.
- The clinician will provide the assessment to the Case Manager for review.
- ERMHS Coordinator will consult with IEP team Psychologist/Case Manager and the SELPA clinician regarding the recommended services and appropriate service codes.
- **It is important to remember that the IEP team makes the decision regarding whether to write services and what services to write.**

Addendum is held to document ERMHS on IEP

- Invite the SELPA Clinician and the ERMHS coordinator to the IEP.
- The SELPA clinician will insure that ERMHS Coordinator and the IEP case manager (indicated on cover page) have contact information (name, phone, E-mail) for the proposed provider of services.
- Insure there is at least one specific measurable behavioral goal (see sample goals).
- The service is provided by SELPA and SELPA is indicated as the provider of services on the drop down menu (services page).
- It is important to remember that services are determined for each student by the IEP team. The examples given are intended to provide some guidance as to usual levels of service.
- Use the correct codes for services provided. For most referrals: Individual Counseling 510 180 min monthly Social Work Services 525 60 min monthly (see sample codes page).
- Services are written for the minimum level of service to be delivered since the IEP process requires that the written services are provided. (The provider may actually provide increased minutes of service as needed in cooperation with the referring Psychologist and the ERMHS Coordinator.)
- There may be times when additional services are needed because the student is in danger of hospitalization or of needing out of home placement in order to be able to benefit from their special education. It is possible to provide additional or enhanced mental health services after

consultation with the Case Manager/School Psychologist, SELPA clinician and the ERMHS Coordinator .

- For enhanced services, the following codes are often used: Parent Counseling 520, 60 min 2X, or 120 min/month; Behavior Intervention Services 535, 60 min 3X, or 180 min/month.
- There are occasions when a residential placement may be necessary in order to provide FAPE.
- Consideration for residential placement is made by the IEP team in conjunction with the Special Ed. Director, School Psychologist/Case Manager the SELPA clinician and the SELPA ERMHS Coordinator.

Monitoring and adjustment of services

- Services should be monitored and adjusted as needed.
- The Case Manager will provide a timeline to the SELPA clinician for progress reports in accordance with their district timelines.
- The SELPA clinician will provide a progress report including: dates of service, minutes served and progress toward meeting goals, to the case manager indicated on the cover page. In addition, reports will be provided within ten days if requested.
- ERMHS services are normally written for 12 months. It is recommended that the IEP team meet at least twice during the school year to monitor the services and evaluate for benefit and need.
- An IEP will be held to discuss the discontinuation of ERMHS services when the IEP team's original statement of need is resolved signaling that the mental health service is no longer needed for the student to benefit from their Special Education.

Sample Behavior Goals for Use in IEPs for ERMHS Services

By 11/2/12, STUDENT will demonstrate appropriate protests in class, speaking to staff in a 1:1 setting or raising hand, refraining from negative comments like "Get away from me," or "Don't talk to me." STUDENT will do so with 90% completion 9/10 days as measured by staff observation.

By 5\29\2013, having been taught coping skills and participated in group and individual counseling, STUDENT will demonstrate the use of coping skills by appropriately handling his peer conflicts, independently, as measured by no more than 1 reported incident per month for 2 of 3 months.

By 5/29/2013, having been taught coping skills and appropriate replacement behaviors STUDENT will demonstrate the use of them by having no more than one charted incident of disruptive classroom behavior per week for 2 of three consecutive weeks as measured by daily behavioral charting.

By 12/16/2012, STUDENT will negotiate alternative assignments using appropriate language in classroom, break time, and lunchtime 95% as evidence by behavior point card. ED Staff observation and daily point card.

By 11/18/2012, STUDENT will use appropriate voice level and tone in class, break, and lunchtime earning, 4 out of 5 points on the behavior rubric measured by daily point card.

By 5/30/2013, STUDENT will increase his ability to identify those situations that cause him a great deal of anxiety or frustration. He will manage that anxiety with alternate behavior such as reading, another academic activity or appropriately timed recreational activities, within defined area, without prompting from another person, less than 3 to 4 times per week as measured by instructor/care provider evaluation.

By December 2012, When STUDENT feels frustrated or angry, instead of crying or yelling he will ask for a brief break and will use that time to engage in a self-calming strategy from his menu of choices, 60% of the time, as measured by teacher records.

By November 2012, STUDENT will increase his ability to recognize when he is engaging in an unacceptable behavior by accurately self-monitoring his identified problematic behavior with 80% reliability (or better) as indicted by STUDENT and instructor/data.

By 1/5/2013, when in a group setting, STUDENT will listen attentively to peers without interrupting and respond on topic with no more than one prompt in four out of five observations as measured by teacher.

By 2/9/2013, STUDENT will seek support from staff for the purpose of avoiding conflicts instead of letting things buildup and lashing out verbally or physically in order to cope with feeling angry and overwhelmed. STUDENT will utilize these strategies whenever she is upset or feeling on edge 90 % of the time working towards 100% of the time as measured by school and classroom staff.

By 2/9/11, when feeling aggravated by her peers or staff, STUDENT will use her words in an appropriate manner to express herself 95% of the time as measured by daily data collection, discipline records, and staff observation.

By 2/9/13, STUDENT will demonstrate the ability to identify when she needs to take a break, take the break, redirect herself by using strategies provided by her therapist, and return to class within 10 minutes 95% of the time as measured by teacher kept records.

By 10/9/2013, when feeling he is being treated unfairly, STUDENT will use self-calming techniques, accept emotional first aid, and if necessary, work in a quiet space to calm down in 80% of the time as measured by teacher observation and daily point sheets.

By 8/17/2013, STUDENT will take a 5-minute break or talk to staff when frustrated or angry to escape non-preferred tasks and activities. Non-compliance, arguing and leaving area without permission in regular ed. classes, special day class and vocational setting 95% in 6 out of 6 classes.

By 3/5/2013, STUDENT will be able to follow school rules and expectations and use appropriate negotiation skills to resolve conflicts, 90% of the time during a 6th period class day, as measured by teacher chart and discipline record. (Socio-Emotional/Behavior).

By 12/1/2012, STUDENT will be able to use appropriate communication and social skills when interacting with staff and peers 9 out of 10 trials as documented by a decrease in arguments and an increase in positive relationships with others.

By 10/31/2012, STUDENT will use a nonverbal communication system (e.g. a "conference card") to indicate her desire to engage with staff and voice a displeasure / problem in order to protest perceived injustices or requests to engage in non-preferred activities. She will do this instead of being demanding and verbally aggressive to staff and peers in order to protest perceived injustices or requests to engage in non-preferred activities. She will do this 75% of the time as measured by teacher record.

Service Codes for ERMHS Mental Health Services

510	<p>Individual Counseling: One-to-one counseling, provided by a qualified individual pursuant to an IEP. Counseling may focus on aspects, such as educational, career, personal; or be with parents or staff members on learning problems or guidance programs for students. Individual counseling is expected to supplement the regular guidance and counseling program. (34 CFR § 300.24(b)(2), (CCR Title 5 §3051.9).</p>
515	<p>Counseling and guidance: Counseling in a group setting, provided by a qualified individual pursuant to an IEP. Group counseling is typically social skills development, but may focus on aspects, such as educational, career, personal; or be with parents or staff members on learning problems or guidance programs for students. IEP-required group counseling is expected to supplement the regular guidance and counseling program. (34 CFR §300.24.(b)(2)); CCR Title 5 §3051.9) Guidance services include interpersonal, intrapersonal or family interventions, performed in an individual or group setting by a qualified individual pursuant to an IEP. Specific programs include social skills development, self-esteem building, parent training, and assistance to special education students supervised by staff credentialed to serve special education students. These services are expected to supplement the regular guidance and counseling program. (34 CFR 300.306; CCR Title 5 §3051.9).</p>
520	<p>Parent Counseling: Individual or group counseling provided by a qualified individual pursuant to an IEP to assist the parent(s) of special education students in better understanding and meeting their child's needs; may include parenting skills or other pertinent issues. IEP-required parent counseling is expected to supplement the regular guidance and counseling program. (34 CFR §300.31(b)(7); CCR Title 5 §3051.11).</p>
525	<p>Social Work Services: Social Work services, provided pursuant to an IEP by a qualified individual, includes, but are not limited to, preparing a social or developmental history of a child with a disability; group and individual counseling with the child and family; working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; and mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program. Social work services are expected to supplement the regular guidance and counseling program. (34 CFR §300.24(b)(13); CCR Title 5 §3051.13).</p>
530	<p>Psychological Services: These services, provided by a credentialed or licensed psychologist pursuant to an IEP, include interpreting assessment results to parents and staff in implementing the IEP; obtaining and interpreting information about child behavior and conditions related to learning; planning programs of individual and group counseling and guidance services for children and parents. These services may include consulting with other staff in planning school programs to meet the special needs of children as indicated in the IEP. (CFR Part 300 §300.24). IEP-required psychological services are expected to supplement the regular guidance and counseling program. (34 CFR §300.24; CCR Title 5 §3051.10).</p>
535	<p>Behavior Intervention Services: A systematic implementation of procedures designed to promote lasting, positive changes in the student's behavior resulting in greater access to a variety of community settings, social contacts, public events, and placement in the least restrictive environment. (CCR Title 5 §3001(d)).</p>

(This language is not intended to be simply copied, as it is student specific. Please modify these examples to fit the individual student plans.)

Ed. Rep./parent/team requested a referral for Educationally Related Mental Health Services (ERMS). In order to determine ERMS eligibility, the IEP discussed, and have determined the following:

- STUDENT exhibits emotional and behavioral characteristics and symptoms that have been observed by qualified educational staff in educational and other settings. **(the following is customized to the individual student)** STUDENT is currently eligible for special education under the category of Emotional Disturbance. STUDENT has intermittently been 'on the run' from CPS-based residential placements and school progress has been poor. STUDENT has received intensive counseling services and these have proven ineffective in managing STUDENT's emotional and behavioral needs. STUDENT is not currently benefitting from STUDENT's educational program as STUDENT has made little progress in STUDENT's current goals and objectives in ELA, Writing, and social-emotional functioning.
- STUDENT's behavioral and emotional concerns have been significant as indicated by rate and intensity. STUDENT is easily emotionally overwhelmed and avoids even the mildest stressful situations. When eloping, events lasting up to several weeks and STUDENT has been involved in illegal activities that have put STUDENT's health and well-being in danger.
- STUDENT's condition cannot be described as a social maladjustment or a temporary adjustment problem. STUDENT'S behavioral presentation has been evident for several years.
- The team has reviewed assessments of STUDENT's cognitive functioning and results indicate it is possible for STUDENT to benefit from mental health services.
- Team has reviewed the behavior support plan. STUDENT has been unwilling or unavailable to participate in revisions, implementation and/or updating of this plan.
- At this time, PARENT consents to a referral for the school based mental health assessment to be conducted by Butte County Behavioral Health. A release of information has also been authorized.

Forms

Butte County SELPA - ERMHS COVER SHEET

Request for assessment for ERMHS through Butte County SELPA

DATE: _____

Initial Assessment Continuing Service IEP date: _____ (attach copy)

To: ERMHS Coordinator

From: Printed Name: _____ Position/District: _____

Student Name: _____ DOB: _____

Parent(s)/Guardian(s): _____

Address: _____ Phone: _____

School: _____ Grade: _____

Primary Eligibility: _____ Secondary Eligibility: _____

Related Services: _____

Case Manager: _____ Phone: _____ Email: _____

Psychologist: _____ Phone: _____ Email: _____

Other Agencies Involved (Social Services, Foster Placement, Probation, Mental Health, Regional Center)? Please include case manager names and contact information: _____

What is the current behavioral goal which if met would signal that the student no longer needed the additional ERMHS in order to benefit from special education services—Reason for ERMHS _____

Please provide a summary of why this student is being referred for ERMHS and indicate what mental health services or supports you have provided to help this student: (e.g. individual counseling, group counseling, check and connect.) _____

Current behaviors interfering with student's ability to benefit from SPED. _____

Other pertinent information (Suicidality, Hospitalization, etc..) : _____

District Special ED Coordinator/School Psychologist _____ Date _____

BCOE ERMHS Coordinator _____ Date _____

*This cover sheet and the ERMHS referral are to be sent to Jim Voss PhD ERMHS Coordinator BCOE
1870 Bird Street Oroville, CA 95965 jvoss@bcoe.org (530) 864-4347

**Butte County Special Education Local Plan Area
Authorization for Interagency Exchange of Confidential Information**

The purpose of this authorization is to allow the gathering and sharing of information to develop a plan of comprehensive services for individuals listed below.

I hereby give my permission for release and exchange of confidential information from the sources I have initialed below for the following persons:

Name(s): _____ Birthdate: _____ Social Security #: _____
 _____ Birthdate: _____ Social Security #: _____
 _____ Birthdate: _____ Social Security #: _____

Parent or Guardian: Name: _____ Phone: _____

Mailing Address: _____
 Street Address: _____

Parent or Guardian: Name: _____ Phone: _____

Mailing Address: _____
 Street Address: _____

Initial appropriate agencies for the purpose of providing and coordinating services. When appropriate, specify information to be released.

- _____ **Initial if all providers listed below may share information**
- _____ Butte County Dept. of Social Welfare: CSD ASD GAIN Eligibility
- _____ Butte County Drug and Alcohol Services (Youth and Adult Services)
- _____ California Children’s Services Medical Therapy Program
- _____ Butte County Health Department
- _____ **Butte County Behavioral Health**
- _____ **Butte County Office of Education**
- _____ **Butte County Probation Department**
- _____ Family Services Association
- _____ Far Northern Regional Center
- _____ Hospital _____
- _____ Parent Education Network
- _____ **Physician** _____
- _____ **School District/Current School** _____
- _____ **Butte County SELPA**
- _____ Other (initial each entry)
- _____ Access Coordinating Committee Inter-agency student placement Unit

I hereby authorize the agencies initialed above to exchange the following information:

- _____ **All information regarding my child.**
- _____ Information related to the development of a treatment plan for myself and my child.
- _____ Educational records

OVER – Continued on next page/back

**Butte County Authorization for
Interagency Exchange of Confidential Information**

- _____ Psycho-social history
- _____ Summary of child's medical and developmental history and progress
- _____ Summary of client's medical or psychiatric history, diagnosis, treatment, and progress for the period of: _____
- _____ Court Records
- _____ Other (initial each entry)
- _____ _____
- _____ _____

I understand that my records are protected under the federal confidentiality regulations and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may withdraw this consent at any time except to the extent that action has been taken in reliance on it and that in any event this consent expires automatically as described below.

This authorization shall remain effective for one year following the date of signature. A photocopy of this signature is as valid as the original.

Executed this _____ day of _____, 20____.

(Signature of Client)

(Signature of Witness)

(Signature of parent or guardian)

(Signature of Surrogate Parent)

This signature releases only educational information. Additional information release will require the signature of Guardian.

Confidentiality of client maintained according to Education Code Section 49069; California Welfare Institution Code, Section 4514, 42 CFR Part 2.

THE CLIENT/CHILD OR, IF A MINOR, HIS OR HER PARENT, GUARDIAN, PARENT SURROGATE OR CONSERVATOR, HAS THE RIGHT TO RECEIVE A COPY OF THIS AUTHORIZATION (CIVIL CODE SECTION 56.10)

This information has been disclosed to you from records protected by Federal confidentiality rules (42 CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is **not** sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

**Butte County Department of Behavioral Health
Authorization for Exchange of Information**

A photocopy/facsimile copy may be used as an original.

CLIENT INFORMATION		
LAST NAME:	FIRST NAME:	MIDDLE INITIAL:
ADDRESS	CITY/STATE/ZIP CODE:	DATE OF BIRTH:
CLIENT'S PHONE NUMBER	CLIENT FILE/CASE NUMBER	

AUTHORIZATION DETAILS

Medical Records Coming From (Disclosed by): Name or specifically describe the persons and/or organizations (or the classes of persons and/or organizations), including us, who are authorized to make use of and/or disclose the PHI described in this form.

Medical Records Going To (Received by): Name or specifically describe the persons and/or organizations (or the classes of persons and/or organizations), including us, who are authorized to receive the PHI described in this form.

PURPOSE OF DISCLOSURE OF PHI

- At the request of the individual/client At the request of an authorized representative

SERVICE DATES

The information to be used or disclosed includes only those items checked above, with respect to services provided on or around: _____ (insert dates of service). **NOTE:** If this section is left blank, the treatment dates covered by this authorization are from the most recent preadmission to discharge and claims resolution.)

EXPIRATION OF AUTHORIZATION

THIS AUTHORIZATION SHALL BECOME VALID IMMEDIATELY AND SHALL REMAIN IN EFFECT FOR THE FOLLOWING PERIOD: *(The Client/Patient MUST INITIAL one of the following for the authorization to become valid.)*

- _____ This authorization expires one year from the signature date below.
- _____ This authorization expires as specified: _____
- _____ This authorization expires once PHI is disclosed. This is a one-time authorization.

Butte County Department of Behavioral Health Authorization for Use or Disclosure of Protected Health Information (PHI)	Client Name: _____
	Client Number: _____

**Butte County Department of Behavioral Health
Authorization for Exchange of Information**

TYPE OF PHI TO BE USED OR DISCLOSED

I understand that this authorization extends to all or any part of the records/information designated below, which may include treatment for mental illness and/or alcohol/drug abuse. The information to be used or disclosed includes: *(The client MUST INITIAL items being requested)*

- | | | |
|--|---|--|
| <input type="checkbox"/> Discharge Summary | <input type="checkbox"/> Alcohol/Drug Records | |
| <input type="checkbox"/> Psychiatric Evaluation/MSE | <input type="checkbox"/> Attendance Only | |
| <input type="checkbox"/> Medication Records | <input type="checkbox"/> Lab Reports | |
| <input type="checkbox"/> Inpatient Records | <input type="checkbox"/> Intake/Admission Summary | <input type="checkbox"/> Medical Finding |
| <input type="checkbox"/> Progress Notes: SPECIFY _____ | | |
| <input type="checkbox"/> OTHER (please specify): _____ | | |

This authorization is limited to only that information that I have requested above to be used or disclosed to the persons/facilities named herein. I hereby release the County of Butte from all legal responsibilities or liability that may arise from the use or disclosure of health information in reliance on this authorization.

NOTICE TO RECIPIENT OF PHI

Please note Federal Confidentiality Rules (42 CFR Part 2) and California Law prohibit further disclosure of medical and/or mental health records, unless further use or disclosure is expressly permitted by obtaining a written authorization for disclosure of information from the person to whom it pertains. A general authorization for the use or disclosure of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of information to criminally investigate or prosecute any alcohol or drug abuse patient.

CLIENT RIGHTS & RESPONSIBILITIES

- 1. Re-Disclosure under HIPAA:** I understand that information used or disclosed in accordance with this authorization may no longer be protected by the Health Insurance Portability & Accountability Act of 1996 (HIPAA), and could be used or re-disclosed by the receiving party. However, as noted below, federal and state regulations governing the confidentiality of alcohol and drug abuse patient records will continue to protect the confidentiality of information that identifies me as a patient in an alcohol or other drug program from re-disclosure.
- 2. Revocation:** I have the right to make a written request to stop the use or disclosure of information at any time although I understand that I cannot do anything about information already used or disclosed under this authorization.
- 3. Refusal to sign:** I may refuse to sign this authorization and my refusal will not affect my ability to obtain treatment, payment, or eligibility for benefits except as may be permitted by law.
- 4. Copy:** I understand that I will receive a copy of this authorization upon my request. However, for requests for other file copies, a fee may apply.
- 5. Minors:** I understand that minors 12 years of age and older may be required to sign the authorization along with their parent/guardian.

Butte County Department of Behavioral Health Authorization for Use or Disclosure of Protected Health Information (PHI)	Client Name: _____
	Client Number: _____

**Butte County Department of Behavioral Health
Authorization for Exchange of Information**

ACKNOWLEDGEMENT

Client Signature: _____ Today's Date: _____

If Applicable:

Parent/Guardian/Authorized Representative Signature: _____

Today's Date: _____

Print Name: _____ Telephone Number: _____

Complete Address: _____
Street Address City State Zip Code

Relationship to Client _____

REVOCATION OF AUTHORIZATION

As of this date, _____, I hereby revoke this authorization.

Name of Client

Signature of Client Revoking Authorization

If Applicable:

Name of Parent/Guardian

Signature of Parent/Guardian Revoking Authorization

STAFF VERIFICATION

(FOR INTERNAL USE ONLY)

- I have verified the client's signature against the medical record.
- I have received _____ as documentation that verifies the relationship with the client and the authority to request/receive health information on behalf of the client.

Staff Signature: _____ Date: _____

Print Staff Name: _____

COPY: () DELIVERED ON _____ () FAXED ON _____ () MAILED ON _____
 () RETAINED IN FILE ONLY () GIVEN TO CLIENT ON _____

Butte County Department of Behavioral Health Authorization for Use or Disclosure of Protected Health Information (PHI)	Client Name: _____ Client Number: _____
--	--

SELPA ERMHS Communication Form

**ERMHS can only be changed or discontinued through the IEP process.*

TO: _____ FROM: _____ Date: _____

Form submitted for: Consideration for service(s) Change of service(s) IEP request

Student Name: _____ Date of Birth: _____

Student School: _____ Case Manager (school): _____

Phone: _____ Email: _____

School Psychologist: _____ Phone: _____ Email: _____

ERMHS Provider (SELPA): _____ Contact: _____

Phone: _____ Email: _____

Areas of Note:

- IEP: Met ERMHS goals Dropped out of school Moved out of county
- Completed education program (Grad., cert. of completion, age 22, etc.)
- Family declined services
- Family failed to access services: _____ Number of attempts made to engage family: _____
Family contacted by: _____

ERMHS: Change in services: **Request IEP to change** **IEP held: services changed**

Explanation of changes (services added, discontinued, increased/decreased):

ATTACH PROGRESS REPORT

Send the form to:

SELPA ERMHS Coordinator: (530) 532-5849

Address: Butte County SELPA, 1870 Bird Street, Oroville, CA 95965

School District Contact: (indicated on the cover sheet: Case Manager, School Psychologist, or School Administrator)

Form sent by: (Name & Title) _____

Contact Information: Phone: _____ Email: _____

**Form must be sent to: ERMHS Service Provider, Case Manager, SELPA ERMHS Coordinator*

Revised: 8/4/16



**Independence Facilitator Assistance (IFA)
Referral Procedures Packet**

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Independence Facilitator Assistance (IFA) Instructions and Forms

I. Introduction

The purpose of this document is to serve as a guideline for school districts in determining the need for IFA support.

Every school district or charter LEA within the Butte County SELPA is required to provide a full continuum of placement options for students with identified disabilities who are receiving special education services. The Individuals with Disabilities Education Act (IDEA) and California laws and regulations describe a continuum of placement such as instruction in general education classes, special education classes, special schools, home instruction, and instruction in hospitals and institutions (34 CFR § 300.551(b)(1)).

Each school district and/or charter LEA is comprised of highly qualified employees to serve students with special education needs. Board Policies determine conditions for employee's duties, hours and contractual agreements. The following is information to assist districts when making decisions for allocating additional staff support, or what we term "Independence Facilitator Assistance," or "IFA" support.

The IDEA defines related services as the utilization of aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate. This applies to any general education program or special education program in which the student may participate (34 CFR § 300.550-300.556). There may be special circumstances when a student may need additional support in order to be successful in his/her educational placement.

II. Considerations

If the IEP team is considering Independence Facilitator (IFA) as a support for the classroom staff, the team must determine:

1. Natural supports and/or existing staff supports are not adequate for the student to participate and progress in the general education program;
2. Additional support is necessary to assist existing staff in facilitating the student in:
 - a. Making adequate progress toward the annual goals and/or;
 - b. Involvement in and progress in the general curriculum and/or;
 - c. Participation in extracurricular and other nonacademic activities and/or;
 - d. Participation with other disabled and non-disabled students.

3. How the support can be faded and develop a method for systematic evaluation toward independence and more natural supports.

Other program supports must be considered as alternatives to additional staffing supports. Program supports must be implemented a minimum of 6 (six) weeks and be supported by documentation specifying what was successful and unsuccessful. Documentation must indicate which program supports were attempted with the student why those supports did not provide the level of assistance needed.

The following program supports, if appropriate, MUST always first be considered:

- Development of additional goals/benchmarks to address concerns**
- Change in instructional approach or strategy**
- Development of Behavior Contract or Behavior Intervention Plan**
- Additional assessment**
- Change in classroom schedule, including when related services (Speech and Language, Adaptive Physical Education, etc.) are provided**
- Change in related services (speech, IBI, counseling)**
- Change in placement (RSP to SDC, general education to Learning Center, blended RSP/SDC program)**

III. Determination of Need

In some cases, especially for health or personal care assistance, the need for IFA support can be determined using existing data. Most often, it is anticipated that an Assessment Plan will need to be developed in order to allow the IEP Team the necessary time to evaluate and collect all data to be considered. Once the Assessment Plan is signed by the Parent or Guardian, the assessment team should begin completing the appropriate documents.

NOTE: If you are looking to get started, a quick summary of all the Required Documentation is found at Page 11 of this packet.

At regular intervals, designated members of the IEP team should use tools to collect data to determine the level of assistance needed and continue to monitor to determine if the service continues to be needed. As the student's level of independence or ability to use natural supports increases, behavior improves or the make-up of the class changes, the assistance should be faded.

It is important that the team consider each type of assistance listed below in order to determine if the student needs assistance from the IFA with a particular activity and to estimate the amount of time that will be needed.

1. Health/Personal Care
 - a. Self-help and bathroom needs
 - b. Assistance with feeding during snack and lunch
 - c. Specialized physical health care or assistance with medical needs (district should consider doctor's recommendations)
2. Behavior

- a. Implementation of behavior intervention plan
- b. Collect A-B-C data related to the behavior intervention plan
- 3. Instruction
 - a. Curriculum adaptations under the direction of the teacher
 - b. Support to stay on-task or provide follow-up instruction
- 4. Inclusion
 - a. Recess (maintain safety, facilitate social interaction)
 - b. Assistance with transition
 - c. Assistance with a particular classroom activity or subject matter

The following forms may assist the team in determining the need for IFA support:

- 1. Pre-referral Considerations Checklist**
- 2. More Interventions and Considerations Information**
- 3. Rubric to Determine Need for Independence Facilitator**
- 4. School Day Description and Assistance Needed**

IV. Documenting the Purpose of the Support

- 1. If the IEP team agrees that IFA support is needed for a particular student, the team should specify areas of need that will be supported in the notes page.
- 2. For each area in which IFA support is being provided due to lack of skill or independence, the IEP team should write a goal. Some areas, such as health/personal care need may not be appropriate for goals.
- 3. If the additional IFA support is required as a result of a child's behavior difficulties, the child's IEP should include a Behavioral Intervention Plan.
- 4. For areas in which increased independence is attainable (which should be most cases), note the means for evaluating where the IFA support continues to be needed on the notes page. In these cases, it is suggested the team write a systematic plan to address how the support will be monitored and faded as independence increases.
- 5. When a IFA is provided to assist a child on a short-term basis (i.e. transition to a new program), the written plan should specify the level of independence to be achieved before the IFA is faded/removed, or a date when the IFA is discontinued.

The following forms and resources may assist the team in determining the specific purposes for the I.F. support:

- 1. Rubric to Determine Need for Independence Facilitator**
- 2. School Day Description and Assistance Needed**
- 3. Behavior Inventory**
- 4. Classroom Observations (two to three recommended)**

V. Evaluation, Monitoring, Fading

The student's case manager is responsible for monitoring and fading of the IFA. When it is appropriate to begin fading IFA support, the IEP team should develop a fading plan that is included in the student's IEP. A professional, usually the case manager, should develop a system for data collection, review the data and provide the IFA with strategies for fading and promoting increased student

independence and goal attainment. The data should be reviewed on a regular basis, make adjustments to the plan and determine when criteria for fading have been met. Major changes to the plan would require an IEP Addendum.

If there is a goal which reflects the area in which IFA support is being provided, then data collection on progress toward that goal would be sufficient.

VI. Guidelines for the IEP

- Develop goals and objectives that contain reduced levels of support and prompting to be used as measures of the need for IFA support.
- Include specific plan for reinforcement of Behavior Intervention Plan
- Specify accommodations/modifications to be provided as needed or as requested by the student.
- Specify criteria for fading measures to be used, who will review and how often in the plan for fading on the notes page.

The following forms and resources may assist the team in developing a plan to reintegrate the student in the educational setting and correspondingly decrease IFA support:

- 1. IEP Goals and Objectives Charting**
- 2. Task Analysis Data**
- 3. Techniques to Promote Independence**
- 4. Sample Goals for Independence**
- 5. Overview of Research on Impact of IFA Support**

Pre-Referral Considerations Checklist

1. Classroom schedule:

- a. Is the classroom schedule posted? yes no
- b. The following elements are included in the classroom schedule:
 - times students
 - activities locations
 - staff names

2. Schedule for individual student:

- a. Is there an individual student schedule? yes no
- b. Student uses the following format for individualized schedule:
 - object icon
 - photograph word
 - picture planner
- c. Student 's ability to follow the schedule:
 - independent with physical prompts
 - with verbal prompts inconsistent
 - with gesture prompts
- d. Student use of the schedule:
 - student carries schedule
 - student uses transition cards
 - student goes to schedule board
 - teacher carries and shows schedule
 - inconsistent
- e. Room is arranged with structure to correlate with tasks on schedule:
 - areas for one-to-one work
 - area for group work
 - area for independent work
 - area for leisure
 - not applicable

3. Curriculum and instruction:

- a. Are materials and activities differentiated for student's:
 - Chronological age? Describe: _____

 - Ability level? Describe: _____

 - Interest level? Describe: _____

- b. List equipment or devices used/available that may relate to the need for assistance: _____

4. Behavior Support:

- a. Are there problem behaviors interfering with learning? yes no
- b. Does the student have a Behavior Intervention Plan? yes no
- c. Is the Behavior plan based on a Functional Behavior Assessment (FBA) or other behavioral assessment:
 yes no in process need to initiate
- d. What are the target behaviors in the BIP?

- e. Are all necessary staff implementing the Behavior Intervention Plan? yes no
- f. How effective is the plan in addressing the student's needs?
 very moderately mildly not at all
- g. Describe anticipated level of support to implement plan (i.e. frequency of reinforcement, prompting, redirection): _____
- h. What supports exist for implementing the plan? (i.e. self-monitoring, staff support): _____
- i. Does the BIP need to be:
 Developed Revised Implemented Consistently
- j. Is additional training needed so that the BIP can be implemented successfully?
 yes no

5. Current data systems and collection of data:

- a. Is there current data on each IEP goal and/or behavior plan? yes no
- b. Data records include:
 date level of independence
 task level of progress
- c. Data is collected:
 daily other: _____
 weekly monthly

Number of settings: _____

4. Describe how the data is analyzed and used to inform decisions: _____

5. How is the data shared with IEP members including parents? _____

6. Check and describe other supports currently provided:

- training for instructional staff: _____
- consultation for the classroom staff: _____
- in-class coaching: _____
- other: _____

More Interventions and Considerations Prior to Referral for IFA Support

- Increased supervision on the playground or during unstructured times.
- Social skills groups
- Accommodations for work
- Presentation
- Response
- Timing and Scheduling
- Seating
- Modifications to assignments
- Daily classroom modifications
- Staff schedule modifications
- Multiple reinforcement systems
- Differential instruction
- Behavior Intervention Plan
- Staff support during transitions
- Timing considerations (e.g., delayed transitions)
- Preview and rehearsal of changes to schedule
- Use of support staff (e.g., RST, SDC)
- Regular teaching of school behavior expectations
- Consistent recognition for demonstration of school behavior expectations
- Daily positive regard by adults and peers
- Positive praise at a ratio of 4:1 positive to negative or greater
- School wide initiatives such as Virtues, Healthy Kids, etc.
- Social skills teaching
- Active supervision and monitoring
- Positive reinforcement systems
- Firm, fair, and corrective discipline
- Effective classroom management
- Establishing, teaching, reinforcing classroom expectations
- Predictable routines
- Instruction that matches the learners ability
- Meaningful activities with varied materials and themes
- Authoritative vs. authoritarian teacher-style
- Data based decision making
- Targeted social skills teaching
- Self-management programs
- Adult mentors
- Peer buddies
- Check-in/ Check-out
- Daily Report Card
- Self-monitoring
- Increased academic support

- Function-based interventions
- Behavior goals
 - increase in adaptive behaviors
 - decrease in behavior excesses
- Teaching pro-social communication for how to protest and how to self-advocate
- Visually mediated strategies such as schedules, work-systems, reminders, etc.
- Instruction in basic study skills
- Cognitive behavioral visual strategies for decision making, evaluating own behavior, prioritizing and other executive functioning skills
- Clear rules and procedures
- Systematic reinforcement
- Systematic use of behavior modification techniques
- Behavioral contracting
- Modeling and rehearsal of difficult or unusual events

Required Documentation by Area of Need*

*NOTE: Forms in the TOP LEFT (BLUE) are all mandatory. BOLD forms are for mandatory completion, collection, and consideration in the course of the IFA assessment. Those not BOLD may be useful but don't have an associated form in this packet to complete. Your District Coordinator will determine which forms not in BOLD should be mandatory in your organization.

<p>All IFA Referral packets must contain:</p> <ul style="list-style-type: none"> (a) IFA Referral Form (which includes Parent and Teacher Interviews) (b) 2-3 Classroom Observations (c) Recommendations Page with 3 signatures, and (d) the contents of one other area on this page, based on need 	<p style="text-align: center;"><u>BEHAVIOR</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Pre-referral Activities Checklist <input type="checkbox"/> IFA Rubric <input type="checkbox"/> Student Schedule <input type="checkbox"/> Psycho-educational Reports <input type="checkbox"/> Progress Reports on IEP goals <input type="checkbox"/> Behavior Intervention Plan <input type="checkbox"/> Behavior/discipline Data <input type="checkbox"/> Behavior Inventory to be scored <input type="checkbox"/> School Day Description
<p style="text-align: center;"><u>INSTRUCTION</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Pre-referral Activities Checklist <input type="checkbox"/> IFA Rubric <input type="checkbox"/> Student Schedule <input type="checkbox"/> Psycho-educational Reports <input type="checkbox"/> Progress Reports on IEP goals <input type="checkbox"/> Academic progress assessments <input type="checkbox"/> Behavior Inventory to be scored <input type="checkbox"/> School Day Description 	<p style="text-align: center;"><u>INCLUSION</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Pre-referral Activities Checklist <input type="checkbox"/> IFA Rubric <input type="checkbox"/> Student Schedule <input type="checkbox"/> Psycho-educational Reports <input type="checkbox"/> Progress Reports on IEP goals <input type="checkbox"/> Academic progress assessments <input type="checkbox"/> Behavior Intervention Plan <input type="checkbox"/> Behavioral Data <input type="checkbox"/> Discipline Referrals <input type="checkbox"/> Health Records <input type="checkbox"/> School Day Description
<p style="text-align: center;"><u>FADE/REINTEGRATION</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Pre-referral Activities Checklist <input type="checkbox"/> IFA Rubric <input type="checkbox"/> Student Schedule <input type="checkbox"/> Psycho-educational Reports <input type="checkbox"/> IEP Goals and Objectives Charting <input type="checkbox"/> Task Analysis Data <input type="checkbox"/> Progress Reports on IEP goals <input type="checkbox"/> Academic progress assessments <input type="checkbox"/> School Day Description 	<p style="text-align: center;"><u>HEALTH/SELF-CARE</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> IFA Rubric <input type="checkbox"/> Student Schedule <input type="checkbox"/> Health Records <input type="checkbox"/> Specialized Health Care Plan <input type="checkbox"/> Psycho-educational Reports for Adaptive Living and Self-Care info <input type="checkbox"/> School Day Description

IFA Referral Form

PLEASE NOTE: This entire packet may be copied and provided to parent upon request.

Date: _____ Pupil: _____

DOB: _____ School: _____

Requestor: _____

Name: _____ Position: _____ Phone: _____

Brief Reason For Request:

—

—

Please indicate which of the following program supports, if appropriate, have been considered **prior** to completing this packet:

- Development of additional goals/benchmarks to address concerns
- Change in instructional approach or strategy
- Development of Behavior Support Plan or Behavior Intervention Plan
- Additional assessment
- Change in classroom schedule, including when related services (Speech and Language, Adaptive Physical Education, etc.) are provided
- Change in related services (speech, IBI, counseling)
- Change in placement (RSP to SDC, general education to RSP/Learning Center, blended RSP/SDC program)

Teacher Interview:

1. Describe Behavior(s)/concerns/needs requiring additional support:

2. Does pupil have Behavior Intervention Plan? _____ Yes _____ No

3. What do you see as the role of any additional support staff that might be assigned to the student?

4. Other Comments:

Parent Interview (Complete for Parent-Requested Assessments):

1. Describe parents' concerns/issues/reasons for request:

2. Describe the student's behavior in the home setting (e.g. transitions, tantrums, aggression, independence, self - help, etc.):

3. How are behavior problems handled within the home (loss of privileges, rewards, etc.)

4. What does the parent feel is the purpose of the additional support staff (what will be gained)?

5. Other comments:

Rubric to Determine Need for Independence Facilitator

Student: _____ **DOB:** _____ **Eligibility:** _____ **Date:** _____
Teacher: _____ **Program/School:** _____
Completed by: _____ **Title:** _____

	Health/Personal Care	Behavior	Instruction	Inclusion
0	General good health. No specialized health care, or procedure, or medications taken. Independently maintains all "age appropriate" personal care. <input type="checkbox"/>	Follows adult directions without frequent prompts or class supervision. Handles change and redirection. Usually gets along with peers and adults. Seeks out friends. <input type="checkbox"/>	Participates full in whole class instruction. Stays on task during typical instruction activity. Follows directions with a few to no additional prompts. <input type="checkbox"/>	Participates in some core curriculum within general education class and requires few modifications. Can find classroom. Usually socializes well with peers. <input type="checkbox"/>
1	Mild or occasional health concerns. Allergies or other chronic health conditions. No specialized health care procedure. Medication administration takes less than 10 minutes time. Needs reminders to complete "age appropriate" personal care activities. <input type="checkbox"/>	Follows adult direction but occasionally requires additional encouragement and prompts. Occasional difficulty with peers or adults. Does not always seek out friends but plays if invited. <input type="checkbox"/>	Participates in groups at instructional level but may require additional prompts, cues, or reinforcement. Requires reminders to stay on task, follow directions, and to remain engaged in learning. <input type="checkbox"/>	Participates with modification and accommodation. Needs occasional reminders of room and schedule. Requires some additional support to finish work and be responsible. Needs some social cueing to interact with peers appropriately. <input type="checkbox"/>
2	Chronic health issues, generic health care procedure. Takes medication. Health care intervention for 10-15 minutes daily (diet, blood sugar, medication). Requires reminders and additional prompts or limited hands on assistance for washing hands, using bathroom, wiping mouth, shoes, buttons, zippers, etc. Occasional toileting accidents. <input type="checkbox"/>	Has problems following directions and behaving appropriately. Can be managed adequately with a classroom behavior intervention plan, but unable to experience much success without behavior intervention plan implementation. <input type="checkbox"/>	Cannot always participate in whole class instruction. Requires smaller groups and frequent verbal prompts, cues, or reinforcement. On task about 50% of the time with support. Requires more verbal prompts to follow directions. Requires signing 50%-70% of the time. <input type="checkbox"/>	Participates with visual supervision and occasional verbal prompts. Requires visual shadowing to get to class. Needs modifications and accommodations to benefit from class activities. Regular socialization may require adult facilitation. <input type="checkbox"/>
3	Specialized health care procedure and medication. Limited mobility. Physical limitations requiring assistance (stander, walker, gait trainer or wheelchair). Special food prep or feeding. Health or sensory interventions 15-45 min. daily. Frequent physical prompts and direction assistance for person care. Requires toilet schedule, training, direct help, diapering. <input type="checkbox"/>	Serious behavior problems almost daily. Defiant and/or prone to physical aggression which may be harmful to self or others. Requires a Behavior Intervention Plan (BIP) and behavior goals and objectives on the IEP. Requires close visual supervision to implement BIP. <input type="checkbox"/>	Difficulty participating in a large group. Requires low student/staff ratio, close adult proximity, and prompts including physical assistance to stay on task. Primarily complies only with 1:1 directions and monitoring. Abilities and skills require strategies/adaptations not typical for class as a whole, such as: Discrete Trial, ABA, Structured Teaching, PECS or Assistive Technology. Requires signing over 80% of time. <input type="checkbox"/>	Does not participate without staff in close proximity for direct instruction, safety, mobility, or behavior monitoring. Requires adult to facilitate social interaction with peers and remain in close proximity at all times. Difficulty following school routines & schedules. Needs direct support to get to & from class. <input type="checkbox"/>
4	Very specialized health care procedure requiring care by specially trained employee (G tube, tracheotomy, catheterization). Takes medication, requires positioning or bracing multiple times daily. Health or sensory related interventions 45 min. or more daily. Direct assistance with most person care. Requires two-person lift. Direct 1:1 assistance 45 min or more daily. <input type="checkbox"/>	Serious behavior problems with potential for injury to self and others, runs away or aggressive on a daily basis. FAA or FBA has been completed and the student has a well-developed BIP that must be implemented to allow the student to safely attend school. Staff has been trained in the management of assaultive behaviors. <input type="checkbox"/>	Does not participate in a group without constant 1:1 support. Requires constant verbal and physical prompting to stay on task and follow directions. Regularly requires specific 1:1 instructional strategies to benefit from the IEP. Cognitive abilities and skills require significant accommodation and modification not typical for the class group. Requires signing 100% of the time. <input type="checkbox"/>	Participation may require additional staff for direct instructional and behavioral support. Requires direct supervision going to and from class. Always requires modifications and accommodations for class work. Rarely interacts with or is interested in peers. <input type="checkbox"/>

School Day Description and Assistance Needed

Describe the school day, the assistance now provided, and the assistance needed.

Student: _____ **Grade:** _____ **Teacher:** _____ **Observer:** _____ **Date of observation:** _____

Teacher to complete columns 1-4 for the entire school day. Return to administrator when completed. Objective observer to complete column 5 during observation.

Classroom Schedule: Time/Activity List duration and general schedule of activities per day.	Group Size How many students are in the group or class during this time.	Primary Need Briefly describe the student's primary need during this time--any specific IEP goals being worked on?	Description of Current Staff Support Number of staff available, roles & responsibilities during this time. What are they doing to support student during this time?	Observation by Objective Observer: Be specific describing activities and support required by student.

Behavior Inventory

(for Instructional or Behavior Services Referral)

Child's Name: _____ **Today's Date** _____ **Birthdate:** _____

Below is a list of items describing the child's behavior. For each item, please circle the **2** if the item is very true or often true. Circle the **1** if the item is somewhat or sometimes true. If the item does not apply to the child, circle **0**. Please answer all items, even if they do not seem to apply. Do not write in the Column marked "Score."

Interpersonal Behaviors

#	Rating		Score
1	0 1 2	Complies with requests of adults in authority	
2	0 1 2	Follows classroom rules and rules of safety	
3	0 1 2	Responds to teasing etc. with verbal aggression	
4	0 1 2	Responds to teasing etc. with physical aggression	
5	0 1 2	Hits peers when angry	
6	0 1 2	Hits adults when angry	
7	0 1 2	Verbally aggressive when reprimanded or criticized	
8	0 1 2	Physically aggressive when reprimanded or criticized	
9	0 1 2	Gains teacher's attention by calling out	
10	0 1 2	Gains attention from peers in inappropriate ways	
11	0 1 2	Poor eye contact	
12	0 1 2	Refuses to help when asked	
13	0 1 2	Fails to respond when greeted	
14	0 1 2	Laughs at peers in trouble or having difficulty	
15	0 1 2	Out of seat often without a reason	
16	0 1 2	Climbs under desk or chair	
17	0 1 2	Talks in an inappropriate tone / uses profanity	
18	0 1 2	Interrupts others constantly	
19	0 1 2	Fails to follow rules when playing games	
20	0 1 2	Does not wait his turn	
21	0 1 2	Aggressive in competitive games	
22	0 1 2	Poor sportsmanship	

23	0	1	2	Aggressive on the playground	
24	0	1	2	Intolerant of differences in others (race, special needs etc.)	
25	0	1	2	Plays alone	
26	0	1	2	Does not share	
27	0	1	2	Inflexible when playing resulting in tantrums/aggression	
28	0	1	2	Uncooperative in group play situations	
29	0	1	2	Does not distinguish between own property and that of others	
30	0	1	2	Takes other's belongings without permission	

Self - Related Behaviors

#	Rating				Score
1	0	1	2	Cannot accept consequences resulting in tantrums/aggression	
2	0	1	2	Lies to get out of trouble	
3	0	1	2	Refuses to apologize	
4	0	1	2	Cannot use words when frustrated or angry/ acts out	
5	0	1	2	Easily led by peers	
6	0	1	2	Cannot identify consequences of behaviors	
7	0	1	2	Cannot recognize or label moods feeling of others	
8	0	1	2	Refuses to participate in class	
9	0	1	2	Refuses to have work displayed	
10	0	1	2	Makes negative statements about self	
11	0	1	2	Refuses to try new thing	
12	0	1	2	Cannot follow classroom routine	
13	0	1	2	Cannot maintain materials or possessions	
14	0	1	2	Cannot use toilet facilities independently	
15	0	1	2	Cannot dress self without assistance	
16	0	1	2	Unaware of safety hazards	
17	0	1	2	Cannot identify familiar people	

18	0	1	2	Eats things that are not food	
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Health/Personal Care

#	Rating				Score
1	0	1	2	Engages in self injurious behaviors	
2	0	1	2	Requires G-tube feeding	
3	0	1	2	Takes medication at school	
4	0	1	2	Requires suctioning	
5	0	1	2	Special food preparation (blending etc)	
6	0	1	2	Diaper changing	
7	0	1	2	Feeding (requires full support)	
8	0	1	2	Seizures	
9	0	1	2	Lifting/transfers	
10	0	1	2	Limited mobility or physical limitation requiring assistance	
11	0	1	2	Non - ambulatory	

Task-Related Behaviors

#	Rating				Score
1	0	1	2	Refuses to answer when questioned by teachers	
2	0	1	2	Asks inappropriate questions in class	
3	0	1	2	Cannot watch presentations quietly	
4	0	1	2	Cannot listen to speakers in class	
5	0	1	2	Perseverates on topics of interest/cannot be redirected	
6	0	1	2	Cannot begin classroom work without prompting	
7	0	1	2	Cannot complete classroom assignments without one to one assistance	
8	0	1	2	Off task for greater than 50% of independent work	
9	0	1	2	Cannot complete tasks within required time	
10	0	1	2	Cannot manage homework/assignment book	
11	0	1	2	Cannot follow verbal directions	
12	0	1	2	Cannot follow written directions	

13	0	1	2	Cannot share work materials	
14	0	1	2	Cannot work with a partner	
15	0	1	2	Other children refuse to work with the child	
16	0	1	2	Cannot accept group ideas or ideas different from his own	
17	0	1	2	Creates a disturbance while waiting for assistance	
18	0	1	2	Creates a disturbance during free time or classroom transitions	
19	0	1	2	Cannot handle changes in classroom routine	
20	0	2	1	Is loud or disruptive during assemblies/guest speakers	
20	0	1	2	Uses classroom chairs/desks inappropriately	
22	0	1	2	Cannot sustain attention to task for independent work	
23	0	1	2	Distracts peers when working	
24	0	1	2	Act out when distracted by peers.	
25	0	1	2	Is easily distracted in classroom	
26	0	1	2	Has difficulty transitioning within the classroom	
27	0	1	2	Has difficulty transitioning from playground to classroom	
28	0	1	2	Significantly behind peers in academic work	
29	0	1	2	Requires scribe support to get thoughts on paper	
30	0	1	2	Requires individual teaching/re-teaching in one subject area	
31	0	1	2	Requires individual teaching/re-teaching in several subject areas	
32	0	1	2	Requires individual teaching/re-teaching in all subject areas	
33	0	1	2	Uses a communication device	
34	0	1	2	Cannot communicate needs/ wants with words	
35	0	1	2	Uses sign language	
36	0	1	2	Uses visual assistive technology devices	
37	0	1	2	Uses visual communication system	
38	0	1	2	Cannot imitate simple adult movements such as clapping hands or waving goodbye	

39	0	1	2	Does not use a pencil crayon or chalk on an appropriate writing surface	
40	0	1	2	Cannot open/close scissors with one hand	

Areas of Need **	Time/Days

NOTE * Score this inventory using the Scoring Guide provided at training. For each area of need in which further independence is possible (e.g. not medical condition), develop an IEP goal and a plan for frequent monitoring for the purpose of fading support. Other ongoing supports should be noted on the accommodations page of the IEP. The above information should also be used to help determine the required level/times/type of support required.

Techniques to Promote Independence

1. Watch before assisting. Can the student ask for help from the teacher or a peer? Can the student problem solve on his/her own?
2. Give the student extra time to process and respond before assisting.
3. Have high expectations as to what the student understands or can do independently.
4. Provide consistent classroom schedule (posted, visual, at desk if needed, reinforcement periods included.) Teach the student how to use it.
5. Start with the least intrusive prompts to get the student to respond:
 - a. Gestural, hand, or facial signals
 - b. Timer
 - c. Verbal
 - d. Light/Partial Physical
 - e. Hand over Hand
6. Prompt, then back away to allow independent time.
7. Use strengths and weakness, likes and dislikes to motivate student participation and interest.
8. Model; guide (watch and assist); check (leave and check back).
9. Teach independence skills (raising hand, asking for help, modeling other students.)
10. Praise for independent attempts.
11. Direct the student to answer to the teacher.
12. Prompt the student to listen to the teacher's instructions. Repeat only when necessary.
13. Encourage age appropriate work habits. See what other students are doing.
14. Be aware of proximity. Sit with the student only when necessary.
15. Encourage peer assistance and partnering. Teach peers how to help, not enable.
16. Utilize self-monitoring checklists for the student.
17. Color code materials to assist with organization.
18. Use transition objects to help student anticipate/complete transition (i.e., headphones for listening center).
19. Break big tasks into steps.
20. Use backward chaining (i.e., leave the last portion of the cutting task for the student, and then gradually lengthen the task).
21. Assist in encouraging a means for independent communication (i.e., PECS).
22. Provide positive feedback (Be specific to the situation).
23. Ask facilitative questions ("What comes next?" "What are other students doing?" "What does the schedule say?" "What did the teacher say?")
24. Give choices.
25. Maintain a log to track independence and need for assistance.
26. Establish teacher/I.F. signal to cue the I.F. to intervene.
27. Make sure the class perceives you are there to help everyone, not just one student.

Independence Facilitator Assistance Sample Goals and Objectives

Health/Personal Care

By _____ when being fed via a “G-tube”, student will cooperate with staff to complete the Health procedure by not pushing staff or objects away two times a day with only one verbal prompt per day for 5 consecutive days as measured by data.

1. By _____ when being fed via a “G-tube”, student will cooperate with staff to complete the Health procedure by not pushing staff or objects away two times a day with physical and verbal prompts for 5 consecutive days as measured by data.
2. By _____ when being fed via a “G-tube”, student will cooperate with staff to complete the Health procedure by not pushing staff or objects away two times a day with only two verbal prompts per day for 5 consecutive days as measured by data.

By _____ when being toilet trained, student will participate in the toileting routine (pull pants down, sit/stand at toilet, use toilet paper, pull pants up, flush, wash hands) and remain dry throughout the day for 4 out of 5 trial days as measured by staff data.

1. By _____ when being toilet trained, student will participate in the toileting routine (pull pants down, sit/stand at toilet, use toilet paper, pull pants up, flush, wash hands) and remain dry throughout the day for 2 out of 5 trial days as measured by staff data.
2. By _____ when being toilet trained, student will participate in the toileting routine (pull pants down, sit/stand at toilet, use toilet paper, pull pants up, flush, wash hands) and remain dry throughout the day for 3 out of 5 trial days as measured by staff data.

Behavior

By _____ when in a conflict situation, student will request staff assistance to solve the problem without name calling or hitting others 4 out of 5 occasions over 5 consecutive trial days as measured by data.

1. By _____ when in a conflict situation, student will request staff assistance to solve the problem without name calling or hitting others 2 out of 5 occasions over 5 consecutive trial days as measured by data.
2. By _____ when in a conflict situation, student will request staff assistance to solve the problem without name calling or hitting others 3 out of 5 occasions over 5 consecutive trial days as measured by data.

By _____ when given a direction, student will follow that direction within 30 seconds without protest or complaining 4 out of 5 requests for 5 consecutive trial days as measured by staff.

1. By _____ when given a direction, student will follow that direction within 30 seconds with no more than 3 protests or complaints 4 out of 5 requests for 5 consecutive trial days as measured by staff.
2. By _____ when given a direction, student will follow that direction within 30 seconds with no more than 1 protest or complaint 4 out of 5 requests for 5 consecutive trial days as measured by staff.

By _____ during unstructured time, student will keep hands and feet to self and refrain from negative comments to others with at least 20 points earned for behavior for 5 consecutive days as measured by staff data records.

1. By _____ during unstructured time, student will keep hands and feet to self with at least 20 points earned for behavior for 5 consecutive days as measured by staff data records.
2. By _____ during unstructured time, student will refrain from negative comments to others with at least 20 points earned for behavior for 5 consecutive days as measured by staff data records.

By _____ when work becomes difficult or tiring the student will ask for adult help to complete school tasks instead of verbal outbursts on 4 out of 5 situations over 5 trial days as measured by staff data.

1. By _____ when work becomes difficult or tiring the student will ask for adult help to complete school tasks instead of verbal outbursts on 4 out of 5 situations over 5 trial days as measured by staff data.
2. By _____ when work becomes difficult or tiring the student will ask for adult help to complete school tasks instead of verbal outbursts on 4 out of 5 situations over 5 trial days as measured by staff data.

Instruction

By _____ student will compose/write a complete sentence including correct grammar, syntax and spelling with 80% accuracy for 5 consecutive trial days as measured by work samples.

1. By _____ student will compose/write a complete sentence including correct grammar and syntax spelling with 80% accuracy for 5 consecutive trial days as measured by work samples.
2. By _____ student will compose/write a complete sentence including correct spelling with 80% accuracy for 5 consecutive trial days as measured by work samples.

By _____ student will improve comprehension skills by answering questions on main idea and specific details following reading of short stories within his reading level with 75% accuracy for 5 consecutive trial days as measured by test results.

1. By _____ student will improve comprehension skills by answering questions on main idea following reading of short stories within his reading level with 75% accuracy for 5 consecutive trial days as measured by test results.
2. By _____ student will improve comprehension skills by answering questions on specific details following reading of short stories within his reading level with 75% accuracy for 5 consecutive trial days as measured by test results.

By _____ when given two objects that are same as the staff's, student will match the like object 4 out of 5 times for 5 consecutive trial days as measured by staff data.

1. By _____ when given two objects that are same as the staff's, student will match the like object 4 out of 5 times for 5 consecutive trial days as measured by staff data.
2. By _____ when given two objects that are same as the staff's, student will match the like object 4 out of 5 times for 5 consecutive trial days as measured by staff data.

By _____ when given a matching work task with at least 10 items to be sorted, student will sort items into two different categories with 8 out of 10 correct for 5 consecutive trial days as measured by staff data.

1. By _____ when given a matching work task with at least 10 items to be sorted, student will sort items into two different categories with 8 out of 10 correct for 5 consecutive trial days as measured by staff data.
2. By _____ when given a matching work task with at least 10 items to be sorted, student will sort items into two different categories with 8 out of 10 correct for 5 consecutive trial days as measured by staff data.

Inclusion

By _____ student will participate in a general education kindergarten class by following directions given to whole class, with no prompts, 4 of 5 times on 5 consecutive trial days as measured and recorded by staff.

1. By _____ student will participate in a general education kindergarten class by following directions given to whole class, with verbal prompts, 4 of 5 times on 5 consecutive trial days as measured and recorded by staff.
2. By _____ student will participate in a general education kindergarten class by following directions given to whole class, with gestural or indirect prompts, 4 of 5 times on 5 consecutive trial days as measured and recorded by staff.

By _____ student will participate in a general education 3rd grade class by completing the modified classwork, as developed by the teacher and instructional assistant with 75% accuracy over 5 consecutive trial days as measured by student work.

1. By _____ student will participate in a general education 3rd grade class by completing the modified classwork, as developed by the teacher and instructional assistant with 75% accuracy over 2 consecutive trial days as measured by student work.
2. By _____ student will participate in a general education 3rd grade class by completing the modified classwork, as developed by the teacher and instructional assistant with 75% accuracy over 4 consecutive trial days as measured by student work.

More Sample Annual Goals for Independence

1. By (DATE), (STUDENT) will be able to attend to one full day's worth of classroom routines with minimal prompting from the classroom teacher over 5 consecutive days as measured by data collection.
2. By (DATE), (STUDENT) will be able to independently walk into a store, select an item, and make the purchase without aide assistance in 3 out of 3 trials as measured by data collection.
3. By (DATE), when given a copy of their class schedule, (STUDENT) will demonstrate the ability to follow their schedule and arrive to every class on time without aide assistance for five consecutive days.
4. By (DATE), when given a classroom assignment at his/her ability level, (STUDENT) will independently complete the assignment with no more than two prompts from the classroom teacher on three out of three trials as measured by teacher observation and data collection.
5. By (DATE) during center activities, (STUDENT) will transition from work center to work center with no more than 1 verbal prompt per center; with 90% accuracy 3 out of 4 trials as measured by teacher and staff observation and data collection.
6. By (DATE), during a general education classroom academic or nonacademic lesson period lasting no more than 30 minutes, (STUDENT) will attempt required student tasks and follow class rules with no more than 1 prompt from the teacher, in 4 out of 5 lessons, for 4 out of 5 days, as measured by teacher observation and data collection.
7. By (DATE), given a daily classroom routine such as lining up at the appropriate time, walking in line, or transitioning to the correct table during center time, (STUDENT) will be able to independently look around at his/her peers (without adult reminders) and correctly model their given behavior on 70% of given opportunities in 4/5 documented occasions.
8. By (DATE), given free time such as recess or lunch, (STUDENT) will be able to interact with his/her peers following appropriate game rules such as turn taking and interacting with peers by speaking to them or replying at least 3 times during the given game with minimal adult prompting on 4/5 documented trials.
9. By (DATE), (STUDENT) will independently respond appropriately to greetings and will be able to initiate greeting/communication with peers and adults in the classroom during a structured activity without cues in 4 of 5 trials with 70% accuracy as measured by observation.
10. By (DATE), (STUDENT) will increase his/her ability to initiate difficult tasks by transitioning to and completing the tasks without additional prompts from another person on 80% of the given opportunities across three consecutive days as measured by instructor/provider evaluation.
11. By (DATE), (STUDENT) will increase his/her ability to identify and gather all of the materials needed to complete a task by filling in a graphic organizer with 6 needed items/materials with 80% accuracy in three of four trials as measured by observation and charting.
12. By (DATE), (STUDENT) will increase the ability to initiate difficult tasks by transitioning to and completing the tasks with no more than one prompt with 80% accuracy in three of four situations as measured by observation and charting.
13. By (DATE), when in a classroom setting, (STUDENT) will complete at least three tasks daily without teacher or staff prompt/cue with 100% as measured by teacher via observation and data collection.

14. By (DATE), when given all assignments and test dates, (STUDENT) will independently maintain a calendar, prioritize tasks and seek help as needed to turn in completed assignment by the designated date assigned 90% of the time as measured by mentor teacher anecdotal records and Fall and Spring Sample Week packets.

Specific IEP Language for IFA Involvement

(Using SEIS IEP Forms)

Where to Write the Services of Independence Facilitator Assistance

Independence Facilitator Assistance should NOT be written as a related service because “independence facilitator assistance” is not listed as a related service in California Education Code (EC56363(a)). Some people have held that fading Independence Facilitator Assistance could be viewed as a “change of placement.” This could be true if IFA is listed as a service. No changes should be made to the related services without an IEP meeting. However, IFA support is more correctly written on the Accommodations page, the Special Factors page under “supplementary aids and services to be provided to or on behalf of the student,” and in the Meeting Notes pages. In this section, include clarifying the use for the Independence Facilitator Assistance, for which areas of need and at which times of day.

Sample language on the *Special Factors* page under “supplementary aids and services to be provided to or on behalf of the student” might state: *IFA support will be provided in the classroom setting for XX hours each day.* Sample language on the IEP Team Meeting Notes might state: In addition to natural supports and existing staff support in the classroom, additional IFA support will be provided for (student’s name) as follows...

Indicate how the IFA will be utilized including hours per day, educational settings (e.g., RSP/SDC vs. regular education classroom), and specific tasks (e.g., toileting, feeding/eating, academics, mobility, at recess to promote appropriate social behavior on the playground, during individual reading instruction).

Writing an Independence Plan on the IEP Team Meeting Notes

A plan for increasing independence should be specifically written on the IEP Team Meeting Notes, which is clearly understood by the entire team and is very exact. It is important that everyone, especially the parent(s), understand the changing schedule.

Example 1: In order to promote and maximize student independence, IFA support will be discontinued when (list the level of independence achieved, skills acquired, or certain conditions met that would indicate the additional support is no longer needed).

Example 2: Short-term IFA support not to exceed XX weeks. (Use this statement when the IFA is needed for a specific period of time, such as for a special project, or for a temporary medical condition, etc.)

Example 3: By (date), support staff will decrease direct proximity (standing next to the student) by 40% as documented on a daily log and by (2 months later) direct support will be faded by 60%. When not in direct proximity to the student, the additional support staff will be in the same classroom, working with other students or other tasks in order to be available, if necessary, for (student). An IEP meeting will be scheduled for (within 3-6 months) to review the effectiveness of the additional IFA support. (Name/Title of staff member) will complete the “Observational Review to Determine Continued Need for IFA” form, and this information will be reviewed at the next IEP meeting.

Example 4: (Student) will receive IFA support for six periods beginning in September, and decreasing one period per month, for a three-month period.

Suggested IEP Language When IFA Support is Not Recommended

Indicate in the IEP Team Meeting Notes what IS working in the current program. Address natural supports that are in place and effective. Specify accommodations and/or modifications that are already meeting the student's needs. Indicate in the IEP Team Meeting Notes any additional supports to be provided such as accommodations and/or modifications, Behavior Intervention Plan, and/or natural supports that are available in the environment. Consider adding IEP goals to address student independence.

Example 1: (for a student with academic concerns only): (Student) is receiving the following services and supports: reading intervention instruction twice weekly for 30 minutes each session, classroom aide assigned to the regular education class during reading instruction, RSP collaboration daily for 55 minutes, cross-age tutoring once weekly for 30 minutes, homework club four times a week for 60 minutes, appropriate reading goals on IEP, and access to computerized reading software. In considering current IFA support, evaluation results, and the services and supports that are being provided, the IEP team agrees (or the IEP team agrees, with the exception of the parents,) that (student) is receiving adequate support at the present time to make satisfactory progress toward all goals.

Example 2: (for a student with behavioral and/or social issues): (Student) is receiving the following services and supports: visual schedule, sensory integration services (related services OT), related services Speech and Language services, school-based counseling, assigned peer buddy during transitions and in social situations, high staff/student ratio in all school settings including lunch and recess, consultation with Autism Specialist bi-weekly 60 minutes per session, behavior Intervention plan (or BIP) which has decreased targeted maladaptive behavior by 50% in the last two months. In considering current IFA evaluation results and the services and supports that are being provided, the IEP team agrees (or the IEP team agrees, with the exception of the parents,) that (student) is receiving adequate support at the present time to make satisfactory progress toward all goals.

When the school staff makes a determination about whether or not IFA support is required in order for the student to benefit from his or her education, and the parent declines to sign the IEP, the district special education administrator or designee should send a prior written notice. The notice should clearly specify what the district is offering and why, and address all the legally required components of parent notices. A copy of the district Notice of Procedural Safeguards should be included.

Independence Facilitator Sample Evaluation Report Template

Student:	ID#:	Date:
Age:	Grade:	Disability:
DOB:	Gen Ed Teacher:	Placement:
School:	Sp Ed Teacher:	Contact Phone:
Case Mgr:	Psychologist:	Contact Phone:
Evaluation Report Prepared By:		

I. Reason for Referral

II. Background Information and Educational Setting *(summarize special education and related services history; educational history, including academic progress/assessments and progress on IEP goals; results of previous evaluations, if applicable; previous interventions and outcomes; educationally relevant health, developmental, and medical findings; review of BIP; and disciplinary referral information).*

III. Evaluation Procedures *(include information regarding administration of tests in primary language of student by qualified personnel; validity of the evaluation; validity of tests for the purpose for which they were used).*

IV. Summary of Interviews, Rubric, and Observations *(summarize results of the parent/teacher/student interviews and the rubric; include information regarding relevant behavior noted during observation of the student)*

V. Summary of Standardized and/or Curriculum-Based Assessments *(if applicable).*

VI. Recommendations *(include information regarding the need for specialized services, materials, and equipment; indicate if the student’s needs can be met in the regular education classroom with the current level of support).*

Respectfully Submitted,

Signature

Date

Overview of Research Regarding Impact of Independence Facilitator Assistance on Student Progress

- Many instructional assistants are thrust into positions where they have little or no training (Wallace, Shin, Bartholomay, Stahl, 2001)
- Individual one-on-one assistance can have far-reaching effects on the following:
 - Classroom teacher's ability to assume ownership for the student
 - The frequency and types of peer interaction
 - The student's ability to become an independent learner (Giangreco, Edelman, Luiselli, & Macfarland, 1997 and Marks, Schrader & Levine, 1999, Mueller & Murphy, 2001)
- Teacher role becomes clouded:
 - Teachers may not take responsibility for the student
 - Teachers may not know how to adapt the curriculum for special needs
 - Curriculum modification and adaptation may be left up to the paraprofessional
 - Assistant may be viewed as the "expert" in understanding student needs (Marks, Schrader, Levine, 1999; Giangreco, Edelman, Luiselli, & Macfarland, 1999).
- Social Skills Development:
 - Paraprofessionals may separate the student from classmates
 - Hovering assistants interfere with natural supports and peer supports
 - Paraprofessional interaction with sp. ed. student may interfere with general ed student's attention and concentration
 - Loss of gender identity--opposite gender (student's gender secondary to that of the paraprofessional), bathroom, class activities)
 - Loss of privacy (Giangreco, Edelman, Luiselli, MacFarland, 1999)
- Lack of Independent Functioning
 - Assistants may do too much for the student
 - Little evidence of fading of prompts (Giangreco, Edelman, Luiselli, MacFarland, 1999).
- Assistants perceive their job as helping the student not to be a "bother" to the teacher (Marks, Schrader, Levine, 1999)
- Assistants may have little or no planning time with the teacher (Marks, Schrader, Levine, 1999).

Resources

“Analysis of state standards for paraprofessionals,” by Elizabeth W. Beale, *Journal of Instructional Psychology*, December, 2001.

“Considering Paraeducator Training, Roles, and Responsibilities,” by Diane Carroll, *Council for Exceptional Children*, Vol. 34, No. 2, pp. 60-64, 2001.

“Cooperative Learning and Strategies for Inclusion: Celebrating Diversity in the Classroom, Second Edition (Putnam), Brookes Publishing.com

Council for Exceptional Children Professional Standards for Special Education Paraeducators, 1999. Web site: cedprof@ced.sped.org

“Determining When a Student Requires Paraeducator Support,” by Patricia Mueller and Francis V. Murphy, *The Council for Exceptional Children*, 2001, Vol. 33 No. 6, pp 22-27.

“Enhancing Skills of Paraeducators: A Video-assisted Program,” TRI-SPED Projects, Department of Special Education and Rehabilitation, Utah State University, Logan UT, 84321-9981 or email: www.trisped.org

“Guidelines for Working with One-To-One Aides” by David F. Freschi, *The Council for Exceptional Children*, April 1999.

“Guide for Effective Paraeducator Practices in Iowa,” Iowa Department of Education, Division of Early Childhood, Elementary and Secondary Education, January 1998.

“Helping or Hovering? Effects of Instructional Assistant Proximity on Students with Disabilities,” Michael F. Giangreco, Susan W. Edelman, Tracy Evans Luiselli and Stephanie Z. Macfarland, *The Council for Exceptional Children*, Fall 1999, Vol. 64, Issue 1, pp. 7-17.
How to Be a Para PRO: A Comprehensive Training Manual for Paraprofessionals, by Diane Twachtman-Cullen, Ph.D. Starfish Specialty Press, 2000. P.O. Box 799, Higganum, CT 06441-0799 or email: www.starfishpress.com

“Identifying Paraprofessional Competencies for Early Intervention and Early Childhood Special Education,” by John Killoran, Torry Piazza Templeman, Joyce Peters, Tom Udell, *Council for Exceptional Children*, Vol. 34, No. 1, pp. 68-73.

“Knowledge and Skills for Teachers Supervising the Work of Paraprofessionals,” by Teri Wallace, Jongho Shin, Tom Bartholomay, Barbara J. Stahl, *The Council for Exceptional Children*, 2001, Vol. 67, No. 4, pp. 520-533.

National Resource Center for Paraprofessionals: A Paraeducator Training Program and Mentoring System, web site: <http://www.nrcpara.org/articles/Atricle1.htm>

“Paraeducator Experiences in Inclusive Settings: Helping, Hovering, or Holding Their Own?” by Susan Unok Marks, Carl Schrader, and Mark Levine, *The Council for Exceptional Children*, 1999, Vol 63, No. 3, pp.315-328.

Peer-Assisted Learning Strategies: Strategies for Successful Learning, web site: PALS@vanderbilt.edu or contact PALS Outreach, Box 328 Peabody, Vanderbilt University, Nashville, TN 37203-5701, 615-343-4782.

“Respect, Appreciation, and Acknowledgment of Paraprofessionals Who Support Students with Disabilities,” by Michael F. Giangreco, Susan W. Edelman, Stephen M. Broer, University of Vermont, *Exceptional Children*, Vol. 67, No. 4. pp. 485-498, 2001.

“Restructuring Schools for all the Kids,” California Department of Education (free video shows special education students receiving natural peer supports and interacting in inclusive settings without individual paraprofessional assistance), dmeind@wested.org or request from LRE Resources Project at (FAX) 916-492-4008.

Social Relationships and Peer Support: Teachers’ Guides to Inclusive Practices by Martha E. Snell and Rachel Janney, BrookesPublishing.com

“Supervising Paraprofessionals: A Survey of Teacher Practices,” by Nancy K. French, *Journal of Special Education*, Spring, 2001.

“The Paraprofessional’s Role in Inclusive Classrooms: Support Manual, accompanies Video by California Department of Education, e-mail: ceitan@wested.org or call Dona Meinders at 916-492-9999 for free Video and support manual.

“Training Basic Teaching Skills to Paraeducators of Students with Severe Disabilities by Marsha Parson and Dennis H. Reid, *The Council for Exceptional Children*, March 1999.

Compiled by: Vicki Butler, Coordinator, Riverside County SELPA

Adopted by Butte County SELPA: 4/24/19

DCP 6 Individual Service Plan Procedures

Individual Service Plan (ISP) Procedure

When the parent of a student who qualifies for special education services chooses to have their student attend a Private School, complete the IEP documents as follows:

1. **Complete the IEP as a full IEP** as if the child would be attending public school.
2. On the IEP form, under **Educational Setting**, the child's School of Attendance should list the neighborhood public school in the child's District of Residence, unless the IEP Team recommends placement in a special education program located at another school.
3. Obtain Parent signature on the IEP, under **IEP Meeting Participants**.
4. Parent should check the Consent box, "*I agree to all parts of the IEP.*" This shows the Parent agrees, and it ensures that if the child comes back to District within the year, an IEP is waiting for them.
5. Parent should initial the box indicating, "*I decline the offer of initiation of special education services.*"
6. Parent should then authorize and approve the IEP.
7. Parent checks the box on the bottom of the page, "*Student enrolled in private school by their Parent. Refer to Individual Service Plan, If appropriate.*"
8. On the **Notes Page** include "*The Parents(s) have chosen to enroll their child in Private School. The services being offered on this IEP are available if the student enrolls in a public school in their District of Residence.*"
9. Case Manager **Affirms** the IEP at this time.
10. Case Manager fills out the **Service Plan** – Parentally-Placed Private School Students.
 - a. Checks "*Students' Parents have declined the district's offer of an Individual Service Plan,*" OR "*Students' Parents have accepted the district's offer of a Service Plan.*"
 - b. For the SAI Services and other services from original IEP, click "**Do not Report**" and "**Do Not Print.**"
 - c. Add instead RSP Consultation services, typically 5 x 60 minutes per year.
 - d. Check box "*Student has been found eligible for special education services...*"
 - e. Parent and ISP participants sign the ISP documents.
 - f. Case Manager will then **Affirm** the ISP.
11. This process must happen yearly. Just like any other IEP, it **must be annually reviewed**.

Note: If there are ISPs that differ from the above process, or the parent does not agree to a portion of the process, contact your Special Education Administrator for advice.

Adapted from ISP Procedure from Chico USD

Approved: 10/17/18

DCP 7 Low Incidence Equipment and Services Guidelines and Procedures

Butte County SELPA
Low Incidence Guidelines

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Funding for Specialized Books, Materials, and Equipment

California Education Code §56836.22 provides for funds to purchase specialized books, materials, and equipment as required under the individualized education program (IEP) for each pupil with low incidence disabilities as defined in Education Code §56026.5 (“hearing impairments, vision impairments, severe orthopedic impairments, or any combination thereof”).

It is also the “intent of the Legislature that local plan areas share unused low incidence books, materials, and equipment with neighboring special education local plan areas.” Items purchased with these funds may only be used by students with low incidence disabilities, unless a waiver has been approved by the State Board of Education.

IDEA now includes the requirement that the IEP team shall “consider whether the child requires assistive technology devices and services” for all students with disabilities, as well as other requirements including the need for “...Braille” for students who are “blind or visually impaired” and “language and communication needs...” for students who are deaf or hard of hearing.

Existing law (Education Code §56822) provides that “sound recordings, large print, and Braille books purchased, instructional materials transcribed from regular print into special media, and special supplies and equipment purchased for individuals with exceptional needs for which state or federal funds were allowed, are property of the state, and shall be available for use by individuals with exceptional needs throughout the state as the board shall provide.”

A thorough discussion of the requirements regarding low incidence funding can be found in the CDE publication “Funding for Specialized Books, Materials and Equipment for Low Incidence Students” which is included in the appendix of this document.

Criteria

1. Each student for whom an item is to be purchased must have a “low incidence disability” (i.e., deaf-blind, deaf, hard of hearing, severe orthopedic impairment and/or visual impairment).
2. The item is “specialized” (i.e., it relates to a need or needs resulting directly from the low incidence disability, as indicated in the comprehensive assessment in all areas related to the student’s disability, involving staff who are credentialed/knowledgeable of the low incidence disability area(s)).
3. The item is “required for the child with a disability to benefit from special education” (i.e., it meets the legal definition of a related service).
4. Low incidence funds are used to “supplement,” not to “supplant” other funding sources (i.e., general education funding, other special education funding by other agencies.)
5. The item is required “under” the student’s IFSP/IEP/ITP (i.e., it relates to a goal/objective or some other need indicated in the plan.)

6. Funds are NOT used to purchase medical equipment, to furnish medical therapy units, to construct or alter facilities or to assess the student or to provide in-service/parent education.

Guidelines for Low Incidence Equipment/Materials Funding

1. Low incidence equipment/materials funds will only be approved to purchase equipment and/or materials for special education students enrolled in public schools with an IEP/IFSP indicating that the student meets the eligibility criteria for either severely orthopedically impaired, deaf, hearing impaired, deaf/blind, visually impaired or blind.

For low incidence purposes, severely orthopedically impaired is defined as: “A severe orthopedic impairment that is persistent and significantly restricts an individual’s normal physical development, movement, and activities of daily living. As a result, this impairment may affect the pupil’s educational performance. Accompanying sensory, intellectual, learning, and medical problems often occur which may affect the pupil’s school performance.”

2. The item(s) being requested must be documented in an assessment report prepared by staff who are credentialed/knowledgeable of the low incidence disability areas(s) in accordance with Education Code Section 56327 (h) which states, “The personnel who assess the pupil shall prepare a written report(s), as appropriate, of the results of each assessment. The report shall include, but not be limited to, the following: The need for specialized services, materials, and equipment for pupils with low incidence disabilities consistent with guidelines established pursuant to Section 56136.” The LIRC may request additional information as necessary.
3. The item(s) being requested must be specialized, in that it relates to a need(s) resulting directly from the low incidence disability, and is necessary in order for the student to benefit from his/her educational program.
4. Requests for low incidence funds must be a minimum of \$200.00 for each student. Individual items costing less than \$200.00 will be the responsibility of the district. These are frequently items that are “expendable” or should be considered as part of the base program. Exceptions to this requirement are described in the approval process section of the guidelines.
5. Computer software will be considered by the LIRC on an individual basis if it is reflected in the assessment, considered to be assistive technology and on the IEP/IFSP and only if it is specific to the low Incidence disability. The software must be intended for individual use only; it is not to be purchased for a lab. Purchasing site licenses is permitted when more than one low incidence student is or is likely to be in need of the same program.
6. Low incidence funds will not be expended for service contracts or maintenance agreements for low incidence equipment. This responsibility will be that of the LEA/District that is providing the low incidence service. Significant repairs of equipment purchased by low incidence funds may be considered for funding through the low incidence dollars.

7. Funds will not be used to provide basic equipment or materials of the base program or to furnish low incidence classrooms. It is expected that a classroom giving services to students that have low incidence disabilities will continue to provide a base program that may include some materials and equipment that will be needed by most of the students in the classroom.
8. If the student has received other low incidence equipment, the equipment request should include a description of how the materials previously purchased are currently being used and why they no longer meet the student's needs.
9. Any equipment that is no longer being used by an individual student shall be returned in good working order to the SELPA for use by another student with a low incidence disability.
10. If a student moves from the LEA/school district he or she was attending when the low incidence equipment was purchased for his or her use, the LEA/District must notify the SELPA office immediately. Arrangements will be made for the transfer of the equipment.

If a student moves into the LEA/District from outside the SELPA, the LEA/District will notify the SELPA office immediately. It is expected that equipment will move with the student. If the student has brought low incidence equipment with him or her, it must be added to the inventory of this SELPA. If it needs to be requested from the previous placement, the SELPA office may provide assistance.

11. All low incidence equipment and/or materials must be clearly labeled with the following information for inventory and insurance purposes: "Property of Butte County SELPA." An annual inventory of all equipment and materials purchased will be conducted by the SELPA office.
12. Local Guidelines, as well as State Guidelines, will be distributed to all districts each year. The local guidelines and required documentation (forms) will be reviewed by the LIRC before the end of each school year for possible recommendations for adjustment and changes for the following year. The review will include a summary of the expenditures. Any significant change in the Guidelines will be taken to the Superintendents' Council for approval.

Assessment of Low Incidence Students When Requesting Low Incidence Funding

In accordance with the California Education Code §56320(g), "the assessment of a pupil, including the assessment of a pupil with a suspected low incidence disability, shall be conducted by persons knowledgeable of the disability. Special attention shall be given to the unique educational needs including, but not limited to, skills and the need for specialized services, materials, and equipment consistent with guidelines established pursuant to Section 56136."

In assessing the unique educational needs as well as the need for specialized services, materials, and equipment, some pupils counted as orthopedically impaired may not be eligible because they are not "severely orthopedically impaired" according to the definition of low incidence disabilities in

Education Code §56026.5. Pupils who are severely orthopedically impaired require highly specialized services, equipment, and materials in accordance with Education Code §56000.5(b).

Education Code §56327(h) states, “The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all of the following:

The need for specialized services, materials, and equipment for pupils with low incidence disabilities consistent with guidelines established pursuant to Section 56136.”

In addition to the requirements of E. C. §56136 the assessment report shall also include all of the following:

1. How the item(s) will assist the student’s instruction in accordance with the IEP
2. How frequently the item(s) will be used
3. How the item(s) will facilitate integration in to the classroom
4. Evidence that the student is willing to use the proposed item(s)
5. In cases where computer systems, communication devices, and peripherals valued at over \$1,000 are being recommended for purchase, the report must include evidence that the student is capable of using the device. This can be demonstrated through trial teaching on the actual target device, a comparable device or, in the case of communication devices, on some type of communication system such as picture boards, communication books or voice output devices. Following are examples of basic readiness skills:
 - a. Physical ability to manipulate the target device or a similar device or system
 - b. Current use of a system involving visual or tactile representations
 - c. Initiating and responding with a device or system
 - d. Using a device or system in different environments
 - e. Using a device or system on a regular basis
 - f. Evidence the student uses the device or system safely and appropriately

Trial teaching should take place anywhere from three to six months and include target performance criteria for the student to achieve.

Communication Devices

Following, are examples of basic skill guidelines when communication devices are being considered:

1. Simple Communication Boards/Books

This category includes communication boards consisting of graphic symbols, pictures, or objects. The boards may consist of one or multiple pictures and various sizes depending on the user’s ability. Various display set-ups may be used. Often with items within this category,

communication displays are made for specific activities or to take along into the community or to a situation where a voice output device may not work as easily or well.

This type of communication display is also often used to encourage use of visual language strategies as with calendars, schedules and step-by-step directions. This type of communication board or book may be used as the only AAC option for a young communicator or a child with a very limited vocabulary and considered to be a beginning level communication system or as a back up to a more complex voice output device

2. Simple and/or Low Cost Voice Output Devices

These devices provide voice output with one message or one set of messages available to the user at a time. Pressing a key or cell produces one message. These devices are available in any number of messages from 1 to usually 32. The amount of buttons available to the child will depend on their physical and cognitive ability. Most children will begin with one switch and advance to multiple switches as their skills improve.

Examples of skills needed:

- a. **Single-message communication:** This is a diagnostic step to show evidence that the student has the physical ability to operate a switch and to show understanding of cause and effect. Used mainly for introducing switches as a form of language and for full inclusion environments.
- b. **Two-message communication:** You will want to see evidence that the student understands cause and effect before providing opportunities for two-message communications. Three-message communications: At this stage the student is learning to understand new symbols and to discriminate among a growing number of messages, presented three at a time. By the time they get to three messages, you should be fairly confident that they discriminate among symbols.
- c. **Four-Message Communications:** The student has a vocabulary set of three or more symbols and participates in communicative interactions at least 3 times per day.
- d. **Eight-message Communications:** The student communicates among at least 4 switches or cells. They are able to discriminate between labels and/or textures. The student participates in communication interactions at least 3 times per day.
- e. **Sixteen to thirty-two message Communications:** The student has demonstrated the ability to distinguish picture icons, up to the allotted number of cells available. This size of device is usually considered to be the device that will fit the student's needs for several years. A student uses this type of device to be able to communicate basic needs and information and is to be used throughout the day.

3. Leveling or Layering Devices

This category includes those devices capable of storing several layers of messages. Each level can be programmed with different messages. Changing from one level to another requires pushing a button (or sliding a switch) and physically changing the overlay.

Examples of skills needed:

The student uses a minimum of 3 overlays containing 8 or more symbols or uses only one overlay containing 16 or more across three categories. The student will initiate responses on the device regularly and does not require prompting before making a request.

When considering this device, needs for the next several years should be considered.

4. Devices using Icon Sequencing or Minspeak

Minspeak/Icon sequencing is a way of organizing language, which uses an ordered array of pictures to code vocabulary. The user presses one, two, or three keys in sequence to produce one message. Prentke-Romich Co. devices typically use icon sequencing with their own set of picture symbols called Minspeak.

Examples of skills needed:

- a. The student uses a minimum of 3 overlays containing 8 or more symbols or uses one overlay containing 16 or more labels across 3 categories.
- b. Student has a cognitive ability and is able to demonstrate an understanding of the associations of the Minspeak pictures to their meanings.

5. Dynamic Display Devices

This category of device include those that represent pictures on a screen, much like a laptop computer; usually the screen is capable of touch activation and pressing a picture on the screen produces a message. The devices automatically change the picture overlays and the corresponding messages. (This high-end device usually requires purchase of a commercial mounting system also.)

Examples of skills needed:

- a. Prior to purchasing one of these systems, less expensive options (such as Speaking Dynamically Pro) must have been trail taught, reviewed and found to be inadequate.
- b. The student must be able to discriminate among and access 24 icons simultaneously displayed.
- c. The student must also demonstrate the ability to locate a third level label. For example, when asked to find banana the student selects the following:

First level of categories for “Daily Activities”

“Home” “School” “Community” “Leisure” “Food”

Second level of categories for “Food”

“Drink” “Fruit” “Fast Food” “Meat” “Vegetables”

Third level Menu of choices for “Fruit”

“Apple” “Orange” “Banana” “Melon” “Pineapple”

This device is capable of growing with the child and should be considered the only device the student will need for communication purposes for several years.

6. **Spelling with a Speech Synthesizer/Written Text**

This type of device allows the user to type and the device either speaks or prints out the message. These devices often feature abbreviation expansion features to allow storage of longer messages with a few keystrokes to activate.

Example of skills needed:

This category of device requires the user have good spelling skills and the fine motor ability to isolate a single key.

Computers

Generally computers are not considered Low Incidence equipment. They are considered ordinary equipment in a classroom and should be provided through the base program. There are, however, certain circumstances when computers may qualify as Low Incidence equipment and be purchased through Low Incidence funds.

The Low Incidence inventory includes Macintosh and PC desktop and laptop computers. Special needs software and adaptive computer devices are available for these systems. Low Incidence funds, according to California state law, may not be used to purchase curriculum software (such as math or reading programs).

Low Incidence funds may not be used to purchase more than one computer per eligible student. Low Incidence funds may not be used to purchase additional hardware or peripherals to upgrade a second computer owned by the district or program.

Eligibility criteria require that the student demonstrate both the ability and the willingness to use a computer at a level of independence deemed acceptable by the Low Incidence committee.

Shared use of equipment to benefit other students is allowable under the following condition: The low incidence student is *always* given priority for use.

Macintosh and PC Platform Desktop Computers

Low Incidence students may need computers under the following circumstances:

1. **Access:** The student has a physical impairment that requires an access modification or a special needs software program that is not required by classroom peers. Examples might include, but are not limited to, the following:
 - a. The student can only access the computer using head control. A computer head-control device (such as Headmaster) can only be achieved using a computer.
 - b. The student can only access the computer by using a joystick, an on-screen keyboard or a specialized adaptive keyboard and needs the computer to complete a majority of their class assignments.
 - c. The student is able to access the computer through use of specialized enlargement or screen reader programs and needs to use a computer to complete a majority of their class assignments.
2. **Writing:** The student has a physical impairment that makes paper/pencil tasks so inefficient that the student cannot keep pace with classroom demands placed on peers. The student receives daily assignments requiring note taking or writing. Special needs writing software might include programs such as: Write: Outloud word processing or Co-Writer word prediction programs.
3. **Communication:** The student's ability to use a multi-level communication system is being determined by using a computer equipped with a communication program such as Speaking Dynamically Pro.

How to Apply for Low Incidence Funding

1. Check with the Clearinghouse for Specialized Media and Technology (CSMT) to determine whether material can be acquired through that agency. (916-445-5103)
2. For students with orthopedic impairments, check with CCS to see if they have access to the appropriate equipment.
3. Attach an assessment report for each student in accordance with Education Code §56320(g) and the assessment guidelines outlined in this guide.
4. Attach the student's current IEP, which includes documentation of the need for the specialized books, materials, or equipment.
5. Complete a request for Low Incidence Equipment/Material form for each student. All requests must be submitted on the requisition form. Be sure to fill the form out in its entirety. Partially completed forms will be returned to the originator.
6. Submit all of the above to the Butte County SELPA Office on or before April 15.

Approval Process for Low Incidence Equipment Requests

All requests for low incidence funds must be reviewed and approved by the Low Incidence Review Committee (LIRC). The committee will meet monthly for this purpose.

Committee Membership

The committee consists of a representative from each of the low incidence categories, an assistive technology specialist, and the SELPA Director. Low incidence representatives will be approved by the SELPA Coordinating Council.

Committee members are responsible for:

- a. Attending monthly expenditure review meetings
- b. Representing the concerns of selected low incidence groups
- c. Providing training and consultation support in completing requests and supporting staff in understanding criteria and requests

Review Process

The LIRC will review all requests for equipment using the following guiding principles:

1. Specialized equipment, materials are necessary to allow the pupil access to classroom instruction within the student's classroom environment.
2. The equipment/materials requested are not meant to supplant funding for normally used specialized equipment in Special Day Classes. All program operators will be expected to make all reasonable efforts to set up classrooms with appropriate equipment and assure that surplus equipment was researched.
3. Equipment/materials address the individual needs of the student in the most cost effective manner.
4. The committee places priority on students with low incidence disabilities who are enrolled in public schools and who require specialized equipment in order to access the general education curriculum.
5. If there is not enough money in the low incidence budget to honor all requests, the committee will allocate remaining funds on a priority basis according to the nature and number of requests.

Criteria for Purchases

The LIRC retains the right to modify or add criteria as the need arises to monitor expenses and better define guidelines for appropriate purchases.

Low incidence funds are not available for the purchase of certain materials/equipment. The current list of **unallowable** equipment for purchase using low incidence funds includes, but is not limited to, the following:

1. Ordinary computer hardware, software, and monitors used as a general learning resource in the classroom
2. Standard classroom necessary toilet devices
3. Data collection devices used as diagnostic and assessment tools for student or teacher
4. Any duplication of existing classroom equipment for student or teacher
5. Non-specialized recreational equipment
6. Instructional materials used primarily by teachers instead of student
7. More than one specialized computer per student
8. Service contracts and maintenance agreements

Exceptions to the previous may be allowed when requests and information determine that a special circumstance exists.

The **lowest cost of equipment** that can be presented for purchase of new equipment will be \$200.00. Exceptions to the \$200.00 cost base are:

1. Very specialized textbooks in appropriate media (i.e. large print dictionaries)
2. Items which constitute a system (there is no limitation on the lower cost of items necessary to create one piece of equipment as long as it constitutes part of the same new system and the total value exceeds \$200.00)
3. Repairs/modifications under \$200.00 for previously purchased equipment costing over \$200.00
4. Applications or software designed to support student's access needs when a mobile device/computer has been provided through LI funds.
5. Batteries, rechargeable or otherwise, required to operate the LI device. f. Ink and toner cartridges for LI printers.

Process for Denials

It is anticipated that a representative will be in touch with the appropriate program director or specialist whose request is denied, in order to assist in clarifying the reason for the denial. In the event additional information is needed to reconsider the request, the representative will assist the appropriate district staff. If the requesting district is not satisfied with the final results, a letter of rebuttal may be submitted to the committee for review and response. No personal appearances to appeal directly to the committee will be allowed unless authorized in advance by the SELPA Director.

Ordering Procedures

1. Once approved by the Low Incidence Review Committee, the SELPA Office will order the appropriate materials and/or equipment.
2. Materials and/or equipment will be shipped directly to the requesting LEA staff person.
3. Once the materials/equipment are received, the LEA must immediately send to the SELPA Office: - All packing slips and/or invoices -A completed Low Incidence Equipment/Materials Inventory form. -If the item is to be used at home, a loan agreement must be signed by the parents and submitted to the SELPA office.
4. The SELPA office will register the equipment, assign an inventory number and mail inventory tags to the LEA to be applied to the equipment.
5. The invoice shall not exceed the dollar amount approved, unless the student is using an electronic device. In which case, \$200.00 will be set aside at the time of purchase for additional apps for each student. Applications fit the LI requirement for accessing the educationally related needs as they pertain to the student's Low Incidence disability. A written request (either at a meeting or through email) for the application requires a brief summary with justification of the need. Requests for new applications must be approved by the team and listed in the inventory. Applications will be managed by the Low Incidence Secretary.

**BUTTE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA
LOW INCIDENCE EQUIPMENT / MATERIALS REQUISITION FORM**

Date: _____

New Equipment

Reassignment

Student Name: _____

Date of Birth: _____

School of Attendance: _____

District of Service: _____

Person Requesting: _____

Title: _____

Phone: _____

Student's Disability: Hearing Impaired Visually Impaired Orthopedically Impaired

Supporting Information Attached: IEP Assessment/Report

Indicate which of the following resources were consulted prior to completing this request:

- Clearinghouse for Specialized Media & Technology (916) 445-5103
- California Children's Services Liaison
- SELPA Assistive Technology Consultant
- Local Low Incidence Staff
- Other: (who?) _____

ITEM(S) REQUESTED (Include detailed ordering information):

1. _____ Item Cost: \$ _____
2. _____ Item Cost: \$ _____
3. _____ Item Cost: \$ _____
4. _____ Item Cost: \$ _____

Sales Tax (7.25%): \$ _____

Shipping (10%): \$ _____

Total Cost: \$ _____

VENDOR:

NAME: _____ Phone: _____ Fax: _____

Address: _____

City, State, Zip: _____

SHIP TO:

SCHOOL: _____ Attention: _____

Address: _____ Phone: _____

City, State, Zip: _____

Describe Need: _____

What other low incidence equipment is the pupil currently assigned? _____

Administrator (Print Name and Title)

Administrator's Signature

<u>Low Incidence Committee Action</u>			
Date _____	Approved _____	Disapproved _____	Returned for Further Detail _____
SELPA Director's Signature: _____			

BUTTE COUNTY SELPA

LOW INCIDENCE EQUIPMENT / MATERIALS INVENTORY FORM

EQUIPMENT DESCRIPTION: _____

VENDOR: _____

DATE RECEIVED: _____

STUDENT NAME: _____

LOCATION OF EQUIPMENT/MATERIALS: _____

STAFF PERSON RESPONSIBLE: _____

MODEL NUMBER (if applicable): _____

SERIAL NUMBER (if applicable): _____

INVENTORY NUMBER (if assigned one): _____

INVENTORY STICKER ATTACHED? YES NO

**Please complete this form and return to Butte County SELPA.*

Guidelines for Home Use of Low Incidence Equipment

Provisions to use school equipment at home:

1. The student must qualify as a low incidence student.
2. The IEP Team must determine the need for home use and document a strong rationale for the determination.
3. Parents/guardians will be responsible for the loss or damage of equipment while being used in the home.
4. District of attendance will be responsible for the loss or damage of equipment if parents fail to make restitution. Districts will be responsible for tracking the location of equipment.
5. Equipment will be returned to the district at the end of the school year or extended year, if applicable.
6. Parents/guardians will agree in writing to:
 - a. Secure the equipment and supervise proper use.
 - b. Acknowledge that the equipment was purchased for district use with state funds.
 - c. Assume responsibility for the loss or damage of equipment
 - d. Receive training in the use of the equipment before it can be sent home.
 - e. Borrow the equipment for a designated period of time.
 - f. Acknowledge that the equipment may be called back at any time if it is demonstrated that it is no longer needed or that it is not being used properly.
 - g. Keep the equipment clean.
 - h. Consult with school staff regarding repairs or modifications to equipment.
7. Return the equipment to the district should the student move out of the district.

Butte County Special Education Local Plan Area



Equipment Loan Agreement



This agreement is entered into by and between the BUTTE COUNTY OFFICE OF EDUCATION, hereafter called "Office" and _____, hereafter called "Borrower".

1. **Parent or Guardian:** Borrower represents that Borrower is the parent or guardian of a special education student, _____ for whom the office is currently providing services and/or equipment.
2. **Need:** In order to assist in the education of the student, Borrower desires to borrow, and the Office is willing to loan, the following described equipment:

Description	Value	Rental Fee	Serial Number

3. **Value:** The "value" of the above equipment is the purchase price, as set forth above.
4. **Term:** This agreement shall commence when above described equipment is delivered to, and taken into possession by the Borrower, and will terminate on _____.
5. **Sole Purpose:** The sole purpose of the loan of the equipment to the Borrower is for the educational benefit of the student. **The equipment shall be used for educational or communication purposes only**, and at no time shall the equipment be used for any purpose except for purposes directly related to the education of the student. **The Borrower shall at no time load any software programs on the computer. All programs must be installed by the Office.** If the provisions of this paragraph are breached and the equipment is used for purposes other than educational or communication purposes of the above-named student, the Borrower must immediately return all loaned equipment to Office.
6. **Damage or Replacement:** In the event Borrower returns the equipment to the Office in damaged condition, the borrower shall pay, immediately, to the Office the cost to repair the equipment. If the Office determines that the equipment is irreparable or that the repairs will cost more than the value of the equipment, the Borrower shall pay to the Office, immediately, the full value as set forth above. If Borrower is unable or unwilling to return the equipment to the Office, Borrower agrees to pay on demand to the Office the full value of the equipment, as set forth above. When the damaged or destroyed equipment is used both at home and at school, the parent will be responsible for one half of the cost of the repair or replacement unless there is evidence of negligence in which case the negligent party will be responsible for the entire cost.
7. **Early Termination:** This agreement may be terminated at any time by either party. The effective date of the termination shall be the date the equipment is returned to the Office. If the Office desires to terminate this agreement, then it shall so notify the Borrower in writing and the Borrower shall return the equipment within five (5) days after the day the notice of

termination is mailed from the Office to the Borrower. The Borrower is responsible for keeping the Office apprised of the Borrower's current address. If the Borrower does not return the equipment within five (5) days of the date the notice of termination is mailed to the borrower, then commencing on the 6th day after the Notice of Termination is mailed, the Borrower shall pay to the Office the monthly rental value of the equipment until the equipment is returned. In no event shall the terms of this paragraph be constituted to permit the borrower to retain the equipment for any period of time beyond five (5) days after the date the notice of termination is mailed. If Borrower is notified by Office of the termination of this contract, and Borrower is unable or unwilling to return the equipment to the Office, Borrower agrees to pay to the Office the full value of the equipment as set forth above.

IN WITNESS WHEREOF, this Agreement shall be deemed effective as of this _____ day of _____, 20__, at _____, California.

BUTTE COUNTY OFFICE OF EDUCATION

By: _____
County Office Representative

Parent and/or Teacher Signature

Address: _____

Phone: _____

I understand that all equipment is to be returned at the end of each school year.
Initials: _____

Condition Loaned: _____

Condition Received: _____

Due back: _____ **To: BCOE Low Incidence Office**

Low Incidence Equipment Repair Request Procedure

Low incidence equipment purchased for students occasionally breaks and requires repair in order to be fully functional. Low incidence repair requests will be considered when the following procedure is completed:

1. School staff contacts SELPA to obtain company that the equipment was purchased from.
2. School staff contacts company to see if equipment:
 - a. Is under warranty;
 - b. Can be fixed;
 - c. Estimation of repair cost;
 - d. Determine process for sending in.
3. School staff packages equipment, including appropriate information, for shipping.
4. School staff obtains an approval and purchase order from the SELPA Director by filling out Repair Request Form and submitting the completed form to SELPA.
5. School staff contacts SELPA to arrange shipping.
6. When item is returned, school staff will contact and send packing and/or billing information to SELPA.

**BUTTE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA
LOW INCIDENCE EQUIPMENT REPAIR REQUEST FORM**

**All fields below must be completed.*

Date: _____

Student Name: _____ **Date of Birth:** _____

School of Attendance: _____ District of Service: _____

Person Requesting: _____ Title: _____ Phone: _____

Student's LI Disability: Hearing Impaired Visually Impaired Orthopedically Impaired

ORIGINALLY PURCHASED FROM: _____ PO#: _____ DATE PURCHASED: _____

**Original purchase information may be obtained from SELPA LI inventory.*

ITEM DESCRIPTION (Include name, model # and serial number) AND ESTIMATED REPAIR COST:

Item Name: _____ Model #: _____ Serial #: _____

Reason for repair (be specific):

Estimated cost: \$ _____

Sales Tax (8.25%): \$ _____

Shipping (10%): \$ _____

Total cost est.: \$ _____ Received from: _____ Repair order # (if applicable): _____

Estimated life span of product: _____

Estimated date of new product replacement: _____

Item(s) to be sent to (VENDOR providing repairs):

NAME: _____ Phone: _____ Fax: _____

Address: _____

City, State, Zip: _____

Pick up from:

SCHOOL: _____ Attention: _____

Address: _____ Phone: _____

City, State, Zip: _____

Return to:

SCHOOL: _____ Attention: _____

Address: _____ Phone: _____

City, State, Zip: _____

ADDITIONAL NOTES:

APPROVAL

Date _____ Approved Disapproved SELPA Director's Signature: _____

Guidelines for Low Incidence Services

California Code of Regulations, Title 4 §3051.16 states: “Specialized services for low incidence disabilities may include:

- A. Specially designed instruction related to the unique needs of pupils with low incidence disabilities provided by teachers credentialed pursuant to Education Code §44265.
- B. Specialized services related to the unique needs of pupils with low incidence disabilities provided by qualified individuals such as interpreters, note takers, readers, transcribers, and other individuals who provide specialized materials and equipment.”

Funding for Specialized Services

The Butte County SELPA receives low incidence service dollars, which must be expended during the current School year, as funds may NOT be carried over. In addition, service dollars may not be commingled with other low incidence funding and must be accounted for separately.

Criteria

Key criteria summarizing the legal requirements, guidelines, and other information intended to serve as a general guide for determining the appropriate use of low incidence funding:

- 1. Each student for whom an item is to be purchased has a “low incidence disability” (i.e., deaf-blind, deaf, hard of hearing, severe orthopedic impairment and/or visual impairment).
- 2. The service is “specialized” (i.e., it relates to a need(s) resulting from the low incidence disability, as indicated in the comprehensive assessment in all areas related to the student’s disability, involving staff who are credentialed/ knowledgeable of the low incidence disability area(s)).
- 3. The service is “required for the student with a disability to benefit from special education” (i.e., it meets the legal definition of a related service).
- 4. Low incidence funds are used to “supplement,” not to “supplant” existing services (i.e., funds are to be used for additional services beyond those provided through special education funds, the base program or by another agency).
- 5. The service is considered a “support service” (i.e., it is provided by non-credentialed staff). Specialized services include interpreters, note takers, readers, transcribers, etc.

Local Criteria – Restrictions

- 1. Evidence of the need for low incidence services will be clearly documented in the IEP.
- 2. Funding is limited to non-instructional, classified support services and must relate to the unique educational needs resulting from the pupil’s low incidence disability.
- 3. Funds cannot be used for services that are being funded through the base program.
- 4. Funds are limited to reimbursement for direct services and may not be used for assessment or staff development.

Application/Approval Process for Low Incidence Service Funding

1. All requests must be submitted in advance to the Low Incidence Review Committee and must be on the appropriate form. (Low Incidence Services Request Form).
2. Requests must be submitted to the SELPA office annually on or before April 15th.
3. The Low Incidence Review Committee will determine how to award funding for Low Incidence Services.
4. When requests exceed the amount of money available, the LIRC may allocate money on a percentage basis. Priority consideration will be given to low incidence students with specialized physical health care needs and low Incidents students who require specialized service in order to access the general education curriculum.
5. The LEA will cooperate with the SELPA by providing the information needed for the proper administration of the funds.

**BUTTE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA
LOW INCIDENCE SERVICES REQUEST FORM**

This form must be received by the Butte County SELPA office during the month of May, but no later than May 30th.

Date: _____

Student Name: _____ **Date of Birth:** _____

School of Attendance: _____ District of Service: _____

Person Requesting Reimbursement: _____

Title: _____ Phone: _____

Student's Disability: Hearing Impaired Visually Impaired Orthopedically Impaired

Specialized Service Provided: Interpreter Note Taker Reader Transcriber

Other (describe): _____

How many hours of assistance were provided per day? _____ Hours
*(*Note: Current IEP verifying disability and service must be attached.)*

Does the person providing the service provide service to any other students or is she/he assigned to any other responsibilities? Yes No

If yes, what amount of time is allocated to the above named student? _____ per Day/Week

Does the cost of this person exceed special education funding? Yes No

Please indicate the amount of low incidence funding being requested: \$ _____
*(*Note: Attach documentation from your business office verifying the total amount of income paid to this person during the current fiscal year.)*

I certify that the funds requested herein will be used to supplement, not supplant, the student's existing program.

Administrator (Print Name and Title)

Administrator's Signature

<u>Low Incidence Committee Action</u>			
Date _____	Approved _____	Disapproved _____	Returned for Further Detail _____
SELPA Director's Signature: _____			

Form Revised: 7/3/03

DCP 8 Procedures for Centralized Programs and Services

The Butte County SELPA Local Plan provides assurances and information about how our SELPA ensures the existence of a continuum of programs and services exists for the benefit of its students with disabilities and member LEAs. Member LEAs and the SELPA will intentionally collaborate and cooperate in adhering to the following procedures, which flow from Governing Board Policy 21 on Centralized Programs and Services. It shall be the responsibility of the Butte County SELPA to administer these procedures through regularly scheduled meetings of the newly-constituted Continuum of Supports Advisory Committee (C-SAC), as described herein.

Roles and Responsibilities

The Continuum of Supports Advisory Committee, or C-SAC, shall assume the functions of three previous groups: the Regional Services Review Committee, the ACCESS Coordinating Committee (ACC), and the Ratio Committee. C-SAC will be an active, problem-solving committee that will have as its primary function the advocacy and planning work necessary to provide access and availability of a continuum of program and services options for all SELPA member LEA students with disabilities.

The Continuum of Supports Advisory Committee is comprised of a Special Education Director or their designee from each LEA who operates Centralized Programs and Services; a minimum of two standing Special Education Directors whose LEAs are users of such programs but not providers; the SELPA Director and/or their designee; and a minimum of two SELPA Specialists (i.e. Program Specialist, ERMHS Coordinator or Clinician Supervisor, or Board Certified Behavior Analyst).

The role of the Continuum of Supports Advisory Committee will be to discuss and organize data and recommendations regarding program coordination in various aspects related to Centralized Programs and Services:

- Gathering and analysis of enrollment reports for all Centralized Programs and Services types including enrollment and certificated and classified staffing;
- Develop recommendations to the SELPA Governing Board regarding increase in allocation of additional programs and services based on changing needs;
- Provide a forum for members to problem-solve potential placement options of individual students while respecting confidentiality of student information;
- Determine recommended guidance for caseload and staffing ratios for certificated and classified personnel for various program and services types;
- Facilitate coordination of placements across the continuum of therapeutic classrooms, with emphasis on programming of students requiring educationally-related mental health services;
- Maintain preparedness for growth by identifying potentially appropriate classroom space on district campuses throughout the county;
- Assess the integrity of the continuum of Centralized Programs and Services across all other programs and services types, such as those serving students with an eligibility of Autism, Intellectual Disability, Low Incidence Disabilities, etc.;
- Ensure adherence to process regarding the opening, closing, or transfer of programs, and adherence to necessary timelines that will facilitate smooth transitions and clear communications to staff and families as needed; and

- Take action or make recommendations on other topics within the scope of the committee to improve on the continuum of supports within the Butte County SELPA.

Definitions and Designation of Centralized Programs and Services

To be recognized as a Centralized Program or Service within Butte County SELPA, the program or service must be officially designated as such by the SELPA Governing Board. Program Providers, as that term is used within these procedures are those who operate Centralized Programs and Services serving students from multiple LEAs. LEA Programs and Services may be operated by an individual LEA predominantly for the benefit of its own students, and they do not require an official designation by the SELPA Governing Board.

Centralized Programs are classroom-based programs serving students from multiple LEAs who have more intense disabilities and needs, through a sharing arrangement by which all LEAs cooperate and assist in serving students, either within their LEA or from another LEA. By sharing Centralized Programs, all LEAs can more efficiently serve students through the utilization of existing services available in another LEA that may not be available within their LEA. This includes special day classes for students with any of the following eligibilities: Autism, Deaf/Hard of Hearing, Emotional Disturbance, Intellectual Disabilities, Multiple Disabilities, Orthopedic Impairment, and/or Visual Impairment, including those in Transition programs for 18-22-year-old students. These programs include special day classes operated by BCOE and the SELPA; special day classes for preschool students with moderate to severe disabilities in South County; Table Mountain School located at the Butte County Juvenile Court, and Butte County Community School.

Centralized Services include specific related services (formerly referred to as “designated instruction and services” or “DIS”) necessary in order for students with disabilities to benefit from special education. These may include adapted physical education, speech and language therapy services, orthopedic impairment services, orientation/mobility services, assistive technology, vision impairment services, hearing impairment services, occupational therapy, resource specialist services for infant and preschool programs, and educationally-related mental health services. Program Providers for these services include BCOE, LEAs, and the SELPA itself.

Enrollment Projections and Timelines

Because the SELPA utilizes a sharing arrangement to create an economy of scale, Program Providers, member LEAs and the SELPA must follow specific routines and activities to track classroom sizes, caseloads, and related costs of Centralized Programs and Services. The Butte County SELPA will maintain an official record of all Centralized Programs and Services identified by the SELPA Governing Board, including enrollment and staffing. Additionally, LEA Programs and Services will, if requested, share information with the Butte County SELPA

regarding availability, enrollment, or staffing to assist LEAs with locating potentially appropriate programs or services for students.

The SELPA will send Centralized Program providers requests for staff/student count verification the beginning of November. Program providers will submit staff/student count verification for students served in their programs to the SELPA by December 5th of each calendar year. The report will include the number of students served, name of certificated provider, FTE status, number of instructional assistants assigned to the class (including independence facilitator assistants), and the primary location for each designated program and service.

A report on the status of Centralized Programs and Services will be drafted by the Continuum of Supports Advisory Committee and it will include recommendations for changes in the number of programs and services offered for the upcoming school year. The SELPA Directors’ Council may provide input/feedback regarding the report of C-SAC, however, any changes in the report must be made no later than the January Director’s meeting. The recommendations of the SELPA Directors’ Council regarding changes in Centralized Programs and Services will be presented to the SELPA Governing Board for final approval at the February meeting.

Continuum of Supports Activities and Timelines

Activity	LEA Action by:	Review at C-SAC and Directors’ Council by:	For Governing Board approval by:
Case Analysis and Problem-Solving Forum		Monthly	
Enrollment pull for Centralized Programs and Services	October 1 December 1 February 1 April		
SELPA send out to LEAs - Staff/Student Count Verification Template for actual/current school year, for LEAs to complete	Beginning of November		
LEAs complete and return to SELPA - Staff/Student Count Verification Template	1st Friday in December		
C-SAC review Staff/Student Count Verification Recommendations		December	
Recommend and approve new programs and services and designations	1st Friday in December	December meeting to January 25	February meeting

LEAs that <i>operate</i> centralized programs shall begin the certification process, including enrollment projections for the upcoming school year	Early December		
Centralized Program and Services certification reports due from all LEAs that <i>utilize</i> centralized programs and services	January 25th		
Facilities Needs Assessments (> 1 year in advance)	Ongoing	January meeting	February meeting
Program Transfer – Fast Track	October 1	October meeting	November meeting
Program Transfer – Regular Track	March 1	April meeting	May meeting
Program Transfer – Receiving LEA Assumes Operation	July 1		
Program Transfer Year Two – Compliance with Plan		May 1st (Regular) May 30th (Fast)	
Program Transfer Year Two – Staff Notification	March 15th		

Program Transfers

It is understood by member LEAs that the current SELPA Governing Board Policy 20 on Program Transfer, which is based in Education Code, remains in effect and adds an additional layer of protection for both Centralized Programs and Centralized Services. Timelines for Program Transfer are embedded in the C-SAC Calendar above.

SELPA members may request a program or service to be transferred, returned, redesignated, or request a new program or service be designated by the SELPA Governing Board. Requests must be submitted to the SELPA Director by Nov. 30th of the calendar year in order for approved changes to take effect in the following school year.

The LEA member shall utilize the SELPA Centralized Programs and Services Request form, titled LEA Application to Provide Centralized Programs or Services. Applications will initially be reviewed by the C-SAC who will make recommendations to the SELPA Directors’ Council at their January meeting. The Directors will approve or deny the recommendations by the C-SAC by the February meeting. The Directors’ Council recommendations will be submitted to the Governing Board for final approval in February.

An LEA that is currently utilizing related services through an LEA Program Provider must give the current Centralized Programs and Services Provider one fiscal year notice before either switching providers or providing their own related services using local funds, as per current Governing Board Policy 20 on Program Transfer.

The following guiding considerations will be factored into the approval process by all the bodies above to assist with recommendations for approval or disapproval of changes in Centralized Programs and Services, including Program Transfers:

Programs and Services Transfers

1. What is the ability of the LEA to provide administrative support to the program?
2. What is the LEA's ability to provide LRE (least restrictive environment)?
3. What is the impact of a transfer on the current and future student population?
4. What are the transportation implications of the transfer?
5. What are the impacts of the transfer on the staff in compensation, seniority and other acquired benefits?

Redesignation

1. Does the rationale for redesignation reflect changes in the needs of the students with disabilities?
2. What is the financial impact of the redesignation and how will any increases in costs associated with the redesignation be paid?
3. What are the implications for other providers if the redesignation is approved?
4. Does the redesignation have implications for changes in similar programs and services in other LEAs within the SELPA?

New Programs or Services

1. How will additional costs of the new program be paid?
2. What factors support the assignment of the new program to the requesting LEA instead of another LEA?
3. How will the addition of the program benefit the SELPA and other LEAs?
4. Should approval of programs or services be contingent on recapture of other programs and services in decline?

Recommended Staffing Ratios

The C-SAC Committee is comprised of representatives from each LEA operating Centralized Programs and Services, the SELPA Director, and at least two representatives from other LEAs selected by the SELPA Director. C-SAC shall annually develop, review, and if appropriate recommend changes to, staffing ratios for special education programs. The following Centralized Programs and Services Size/Ratio Chart is intended to guide SELPA decisions about increasing and/or decreasing program and service allocations to LEAs. The LEA operating the program shall determine the specific student caseload for each class as well as staffing ratios for both certificated and classified personnel.

Centralized Programs and Services SELPA-Recommended Ratios

(* Not for determining class size.)

Service	Age Range	Program Description	* Size or Ratio
Juvenile Hall	12-21	Special education services for students placed in Juvenile Hall	Per program operator capacity
Moderate/Severe SDC	5-21	SDC for students with more intense needs	10-12 in general
Moderate/Severe Autism	9-14	SDC for students with an eligibility of autism	6-8
Moderate/Severe Full Inclusion	3-21	Full inclusion	10-12
Moderate/Severe Secondary	14-21	Primary focus on functional and vocational education and community-based instruction	10-12
Deaf/Hard of Hearing	3-21	Similar age clusters; primarily for students with hearing impairments	6-8 for Preschool 10-12 for School Age
Emotional Disturbance SDC	5-21	Similar age clusters	10-12
Related Services (DIS)	3-5	Speech and language	As per Education Code
	3-21	Speech and language	As per Education Code
Related Services (DIS) Early Start	3-5	VI service; average 30-60 minutes per day	6-8
	5-21	VI service; average 60 minutes per week	20-30
	3-21	OI service; average 60 minutes per week	20-30
	3-21	APE service; average 60 minutes per week	20-30
	3-21	O&M service; average 60 minutes per week	20-30
	3-21	OT service; average 60 minutes per week	40-50
	N/A	Brailist service; avg 60 minutes per week	6-8
Preschool Moderate/Severe SDC	0-3	Services for infants and toddlers	10-12
	3-5	Total of AM and PM classes	12-16

When a Centralized Program or Service reaches a size/ratio that can be multiplied by 2 and falls below the minimum size limits, the program or service should be considered for transfer, return, or redesignation. For example, a full-time Orthopedic Impairment Specialist has a size range of 20-30. If the current unit load is 10 or less, the program could be subject to reductions ($10 \times 2 = 20$). If the current size exceeds 40, it could be subject to an increase since $40 \div 2$ falls within the recommended size range.

Enrollment projections for the upcoming school year, and certification process shall begin in early December. Preliminary projections will be sent by the second Wednesday in January to each Superintendent or his/her designee in LEAs who utilize the Centralized Program and Services, and verified by no later than January 25th each year. Staffing projections are developed based on current SELPA recommended staffing ratios. A Centralized Program and Services certification report must be signed by the Superintendent and/or their designee confirming the current projections for both programs and services.

The LEA cost for SELPA Centralized Programs (formerly regional classroom placements) is distributed proportionally based on the average number of students served in each program, taken four times per year. Unfunded costs are converted to a 'Cost per Student' amount and billed to individual districts based on average number of students served. LEAs receive enrollment

information from Program Providers of students served in Centralized Program and Services, and four times per year, they are asked to verify the accuracy of the report, obtain authorized signatures from Special Education Administrator and Fiscal Administrator, and return to the Program Provider. Programs qualifying as “Centralized Programs” include those operated by Butte County Office of Education, Butte County SELPA for BASES Learning Center, and Oroville City Elementary School District for Preschool.

Enrollment protections are built into the SELPA Funding and Budget Allocation Plan with the expectation to obtain accurate projections for programs and services at each reporting period. This will help us avoid unexpected inflation of programs and services costs. It is understood that sudden movement of students away from these programs could cause serious detrimental effects not just on bill-backs, but also on students and staff. This process may include the use of current year enrollment, or may look back to prior year enrollment to obtain an average.

The need for additional Centralized Programs and Services is re-evaluated annually (per the C-SAC Calendar above) to assure that appropriate service levels are maintained with fiscal efficiency. Additions or returning programs or services are addressed utilizing the following criteria subject to approval by the SELPA Directors’ Council and the SELPA Governing Board.

Referrals and Special Placement Needs

Occasionally, LEA members need support and use “group think” to generate ideas for potentially appropriate placements and services for their students. C-SAC shall provide space in its regular meetings for Directors and LEA Representatives to discuss potential needs for individual students who may need a more or less restrictive environment within a Centralized Program or LEA Program. Student information is confidential and students may only be described by grade level, eligibility, needs, and characteristics having to do with determining that a particular placement may be appropriate. Actual placement determinations are not made by C-SAC, but rather are made through the IEP process facilitated by the District of Special Education Accountability for the student.

SELPA Collaboration Meetings are held weekly and are a space for multiple professionals together to discuss, brainstorm, and develop action plans that best address a variety of student needs. The outcome of the meeting often results in the provision of targeted classroom behavioral or instructional supports, identification of community or outside agency supports, as well as the possible development of a referral, as well as an outline of suggested next steps. This collaboration has evolved into an environment where educators can seek information or consultation regarding the need for an innovative or novel response to challenging cases.

Because our mandate as educators is to provide students with disabilities an appropriate education in the least restrictive environment possible. SELPA Collaboration helps school teams think about and implement supports or interventions in a lesser restrictive environment in order to reinforce inclusive, positive, and evidence-based practices for students with disabilities.

When an LEA is having difficulty determining appropriate programming for its students, SELPA Program Specialists may be contacted to assist them in this effort. Referrals for particular Centralized Programs and Services are to be submitted to the Program Provider for their review and

response pursuant to the placement procedures outlined in Governing Board Policy 22, “Request for Out-of-District Placement.” SELPA Program Specialists may consult SELPA Centralized Programs and Services class size and caseload information and speak with Program Providers as a liaison for an LEA. They may also be called upon to assist an LEA with making an appropriate referral. They may also contact operators of LEA Programs and Services to get information about potential availability of these options within the continuum, as well as communicate between LEAs related to expectations for various aspects of the program such as staffing, transportation, and other responsibilities.

For Centralized Programs and Services, enrollments and services become part of the routine enrollment reporting that occurs four times per year to facilitate appropriate billing. Bill-back for these Centralized Programs and Services is computed through the use of the Bill-Back Calculation Worksheet available from the SELPA Office. However, if a more appropriate placement is found in an LEA Program or Service, a SELPA Placement Agreement may be entered into between the LEAs, and a SELPA Placement Agreement Form will be signed by both LEAs and forwarded to the SELPA Office for acknowledgment.

Centralized and LEA Program Placement Procedures

For the purposes of clarity in this procedure, District of Special Education Accountability (DSEA) refers to the Local Education Agency (LEA) in which the student resides or a LEA charter school in which the student is enrolled. Additionally, District of Service (DOS) refers to an LEA program operator, or a LEA charter school that operates a centralized program.

When considering a placement into a centralized program operated by another LEA, the DSEA (District of Special Education Accountability) will complete the following:

- The DSEA will review the student’s assessments, records, behavior plans, and IEPs.
- When the DSEA and the DOS involved have no questions or concerns regarding a placement for the student, the involvement of a SELPA Program Specialist is not necessary.
- When there are concerns or questions, the DSEA or LEA will consult with a SELPA Program Specialist.
- DSEA staff shall complete an observation of the student in an appropriate setting (provide a brief write-up) and update any necessary assessments.
- The DSEA will communicate with the student’s parents regarding DSEA’s concerns about the appropriateness of the current program and services as well as other placement considerations.
- The DSEA will complete a Butte County SELPA or Centralized Programs and Services Referral Form from the SEIS Document Library if seeking a placement with SELPA support. If seeking placement directly with an LEA, the DSEA will complete any other forms required from the LEA. The completed packet will be reviewed and signed by authorized DSEA staff and forwarded to the program provider responsible for coordinating centralized placement efforts.

When Program Specialist services are needed or requested, the SELPA Program Specialist will:

- Review the packet contents and verify completion of the centralized placement request.
- Inform the DSEA of an incomplete packet and provide assistance if needed.
- Review behavior support plans and supporting data of current BIP (behavior intervention

plan) success rate. When the data indicates a need for changes in BIP, the Program Specialist may assist the DSEA in making adjustments in the current plan.

- Communicate with parents and the DSEA of the educational implications resulting from the proposed regional placement (e.g. diploma vs. non-diploma track programs, Free Appropriate Public Education and Least Restrictive Environment).
- Ensure commitment to principles of Least Restrictive Environment on behalf of student(s).
- Consult with the SELPA Director to review case information and provide support for complex cases. (The SELPA Director may consult with District Directors and staff, Program Specialists and parents as needed.).
- Investigate potential centralized and LEA program placement options.
- Communicate proposed placement or service options to the DSEA.
- Coordinate parent site visit to the proposed placement program and IEP scheduling

The District of Special Education Accountability (DSEA) IEP team will:

- Collaborate with the proposed DOS (District of Service) about scheduling the IEP meeting; identify who should be invited, and location of the placement IEP meeting. Send parents an IEP meeting notice with procedural safeguards.
- Send IEP meeting notices to all staff deemed necessary.
- Update and present information that supports the need for a more restrictive setting (i.e. present levels of educational performance and drafted goals/objectives) during the IEP meeting.
- Arrange for transportation of the student to new DOS placement.
- Maintain copies of all paperwork (including needed transportation information).

Note: Without an administrative designee present at the IEP Meeting from both the DSEA and DOS, no change of placement may take place.

The Program Provider team will:

- Request the transfer of all student records.
- Assist the student's family in completing the registration packet for new school placement.
- Invite and notify DSEA administrator/designee of all future IEP meetings for the student.
- Ensure the identified supports are in place for the student, as indicated in the IEP (e.g. BIP, inclusion and related services).

When a centralized program for a particular placement has reached the recommended countywide size or the class size permitted by the collective bargaining agreement in the District of Service, the SELPA Continuum of Supports Advisory Committee will meet to determine if the student can be served in an existing program with additional resources recommended by the committee. The Continuum of Supports Advisory Committee will consider the program staff ability to address the IEP goals and objectives for all of the students placed in the program. The committee will also review projected student numbers for the following year to determine if a new program needs to be developed to meet the needs of the students being served. Additionally, a district can request a placement in a full program even when another program has room on the basis of specific

documented reasons for the student needing the particular placement (e.g. nurse on site, access to a behavior specialist, long bus ride is a concern).

Dispute Resolution

Should a dispute arise between the DSEA and the requesting LEA, either party may proceed to the dispute resolution process included in this MOU. Under no circumstances will an LEA be required to initiate a new program in order to accommodate students from outside their attendance area.

When a disagreement arises regarding any of the provisions of these procedures, it will be referred to the SELPA Governing Board for resolution. The SELPA has the responsibility to provide resources or new programs as needed. Consideration shall be given to sharing costs across the SELPA. The SELPA Governing Board's decision will be final.

Related Policies and Procedures

GBP 9	Funding and Budget Allocation Policy
GBP 10	Governance Policy
GBP 20	Program Transfer Policy
GBP 21	Centralized Programs and Services Policy
GBP 22	Change of Placement Procedures
DCP 3	ACCESS Program Policy/Procedures

Approved 11/18/2020

APPENDIX C

Manuals – links only provided below

- REF 1** Butte County SELPA Procedural Manual, 2020
www.buttecountyselpa.org
- REF 2** Come to PPIECES Mental Health Guidelines, 2016
<http://tinyurl.com/gstssg>
- REF 3** Eligibility Criteria Handbook, 2017
https://core-docs.s3.amazonaws.com/documents/asset/uploaded_file/310084/Eligibility_Criteria_Handbook_Oct17.pdf
- REF 4** Pattern of Strengths and Weaknesses Guidelines, 2017
https://core-docs.s3.amazonaws.com/documents/asset/uploaded_file/87003/PSW_Manual_DRAFT_5.24.17.pdf
- REF 5** State SELPA SEIS Forms Manual, 2019
<https://seisprodtableswest.blob.core.windows.net/trainingmanual-storage/2416f43c-e7b7-4e28-a796-6b9789828c18.pdf>
- REF 6** State SELPA SEIS Supplemental Forms Manual, 2019
<https://seisprodtableswest.blob.core.windows.net/trainingmanual-storage/7b767e82-df4f-43a4-8475-be01e7e41919.pdf>

APPENDIX D

AGR 1 California Children’s Services – Occupational and Physical Therapy

INTERAGENCY AGREEMENT

Between

**Butte County California Children’s Services (CSS)
Medical Therapy Program (MTP)**

And

**Butte County Special Education Local Plan Area (SELPA)
Local Education Agencies (LEAs)**

(Revised 11/16/11)

Description of Parties to the Agreement

This agreement was developed and entered into by the Butte County California Children’s Services, hereafter referred to as CCS, and the Butte County Special Education Local Plan Area hereafter referred to as SELPA. This agreement is restricted to the Medical Therapy Program (MTP) portion of the California Children’s Services program. The SELPA and CCS shall each designate a liaison in order to facilitate the provision of services described in the agreement.

Purpose

This agreement is based upon a common interest and shared responsibility for students, from birth to 21 years old, who’s medical needs affect their ability to benefit from education. The students must be both CCS MTP clients and have exceptional educational needs served by the local education agency (LEA) of the SELPA.

The intent of this document is to:

1. Determine, clarify, and coordinate each agency’s responsibilities to the individual served, and his/her family, including which services are to be provided by each agency.
2. Establish a means of joint planning which will ensure that local resources will be developed and utilized in the most effective manner including:
 - a. Commitment of resources based on identified needs.
 - b. Delineation of each agency’s fiscal responsibilities in providing needed services to the individuals.
3. Establish, facilitate, and maintain communication and collaboration between agencies.
4. Ensure that each agency conforms to legislative mandates and to the intent of such mandates.

(Assembly Bill 3632 chaptered into the Government Code (Chapter 26.5, Division 7, Title 1) and California Code of Regulations (Title 2, Division 9, Chapter 1)

Note: For the purpose of this document, whenever “parent” is referenced, it includes biological or adoptive parent, conservator, legal guardian, judge or social worker for dependents of the court.

**Interagency Agreement Between
Butte County California Children's Services Medical Therapy Program
and
Butte County Office of Special Education Local Plan Area**

TOPIC	COUNTY SELPA/LEA	COUNTY CCS PROGRAM
<p>I. PROFESSIONAL STANDARDS</p>	<p>A. Shall provide appropriate education program and environment for individuals with exceptional needs according to their IEP and State and Federal Law.</p> <p>B. Shall work with CCS MTP to coordinate therapy program services.</p>	<p>A. Shall provide physical therapy and occupational therapy under medical supervision to eligible individuals. Therapies are provided according to the approved therapy plan, in accordance with standards established by CCS.</p> <p>B. Shall assure that the services provided by physicians, PTs and OTs are in accordance with state licensure and professional ethics.</p>
<p>II. ADMINISTRATION</p> <p>Interagency communication, contact persons and annual review of interagency agreement.</p>	<p>A. Each Local Education Agency (LEA) will identify one person to serve as liaison to CCS. The SELPA Director will also serve as liaison as necessary.</p> <p>B. The SELPA Director / representatives will meet with CCS representatives annually for the purpose of updating the Interagency Agreement (IAA).</p>	<p>A. Butte County CCS shall identify Medical Therapy Program (MTP) Liaison(s) to coordinate services between each Special Education Local Plan Area (SELPA)/LEA in the county and the CCS program.</p> <p>B. CCS representative(s) will meet with SELPA representative(s) annually for the purpose of updating the IAA.</p>

TOPIC	COUNTY SELPA/LEA	COUNTY CCS PROGRAM
<p>II. STAFF DEVELOPMENT AND LIAISON RESPONSIBILITIES</p>	<p>A. The SELPA Director shall participate in the development of, and ensure the implementation of, the local IAA, monitoring the agreement for compliance with State and Federal Law.</p> <p>B. The SELPA Director/Liaison shall participate in coordinating periodic interagency meetings for the purpose of coordination and problem solving.</p> <p>C. The SELPA Director shall provide orientation and training to LEA liaisons regarding policies and procedures pertaining to the implementation of State and Federal Law.</p> <p>D. The SELPA Director and LEAs will cooperate with CCS to plan joint staff development activities.</p>	<p>A. CCS Liaison to the LEA shall participate in the development of, and ensure the implementation of local IAA, monitoring the agreement for compliance with State and Federal Law.</p> <p>B. CCS Liaison shall participate in coordinating periodic interagency meetings and act as the first point in local interagency problem solving between the MTP, SELPA, LEAs, and Individualized Educational Program (IEP) teams.</p> <p>C. The CCS Liaison shall provide orientation and training to CCS administrative and MTP staff to ensure they have the knowledge of CCS policies and procedures pertaining to implementation of State and Federal Law.</p> <p>D. CCS Liaison will plan joint staff development activities in conjunction with the LEA liaisons to CCS.</p>

TOPIC	COUNTY SELPA/LEA	COUNTY CCS PROGRAM
<p>III. REFERRAL</p> <p>Students referred to the LEA for assessment of fine and gross motor skills or physical impairment shall be considered for assessment either by the LEA or by CCS depending upon the information contained in the referral and the student's documented physical deficits, pursuant to Government Code Section 7572. Students birth to 21 years of age, who may have or are suspected of having a neuromuscular, musculoskeletal, or other physical impairment, and who may require medically necessary occupational and/or physical therapy, shall be considered for assessment by CCS.</p>	<p>A. If an LEA determines that a referral to CCS is not appropriate, and if the LEA IEP Team suspects that a student may need OT or PT to benefit from special education, it shall propose an assessment plan to the parent. The LEA shall assess the student, subject to parent written consent.</p> <p>B. If an LEA determines that a referral to CCS is appropriate, the CCS referral must be accompanied by:</p> <ol style="list-style-type: none"> 1. The student's medical diagnosis. 2. Current medical records (within the last year) that document an actual or suspected medically eligible condition. 3. Parent's written consent for the exchange of information between agencies. <p>In addition, the LEA liaison will consult with the CCS liaison regarding the need for a CCS program application.</p> <p>C. Upon notice from CCS that a referral is incomplete, the LEA will provide the needed information.</p>	<p>A. N/A</p> <p>B. Shall provide referral packets to assist LEA's in making appropriate referrals or CCS MTP. (See Appendix A)</p> <p>C. If a referral is determined to be incomplete, LEA/SELPA and parent/legal guardian will be notified within five calendar days of receipt of referral.</p>

TOPIC	COUNTY SELPA/LEA	COUNTY CCS PROGRAM
	<p>D. LEA contact person will notify appropriate staff and include all reports in the student's confidential file. If necessary, a meeting will be scheduled to make any necessary modifications to the IEP.</p> <p>E. LEA contact person shall inform all appropriate staff regarding notification.</p> <p>F. N/A</p>	<p>D. If a referral is received on a child determined to already be receiving MTP services, the LEA/SELPA will be notified within 5 calendar days. Copies of the assessment report for therapy and the Medical Therapy Plan/Prescription will be included with notification.</p> <p>E. Butte County CCS program shall evaluate the child's eligibility for the MTP according to CCS program policies and guidelines and the requirements of the interagency regulations.</p> <ol style="list-style-type: none"> 1. If medical records are sufficient to determine medical eligibility, CCS shall notify SELPA/LEA within 5 calendar days of receipt of referral. 2. If medical records are insufficient to determine medical eligibility, CCS shall notify SELPA/LEA within 5 calendar days of receipt of referral. <p>F. Based on the information contained in the referral, CCS will determine if the student has a medical condition that makes him/her eligible for evaluation by the MTU. CCS will notify the parent and LEA within five days of the determination of eligibility.</p>

TOPIC	COUNTY SELPA/LEA	COUNTY CCS PROGRAM
<p>IV. EXCHANGE OF INFORMATION For purposes of referral, assessment, and the provision of an appropriate special education program and related services for a disabled student, information may be exchanged between agencies pursuant to law and regulation.</p>	<p>G. The LEA contact person will arrange a consultation with the appropriate staff to discuss the need for a referral for additional assessment.</p>	<p>G. When, in the process of assessing a student, CCS staff suspects that a student may be in need of additional special education services, the CCS therapist will consult with the LEA liaison.</p>
<p>V. ASSESSMENT Assessment by CCS includes reviewing available medical information and performing appropriate evaluation procedures to determine the level and type of CCS OT/PT services that are medically necessary for the child. Assessments by the LEA are based on the student's suspected areas of disability and may include review of records, observations, interviews and formal and informal evaluations.</p>	<p>A. The LEA shall exchange needed educational and medical information with CCS, following receipt of a parent's/legal guardian's written and informed consent.</p> <p>A. N/A</p> <p>B. Receipt of parent consent for the Therapy Assessment Plan will mark the date for the 60-day timeline. The LEA contact person will notify staff of the 60-day timeline and schedule the IEP Team meeting.</p>	<p>A. CCS shall exchange needed medical information with the LEA, following receipt of a parent's/legal guardian's written and informed consent.</p> <p>A. If a referral from the LEA is determined to be complete, the Medical Eligibility Assessment Plan will be sent to the parent/legal guardian and the LEA within 5 calendar days to explain the process for determining medical eligibility.</p> <p>B. If CCS determines that a student referred by the LEA has an MTP medically eligible condition, copies of the Therapy Assessment Plan and Consent for the Therapy Program, signed by the parent/legal guardian, will be sent to the SELPA/LEA when received by CCS.</p>

TOPIC	COUNTY SELPA/LEA	COUNTY CCS PROGRAM
	C. N/A	C. Butte County CCS MTU therapist will begin and complete the therapy assessment(s) and report, within 30 days of determination of eligibility for the MTP Program. A proposed medical therapy plan will be reviewed with the parent.
	D. LEA representatives will attend the MTC as necessary.	D. A Medical Therapy Conference (MTC) will be scheduled and the parent/legal guardian and SELPA/LEA will be notified at least 10 days prior to scheduled MTC. The proposed therapy plan will be reviewed and approved or modified by the MTC physician.
	E. N/A	E. If the child is not under the medical direction of the MTC, the therapy plan is sent to the CCS authorized/paneled physician to review and approve or modify at the time the child is examined and evaluated by them.
	F. N/A	F. If determination is made by the MTC team or the CCS paneled physician that the child needs medically necessary therapy services, both the therapist and the physician sign a Medical Therapy Plan/Prescription. Copies will be sent to the parent/legal guardian and LEA/SELPA within 5 days of the decision.

TOPIC	COUNTY SELPA/LEA	COUNTY CCS PROGRAM
<p>VI. PARTICIPATION IN THE INDIVIDUALIZED EDUCATIONAL PROGRAM (IEP) MEETING</p> <p>The LEA and CCS staff responsibilities in the development, implementation and review of IEPs for CCS medically eligible students between three and twenty-one years of age are described in this section. Additionally, pursuant to federal law and EC Section 56032, "Individualized Education Program: also means 'Individualized Family Service Plan' (IFSP) whenever an IEP is developed for a disabled person younger than three years of age." Timelines and</p>	<p>G. N/A</p> <p>H. The LEA shall reschedule the IEP meeting, subject to the parent granting an extension of the statutory and regulatory timelines.</p>	<p>G. If it is determined that the child does not require medically necessary therapy services, a copy of the physician's report will be sent to the parent/legal guardian and the SELPA/LEA within 5 days of the decision.</p> <p>H. Whenever there is a delay that may prevent adherence to the 15-day timeline for determining medical eligibility or the 60-day timeline in determining medically necessary therapy services, the LEA/SELPA and parent/legal guardian shall be notified.</p>
	<p>A. Whenever there is a proposal to develop or amend the therapy services for an identified special education student, the LEA shall convene IEP team meetings as required by statute and regulation. The LEA shall provide CCS with notice of an IEP team meeting at least ten days in advance of the meeting. Notice shall include the name and telephone number of the case manager.</p> <p>B. When an MTU therapist is unable to attend the IEP meeting:</p> <ol style="list-style-type: none"> 1. The LEA case manager will arrange an appropriate time frame for a 	<p>A. The Butte County CCS MTP will designate an MTU therapist or designee to attend IEP meetings, when requested by the LEA and notified 10 calendar days before the IEP. The CCS Liaison will contact the LEA if there is a need to re-schedule the meeting.</p> <p>B. When an MTU therapist or designee is unable to attend an IEP meeting, LEA shall be promptly notified.</p> <ol style="list-style-type: none"> 1. A CCS designee will be available by teleconference at a designated

TOPIC	COUNTY SELPA/LEA	COUNTY CCS PROGRAM
<p>requirements for the IEP and IFSP remain the same. For infants and toddlers, an LEA is only responsible for IFSP service to individuals with solely low incidence disabilities. Accordingly, for purposes of this agreement, an LEA shall only refer to CCS infants and toddlers with solely low incidence disabilities for consideration of service by CCS, subject to CCS eligibility criteria. All infants and toddlers with a disability that is other than a solely low incidence disability are the responsibility of the Far Northern Regional Center under the terms of a separate interagency agreement and memorandum of understanding with the Butte County SELPA.</p>	<p>teleconference with the CCS therapist.</p> <ol style="list-style-type: none"> 2. If a full excusal is necessary, excusal form will be accepted for signature with the CCS prescription(s) and report(s) sent to the IEP Meeting. <p>C. The LEA shall convene an IEP team meeting and shall adopt the CCS assessment report and therapy plan recommendations. The CCS therapy plan shall be attached as an addendum to the IEP.</p> <ol style="list-style-type: none"> 1. The LEA will refer to "Benefits of Previous Therapy" section on the CCS prescription as the method to identify the child's progress and response to goals on the IEP form. 2. If a proposed (without physician's signature) therapy plan has been attached to the IEP, the LEA will replace it with the approved (physician signed) therapy plan when received by CCS. A follow up IEP meeting will be required if the approved therapy plan differs from the proposed therapy plan. 	<p>time mutually agreed upon by the MTP and the LEA.</p> <ol style="list-style-type: none"> 2. If a full excusal is necessary, CCS will receive verbal agreement from the parent and the LEA and document the verbal contact in the child's file. An excusal form will be included for signature with the CCS prescription(s) and report(s) sent to the IEP Meeting. <p>C. CCS therapy staff shall participate in the IEP meeting pursuant to law and regulation. A copy of the Medical Therapy Plan/Prescription, with frequency and duration of therapy, will be provided to the IEP Team.</p> <ol style="list-style-type: none"> 1. The "Benefits of Previous Therapy" section on the CCS prescription will suffice as the method for the LEA to identify the child's progress and response to goals on the IEP form. 2. When the child's IEP has included a proposed therapy plan, CCS will send a copy of the approved therapy plan to the parent and the LEA within 5 days of its receipt.

TOPIC	COUNTY SELPA/LEA	COUNTY CCS PROGRAM
	<p>3. The recommendation of the person conducting the assessment shall be the recommendation of the IEP team members who are attending on behalf of the LEA.</p> <p>D. The LEA case manager shall, whenever possible, schedule participation by the CCS therapist so that the CCS therapist need only be present during discussion that is relevant to CCS therapy services, minimizing disruption to regularly scheduled treatment at the MTU.</p> <p>E. LEA case manager shall notify CCS of known participation of attorneys/advocates or planned tape-recording in the IEP.</p> <p>F. The MTU therapist will sign IEP as a participant.</p> <p>G. The LEA will consult with CCS regarding any known intent to secure additional physical or occupational therapy that may duplicate or conflict with current CCS therapy. The LEA shall schedule an IEP team meeting to review therapy needs, as appropriate.</p>	<p>3. When the parent disagrees with the recommendations in the CCS assessment report, the therapist conducting the assessment, or designated representative, will attend the IEP meeting if requested by the parent.</p> <p>D. The participation of the MTU therapist or designee in the IEP meeting will be limited to the scope of the decisions made at the Medical Therapy Conference and the interpretation of therapy evaluations and proposed/approved therapy plans.</p> <p>E. MTU therapist may only participate in the IEP with an CCS Program Administrator or MTU Supervisor also present if attorneys or advocates will be attending the IEP.</p> <p>F. The MTU therapist may sign IEP (name, title, and indicate CCS affiliation) as a participant.</p> <p>G. CCS will consult with the LEA regarding any known intent to secure additional physical or occupational therapy, which may duplicate or conflict with other current therapy.</p>

TOPIC	COUNTY SELPA/LEA	COUNTY CCS PROGRAM
<p>VII. DISPUTE RESOLUTION BETWEEN AGENCIES</p> <p>This section describes the procedures that the LEA and CCS will follow when there is a disagreement between the agencies regarding the provision of related services pursuant to an IEP, mediated agreement or due process hearing decision. It is the intention of the Butte County SELPA, LEAs and Butte County CCS to resolve any dispute arising from this Interagency Agreement at the lowest possible administrative level.</p> <p>Both CCS and SELPA/LEA will comply with resolution procedure pursuant to Title 2, CCR 60610.</p>	<p>H. The LEA will consider CCS to be responsible for providing consultation to school staff and/or parents to implement any portion of the CCS physical or occupational therapy plan in the classroom or home.</p> <p>I. The LEA will schedule an IEP meeting as necessary.</p>	<p>H. CCS will be responsible for providing consultation to school staff and/or parents to implement any portion of the CCS physical or occupational therapy plan in the classroom or home.</p> <p>I. The SELPA/LEA and parent shall be given 10 days prior notice of an impending change in the CCS medical therapy program services, which may necessitate a change in the IEP.</p>
	<p>A. The LEA administrator involved in any identified dispute shall, in a timely manner, contact the CCS Liaison to communicate and seek informal resolution to any dispute arising from the Interagency Agreement.</p> <p>B. If the dispute is not resolved at the informal level, it shall be immediately forwarded to the Butte County SELPA Director for action/resolution. The SELPA Director or designee shall, in a timely manner, contact the Administrator of Butte County CCS for the purpose of meeting within 30 calendar days to formally resolve any dispute not resolved in step one.</p>	<p>A. The Butte County CCS Liaison and appropriate MTP staff shall participate with the LEA staff in local dispute resolution meetings, at which time there will be informal discussion to resolve differences in the provision of medically necessary therapy services.</p> <p>B. If the dispute is not resolved at the informal level it shall be immediately forwarded to the CCS Administrator for action/resolution. The CCS Administrator shall, in a timely manner, contact the Butte County SELPA Director or designee for the purpose of meeting within 30 calendar days to formally resolve any dispute not resolved in step one.</p>

TOPIC	COUNTY SELPA/LEA	COUNTY CCS PROGRAM
	<p>C. If the problem is not resolved at step two, the issue shall be referred to the appropriate representative from the California Department of Education, who shall contact the CMS Northern California Regional Office to arrange a meeting for joint resolution.</p> <p>D. If it is determined that the LEA is responsible for the service, the LEA shall pay for, or provide the service, and reimburse the other agency if they provided the service during the period of the dispute.</p>	<p>C. If problem is not resolved at step two, the issue shall be referred to the appropriate CMS Regional Office Medical Director. Courtesy notification shall also be made to CMS Therapy Consultants and Chief, CMS Branch.</p> <p>D. If it is determined that CCS is responsible for the service, CCS shall pay for, or provide the service, and reimburse the other agency if they provided the service during the period of the dispute.</p>
<p>IX. TRANSPORTATION OF PATIENTS</p>	<p>A. The LEA is responsible for the provision of transportation to and from therapy sessions.</p>	<p>A. CCS MTP shall work with the LEA/SELPA in the scheduling of transportation to the MTU.</p>
<p>X. SPACE REQUIREMENTS</p> <p>The medical therapy unit shall have necessary space and equipment at school site(s) to accommodate the following functions: administration, medical therapy conference, comprehensive evaluation, private treatment, activities of daily living, storage, and modifications of equipment.</p> <p>(Reference: <u>State Interagency Cooperative Agreement Between the California Department of Education and The California Department of Health Services, Children's</u></p>	<p>A. The SELPA Director shall jointly determine with CCS the need for and location of MTU/satellites.</p> <p>B. The SELPA Director and representatives from CCS shall mutually plan all new construction, relocation, remodeling or modification of medical therapy units.</p>	<p>A. The CCS MTP shall identify to the SELPA the need for an MTU or therapy satellite. This need shall be based on the number of hours of prescribed treatment and the space required to provide medically necessary therapy services, including treatment and office space at school site(s).</p> <p>B. All new construction, relocation, remodeling, or modification of medical therapy units shall be mutually</p>

TOPIC	COUNTY SELPA/LEA	COUNTY CCS PROGRAM
<p>Medical Services Branch, California Children's Services Medical Therapy Program, Attachment #1: Facility Space (Physical Plant), Equipment, and Supplies Necessary for California Children's Services Medical Therapy Program Service Provision)</p>	<p>C. The special education administration of the LEA in which the MTUs are located shall coordinate with CCS staff for other use of space and equipment when CCS staff is not present.</p>	<p>planned and approved by the California Department of Education and the State Department of Health Services.</p> <p>C. The space and equipment of the medical therapy unit and medical therapy unit satellites shall be for the exclusive use of the CCS staff when they are on site. The MTP shall coordinate with the SELPA/LEA staff to plan for the utilization of the MTU or therapy satellite space by the LEA when not in use by the MTP staff.</p>
<p>XI. MTU OPERATING EQUIPMENT AND SUPPLIES (Reference: State Interagency Cooperative Agreement Between the California Department of Education and The California Department of Health Services, Children's Medical Services Branch, California Children's Services Medical Therapy Program, Attachment #1: Facility Space (Physical Plant), Equipment, and Supplies Necessary for California Children's Services Medical Therapy Program Service Provision)</p>	<p>A. Chico Unified School District and Oroville City Elementary School District are the LEA's in Butte County having fiscal/administrative responsibility for:</p> <ol style="list-style-type: none"> 1. The provision, maintenance and operation of the facility housing the MTU during the CCS work day on a twelve month basis; and, 2. The provision and maintenance of necessary space, equipment. <p>B. The SELPA Superintendents' Council shall determine any change in the status of the LEA having fiscal/administrative responsibility.</p>	<p>A. N/A</p> <p>B. N/A</p>

TOPIC	COUNTY SELPA/LEA	COUNTY CCS PROGRAM
	<p>C. The LEA will communicate fiscal timelines and procedures to CCS at least one month in advance of budget deadlines.</p> <p>D. The SELPA Director shall arrange a meeting with the LEA and CCS representatives to review CCS requests and determine funding amounts to be recommended in the annual budget plan. The CCS Liaison will be provided a copy of the approved Annual Budget Plan.</p> <p>E. The responsible LEA will process all purchase orders for MTP equipment and supplies in its geographical area and provide inventory tags as appropriate.</p>	<p>C. CCS will comply with the timelines established by the LEA.</p> <p>D. The CCS liaison/MTU staff will submit annually a prioritized list of needed equipment and supplies, with a brief rationale for each item, to the appropriate LEA administrator with a copy to the SELPA Director.</p> <p>E. CCS liaison will disseminate equipment and supplies to CCS staff as needed.</p>

APPROVAL OF THE INTERAGENCY AGREEMENT
 BETWEEN
 BUTTE COUNTY SELPA AND LEA'S
 AND
 BUTTE COUNTY CALIFORNIA CHILDREN'S SERVICES

The Interagency Agreement between the Butte County SELPA, LEA's and Butte County CCS is approved and operative on the date of the last signature of this document.


 Roy Applegate, Director
 Butte County Office of Education/Butte County SELPA

12-8-11
Date


 Tonya Erickson, Administrator
 Butte County California Children's Services

12/5/11
Date

INTERAGENCY AGREEMENT BETWEEN FAR NORTHERN REGIONAL CENTER AND BUTTE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA FOR IMPLEMENTATION OF THE CALIFORNIA EARLY INTERVENTION SERVICES ACT KNOWN AS EARLY START

1. PURPOSE

The purpose of this agreement is to describe selected policies and procedures of Far Northern Regional Center (FNRC) and Butte County Special Education Local Plan Area (SELPA) relating to the implementation of the California Early Intervention Services Act, hereinafter referred to as “Early Start”, and its implementing regulations. Specifically, this agreement will define the financial responsibilities of each agency, procedures for resolving disputes, and other components necessary to ensure effective cooperation and coordination between the two agencies.

2. PARTIES

The parties to this agreement are Far Northern Regional Center and Butte County Special Education Local Plan Area.

3. TERMS OF AGREEMENT AND REVIEW SCHEDULE

This agreement shall be in effect from January 1, 2020 – December 31, 2020. The agreement shall be reviewed and extended on an annual basis by the signing of a notification of extension by both parties. Termination of this agreement may be initiated by either agency providing 30-day written notice of any practice inconsistent with this agreement.

4. UNDERLYING PHILOSOPHY

Both FNRC and Butte County SELPA endorse the philosophy statement that is attached to and made part of this agreement as Appendix A.

5. TARGET POPULATION

This agreement applies to activities and services performed on behalf of infants and toddlers, birth through two years of age, and their families, who are eligible for early intervention services under Early Start, as defined in California statute, regulations and policies.

6. PAYOR OF LAST RESORT

A. Financial Responsibility

FNRC and Butte County SELPA will operate within the provision of the State Interagency Agreement executed between the Department of Developmental Services and the California Department of Education on September 9, 1993. Due to the importance of the provisions entitled “Payer of Last Resort”, those pertinent sections of the state interagency agreement are presented below:

1. Definition – “Payer of last resort” means the Regional Center or Local Education Agency (LEA) that is ultimately responsible to arrange, provide, or pay for appropriate

early intervention services, as defined in 34 CFR, Section 303.12, as listed on an Individualized Family Service Plan (IFSP) as a required service, after all other providers or payers have been considered and eliminated because their legal responsibilities have been fulfilled under state or federal law.

2. FNRC will be the payer of last resort for all Early Start eligible infants who are Regional Center clients as defined by state law and regulations. This includes infants who may be eligible for both Regional Center and Special Education services. It will not include infants with solely visual, hearing, or severe orthopedic impairments, or any combination thereof, who meet the criteria in Sections 56026 and 56026.5 of the Education Code, and in subdivisions (a), (b), (d) or (e) or Section 3030, and Section 3031 of Title 5 of the California Code of Regulations.
3. The Local Education Agency, which comprise the SELPA, will be the payer of last resort for those infants with solely visual, hearing or severe orthopedic impairment, or any combination thereof, who meet the criteria in Sections 56026 and 56026.5 of the Education Code, and in subdivisions (a), (b), (d) or (e) of Section 3030, and Section 3031 of Title 5 of the California Code of Regulations.

B. Maintenance of Effort

Although FNRC is the designated payer of last resort for infants and toddlers jointly served by FNRC and Butte County Local Education Area, the LEA shall provide special education and related services to infants and toddlers that meet both agencies' eligibility criteria provided the LEA does not exceed its 1980-81 mandate or its 1992-93 level of state funding, whichever is greater. When the LEA reaches its mandated service capacity of 39, it shall refer dually eligible infants and toddlers to FNRC which shall then assume the responsibility of providing early intervention services to all dually eligible infants and toddlers. If the LEA falls below its funded capacity, FNRC may then refer dually eligible children to the LEA. The LEA shall notify FNRC when it reaches its funded capacity and when the next opening for services occurs.

Note: See Referral Procedures, 7B

7. PROGRAM IMPLEMENTATION POLICIES

A. Child Find

Both agencies agree to coordinate local child find activities including, but not limited to, outreach efforts to hospitals, physicians, child care programs, public health facilities, other social service agencies and other health care providers. FNRC will assume responsibility for contacting hospitals with neonatal intensive care units (through participation in discharge planning rounds when available) to assure that referral linkages with those facilities are maintained. Butte County SELPA agrees to include information about Early Start in its annual child find public notices.

B. Referral Procedures

The Request for Early Intervention Services form (EI 01) will be used as the interagency referral form, included in Appendix B. Whichever agency receives the referral will, with verbal consent of the parent, notify the other agency of the referral in a timely manner, not to exceed five (5) days, if it appears that the child will be eligible for services from both agencies. The only exception to this policy will be when the LEA is at its funded capacity and, therefore, FNRC, as payer of last resort, would be responsible for providing all Early Start services to the referred child. The 45-calendar day intake time period begins on the day the parent request for services is received by either FNRC or Butte County SELPA. If a referral is received by the

SELPA during a break in service, the 45-day intake timeline still begins on the day that the referral is received. Whoever takes the call at the LEA should immediately pass the referral on to FNRC. FNRC will take responsibility for initiating the intake process.

If a child is referred for Early Start services with the primary concern being speech/language delay with no indication of a possible hearing loss and the LEA is at its funded capacity, it will be the responsibility of FNRC to determine if a hearing loss does exist. If an evaluation does verify a hearing loss, the child will then be referred to the LEA as a child with a solely low incidence disability and FNRC will not be responsible for providing services to that child.

If a child is referred for Early Start services with the primary concern being a possible hearing loss, even if that loss is not yet diagnosed, it will be the responsibility of the LEA to determine if a hearing loss does exist. If an evaluation does not verify a hearing loss and the child is exhibiting speech delays, the child will be referred to FNRC who will assume responsibility as payer of last resort. If the LEA is not at its funded capacity and the child's speech delay is significant enough to qualify for school services the LEA may provide services to the child but a referral shall still be made to FNRC if other service needs are identified.

Any evaluations done by one agency shall be given to the other agency once it is determined which agency is the appropriate payer of last resort. The receiving agency should consider using existing evaluation data for determining eligibility.

Prevention referral's for 0-3 with two conditions that place child at high risk for developmental delays. If LEA receives a referral, LEA will send referral to RC within 48 hours.

Note: For purposes of this agreement, the term "hearing loss" shall be as defined in Ed Code Article 3.1 3030 (a), which is consistent with the definition used in the Early Intervention Services Act regulations, Article 1, Section 52000 (b) (20).

C. Intake Procedures

When FNRC notifies the LEA of a referral (or vice versa) for a child who is likely to be found eligible for services by both agencies, a decision shall be made regarding which agency shall conduct the intake meeting. Whenever possible the intake shall be done jointly by both agencies. Factors to consider in determining which agency should conduct the intake are:

- (1) Child and family centered concerns (medical, social, financial, etc.).
- (2) Which agency is more likely to play a prominent role with the child and family based on the identified concerns at referral.
- (3) Capability to schedule the intake quickly.

Both agencies agree to use the Interagency EI Intake form (EI 03, included in Appendix B) to record intake information. The agency completing the intake packet shall send a copy of the completed intake material to the other agency within 10 working days. Both agencies agree to notify the other agency of the staff responsible for intake and evaluations/assessments at all times during the year.

It is agreed that the individual that conducts the intake interview with the family assumes the role of Interim Service Coordinator until the IFSP Service Coordinator is identified at the IFSP meeting.

D. Evaluation and Assessment Procedures

If a child is referred to the LEA and it is not at its funded capacity, the LEA will be responsible for conducting an evaluation in all five developmental areas including hearing and vision within the 45-day intake period. The results of the evaluation will be shared with FNRC if the child has also been referred to FNRC not later than the end of the 45-day intake time period.

If a child is referred to FNRC, and the LEA is at its funded capacity, FNRC will be responsible for conducting an evaluation in all five developmental areas including hearing and vision within the 45-day intake period. FNRC will not share the results of the evaluations with the LEA unless an opening occurs in the LEA program.

Evaluation and assessment data obtained by one agency will be made available to the other agency for its use in determining eligibility and service needs, provided that appropriate releases are obtained from the parent or legal representative. The receiving agency should consider using all available data when determining eligibility.

On an annual basis appropriate assessments will be performed by both agencies and shared with the other agency. Detailed information on assessment results put into the IFSP will substitute for a formal written evaluation report.

E. Year-round Provision of Services

Throughout the year the IFSP service coordinator will contact the appropriate Early Start staff person at the other agency to discuss the child's progress and service needs. These contacts will take place at least semi-annually to coincide with the annual and semi-annual IFSP meetings. It is understood that staff from the agency that is not responsible for the IFSP service coordination can initiate contact with the IFSP service coordinator whenever a need arises.

Both agencies also agree to work together to ensure the provision of services during periods of school vacations when services are required on the IFSP. The multidisciplinary IFSP team will determine the need for continued services during short or extended school breaks. In instances where it is felt appropriate to introduce a new service provider to a child during a school break, FNRC will assume the cost for providing the interim service only until the school program reconvenes.

F. Individualized Family Service Plan (IFSP)

Both parties to this Agreement will participate in the multi-agency IFSP meeting for any child commonly served by the two agencies. The initial IFSP meeting will be held within 45 calendar days of the receipt of the referral. In the event, that agency cannot fulfill its obligation to obtain evaluation data to determine eligibility within the 45-day timeline, it will notify the other agency of the delay and it will be determined if enough data have been collected to proceed with an interim IFSP.

FNRC will assume responsibility for timely notification of the parties of an IFSP multi-agency team meeting for dually shared clients.

The six-month IFSP review shall be conducted at a minimum by the identified IFSP Service Coordinator and the parent(s) either in person or by phone. Any changes made to the plan at or before the six month review shall be documented on the IFSP periodic /semi-annual review form and a copy shall be sent to the other agency for their record. If a change is requested that will result in new or additional services being provided, the agency that will provide or pay for those services shall be notified and approve of the additional services prior to the revision to

the IFSP. In no instance shall a change be made to the IFSP without the knowledge and consent of the IFSP service coordinator. Both agencies shall participate in the annual IFSP review meeting for dually served clients. In exceptional circumstances it is acceptable for the IFSP service coordinator to participate in the IFSP meeting by phone and that should be so noted on the IFSP. It is also acceptable for the designated IFSP service coordinator to change from one agency to other with the consent of the parent.

It is understood that each agency can only commit to providing services funded by that agency; i.e., FNRC can only authorize payment for FNRC services and the LEA for LEA funded services. All services purchased by either agency must have prior authorization.

The Northeast Region Individualized Family Service Plan form (EI 04, included in Appendix B) will be used as the common IFSP form. The form must adhere to the requirements for an IFSP as outlined in federal and state statute.

The agency's representative attending the IFSP meetings will have the authority to sign the IFSP document for the agency. Both agencies agree to make appropriate staffing arrangements to assure, to the maximum degree possible, meeting the 45-day intake timeline.

If English is not the primary language of the family, it is agreed that the agency that conducts the initial intake meeting with the family will assure that an interpreter will be present for the initial multi-agency IFSP meeting(s). The agency responsible for providing an interpreter / translator for future IFSP meetings will be determined by the IFSP multi-agency team.

The LEA will agree to work together with FNRC on the common goals State Systemic Improvement Plan (SSIP) to improve social/emotional outcomes for children who qualify for Early Start Services.

G. Transition Procedures

For purposes of transition at age three, the IFSP Transition Plan will be implemented as follows:

<u>Age of Child</u>	<u>Activity</u>
At or before:	
2 years 6 months	Service coordinator notifies parent(s) that transition planning will begin within the next 3 months and that an IFSP transition plan will be developed before the toddler is 2 years 9 months.
	Parent consent is obtained to include an LEA preschool representative for a transition IFSP conference. The service coordinator notifies the LEA that there will be a transition IFSP conference requiring the attendance of an LEA preschool representative before the toddler is 2 years 9 months. Within 30 days, the family, service coordinator and the LEA agree on a date for the transition IFSP conference.

2 years 9 months	<p>Transition IFSP conference is held with service coordinator, parent (s) and, preschool representatives of LEA. If possible this meeting will be combined with the IFSP at 2 years 6 months.</p> <p>At the transition IFSP conference a projected date for conducting the final review(s) of the IFSP and the initial IEP is set including the identification of the persons responsible for convening the IEP/final IFSP review meeting(s). The date(s) is set collaboratively between the LEA staff, the parent(s) and the FNRC service Coordinator. For students with birthdays between June 1 and August 30, IEPs will be held before June 1. Referrals will be made 60 days prior to June 1.</p>
	<p>Information about assessments that may be needed to determine eligibility for LEA and continued FNRC services are discussed.</p>
	<p>Steps to prepare the toddler of changes in service delivery, including steps to help the toddler adjust to, and function in a new setting are discussed.</p>
	<p>Service coordinator reviews transition material with family including information about community resources for those children who may not qualify for LEA Part B services.</p>
No less than 90 days prior to the third birthday	<p>Referral and notification of children receiving Early Start Part C Services is completed to appropriate LEA provider, and with parent consent includes all pertinent medical and Early Start records. LEA's have 15 days to develop the assessment plan.</p>
2 years 11 months	<p>Prepare for IEP meeting.</p> <p>Eligibility review for continued FNRC services takes place if appropriate.</p> <p>At least 10 days prior to the IEP the LEA confirms the date of the IEP meeting with FNRC. If possible this meeting may be combined with the exit IFSP review. The IEP was tentatively set at the transition IFSP Conference.</p>
By the child's 3 rd birthday	<p>LEA sends evaluation results.</p> <p>IEP and final IFSP meetings are held.</p>

Note: If the initial IEP meeting is also the final IFSP meeting, adequate time must be given at the IEP meeting to review progress in achieving IFSP outcomes before initiating discussion of the IEP.

H. Service Coordination

A staff member from either agency may assume the role of IFSP Service Coordinator. If LEA staff assumes the role of the IFSP Service Coordinator, the role of the FNRC Service Coordinator is modified to allow the IFSP Service Coordinator to take a more direct lead role in interactions with the family. The FNRC Service Coordinator would still be responsible for arranging all needed purchases of service and for assuring that all generic services are pursued prior to the purchase of any service with FNRC funds. The FNRC Service Coordinator shall be notified of all IFSP meetings including the semi-annual review.

It is agreed that the individual that conducts the intake interview with the family assumes the role of Interim Service Coordinator until the IFSP Service Coordinator is identified at the IFSP meeting.

Note: See Section F, IFSP, for additional details on the role of the service coordinator.

I. Transfers

When a child who has an existing IFSP transfers into the area served by FNRC one of these procedures will be followed:

1. If the child had been served by the LEA in the area she/he was moving from and the LEA in the receiving area has an opening (i.e. is under its funded capacity), then the child will enter the LEA infant program under a 30-day administrative placement. An IFSP Periodic Review meeting will be held at the end of the initial 30-day placement to identify the services to be provided to the child by the receiving LEA. If the child had not been receiving Regional Center services before moving to this area and the LEA determines the need for FNRC services, the LEA will immediately initiate a referral to FNRC.

If the child had been served by another Regional Center before moving to the FNRC region, FNRC will immediately implement the existing IFSP to the best of its ability while determining the need for any new assessments or services. By the end of a 30-day initial service period, an IFSP Periodic Review meeting will be held to identify the new services to be provided for the child and family.

2. If the child had been served by the LEA in the area she/he was moving from and the LEA in the receiving area does not have an opening (i.e. is at its funded capacity), then FNRC will be responsible for providing all services identified on the existing IFSP in as close an approximation as possible until any new assessments indicate a need for a change in services. The child will not have any priority status for placement in an LEA program based solely on the fact that the child had received LEA services prior to moving to the FNRC region.

J. Timely Exchange of Information

Both parties agree that the following timelines will be adhered to:

1. Referrals sent to the other agency within five (5) days of receipt of the referral.
2. Evaluation results for intake purposes sent to the other agency prior to the end of the

45-day intake timeline.

3. Contact made with the other agency at least two (2) weeks prior to a proposed meeting date when an IFSP meeting, or, in the case of children who are turning three (3), IEP meeting, is being planned to coordinate meeting schedules.
4. Copies of IFSP periodic reviews to be sent to the other agency within five (5) days of the periodic review meeting if the other agency did not attend the meeting.
5. Phone or written contact with the other agency as soon as possible after receipt of information pertinent to the continued provision of Early Start services to the child and family.
6. FNRC to refer to LEA pre-school assessment team no less than 90 days before the child's third birthday.
7. Pre-school assessment results from the LEA to be sent to FNRC before the child's third birthday if FNRC sends referral in the timeline specified in G.

8. PROCEDURAL SAFEGUARDS

Both parties shall abide by the Procedural Safeguards as outlined in the Federal and State Law, local policies and accompanying regulations.

9. SURROGATE PARENTS

The LEA agrees to share its listing of surrogate parents with FNRC. These surrogate parents may be called upon to provide surrogate parenting functions for an FNRC 0-36 month old client who is not served by Butte County LEA. The LEA agrees to conduct training for surrogate parents in accordance with Education Code requirements. FNRC will be informed when those trainings will take place.

If the LEA does not have any surrogate parents available, FNRC will initiate their surrogate parent appointment process. The FNRC Service Coordinator will provide a one-to-one training with the potential surrogate parent. The FNRC Early Start administrator will assume responsibility for the actual appointment of the surrogate parent.

10. DISPUTE RESOLUTION

The following steps will be followed if a dispute arises between Butte County SELPA and FNRC as to:

- (A) The eligibility of an infant;
- (B) Which agency is responsible for the infant and family evaluation and assessment, service coordination, and the development and implementation of the IFSP; and
- (C) Which agency is responsible for the provision/purchase of appropriate early intervention services.

Step 1: Every attempt shall be made to resolve the dispute at the lowest possible administrative level starting with the supervisory level up to the Executive Director of FNRC and the SELPA Director.

Step 2: If resolution of the dispute is not achieved, the two parties may request assistance from any of the following:

- (A) Department of Developmental Services (DDS)

(B) California Department of Education (CDE)

(C) Another LEA or Regional Center

Step 3: If resolution cannot be reached within 60 calendar days, the issue shall be referred to DDS and CDE for a state-level review and resolution.

Step 4: The state-level review shall be conducted jointly by DDS and CDE and a decision rendered in 60 calendar days of receipt of the dispute.

11. STATUS OF SERVICES DURING A DISPUTE

During the pendency of a dispute, an infant/toddler must continue to receive the appropriate early intervention services currently being provided. If the dispute involves initial early intervention services, the infant/toddler shall receive all of those early intervention services identified and agreed to in the IFSP.

12. ADDITIONAL COMPONENTS

A. Interagency Meetings

Both agencies agree to send representatives to periodic interagency meetings where issues pertinent to Early Start will be discussed.

B. Joint Training

Both agencies agree to participate in the joint training of staff regarding the ongoing implementation of Early Start within the county. Staff will be informed of the contents of this Agreement. Future joint trainings may be held if new procedures are developed or this Agreement is substantially modified. Both agencies agree to notify the other party of any conferences or workshops pertinent to the implementation of Early Start.

PHILOSOPHY STATEMENT

California is committed to serving all infants, birth to three years, who have identified handicapping conditions or who are at high-risk for developing handicapping conditions. The Legislature has acknowledged that early intervention is effective in enhancing child development, reducing family stress, and avoiding greater costs on a long-term basis.

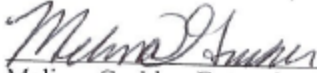
The following philosophical principles provide the rationale for the Early Intervention Project:

- Infants and toddlers are unique because of the dependence on their families. This dependence necessitates a family-focused approach to early intervention.
- Responsibility for a child's development rest with the family. Programs must support, not supplant, the family's role.
- No one agency or discipline can meet the diverse and complex needs of very young children with special needs and their families. A coordinated, interagency, and interdisciplinary approach to planning and delivery of services is necessary.
- Very young children and their families have a wide variety of needs and resources. Therefore our system must allow early intervention services to be individualized and flexible, to accommodate for changing needs of the family and child. Some infants considered at risk may need only periodic assessment and follow-up, while other infants and families may need intensive intervention and support.
- Individualized early intervention services for infants who are at risk, or who have a handicapping condition, and for their families, which provide a full range of services with active parent involvement can reduce significantly the potential impact of many handicapping conditions and positively influence later development.
- Early intervention systems must include the continuum of services necessary to address the varied needs of infants and families. The system must assure accessibility, availability, and accountability for individual families.
- Center-based and group service should maximize opportunities for integration with non-disabled infants and children. All services must be provided in a setting, and a context, that recognizes cultural and linguistic diversity, and acknowledges the value of each individual served.
- Due to the size and diversity of this region, the needs and resources vary significantly on a geographic basis. Any system must acknowledge and accommodate these differences to be effective.
- An early intervention system must allow for, and encourage, local decision making.
- The quality and effectiveness of services depends on well-trained early intervention staff. A team of personnel, knowledgeable in child development, atypical development and family systems, as well as the specific requirements of their unique disciplines, is critical. Absent that experience and understanding, early intervention staff shall undergo a comprehensive training plan for that purpose, which shall be developed and implemented as part of the staff development component of the local plan for early education services.
- As the state of the art in early intervention changes and our knowledge of child development improves, too, will this philosophy statement be reviewed.

APPENDIX A *INTERAGENCY AGREEMENT

APPROVAL

I am authorized to sign this Interagency Agreement between Far Northern Regional Center and Butte County Special Education Local Plan Area and, by doing so, give my approval of the provisions contained herein.



Melissa Gruhler, Executive Director
Far Northern Regional Center

8/21/19
Date



Aaron Benton, SELPA Director
Butte County Office of Education

8/30/19
Date



RFENC

Rowell Family Empowerment of Northern California, Inc.

Memorandum of Understanding
Between
Butte County Special Education Local Plan Area (SELPA)
And
Rowell Family Empowerment Center of Northern California (RFENC)

This is a Memorandum of Understanding (MOU) between the Butte Special Education Local Plan Area (SELPA) and Rowell Family Empowerment of Northern California (RFENC) for Parent Consultation Services from July 1, 2019 through June 30, 2020.

TERMS:

RFENC shall:

1. Provide up to 150 hours @ \$30.00 per hour, of Parent Consultation services for 2019-2020 school year.
2. Mileage to and from Butte County locations from Redding may be billed at the current IRS rate.
3. Provide appropriate supervision and evaluation of employees as determined jointly between the directors of RFENC and SELPA.
4. RFENC Parent Consultant duties shall be to assist families of special education students, ages 0-22 in resolving issues at the lowest possible level. They will accomplish this by:
 - Providing IEP training and support as needed.
 - Provide an annual summary of the number of referrals, type of concern, intervention or support provided, & number of hours on the case.
 - Meeting and conferring with parents, staff and students.
 - Participating in Alternative Dispute Resolution activities in regards to specific students/families.
5. Will provide the SELPA with an accounting of time completed.
6. Will submit an invoice to Butte County SELPA at the end of each quarter or by June 30, 2020 with an itemized detail of the hours provided on the ADR Monthly Service Log form.

SELPA shall:

1. Reimbursement to the RFENC not to exceed \$4,500.00 for Parent Consultation services for the 2019-2020 school year, upon receipt of invoice.

Termination: Either SELPA or RFENC may terminate this Agreement without cause upon 30 days written notice served upon the other stating the extent and effective date of termination.

Amendment: This Agreement may only be amended or modified in writing by the mutual consent of both SELPA and RFENC.



RFENC

Rowell Family Empowerment of Northern California, Inc.

Notices: All correspondence and notices required or contemplated by the Agreement shall be delivered to SELPA and RFENC at the addresses set forth below and are deemed submitted two (2) days after their deposit in the United States Mail, postage paid.

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed by their duly authorized representative on the day and year first written above.

Gina Grecian
Gina Grecian, Executive Director
Rowell Family Empowerment of Northern California

Oct 3, 2019
Date

Aaron Benton
Aaron Benton, SELPA Director
Butte County Special Education Local Plan Area

10/10/19
Date

Rowell Family Empowerment of Northern CA
3330 Churn Creek Rd. Bldg. A-1
Redding, CA. 96002

Butte County SELPA
1870 Bird Street
Oroville, CA 95965

Butte County Office of Education, Butte County Dept. of Employment, and Social Services, Butte County Probation Department – Foster Focus Data Sharing

MEMORANDUM OF UNDERSTANDING

Between

**BUTTE COUNTY DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES
BUTTE COUNTY PROBATION DEPARTMENT
BUTTE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA**

And

**BUTTE COUNTY OFFICE OF EDUCATION
FOR FOSTER FOCUS DATA SHARING
FY 2019/20 through FY 2020/21**

This Memorandum of Understanding (MOU) by and between Butte County Department of Employment and Social Services hereinafter referred to as "DESS", Butte County Probation Department herein referred to as "Probation", Butte County Special Education Local Plan Area herein referred to as "SELPA" and Butte County Office of Education, hereinafter referred to as "BCOE".

WITNESSETH:

WHEREAS, it is the position of DESS and BCOE in order to share foster and probation youth student information and successfully improve educational outcomes of foster and probation youth by gathering and transferring education, placement and related health records in an information sharing network, there is a need for continued, enhanced collaboration and service delivery; Now therefore it is mutually agreed upon as follows:

I. Purpose

The purpose of this agreement is to share foster and probation youth student information through the Foster Focus web-based network. The BCOE Foster Youth Coordinating Program (FYCP) has been working with and sharing information with our Butte County school districts, DESS and Probation with contract agreements. DESS, Probation, SELPA and BCOE shall continue to work collaboratively to increase the academic success for our foster and probation youth by gathering and transferring education, placement and related health records in an information sharing framework.

The Foster Focus system works with the Child Welfare Services/Case Management System (CWS/CMS), sharing educational data. The Foster Focus Agreement outlines the specific system access allowed to each party to the agreement and the procedures and safeguards required for the system's use.

This agreement is set forth to facilitate the prompt transfer of educational records, including the health and education passport, between the educational institutions when a child's placement changes. DESS shall provide education-related information to BCOE to assist in delivering services to foster children, including but not limited to educational status and progress information required for inclusion in court reports by Welfare and Institutions Code section 16010. The parties shall provide regular updates as requested on the status attendance, grades and performance of Butte County foster youth, including but not limited to 504 agreements, Individual Education Plans and evaluations.

II. Term

November 1, 2019

The term of this MOU shall be from ~~October 10, 2019~~ through June 30, 2021. This MOU may be amended by written mutual consent of both parties.

III. Confidentiality

The Family Educational Rights and Privacy Act (FERPA) and the California Education Code permit local education agencies to share information with a representative of a state or local child welfare

agency that has legal responsibility for the care and protection of a child (20 USC 1232g(b)(1)(L); California Education Code 49076(a)(1)(N).

Only those individuals authorized by the signatory agencies to use Foster Focus will be given access to information in Foster Focus. All agencies shall comply with relevant state and federal law and any local rules which relate to student records, security, confidentiality, privacy, and retention/destruction of records. This includes FERPA, California Education Code, Welfare and Institutions Code (WIC), and Health Insurance Portability and Accountability Act (HIPAA).

All parties shall maintain the confidentiality of all records and information, including, but not limited to, claims, county records, patient/client records and information, and I/S records, in accordance with Welfare and Institutions Code sections 5328 through 5330, inclusive, HIPAA, and all other applicable county, state, and federal laws, ordinances, rules, regulations, manuals, guidelines, and directives, relating to privacy/security, whichever is most restrictive.

BCOE has all employees sign a confidentiality agreement. The FYCP will have all designated staff sign Attachment I, "Foster Focus Confidentiality Agreement," attached hereto and by this reference incorporated herein. The "Foster Focus Confidentiality Agreement" is provided by the Sacramento County Office of Education.

This information will be used solely for meeting the educational needs of foster youth and shall not be shared with others or used for any other purposes. All released information is also subject to applicable federal, state, and local laws, rules, regulations, policies, and other pertinent court orders regarding confidentiality and privacy.

IV. Data Exchange Agreements

Students' records will be matched to records for dependent foster youth and probationary youth using a combination of sources to ensure accurate matches. Upon being identified the student will be entered into the Foster Focus system.

V. Non-Discrimination

During the performance of this MOU, the parties shall not unlawfully discriminate against any employee or recipient of services, because of race, religion, color, national origin, ancestry, physical disability, medical condition, marital status, age or gender, pursuant to all applicable state and federal statutes and regulations.

VI. Relationship of Parties

It is understood that this is a MOU by and between separate public agencies and is not intended to and shall not be construed to create a relationship of agent, servant, employee, partnership, joint venture or association.

VII. Dispute Resolutions

The parties agree to use good faith efforts to resolve any disputes prior to bringing any action to enforce the terms of this MOU.

VIII. Mutual Indemnification

Each party hereto agrees to be responsible and assume liability for its own wrongful or negligent acts or omissions, or those of its officers, agents, or employees to the full extent required by law.

IX. Notices

Any and all notices, reports or other communications to be given to DESS or BCOE shall be given to the persons representing the respective parties at the following addresses:

DESS

Cathy Jones
Administrative Analyst, Senior
P.O. Box 1649
Oroville, CA 95965
Email: cljones@buttecounty.net
Phone: 530-538-3707

BCOE

Meagan Meloy
Director, School Ties
1859 Bird Street
Oroville, CA 95965
Email: mmeloy@bcoe.org
Phone: 530-879-3781

X. Authority

Each party and each party's signatory warrant and represent that each has full authority and capacity to enter into this MOU in accordance with all requirements of law. The parties also warrant that any signed amendment or modification to the MOU shall comply with all requirements of law, including capacity and authority to amend or modify the MOU.

XI. Termination

Any party may terminate this MOU, without cause, upon thirty (30) days written notice served on another party. Upon termination of their participation, if a party retains information received under it, any subsequent use, storage, and access to such information will continue to be subject to the terms and conditions of this MOU.

By signature below, the department head or designee certifies that no unauthorized alterations have been made to the contract language and attachments that follow.

BUTTE COUNTY OFFICE OF EDUCATION

Mary Sakuma 9/26/19
Mary Sakuma, Superintendent Date
Butte County Office of Education

DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES

Shelby Boston 10/14/19
Shelby Boston, Director Date
Department of Employment and Social Services

BUTTE COUNTY PROBATION DEPARTMENT

Melissa Rom ^{for Wayne} 10/29/19
Wayne Barley, Chief Probation Officer Date
Butte County Probation Department

BUTTE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA

Aaron Benton 9/27/19
Aaron Benton, Director Date
Butte County Special Education Local Plan Area

COUNTY

Tamara Ingersoll 11/5/19
Tamara Ingersoll, Deputy Director Date
General Services

REVIEWED FOR CONTRACT POLICY COMPLIANCE

D. Keith 11/1/19
General Services Contracts Division Date

REVIEWED AS TO FORM

Bruce S. Alpert
Butte County Counsel
Bruce S. Alpert 11/4/19
By Date

COUNTY OF BUTTE

R 41607

Agreement Between
Butte County Special Education Local Plan Area CONTRACT NO.

and

Butte County, acting by and through its Department of Behavioral Health,
For Educationally-Related Mental Health Services for the 2015-2016 Fiscal Year

This agreement ("Agreement") is entered into by and between the Butte County Special Education Local Plan Area ("SELPA") and the County of Butte, by and through its Department of Behavioral Health ("BCDBH"). SELPA and BCDBH shall collectively be referred to as the "Parties."

RECITALS

WHEREAS, the Individuals with Disabilities Education Act ("IDEA") and related state law requires local educational agencies ("LEAs") to provide a free, appropriate public education ("FAPE") to students who qualify for special education and related services under the IDEA and related state law and who reside within their boundaries ("special education students"); and

WHEREAS, the IDEA and related state law requires LEAs, in providing a FAPE to special education students, to include, when appropriate, related services, which may include educationally-related mental health services "(ERMHS"); and

WHEREAS, the Parties have met and conferred regarding the delivery and funding of ERMHS to special education students for the 2015-2016 fiscal year; and

WHEREAS, BCDBH offers mental health services provided by qualified professionals; and

WHEREAS, SELPA is authorized to obligate its member LEAs to the terms of this AGREEMENT based on the contractual agreement in place between SELPA and each member LEA; and

WHEREAS, the Butte County Office of Education ("BCOE"), SELPA, LEAs, and BCDBH have a long history of working cooperatively to serve special education students and wish to continue that cooperative partnership under this Agreement.

NOW, THEREFORE, the Parties hereby agree as follows:

1. TERM. This Agreement will become effective on July 1, 2015 and remain in effect until June 30, 2016, at which time the Agreement shall expire, unless the term of this Agreement is changed through a written amendment by the Parties. Absent further amendment to this Agreement, BCDBH shall not be entitled to reimbursement pursuant to this Agreement for any ERMHS provided after June 30, 2016.

2. EDUCATIONALLY-RELATED MENTAL HEALTH SERVICES (ERMHS). For purposes of this Agreement, ERMHS are those mental health services that are required to be provided in order for a special education student to receive a FAPE within the meaning of the IDEA, the California Education Code, their respective implementing regulations and controlling administrative and judicial decisions, and which are reflected in the student's Individualized Education Program ("IEP"). Such ERMHS provided by BCDBH and referred by the SELPA and/or its member LEAs are described in Exhibit A and Exhibit B to this Agreement, which are incorporated herein by reference.
3. REIMBURSEMENT FOR MENTAL HEALTH SERVICES PROVIDED BY BCDBH. During the term of this Agreement, the SELPA, on behalf of the LEAs receiving ERMHS from BCDBH for their special education students, shall be obligated to reimburse BCDBH for the cost of providing the services set forth in Exhibits A and B, according to the Payment Schedule described in Exhibit C, which is incorporated herein by reference.
 - a. BCDBH will be compensated based on the total amount described in Exhibit C divided by the ten (10) billed months beginning August 1, 2015 through May 30, 2016, as described in Exhibit C. For continuity of care, services may continue throughout the year as approved and included in the IEP. BCDBH may also be compensated for services as specified in Exhibit C, subparagraph B.
 - b. The Parties acknowledge and agree that this Agreement in no way prohibits and/or limits the SELPA's and its member LEA's ability to contract with other providers and/or agencies to provide ERMHS and/or mental health assessments to students with disabilities.
 - c. The Parties acknowledge and agree that the SELPA, on behalf of its member LEAs, shall be responsible for any costs not specifically described in Exhibit A or Exhibit B.
4. REFERRALS AND ASSESSMENT REPORTS:
 - a. SELPA may refer students, as determined by the LEA, with suspected educationally related mental health needs arising from a qualifying IDEA disability to the BCDBH for mental health assessment within ten (10) days of LEA's receipt of signed consent from the parent/guardian. SELPA will provide a referral packet to BCDBH that includes a statement of the student's problems, all necessary assessment reports, background information, signed consents and releases, and any other relevant information as set forth in the IDEA and California Education Code. The signed consent forms shall include the Third Party Billing Consent Form, which is attached to this Agreement as Exhibit D and incorporated herein by reference. BCDBH will process and complete the assessment within fourteen (14) days.

- 4
- b. For services provided under Exhibit A, BCDBH's assessment will result in a report that will include recommendations for specific mental health services or no mental health services, and the assessment report will be submitted to the LEAs within a minimum of three (3) working days prior to the IEP meetings. Such recommendations will only be advisory to and not otherwise binding upon the SELPA/LEAs.
 - c. For services provided under Exhibit B, SELPA/LEA makes the initial request for placement in a residential treatment facility as appropriate, and BCDBH shall coordinate with SELPA/LEA to identify appropriate potential residential placements. BCDBH's recommendations will only be advisory to and not otherwise binding upon the SELPA/LEAs.
5. COOPERATION IN ADMINISTRATIVE HEARINGS: Although BCDBH will not be named by the LEAs as a party to due process proceedings under the IDEA's procedural safeguards, BCDBH agrees to cooperate with the LEAS/DISTRICTS/SELPA for administrative or other legal proceedings involving special education students receiving services from the BCDBH pursuant to this Agreement. BCDBH will ensure that relevant staff are available and may provide copies of source documents related to services provided under terms of this Agreement to the extent permitted by law.

The SELPA agrees to reimburse BCDBH for all reasonable staff costs and administrative costs.

6. INVOICING FOR BCDBH SERVICES.
- a. On a monthly basis, BCDBH shall send the SELPA Director a separate invoice reflecting one-tenth of the contract maximum as described in Exhibit C. The Parties agree that BCDBH shall forward its first invoice to the SELPA Administrator within 30 days of the last day of each billed month. The billed months will begin on August 1, 2015 and end on May 30, 2016. Additional invoices may be sent monthly in arrears for services as described in Exhibit C, subparagraph B.
 - b. The SELPA Director shall pay each of the approved invoices within thirty (30) days of receipt.
 - c. If there is a disagreement or inquiry regarding any portion of an invoice, the SELPA Director will promptly pay the undisputed portion of the invoice, and the SELPA and BCDBH will consult in good faith in an attempt to resolve any disputes or inquiries prior to pursuing other dispute resolution methods.

7. RESPONSIBILITY TO DETERMINE APPROPRIATE MENTAL HEALTH SERVICES. The Parties agree that IEP teams will be ultimately responsible for authorizing the level of mental health services, if any, which are required for a special education student to receive a FAPE under the law. BCDBH shall provide such mental health assessments and other ERMHS as specified in each student's IEP and for whom the SELPA and/or its member LEA has referred to BCDBH for mental health assessments and/or ERMHS. BCDBH agrees to provide periodic student progress reports to the LEAs so that the LEAs can report on progress concurrent with the issuance of report cards.
8. BCDBH's PROVISION OF SERVICES.
- a. ERMHS for special education students, as referenced in this Agreement, are defined in Exhibits A and B of this Agreement. BCDBH will provide four full-time employees, who will serve no more than 120 students in the aggregate. If the need for four full-time employees substantially increases or decreases, then the Parties shall meet in good faith to renegotiate the funding described in Exhibit C. This may include instances in which the number of students exceeds 120, and/or the level of services the SELPA/member LEAs have included within the IEP's (in aggregate), exceeds the four full-time BCDBH employee's time.
 - b. The SELPA acknowledges that BCDBH shall also include time for travel to appointments as appropriate as well as documentation time which will result in minutes of service that could exceed those listed on the IEP.
 - c. BCDBH will provide ERMHS as indicated in the IEP. In cases where a student is identified as being no longer enrolled in the LEAs, SELPA will notify BCDBH using the "ERMHS Communication Form", mentioned here by reference only. Upon receipt of the "ERMHS Communication Form" form, BCDBH will arrange for the discontinuation of ERMHS in a therapeutically appropriate manner. Following discontinuation of ERMHS, SELPA/LEAs shall amend the IEP with the discontinuance.
 - 1) A minimum of one therapeutic termination session may be needed for each student, as well as case management services to link the parent to the new LEA representative handling the IEP related mental health services.
 - 2) BCDBH will inform LEA and/or SELPA in a timely manner and by means of written or electronic notification, when a student has not begun services or has not attended scheduled services regularly or BCDBH has not been able to establish contact with student or when a student/parent/guardian is refusing

requested services. Every effort shall be made to provide student with services agreed upon in the IEP. Unsuccessful attempts shall be documented and reported to the LEA in a timely manner. After 30 days, if BCDBH has been unable to establish contact, services have been refused by student/parent/guardian, or student has not engaged in services, BCDBH will provide LEA with written notice, the LEA will convene an IEP meeting, and BCDBH may cease efforts to provide ERMHS.

- 3) LEA will inform the BCDBH in a timely manner, and by means of written or electronic notification, that a student has graduated, matriculated out of the LEA, or moved to another LEA. Failure of LEAs to provide evidence to the BCDBH of either written or electronic notification of the student's graduation, matriculation and/or move shall make LEAs of origin responsible for costs of all services provided up to the day of notification.
- d. BCDBH agrees to provide "ERMHS Progress Reports" to the SELPA to review and validate that BCDBH's records information system has eligible students documented, per the most current IEP found in the county mental health record. These reports will be delivered to SELPA once per semester (in November and April). SELPA/LEAs will have approximately fourteen (14) days to submit corrections to BCDBH's designated staff member.
- e. BCDBH agrees to provide quarterly claims and "IEP Related Service Detail" reports to the SELPA which provide detail of units of service and covered mental health services provided to eligible students. Data elements will include Student Name, Date of Birth, LEA of residence, Date of Service, Duration of Service, Description of Service and charges, and any offsetting costs as described in paragraph 9.f. and 9.g.

July – September 2015 report	due 11/15/2015
October – December 2015 report	due 2/15/2016
January – March 2016 report	due 5/15/2016
April – June 2016 report	due 8/15/2016
- f. BCDBH will bill other payors, such as Medi-Cal, Healthy Families or Insurance, when available and allowed by law. LEAs will provide BCDBH with written consent

from Parent or Guardian prior to BCDBH accessing student or parent public benefits or private insurance. If LEAs do not provide a signed consent form from Parent or Guardian prior to provision of services, SELPA/member LEAs shall cover all costs in order to provide a free appropriate public education, including residential placement services.

- g. BCDBH will provide a final reconciliation to LEAs upon completion of the Short-Doyle Medi-Cal Cost Report Reconciliation, the timing of which is determined by the State Department of Healthcare Services.
 - h. BCDBH maintains current fingerprint clearances for all employees as required by law. If additional fingerprinting is required by a member LEA, the cost will be covered by the member LEA.
9. NOTICES. All notices or demands required or permitted to be given under this agreement shall be in writing and shall be addressed to the parties at the following addresses.

To SELPA:

Butte County SELPA
Attn: Jeri Jeska
1859 Bird St.
Oroville, CA 95965

To BCDBH:

Fiscal: Butte County Department of Behavioral Health
Attn: Fiscal Analysis
109 Parmac Road, Suite 1
Chico, CA 95926

Program: Butte County Department of Behavioral Health
Attn: Don Taylor or Paige Greene
109 Parmac Rd Suite #1
Chico, CA 95926

10. MEDICATION SUPPORT SERVICES AND CRISIS SERVICES. The Parties acknowledge that the SELPA's view is that medication support and crisis management are not ERMHS within the meaning of the IDEA, but that LEAs shall continue to reimburse BCDBH for crisis management services as part of the funding model described

- in this Agreement. BCDBH will not be required to provide Medication Support services per SELPA'S view as noted above.
11. LAWS AND VENUE. This Agreement shall be governed by and interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of Butte, State of California, unless otherwise specifically provided for under California law.
 12. INDEMNIFICATION. The County of Butte shall indemnify and hold harmless the SELPA and/or each LEA member of the SELPA and their respective officers, agents, employees, and servants from all claims, suits, or actions of every name, kind, and description, brought for, or on account of: (A) injuries to or death of any person, (B) damage to any property of any kind whatsoever and to whomsoever belonging, (C) any sanctions, penalties, or damages resulting from BCDBH's failure to comply with the requirements set forth in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and all Federal regulations promulgated thereunder, as amended, or (D) any other loss or cost resulting from the performance of any work performed by BCDBH pursuant to this Agreement, provided that this shall not apply to injuries or damage to the extent that the SELPA and/or the LEA in question has been found in a court of competent jurisdiction to be liable by reason of its own negligence or willful misconduct. Each LEA member of the SELPA shall indemnify and hold harmless the County of Butte and its supervisors, officers, agents, employees, and servants from all claims, suits, or actions of every name, kind, and description, brought for, or on account of: (A) injuries to or death of any person, (B) damage to any property of any kind whatsoever and to whomsoever belonging, (C) any sanctions, penalties, or damages resulting from the SELPA's and/or member LEA's failure to comply with the requirements set forth in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and all Federal regulations promulgated thereunder, as amended, or (D) any other loss or cost resulting from the performance of the LEA pursuant to this Agreement, provided that this shall not apply to injuries or damage to the extent that the BCDBH has been found in a court of competent jurisdiction to be liable by reason of its own negligence or willful misconduct.
 13. THIRD PARTY RIGHTS. Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than BCDBH, SELPA, and SELPA's member LEAs.
 14. SEVERABILITY. The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the other provisions unenforceable, invalid, or illegal.
 15. MODIFICATION: This Agreement shall not be modified or amended without the mutual written consent of the Parties.
 16. INTEGRATION: This Agreement represents the entire understanding of BCDBH and the SELPA as to those matters contained herein, and supersedes and cancels any prior oral or written understanding, promises or representations with respect to those matters covered hereunder. This is an integrated Agreement.

17. TERMINATION: Either party may terminate this Agreement, with or without cause, upon sixty (60) days written notice given to the other party or sooner by mutual written agreement.
18. DISPUTE RESOLUTION: BCDBH, SELPA, and LEA's agree that resolution of disputes on the implementation of this Agreement will be initially conducted through collaborative efforts between the Parties. In the event a collaborative resolution cannot be achieved, the Parties agree that Title 5 of the California Code of Regulations at §4600, *et seq.* relating to "Uniform Complaint Procedures" will be applied.
19. DEFAULT; FORCE MAJEURE:
 - a. Neither party shall be deemed to be in default of the terms of this Agreement if either party is prevented from performing its terms by causes beyond its control, including without being limited to: acts of God; any laws and/or regulations of State or Federal government; or any catastrophe resulting from, flood, fire, explosion, or other causes beyond the control of the defaulting party. If any of the stated contingencies occur, the party delayed by force majeure shall immediately give the other party written notice of the cause for delay. The party delayed by force majeure shall use reasonable diligence to correct the cause of the delay, if correctable, and if the condition that caused the delay is corrected, the party delayed shall immediately give the other parties written notice thereof and shall resume performance of the terms of this Agreement.
 - b. Neither party shall be liable for any excess costs if the failure to perform the Agreement arises from any of the contingencies listed above.

20. SIGNATURE AUTHORITY. This Agreement is approved and ratified by and between the undersigned agencies for the period of July 1, 2015 through June 30, 2016.



Rusty Gordon, SELPA Director
Butte County SELPA

6/10/15

Date



Bob Feaster, Chairperson
Butte County SELPA Governing Board

6-11-15


Date



Dorian Kittrell, Director
Butte County Behavioral Health

6/15/15


Date



Doug Teeter, Chair
Butte County Board of Supervisors

6-23-15

Date

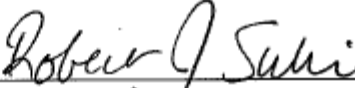


Paul Hahn, Chief Administrative Officer
By Clerk of the Board of Supervisors

7/28/15

Date

Approved for fiscal control, subject to
Budget appropriation. Auditors Office:



6/30/15

Approved as to Form, County Counsel by:



EXHIBIT A - SERVICES

I. Outpatient Services

- BCDBH will provide:
- A. Assessment

- 1) Initial assessment services: This includes clinical analysis of the history and current status of the student's mental, emotional or behavioral condition.
- 2) Annual assessment: This consists of reassessments required to evaluate a student in order to determine eligibility for mental health services under the IDEA, the student's present levels of performance and/or to determine the appropriate composition of such services.

B. Mental Health Services

Mental Health Services shall include:

- 1) Individual Therapy: Individual Therapy includes those therapeutic interventions consistent with the student's IEP mental health goals that focus primarily on symptom reduction as a means to improve functional impairments. Individual Therapy is usually delivered to an individual but may include family therapy when the individual is present.
- 2) Group Therapy: Group Therapy includes those therapeutic interventions for more than one student that focuses primarily on addressing the student's mental health goals and symptom reduction as a means to improve functional impairments. It may include group family therapy (when families of two or more students are present).
- 3) Collateral Services: Collateral Services consists of contact with one or more significant support persons in the life of the student which are determined by student's IEP team to be necessary to address the student's IEP mental health goals and which may include consultation and training to assist in better utilization of services and understanding mental illness. Collateral services include, but are not limited to, helping significant support persons to understand and accept the student's condition and involving them in service planning and implementation of service plan(s). Family counseling or therapy which is provided on behalf of the student is considered collateral.
- 4) Family Therapy: Family Therapy consists of contact with the student and one or more family members and/or significant support persons that address a student's IEP mental health goals. Services shall focus on the care and management of the student's mental health conditions within the family system.

- 5) Rehabilitation Services: Rehabilitative Services include any or all of the following that address a student's IEP mental health goals: Assistance in improving, restoring or maintaining a student's functional skills, daily living skills, social skills, leisure skills, grooming and personal hygiene skills, medication compliance, and access to support resources.
- 6) Plan Development: Plan Development consist of the following that address a student's mental health goals:
 - a. When staff develop Client Plans, approve Client Plans, and/or monitor a client's progress. Such activities may take place with the client to develop a Client Plan or discuss the overall or program goals or with a client or family member and/or significant support persons to obtain signatures on the Client Plan, and, if needed, have the Client Plan reviewed and signed by a licensed/waivered/registered clinician.
 - b. When staff meet to discuss the student's clinical response to the Client Plan or to consider alternative interventions.
 - c. When staff communicates with other professionals to elicit and evaluate their impressions (e.g. probation officer, teachers, social workers) of the student's clinical progress toward achieving their Client Plan goals, their response to interventions, or improving or maintaining client's functioning.

C. Case Management

Case Management Services are activities that are provided by staff to access medical, educational, social, prevocational, vocational, rehabilitative, or other needed educationally-related services for eligible students. Services may include the following:

- 1) Linkage and Coordination - the identification and pursuit of resources needed for the provision of a free appropriate public education to a student, including, but not limited to, the following:
 - a. Inter- and intra-agency communication, coordination, and referral, including reports to Child Protective Services
 - b. Monitoring service delivery to ensure an individual's access
 - c. Linkage and brokerage of services focused on transportation, housing, or finances

EXHIBIT B – SERVICES

I. Residential Placement Services

Residential Placement Services are defined as supportive assistance to the individual in the assessment, determination of need, and securing adequate and appropriate living arrangements that are needed for the student to receive a free and appropriate public education.

BCDBH will provide:

A. Assessment for Residential Placement:

1. Initial Assessment/Re-Assessment Services: This includes clinical analysis of the pertinent history related to the current status of the student's mental, emotional or behavior condition.
2. Annual/triennial Assessments: This consists of reassessments required to reassess a student to determine eligibility for mental health services under the IDEA, the student's present levels of performance, and/or to determine the appropriate composition of such services (for students who have Medi-Cal as a health plan).
3. Assessment Updates: This includes six (6)-month updates for documentation purposes and chart review (for students who have Medi-Cal as a health plan).

B. Residential Case Management:

1. Placement Search: Locating and securing an appropriate residential treatment center;
2. Placement Admission: Accessing services necessary to secure placement including, but not limited to, assisting school LEAs/DISTRICTs to obtain the Interstate Compact for the Placement of Children (ICPC) approval when necessary, including preparation of documentation and coordination with Butte County Social Services Agency, Butte County Probation Department, and school LEA's staff to obtain information and documentation required by the ICPC. By assisting in this manner, BCDBH, or its individual staff members, in no way intend to become the "sending agency" as defined by the law that governs the ICPC.
3. Residential Case Management Visits: It's understood that SELPA now maintains primary responsibility of residential case management visits. Upon SELPA written request with timely notice and mutual agreement, BCDBH will travel to the residential site for face-to-face visits. This will normally be accomplished by SELPA, however, per BCDBH requirements for open cases an annual visit may be required.
4. Placement Discharge: Assisting the client and family to terminate services from the residential treatment facility and transition to a continuity of care as directed by the IEP.
5. IEP Attendance: Where necessary, as determined by the LEAS/DISTRICTS, the BCDBH case manager will attend IEPs for designated individuals being served.

EXHIBIT C –PAYMENT SCHEDULE

Payment Schedule

A.

Billed Month	Monthly Rate	
August 2015	\$44,908.00	
September 2015	\$44,908.00	
October 2015	\$44,908.00	
November 2015	\$44,908.00	
December 2015	\$44,908.00	
January 2016	\$44,908.00	
February 2016	\$44,908.00	
March 2016	\$44,908.00	
April 2016	\$44,908.00	
May 2016	\$44,908.00	
	\$449,080.00	TOTAL

SELPA/member LEAs agree to payment of BCDBH claims within 30 days of receipt of BCDBH claim.

B. Residential Placement Services:

1. All residential placement made by SELPA/member LEAs and subsequent costs from placement, including unbundled services, shall be processed and reimbursed through SELPA directly with the provider of residential placement.
2. Upon written request by SELPA for BCDBH to make residential visits: SELPA/member LEAs shall reimburse BCDBH for all transportation, lodging, and meals in the course of providing Residential Case Management, detailed in Exhibit B, subsection B. Reimbursement of BCDBH costs associated with Residential Case Management shall be in addition to the monthly rate payment schedule in Exhibit C, section A. BCDBH shall provide an breakdown of applicable costs to SELPA/member LEAs in the invoicing.

AGR 6 Butte County SELPA – Homeless and Foster Youth Services

BUTTE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA Agreement
Regarding the Provision of Service to
Special Education Students Who Are Homeless or Living in
Licensed Children’s Institutions or Foster Family Homes

Intent

The intent of this agreement is to provide consistency and continuity in the provision of service to special education students who are homeless or living in Licensed Children’s Institutions (LCI) or Foster Family Homes (FFH) in Butte County.

Services for Homeless Students

Homeless definition – The term homeless means students who lack a fixed, regular, and adequate nighttime residence and includes:

- Children who are sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement or in temporary foster care awaiting long term placement;
- Children who have a primary nighttime residence that is a public or private place not ordinarily used as a regular sleeping accommodation for human beings;
- Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children, as defined in section 1309 of the Elementary and Secondary Education Act of 1965, who are living in circumstances described above.
- School of origin means the school that the child attended when permanently housed or the school in which the child last enrolled;

District of Origin – For homeless students, the term “district of origin” means the local educational agency in which school of origin is located;

Placement/Services -

Participating LEAs agree to the following conditions for students who become homeless during the school year:

1. The student has the right to attend their school of origin or enroll in the district where the student resides;
2. If the student chooses to remain in the school placement provided by the

“school of origin”, the student may remain there for the duration of the homelessness (or the academic year, if the child becomes permanently housed during an academic year). If the annual review comes due during this time period, the “district of origin” will schedule the IEP meeting and continue to offer the school placement for the duration of the homelessness (or the academic year, if the child becomes permanently housed during an academic year), so long as the IEP team determines this placement will provide student with a free appropriate public

education in the least restrictive environment

3. If the student chooses to enroll in the district where the student is residing, the district of residence is responsible for FAPE and all associated costs related to the student’s placement, unless otherwise stated by this agreement.

Transportation – If the homeless child continues to live in the area served by the district in which the school of origin is located (“district of origin”), the child’s transportation to and from the school of origin shall be provided or arranged by the district of origin. If the homeless child’s living arrangement within the district of origin terminates, or the child, though continuing his or her education in the school of origin, begins living in an area served by another district (“district of residence”), the district of origin and the district of residence will share equally in the costs of providing transportation for the duration of the homelessness, or for the remainder of the academic year, if the child becomes permanently housed during an academic year.

Change in Status- Section applies unless otherwise specified by this agreement.

Primary responsibility for the student will change from the “district of origin” to the district where the student resides, “district of residence”:

- Whenever a student referred to in this agreement requests a change in the school placement out of the “district of origin” to the “district of residence”;
- OR
- Once permanently housed the “district of residence” becomes responsible.

Services for Students in Foster Care

Definitions-

Licensed Children’s Institution – A LCI means a licensed residential facility (group home) to provide 24 hour non-medical care to children.

Foster Family Home – FFH means a licensed family residence to provide 24 hour non- medical care for a maximum of 6 children.

School Year – for the purpose of this agreement, the school year is defined as the period from the first regularly scheduled day of school after the close of one school year until the end of that school year, including the extended school year period.

School of Origin- For foster youth, the term “school of origin” means:

- School the student last attended
- School the student attended when last permanently housed (before detention)
- Any school the student attended in the prior 15 months to which he or she feels connected *and*
- School of origin continues through matriculation to the junior and high schools within the district of origin.

If the school the child attended when permanently housed is different from the school in which the foster child was last enrolled, or if there is some other school that the foster child attended with which the foster child is connected, the liaison/district representative, in consultation with and the agreement of the child and the person holding the right to make educational decisions for the child, shall determine in the best interest of the child, the district that shall be deemed the “district of origin”. The effective date for determination of “district of origin” for LCI and FFH children is January 1, 2004.

Note: According to E.C. 48853.5(c), the “role of the educational liaison is advisory with respect to placement decisions and determination of school of origin.”

Placement/ Services -

Participating LEAs agree to the following conditions for students who are placed in LCI/ FFHs during the school year:

1. The student has the right to continue in the school placement provided by the “school of origin” (even if the placement is in a non-public school) or enroll in the district where the student is residing.
2. If the student chooses to remain in the placement provided by the “school of origin”, and resides within the district where the “school of origin” exists (district of residence) the student may remain in the placement for the duration of his or her time in foster care. If the annual review comes due during this time period, the “school of origin” will schedule the IEP meeting and continue to offer the placement for the duration of the student’s time in foster care. The “school of origin” is responsible for all costs, related to the school placement during this time period.
3. If the student chooses to remain in the “school of origin” but resides within a different district (“district of residence”), the district of residence will remain ultimately responsible to ensure the student receives FAPE. The district of residence may satisfy this obligation by contracting with the LEA in which the school of origin is located for the provision of special education and related services to the student.

Transportation-

If the IEP team determines transportation is necessary as a related service, the LEA responsible for the provision of FAPE, as defined in Section B above, is responsible for the provision of transportation pursuant to the students IEP, unless it crosses

district boundaries, in which case the district of residence and the district in which the school of origin is located (if different) will share cost equally.

If a student residing in a FFH chooses to remain in the placement provided by the “school of origin”, the local Child Welfare Agency will reimburse the caregiver for mileage in accordance with federal and state regulations.

If a student residing in a LCI (group home) or FFH (foster family home) chooses to remain in the placement provided by the “school of origin”, the cost of transportation and from the school of origin is an allowable foster care maintenance cost that may be reimbursed to the foster parents of caregivers by the social services agency.

** Transportation for students residing in LCIs and FFHs is subject to further legal clarification of WIC and EC Sections affected by AB 490, AB 1933, and AB 1573.*

Change in Status -

Primary responsibility for the student will change from the “school of origin” to the district where the student resides:

- Whenever a student referred to in this agreement requests a change in the placement out of the “school of origin”; OR
- Upon closure of the foster care case as defined earlier in this agreement.

Enrollment Disputes

If a dispute arises over enrollment or placement, the student will immediately be admitted or continued in the program where enrollment is sought. In the case of a non-public school placement, the LEA that initially placed student with/in Non Public School pursuant to the IEP process will continue to provide the placement until the dispute is resolved. Disputes will be resolved through the SELPA dispute resolution process and with input from the county homeless and foster care liaisons.

APPENDIX E

CAC 1 Butte County SELPA Community Advisory Committee By-Laws

BYLAWS OF THE COMMUNITY ADVISORY COMMITTEE FOR THE BUTTE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA

(Amended June 1995, January 1996 and October 2001)

ARTICLE I - NAME

- 1.1 The name of the organization shall be the Community Advisory Committee (CAC) for the Butte County Special Education Local Planning Area.

- 1.2 The area served by the CAC shall include the following school districts in Butte County:

Bangor Union Elementary	Manzanita Union Elementary
Biggs Unified	Oroville City Elementary
Butte County Office of Education (AU)	Oroville Union High School
Chico Unified	Palermo Union Elementary
Durham Unified	Paradise Unified
Golden Feather Union Elementary	Pioneer Union
Gridley Unified	Thermalito Union Elementary

ARTICLE II - RESPONSIBILITIES

- 2.1 The CAC shall serve in an advisory capacity to the SELPA Superintendents' Council regarding the developing of the Local Plan and review of the programs under the Plan.

- 2.2 Make recommendations to be addressed under the Local Plan.

- 2.3 Assist in parent education regarding special education laws and responsibilities. Assist in the recruitment of parents and other volunteers who may contribute to the implementation of the Local Plan.

- 2.4 Encourage public involvement in the development and review of the Local Plan.

- 2.5 Act in support of individuals with disabilities.

- 2.6 Participate in the Coordinated Compliance Reviews of SELPA program operations.

- 2.7 No person may advocate for a specific child or speak for the CAC without written approval of the membership.

- 2.8 Review and advise SELPA regarding Annual Service Plan and Annual Budget Plan.
- 2.9 Support the annual planning and implementation of at least two SELPA wide activities that support students with disabilities.

ARTICLE III - EX-OFFICIO REPRESENTATION, COMMUNICATION TO COUNTY BOARD OF EDUCATION AND LOGISTICAL SUPPORT

- 3.1 The SELPA Director or his designee shall serve as a non-voting ex-officio representative to the Community Advisory Committee.
- 3.2 The SELPA Director shall serve as the official contact between the CAC, the Superintendents’ Council and the administrative staff of the Local Plan for Special Education.
- 3.3 The SELPA Administrative staff shall provide logistical support including, but not limited to, the following:
 - 3.3.1 Secretarial assistance as requested by the CAC.
 - 3.3.2 Facilities for meetings.
 - 3.3.3 Transportation for handicapped CAC members.
 - 3.3.4 Interpreters as required for CAC members.
 - 3.3.5 Printing and copying services.
 - 3.3.6 Development and monitoring of CAC budget.

Other assistance as requested.

ARTICLE IV - MEMBERSHIP APPOINTMENTS

- 4.1 Composition of the Community Advisory Committee.
Desired membership shall be at least fifteen (15) but no more than twenty-five (25) appointed memberships. All interested parties are encouraged to participate as members-at-large in CAC activities and meetings, including membership on CAC sub-committees.
 - 4.1.1 The CAC shall be composed of parents of individuals with disabilities enrolled in public or private schools, other parents of pupils enrolled in school, disabled persons and pupils, regular education teachers, special education teachers, parents who are also teachers of disabled students and regular education students, other

school personnel, representatives of other public and private agencies, and persons concerned with the needs of disabled persons.

4.1.2 The majority (51%) of the Committee shall be composed of parents of pupils enrolled in schools participating in the Local Plan and at least a majority (51%) of such parents shall be parents of individuals with disabilities.

4.1.3 The balance (49%) of the Committee shall be composed of special education teachers, regular education teachers, other school and county personnel, parents of regular and disabled pupils who are employed by public school or county school agencies, representatives of other public and private agencies, disabled persons and other persons concerned with the needs of individuals with disabilities.

4.2 Appointment

4.2.1 District governing boards shall appoint individuals to serve on the Community Advisory Committee. The procedure shall provide for selection of representatives of the districts according to district policy or SELPA procedures if the district has no policy. The CAC shall encourage districts and the County Office of Education to appoint at least one member to serve on the committee.

4.2.2 The goal of the CAC shall be to maintain proportional representation from all districts and from various disabled populations within the County.

4.3 SELPA Selection Procedure

The following procedures outline the process for selecting CAC members for districts that do not have a policy for this purpose.

4.3.1 Districts shall notify the community of vacancies in the Community Advisory Committee by notifying such groups as school site councils, PTA/PTO, parent support groups and the community at large through public service announcements to the local media. The notice shall indicate the location of application forms.

4.3.2 District governing boards shall review applicants and appointment appropriate number of Community Advisory Committee members. The number may be determined by the district's suggested pro rata share of the current December child count or may exceed the suggested share if the SELPA number of CAC appointees does not exceed the maximum membership indicated in the Local Plan. Each district will inform the SELPA Director of their appointments.

Annually, the SELPA Director will notify districts of Community Advisory Committee members who no longer wish to serve or whose term has expired and may wish to have their appointment renewed.

4.4 Terms of Office

Terms of office shall be for a minimum of two (2) years with approximately one half of the committee member terms expiring on alternative years.

4.5 Member Duties and Privileges

4.5.1 Each voting member is responsible for attendance at Community Advisory Committee meetings and shall notify the chairperson prior to the meeting if they are unable to attend.

4.5.2 Members are expected to be involved in the activities of the Community Advisory Committee on behalf of special education students and programs.

4.5.3 Each member shall be entitled to one (1) vote on each matter that is submitted to a vote of the CAC. Members must be present to vote.

4.5.4 Members are responsible for reporting to the appointing school district.

4.6 Termination of Membership

4.6.1 Termination of membership will be at the discretion of the appointing governing board.

4.6.2 If a member misses three meetings without due cause, a letter shall be sent to the appointed member and the appointing governing board informing them of the absences.

4.6.3 All members shall notify the Chairperson or Vice-Chairperson of the need to miss a meeting two (2) days prior to the meeting, except in the case of an emergency.

4.7 Resignation

Any member may resign by submitting a written resignation to the President of their district governing board.

ARTICLE V - OFFICERS OF THE CAC

5.1 The officers shall be a Chairperson, Vice-Chairperson and Secretary. All officers must be members. At least two officers must be parents.

5.2 Election of term of office for Chairperson, Vice-Chairperson and Secretary .
Officers shall be elected annually and shall serve for a term of one (1) year. An officer may serve additional terms with a two thirds vote of the CAC membership present.

5.2.1 Elections will be held by secret ballot unless there is only one (1) candidate for an office in which case there may be a voice vote.

Officer terms shall be from July 1 to June 30 with nominations no later than May and elections no later than June.

5.3 Participation on SELPA Governance Committees

5.3.1 The officers of the CAC will serve or appoint CAC members to serve on designated SELPA Governance committees. Representatives will be appointed yearly.

5.4 Vacancies

The Vice-Chairperson shall assume responsibilities of the Chairperson. An election will be held if a vacancy exists for all other offices.

5.5 Duties of Officers

5.5.1 Chairperson

- Preside at CAC general meetings
- Preside at any special meetings called by the chairperson or by a majority of the CAC
- Appoint chairpersons of all committees
- Serve as committee spokesperson
- Direct planning for parent education sessions
- Serve as a representative to SELPA committees as appropriate

5.5.2 Vice Chair

- Assist the chairperson and, in his / her absence, serve as chairperson
- Assume the position of chairperson in the event the chairperson leaves the committee
- Receive and submit to the officers all applications for membership to the committee
- Responsible for the internal functioning of the CAC and for monitoring operations of committees

5.5.3 Secretary

- Record minutes of all meetings. Typing, duplication and mailing services shall be provided by the Butte County SELPA office
- Receive and transmit committee correspondence and materials designated by members
- Maintain and update committee roster, keeping track of the balance and distribution of membership
- Maintain a notebook of all minutes, agendas, correspondence and other information pertinent to the CAC

ARTICLE VI - CAC MEETINGS

6.1 Frequency

The Committee shall meet at least four (4) times during the school year, August through June inclusive, with dates and times established at the first yearly meeting in August.

6.2 Meeting Notice

6.2.1 A calendar will be established annually with the business meeting dates and times. Notice of regular and special meetings shall be in writing. Notices will state the date, time, and location and shall be mailed to each member not less than five (5) days before the meeting. The notice shall include an agenda of the upcoming meeting.

6.2.2 The SELPA Director and chairperson will jointly develop agendas for each CAC meeting. CAC members and interested parties may request that items be included in the agenda. Suggested agenda items must be submitted to the chairperson at least fifteen days prior to the scheduled meeting.

6.3 Quorum

A quorum shall be at least five of the appointed members present, three of whom are parents, with a simple majority for a vote pass.

- 6.4 **Conduct of Meeting**
All regular and special meetings of the CAC shall be conducted in accordance with Roberts Rules of Order or in accordance with an appropriate adaptation thereof. No letters or personally presented statements of charges against individuals shall be heard by the CAC.
- 6.5 **Special Meetings**
Special meetings may be called by the Chairperson or by the majority vote of the CAC.
- 6.6 **Open Meetings**
Meetings of the Committee and of standing or special committees shall be open to the public.
- 6.7 **Committees**
The CAC may appoint committees as needed to address issues such as local plan development, parent education, membership, program needs, etc. A person must be a member of the CAC to serve on a committee. All committees and membership will be approved by a majority of the members present.

ARTICLE VII - AMENDMENTS

- 7.1 **Amendments of Bylaws**
These bylaws may be amended at any regular CAC meeting by a two thirds vote of those present, provided that written notice has been given to each of the members in advance of the meeting. Amendments to the bylaws will be reviewed and subject to final approval by the SELPA Superintendents' Council.

Adopted 11/30/95: Revised 3/08