

Special Education Local Plan Area (SELPA) Local Plan

SELPA

Fiscal Year

LOCAL PLAN

Section B: Governance and Administration
SPECIAL EDUCATION LOCAL PLAN AREA



California Department of Education

Special Education Division

January 2020

SELPA

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B. Governance and Administration

California *Education Code (EC)* sections 56195 et seq. and 56205

Participating Local Educational Agencies

Participating local educational agencies (LEAs) included in the Special Education Local Plan Area (SELPA) local plan must be identified in Attachment I.

Special Education Local Plan Area—Local Plan Requirements

1. Describe the geographic service area covered by the local plan:

The Whittier Area Cooperative SELPA, also known as the Whittier Area Cooperative Special Education Program (WACSEP), is a Special Education Local Plan Area (SELPA) of seven contiguous school districts, which have cooperated in the provision of special education services since 1956. The cooperative covers approximately ninety square miles in southeastern Los Angeles County and includes the cities of Whittier, Pico Rivera, Santa Fe Springs, and parts of Norwalk, Downey, and La Mirada, as well as the unincorporated areas of South Whittier and Los Nietos.

The seven participating districts are as follows:

- East Whittier City
- El Rancho Unified
- Little Lake City
- Los Nietos
- South Whittier
- Whittier City
- Whittier Union High School

2. Describe the SELPA regional governance and administrative structure of the local plan. Clearly define the roles and structure of a multi-LEA governing body, or single LEA administration as applicable:

The Whittier Area Cooperative SELPA operates under a Joint Powers Agreement (JPA). The JPA may be amended by a two-thirds vote of the Joint Powers Board (JPB) and a two-thirds vote of the Governing Boards.

Joint Powers Board (JPB)

The JPB is composed of one representative and one alternate appointed by each member Governing Board and is the legal body, which meets regularly to take action on policies, rules, regulations and procedures. The JPB shall annually elect a chairperson and vice chairperson.

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The superintendents are usually the district representatives of the JPB and in this capacity participate actively in the development of policy and in the decision making process. The JPB meets regularly, minimally eight times per year. The presence of two-thirds of the JPB shall be required in order to constitute a quorum for the conduct or transitions of business. Unless otherwise specified, a vote of the majority of the members of the JPB shall be sufficient to constitute action, provided that a quorum is present, except as otherwise specified. All meetings of the JPB shall be called, held, and conducted in accordance with the terms and provisions of the Ralph M. Brown Act and other applicable laws. Except as otherwise provided or permitted by law, all meetings of the JPB shall be open and public and shall be conducted in such public building or other public place as may be designated by the JPB. The JPB shall keep minutes of its meetings. Minutes of the JPB are distributed to each member of the JPB.

The JPB may appoint and dissolve working committees from its active membership or by contracting for services of others.

The JPB shall designate and evaluate the position of chief executive officer (SELPA Executive Director). The SELPA Executive Director shall not be a member of the JPB, but shall serve as secretary to the JPB.

JPB responsibilities shall include but not be limited to:

1. Taking action to approve or deny SELPA policies, administrative regulations, resolutions, and local interagency agreements for the management and implementation of special education programs and services within the SELPA. Review, approve and monitor all budgets assigned to the SELPA.
2. Recruiting, selecting, evaluating, and supervising of the SELPA Executive Director.
3. Providing direction to the SELPA Executive Director for regionalized and program specialist services.
4. Establishing and promoting a Community Advisory Committee (CAC).
5. Reviewing and considering comments from the CAC.
6. Taking action to approve or deny Annual Service and Budget Plans and revisions to those plans.
7. Reviewing and approving requests for program transfers.
8. Reviewing and approving any changes in the income distribution model for the distribution of federal, state, and local funds allocated for special education programs. Adopting SELPA policies, administrative regulations, procedures

Each JPB member has one vote and decisions will be made by a majority vote except in circumstances where state or federal mandates require a unanimous vote.

Community Advisory Committee (CAC)

The SELPA CAC serves in an advisory capacity.

The CAC membership includes parents of individuals with exceptional needs enrolled in public schools or private schools, parents of other students enrolled in school, students with disabilities,

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adults with disabilities, general education teachers, special education teachers, other school personnel, representatives of other public and private agencies, and persons concerned with the needs of individuals with exceptional needs. At least a majority of the CAC shall be composed of parents of students enrolled in schools participating in the Local Plan, and at least a majority of such parents shall be parents of individuals with exceptional needs.

CAC members shall be appointed by the Local Educational Agency (LEA) Governing Boards. The SELPA Executive Director serves as the secretary of the CAC and acts as a liaison between the CAC and JPB.

CAC Responsibilities:

1. Advise the policy and administrative entity on the development, amendment, and review of the Local Plan.
2. Assist in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the Local Plan.
3. Encourage community involvement in the development of the Local Plan.
4. Support activities on behalf of individuals with exceptional needs.

The CAC shall have regularly scheduled meetings at least five times per year, or as listed in the most current CAC by-laws.

All meetings of the committee shall be held according to federal and state law, including the Brown Act. Announcements of CAC meetings and activities will be posted at the member school district offices and the SELPA web page.

Special Education Local Plan Area (SELPA) Executive Director

The selection of the candidate for the position shall be the responsibility of the JPB. The JPB shall evaluate the SELPA Executive Director.

The SELPA Executive Director is the chief executive officer of the JPB, ensures equal access to all programs and services in the SELPA and provides advice to members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the Local Plan, on the availability of established due process and legal service options and procedures. In cooperation with the State Department of Education, the SELPA Executive Director provides information to ensure that all special education students receive due process of law.

Under the direction of the JPB, the SELPA Executive Director responsibilities shall include, but are not limited to:

1. Coordinating the implementation of all components of the Local Plan.
2. Preparing and implementing Annual Budget and Service Plans.
3. Developing, implementing, supervising, and evaluating regionalized services.
4. Overseeing the recruitment, supervision, and evaluation of SELPA staff.

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5. Developing and implementing policies, procedures, and local agreements that will ensure that all students are provided with a free and appropriate public education (FAPE).
6. Developing and maintaining interagency agreements with Eastern Los Angeles Regional Center, and others as needed to ensure a full range of special education programs and services.
7. Ensuring appropriate use of federal, state, and local funds allocated for special education.
8. Compiling data, and preparing program and fiscal reports required by the LEA, SELPA, and State Department of Education.
9. Developing and implementing a plan for personnel development, including training of staff and parents.
10. Providing technical assistance and consultation to LEAs in all areas of special education, including compliance and due process procedures.
11. Establishing and maintaining a positive relationship with all members of the SELPA.
12. Informing the LEA superintendents of the status of the special education programs.
13. Serving as secretary of the JPB and CAC.

Program Specialists

Program specialists may be employed through the Administrative Unit (AU) and serve the SELPA under the direction of the SELPA Executive Director. The SELPA Executive Director oversees the evaluation of program specialists.

Each program specialist must possess a valid special education credential, clinical services credential, health services credential, or pupil personnel services credential with school psychology authorization. Program specialists shall have advanced training and related experiences in the education of individuals with disabilities and a specialized in-depth knowledge in one or more areas of disabling conditions.

Under the direction of the SELPA Executive Director, Program Specialist responsibilities shall include, but are not limited to:

1. Conducting, observing, consulting with and assisting special and general education staff, administrators, and parents regarding appropriate placement and services for students.
2. Participating in program development, primarily in the area of his or her expertise.
3. Coordinating curricular resources and taking leadership in ensuring the use of appropriate instructional methods, strategies, interventions and resources.
4. Facilitating the development and implementation of staff development and parent education activities.

3. Describe the SELPA's regional policy making process. Clearly define the roles of a multi-LEA governing body, or single LEA administration as applicable related to the policy making process for coordinating and implementing the local plan:

The LEA governing boards appoint their superintendent as their designee for the approval and review of all policies, procedures and fiscal decisions in the implementation of the SELPA Local

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Plan.

The policy development process followed by the WACSEP features flexibility in that the preliminary policy statement may originate from various levels of the Local Plan and from the participating LEAs.

Nothing in this section shall prohibit the adoption, modification, or enrollment of language amending specific provisions of the Local Plan as may be required by law. Such revisions of the Local Plan require submission to local boards of member LEAs.

Local board policy of each member LEA of the SELPA shall indicate that the LEA is responsible for educating students with disabilities in the least restrictive environment. Placement in special education programs or services occurs only when the nature or severity of the disability is such that the student's education, even with the use of modifications of the general educational program or use of supplementary aids or programs, cannot be achieved satisfactorily in the general education setting.

4. Clearly define the roles of the County Office of Education (COE) as applicable, and/or any other administrative supports necessary to coordinate and implement the local plan:

The WACSEP shall submit the Local Plan to the Superintendent of the Los Angeles County Office of Education for approval. If the County Superintendent does not approve the plan, the County office shall return the plan with comments and recommendations to the LEA(s). The LEAs participating in the plan may appeal the decision to the Superintendent of Public Instruction (E.C. 56140(b) (2)).

5. Describe the policies and procedures of the SELPA that allow for the participation of charter schools in the local plan:

A request by a charter school to participate as an LEA in the WACSEP will not be treated differently from a similar request made by a school district. In reviewing and approving such a request, the following shall apply:

1. The SELPA shall comply with Education Code section 56140.
2. The charter school shall participate in state and federal funding for special education and receive funding in the same manner as other LEA of the SELPA as specified in the SELPA income distribution model.
3. The charter school shall participate in the governance of the SELPA in the same manner as other LEAs of the SELPA.
4. The addition of new members to WACSEP, as approved by the JPB, shall be followed by an amendment to the Local Plan.

All charter schools will comply with all requirements of state and federal laws regarding the

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provision of special education and related services to students with disabilities. (Educ. Code §§ 56000 et seq.; 20 U.S.C. §§ 1400 et seq.) Special education and related services shall be provided to all eligible individuals within WACSEP in accordance with the Local Plan. Students enrolled in charter schools shall receive services in a manner similar to students enrolled in member districts within the SELPA.

Policy and Procedures of the SELPA that allow for the participation of charter schools in the Local Plan are located in the WACSEP Policy Manual and the WACSEP Procedural Manual.

6. Identify and describe the representation and participation of the SELPA community advisory committee (CAC) pursuant to EC Section 56190 in the development of the local plan:

The CAC acts as an advisory body on the development, amendment, and review of the Local Plan. The plan for special education shall be updated cooperatively by a committee of representatives of special and general education teachers and administrators selected by the groups they represent and with participation by parent members of the CAC, or parents selected by the CAC.

7. Describe the SELPA's process for regular consultations regarding the plan development with representative of special education and regular education teachers, and administrators selected by the groups they represent and parent members of the CAC:

To ensure adequate and effective communication, the Local Plan will be developed, revised or updated cooperatively by a committee. The committee will include administrators, staff and parents. The parents will be members of the CAC or selected by the CAC. The SELPA Executive Director or designee will serve as committee chairperson.

8. Identify and describe the responsible local agency (RLA), Administrative Unit (AU), or other agency who is responsible for performing tasks such as the receipt and distribution of funds, provision of administrative support, and coordination and implementation of the plan:

The AU for WACSEP is the Whittier Union High School District.

AU Responsibilities:

1. Serve as the employing agency for WACSEP certificated and classified personnel.
2. Receive and maintain accountability for fiscal and accounting records in accordance with federal and state requirements and submitting reports to appropriate authorities.
3. Distribute funds, in collaboration with WACSEP, to member districts in accordance with the WACSEP distribution plan.
4. Upon recommendation of the JPB, the AU's governing Board shall review and act on SELPA operational items such as contracts or other requisite matters as needed to

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9. Describe the contractual agreements and the SELPA's system for determining the responsibility of participating agency for the education of each student with special needs residing within the geographical area served by the plan:

The SELPA shall develop, agree to, and maintain interagency agreements and/or memorandums of understanding necessary to support the implementation of the Local Plan, and as required by legal mandates. They have been developed with agencies such as Regional Center. Other interagency agreements and/or memorandums of understanding will be developed as needed in support of the Local Plan. Copies of these documents can be requested through the SELPA office.

Coordinating Services with Other Public Agencies:

1. The SELPA will facilitate agreements for the provision and coordination of services by other public agencies that are funded to serve children with disabilities.
2. The SELPA Director has the primary responsibility to negotiate agreements with other public agencies.
3. All agreements negotiated with public agencies are to be reviewed by the SELPA Executive Director and submitted to the JPB for approval.

10. For multi-LEA local plans, specify:

- a. The responsibilities of each participating COE and LEA governing board in the policymaking process:

The governing board of each LEA shall approve its participation in the WACSEP Local Plan.

LEA Governing Board Responsibilities:

1. Approve the Local Plan.
2. Adopt policies and procedures for special education programs and services within their districts.
3. Ensure LEA compliance with all elements of the Local Plan.
4. Exercise authority over, assume responsibility for, and be fiscally accountable for special education programs operated by the agency.
5. Provide input on SELPA policies and procedures through the Superintendent of the LEA.
6. Appoint individuals to the CAC.
7. Other duties as required by federal and state law.

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- b. The responsibilities of the superintendents of each participating LEA and COE in the implementation of the local plan:

The superintendent of each district retains responsibility for the administration of programs operated by his/her district. The superintendent shall provide, as necessary, direct support to his/her staff in planning, establishing, and implementing policy decisions.

LEA Superintendents' Responsibilities:

1. Serve as a member of the JPB.
2. Assist in the identification of special education program and service needs for WACSEP through participation on the JPB.
3. Communicate SELPA information to their LEA governing boards.
4. Assure that the provisions of the Local Plan are implemented in the district in compliance with State Education Code and Federal Individuals with Disabilities Education Act (IDEA).
5. Assure that appropriate facilities and support services are available to meet the needs of students with disabilities residing in the geographical area covered by the Local Plan.
6. Other duties as required by federal and state law.

- c. The responsibilities of each LEA and COE for coordinating the administration of the local plan:

The LEA superintendents shall direct activities of the administrators of special education in coordinating the administration of the Local Plan.

Special Education Administrators are employed by their respective LEA and are responsible to their LEA superintendent.

LEA Special Education Administrators Responsibilities:

1. Serve in an advisory capacity to the SELPA Executive Director.
2. Coordinate special education services and programs within their district and for the implementation of the Local Plan.
3. Complete reports required by the SELPA, Federal or State in a timely manner.
4. Assign staff as required to assist in the development of regionalized services including, but not limited to, the development of a coordinated child find identification, placement and referral system, personnel, and curriculum development activities, and evaluation and program review/monitoring activities.
5. Make available a free appropriate public education to all children residing in the LEA between the ages of birth through 21 inclusive, including students with disabilities who have been suspended or expelled from school.
6. Identify and serve students in medical facilities, foster care, or Licensed Childcare Institute (LCI) pursuant to federal and state law.

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7. Develop and provide programs and services for all eligible students residing in the LEA and for students attending private schools.
8. Organize, administer, and supervise the activities of local Individualized Education Program (IEP) teams and participate in regional IEP teams as required.
9. Ensure participation in state and LEA-wide assessments.
10. Operate all special education programs and services in accordance with federal and state laws and regulations.
11. Organize the activities of the Resource Specialist Program (RSP) and assure that the programs comply with the provisions pursuant to EC 56362.
12. Ensure equal access to all programs within the SELPA for students with disabilities by:
 - a. Use of common forms and web-based IEP development system
 - b. Acceptance of all students with disabilities appropriately referred to regionalized programs across LEAs
 - c. Assure the availability of programs as needed
13. Assure that required information, reports and necessary waivers are submitted to the SELPA program administrator in a timely fashion.
14. Coordinate and conduct LEA special education monitoring and review activities as required.
15. Implement and monitor any corrective actions findings for all monitoring and review activities.
16. Respond to compliance and due process complaints and implement required corrective actions if needed.
17. Other duties as required by federal and state law.

11. Identify the respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA related to:
 - a. The hiring, supervision, evaluation, and discipline of the SELPA administrator and staff employed by the AU in support of the local plan:

1. The AU is responsible for the recruitment and hiring of the SELPA Executive Director.
2. The selection of the candidate for the position shall be the responsibility of the JPB.
3. The JPB shall jointly supervise and evaluate the SELPA Executive Director's performance, including disciplinary action as may be necessary.
4. The SELPA Executive Director oversees the recruitment, supervision and evaluation of SELPA staff.
5. Individual LEAs will provide representation in the interview panel for the hiring of SELPA staff as needed.

- b. The local method used to distribute federal and state funds to the SELPA RLA/AU and to LEAs within the SELPA:

All federal and state special education funds shall be allocated to the SELPA for distribution to

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LEAs according to an approved special education funding Allocation Plan. The JPB shall make any changes to the allocation of federal and state special education funds.

The AU shall be responsible for the distribution of the funds, in collaboration with the SELPA, according to an approved Special Education Funding Allocation Plan. The SELPA Director is responsible to ensure that the funds are distributed in accordance with the funding allocation plan.

The governing boards of the LEAs participating in the SELPA have agreed that students with disabilities will be provided with appropriate special education services. The JPB has been designated the authority to determine the distribution of all federal and state special education funds in order for LEAs to carry out their responsibilities.

c. The operation of special education programs:

The SELPA provides a full continuum of services to students identified with disabilities, including students in charter schools, alternative education, and students who are not in residence but approved to attend the LEA. Access to services is through each of the LEAs. The referral, assessment, and IEP process is utilized to identify the needs of each individual student with disabilities.

Specific Duties of the AU:

1. The AU shall be responsible for receipt of and distribution of any funds for the operation of special education programs in accordance with the provisions of the Education Code Section 56836.

Specific Duties of the SELPA Executive Director:

1. Coordinate implementation of all components of the Local Plan.
2. Meet with LEA program and business staff regarding special education program needs, policies, procedures, agreements, and forms.
3. Provide LEA program staff with a venue for sharing ideas regarding issues such as program/service development, IEP oversight and development and implementation, curriculum scope and sequence, student performance targets, instructional best practices, and day-to-day operations.
4. Develop and maintain interagency agreements with appropriate public agencies to ensure a full range of special education programs and services.
5. Monitor and ensure appropriate use of federal, state, and local funds allocated for special education operations.
6. Provide technical assistance to LEAs with non-public schools and agencies, including distribution of a master contract template and rate negotiations.

Specific Duties of the Individual LEAs:

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1. Coordinate and conduct child find activities.
2. Make available a free appropriate public education to all students residing in the LEA and/or Local Plan geographic area.
3. Develop and provide programs and services for all eligible students residing in the LEA and for students attending private schools.
4. Identify and serve students in medical facilities, foster care, or Licensed Children's Institution (LCI) pursuant to federal and state law.
5. Ensure participation in state and district-wide assessments.
6. Operate all special education programs and services in accordance with federal and state laws and regulations and in alignment with SELPA policies/procedures.

- d. Monitoring the appropriate use of federal, state, and local funds allocated for special education programs:

The AU will provide consultation and support to the SELPA related to the monitoring of the appropriate use of federal, state and local funds used for special education programs.

The SELPA Executive Director, or designee, shall be responsible to monitor, at a minimum annually, the appropriate use of all funds allocated for special education programs and services. Final determination, monitoring and action regarding the appropriate use of special education funds shall be made through the required Annual Maintenance of Effort reports and Annual Budget Plan submitted to the California Department of Education (CDE).

The individual LEAs, along with the SELPA Executive Director, shall ensure that the 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 state, local, and other federal funds and not to supplant those funds; and 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 students with disabilities except as provided in federal law and regulations.

12. Describe how specialized equipment and services will be distributed within the SELPA in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environments:

Specialized equipment and services will be provided at the site where the IEP team has determined appropriately provides the program/services in the least restrictive environment. The SELPA and individual LEAs will ensure that specialized equipment is accessible to students and in alignment with federal and state law (e.g., AB 605).

Funds for low incidence equipment, materials, and supplies as well as for low incidence services are restricted to support of students in the following disability categories: hard-of-hearing, deaf, visual disability, severely orthopedically impaired, and deaf-blind. The funds are administered through the SELPA.

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Policies, Procedures, and Programs

Pursuant to *EC* sections 56122 and 56205(a), the SELPA ensures conformity with Title 20 *United States Code (USC)* and in accordance with Title 34 *Code of Federal Regulations (CFR)* Section 300.201 and has in effect policies, procedures, and programs. For each of the following 23 areas, identify whether, or not each of the following provisions of law are adopted as stated. If the policy is not adopted as stated, briefly describe the SELPA's policy for the given area. In all cases, provide the SELPA policy and procedure numbers; the document title; and the physical location where the policy can be found.

1. Free Appropriate Public Education: 20 USC Section 1412(a)(1)

Policy/Procedure Number:	<input type="text" value="N/A"/>
Document Title:	<input type="text" value="COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION
SPECIAL EDUCATION LOCAL PLAN AREA LOCAL EDUCATION
AGENCY (LEA) ASSURANCES"/>
Document Location:	<input type="text" value="Whittier Area Cooperative Special Education Program Office
8036 Ocean View Avenue, Whittier, CA 90602"/>

"It shall be the policy of this LEA that a free appropriate public education is available to all children with disabilities residing in the LEA between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school." The policy is adopted by the SELPA as stated:

Yes No

2. Full Educational Opportunity: 20 USC Section 1412(a)(2)

Policy/Procedure Number:	<input type="text" value="N/A"/>
Document Title:	<input type="text" value="COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION
SPECIAL EDUCATION LOCAL PLAN AREA LOCAL EDUCATION
AGENCY (LEA) ASSURANCES"/>
Document Location:	<input type="text" value="Whittier Area Cooperative Special Education Program Office
8036 Ocean View Avenue, Whittier, CA 90602"/>

"It shall be the policy of this LEA that all children with disabilities have access to educational programs, non-academic programs, and services available to non-disabled children." The policy is adopted by the SELPA as stated:

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Yes No

3. Child Find: 20 USC Section 1412(a)(3)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this 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 with disabilities attending private schools, regardless of the severity of their disabilities, who are in need of special education and related services, are identified, located, and evaluated. A practical method has been developed and implemented to determine which children with disabilities are currently receiving needed special education and related services." The policy is adopted by the SELPA as stated:

Yes No

**4. Individualized Education Program (IEP) and Individualized Family Service Plan (IFSP):
20 USC Section 1412(a)(4)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that an IEP, or an IFSP that meets the requirements of 20 USC Section 1436 (d), is developed, implemented, reviewed, and revised for each child with a disability who requires special education and related services in accordance with 20 USC Section 1414 (d). It shall be the policy of this LEA that an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions." The policy is adopted by the SELPA as stated:

Yes No

5. Least Restrictive Environment: USC Section 1412(a)(5)

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Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this 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 classes, separate schooling, or other removal of children with disabilities from the general educational environment, occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." The policy is adopted by the SELPA as stated:

Yes No

6. Procedural Safeguards: 20 USC Section 1412(a)(6)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards according to state and federal laws and regulations." The policy is adopted by the SELPA as stated:

Yes No

7. Evaluation: 20 USC Section 1412(a)(7)

Policy/Procedure Number:

Document Title:

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Document Location:

"It shall be the policy of this LEA that a reassessment of a child with a disability shall be conducted at least once every three years or more frequently, if appropriate." The policy is adopted by the SELPA as stated:

Yes No

8. Confidentiality: 20 USC Section 1412(a)(8)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this 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, non-academic programs, and services available to non-disabled children." The policy is adopted by the SELPA as stated:

Yes No

9. Part C to Part B Transition: 20 USC Section 1412(a)(9)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that children participating in early intervention programs under the Individuals with Disabilities Education Act (IDEA), Part C, and who will participate in preschool programs, experience a smooth and effective transition to preschool programs in a manner consistent with 20 USC Section 1437(a)(9). The transition process shall begin prior to the child's third birthday." The policy is adopted by the SELPA as stated:

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Yes No

10. Private Schools: 20 USC Section 1412(a)(10)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this 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." The policy is adopted by the SELPA as stated:

Yes No

11. Local Compliance Assurances: 20 USC Section 1412(a)(11)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this 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 IDEA; the Federal Rehabilitation Act of 1973, Section 504 of Public Law; and the provisions of the California EC, Part 30." The policy is adopted by the SELPA as stated:

Yes No

12. Interagency: 20 USC Section 1412(a)(12)

Policy/Procedure Number:

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Document Title:

Document Location:

"It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for free appropriate public education are provided, including the continuation of services during an interagency dispute resolution process." The policy is adopted by the SELPA as stated:

Yes No

13. Governance: 20 USC Section 1412(a)(13)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this 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 Education Agency." The policy is adopted by the SELPA as stated:

Yes No

14. Personnel Qualifications

Policy/Procedure Number:

Document Title:

Document Location:

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"It shall be the policy of this LEA to ensure that personnel providing special education related services are appropriately and adequately prepared and trained, and that those personnel have the content knowledge and skills to serve children with disabilities. This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the California Department of Education (CDE) about staff qualifications." The policy is adopted by the SELPA as stated:

Yes No

15. Performance Goals and Indicators: 20 USC Section 1412(a)(15)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to comply with the requirements of the performance goals and indicators developed by the CDE and provide data as required by the CDE." The policy is adopted by the SELPA as stated:

Yes No

16. Participation in Assessments: 20 USC Section 1412(a)(16)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs described in 20 USC Subsection 6311. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments where necessary and as indicated in their respective Reps.." The policy is adopted by the SELPA as stated:

Yes No

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17. Supplementation of State, Local, and Federal Funds: 20 USC Section 1412(a)(17)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this 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, and will be used to supplement and not to supplant state, local, and other federal funds." The policy is adopted by the SELPA as stated:

Yes No

18. Maintenance of Effort: 20 USC Section 1412(a)(18)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this 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 laws and regulations." The policy is adopted by the SELPA as stated:

Yes No

19. Public Participation: 20 USC Section 1412(a)(19)

Policy/Procedure Number:

Policy/Procedure Title:

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Document Location:

"It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity for comments are available to the general public, including individuals with disabilities and parents of children with disabilities, and are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA." The policy is adopted by the SELPA as stated:

Yes No

20. Suspension and Expulsion: 20 USC Section 1412(a)(22)

Policy/Procedure Number:

Document Title:

Document Location:

"The 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." The policy is adopted by the SELPA as stated:

Yes No

21. Access to Instructional Materials: 20 USC Section 1412(a)(23)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this 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." The policy is adopted by the SELPA as stated:

Yes No

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22. Over-identification and Disproportionality: 20 USC Section 1412(a)(24)

Policy/Procedure Number:	<input type="text" value="N/A"/>
Document Title:	<input type="text" value="COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION
SPECIAL EDUCATION LOCAL PLAN AREA LOCAL EDUCATION
AGENCY (LEA) ASSURANCES"/>
Document Location:	<input type="text" value="Whittier Area Cooperative Special Education Program Office
8036 Ocean View Avenue, Whittier, CA 90602"/>

"It shall be the policy of this LEA to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities." The policy is adopted by the SELPA as stated:

Yes No

23. Prohibition on Mandatory Medicine: 20 USC Section 1412(a)(25)

Policy/Procedure Number:	<input type="text" value="N/A"/>
Document Title:	<input type="text" value="COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION
SPECIAL EDUCATION LOCAL PLAN AREA LOCAL EDUCATION
AGENCY (LEA) ASSURANCES"/>
Document Location:	<input type="text" value="Whittier Area Cooperative Special Education Program Office
8036 Ocean View Avenue, Whittier, CA 90602"/>

"It shall be the policy of this 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." The policy is adopted by the SELPA as stated:

Yes No

Administration of Regionalized Operations and Services

Pursuant to *EC* sections 56195.7(c), 56205(a)(12)(B), 56368, and 56836.23, describe the regionalized operation and service functions. Descriptions must include an explanation of the direct instructional support provided by program specialists; and the respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA. Information provided should include the reference number, document title, and the location (e.g., SELPA office) for each function:

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1. Coordination of the SELPA and the implementation of the local plan:

Reference Number:

Document Title:

Document Location:

Description:

2. Coordinated system of identification and assessment:

Reference Number:

Document Title:

Document Location:

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Description:

Role of the RLA/AU: N/A

Role of the Administrator of the SELPA: The SELPA Executive Director ensures each LEA conducts child find activities. The SELPA will provide technical support to LEAs and guidance to parents, as needed. The SELPA will also participate in child find activities established by the LEAs and ensuring appropriate interagency agreements are in place.

Role of the individual LEAs: Each LEA is responsible for identifying and assessing all students for whom they are responsible.

3. Coordinated system of procedural safeguards:

Reference Number:

WA 100 G-3

Document Title:

Administration of Regionalized Operations and Services Guidelines

Document Location:

Whittier Area Cooperative Special Education Program Office
8036 Ocean View Avenue, Whittier, CA 90602

Description:

Direct instructional support provided by the program specialist: The SELPA program specialist(s) provides alternate dispute resolution with districts as requested by parents and LEAs. The SELPA program specialist(s) assists parents with filing complaints with the Office of Administrative Hearings (OAH) when requested. The program specialists also assure procedural safeguards by providing technical assistance and guidance on forms and procedures to LEAs in the areas of assessment, identification, and placement.

Role of the RLA/AU: N/A

Role of the Administrator of the SELPA: The SELPA provides alternate dispute resolution with districts as requested by parents. The SELPA assists parents with filing complaints with the OAH when requested. The SELPA also assures procedural safeguards by providing technical assistance and guidance on forms and procedures to LEAs in the areas of assessment, identification, and placement. The SELPA will also provide parents with a copy of their procedural safeguards upon request and will maintain a copy on their website.

Role of the individual LEAs: The LEAs provide procedural safeguards to parents consistent with the education code, assist parents with understanding them, and ensure that they are implemented. The LEAs assist parents with filing complaints with the OAH when requested.

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4. Coordinated system of staff development and parent and guardian education:

Reference Number:

Document Title:

Document Location:

Description:

Direct instructional support provided by the program specialist: SELPA program specialist(s) provides and supports staff development, program development, and innovation of special methods and approaches.

Role of the RLA/AU: N/A

Role of the Administrator of the SELPA: On an annual basis, input is collected from the Special Education Directors from member LEAs to determine the staff development needs that the SELPA is requested to provide. On an annual basis, the Community Advisory Committee (CAC) will provide input on the parent and guardian education needs. The SELPA will provide needed training and supports as requested, or determined appropriate, for each LEA.

Role of the individual LEAs: LEAs will determine their staff development and parent and guardian education, based on their local needs. They may seek technical assistance or input from the SELPA.

5. Coordinated system of curriculum development and alignment with the core curriculum:

Reference Number:

Document Title:

Document Location:

Direct instructional support provided by the program specialist: SELPA program specialist(s) will coordinate curricular resources for students with disabilities and provide technical assistance to LEAs when requested.

Role of the RLA/AU: N/A

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Description:

Role of the Administrator of the SELPA: The SELPA Administrator will provide technical assistance and staff development, as requested or determined appropriate for member LEAs.

Role of the individual LEAs: LEAs will determine their needs for curriculum development and alignment with the core curriculum, based on their local needs.

6. Coordinated system internal program review, evaluation of the effectiveness of the local plan, and implementation of the local plan accountability system:

Reference Number:

Document Title:

Document Location:

Description:

Direct instructional support provided by the program specialist: When requested by LEAs, SELPA program specialist(s) will evaluate effectiveness of programs for students with disabilities.

Role of the RLA/AU: The AU will receive and maintain accountability for fiscal and accounting records in accordance with federal and state requirements and will submit reports to appropriate authorities, including support of the submission of SELPA fiscal accountability reports (e.g., Maintenance of Effort).

Role of the Administrator of the SELPA:
The SELPA will:

1. Review Annual Performance Reports, California School Dashboard, and other data sources with LEA administrators.
2. Review Annual Budget Plan by superintendents, CAC and other interested parents, community or educational groups.
3. Review Annual Service Plan by superintendents, CAC and other interested parents, community or educational groups.
4. Review of the funding Allocation Plan by the superintendents to ensure appropriate distribution of funds.

Role of the individual LEAs. Individual LEAs review and monitor Annual Performance Reports, the California School Dashboard, and other data sources to ensure students with disabilities receive FAPE. Individual LEAs also engage in monitoring activities as required by the CDE.

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7. Coordinated system of data collection and management:

Reference Number:	<input type="text" value="WA 100 G-7"/>
Document Title:	<input type="text" value="Administration of Regionalized Operations and Services Guidelines"/>
Document Location:	<input type="text" value="Whittier Area Cooperative Special Education Program Office
8036 Ocean View Avenue, Whittier, CA 90602"/>
Description:	<p><i>Direct instructional support provided by the program specialist: N/A</i></p> <p><i>Role of the RLA/AU: N/A</i></p> <p><i>Role of the Administrator of the SELPA:</i> The SELPA will approve the California Longitudinal Assessment and Pupil Data System (CALPADS) submission of each member LEA as required by the California Department of Education (CDE). The SELPA will provide technical assistance and training to LEAs as requested and/or deemed necessary by the SELPA.</p> <p><i>Role of the individual LEAs:</i> The LEAs are responsible for data entry, quality and integrity. The LEAs will approve the CALPADS submission as required by the CDE.</p>

8. Coordination of interagency agreements:

Reference Number:	<input type="text" value="WA 100 G-8"/>
Document Title:	<input type="text" value="Administration of Regionalized Operations and Services Guidelines"/>
Document Location:	<input type="text" value="Whittier Area Cooperative Special Education Program Office
8036 Ocean View Avenue, Whittier, CA 90602"/>
Description:	<p><i>Direct instructional support provided by the program specialist: N/A</i></p> <p><i>Role of the RLA/AU: N/A</i></p> <p><i>Role of the Administrator of the SELPA:</i> The SELPA Administrator, or designee, will serve on committees as interagency agreements are being reviewed, revised, or developed. The SELPA Administrator will ensure that interagency agreements are in place as required by California Education Code, and provide technical assistance and dispute resolution as needed.</p>

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Role of the individual LEAs: Through their representative to the JPB the LEAs will approve and implement interagency agreements as appropriate.

9. Coordination of services to medical facilities:

Reference Number:

Document Title:

Document Location:

Description: *Direct instructional support provided by the program specialist:* The SELPA program specialist supports LEAs to assure students have a full educational opportunity regardless of the district of residence.

Role of the RLA/AU: N/A

Role of the Administrator of the SELPA: The SELPA will facilitate the coordination of these services by the designated LEAs.

Role of the individual LEAs: Individuals with exceptional needs who are placed in a public hospital, state licensed children's hospital, psychiatric hospital, proprietary hospital, or a health facility for medical purposes are the educational responsibility of the LEA in which the hospital or facility is located.

10. Coordination of services to licensed children's institutions and foster family homes:

Reference Number:

Document Title:

Document Location:

Description: *Direct instructional support provided by the program specialist:* The SELPA program specialist(s) assists LEAs to ensure students have a full educational opportunity regardless of the district of special education accountability.

Role of the RLA/AU: N/A

Role of the Administrator of the SELPA: The SELPA will facilitate the

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Description:

11. Preparation and transmission of required special education local plan area reports:

Reference Number:

Document Title:

Document Location:

Description:

12. Fiscal and logistical support of the CAC:

Reference Number:

Document Title:

Document Location:

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Description:

Role of the Administrator of the SELPA: The SELPA will provide fiscal and logistical support to CAC meetings, events, and trainings that are approved by the JPB when required.

Role of the individual LEAs: The LEAs, through their representative to the JPB, will ensure the SELPA has sufficient resources to provide fiscal and logistical support for the CAC. LEA Directors shall facilitate communication between their CAC representative and their LEA.

13. Coordination of transportation services for individuals with exceptional needs:

Reference Number:

Document Title:

Document Location:

Description:

Direct instructional support provided by the program specialist: The SELPA program specialist(s) will provide staff development as requested by the LEAs.

Role of the RLA/AU: N/A

Role of the Administrator of the SELPA: The SELPA will provide technical assistance as requested.

Role of the individual LEAs: Each member LEA is responsible for providing transportation for their students with disabilities as determined by their Individualized Education Plan (IEP) teams.

14. Coordination of career and vocational education and transition services:

Reference Number:

Document Title:

Document Location:

Direct instructional support provided by the program specialist: SELPA program specialist(s) supports staff development, program development, and innovation of special methods and approaches.

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Description:

Role of the RLA/AU: N/A

Role of the Administrator of the SELPA: The SELPA Administrator will provide technical assistance and staff development as needed. The SELPA Administrator will ensure appropriate interagency agreements are in place and facilitate connection to agencies, as appropriate, including technical assistance with state and federal grants that support career and vocational education and transition services (e.g., Workability grants).

Role of the individual LEAs: Each LEA will provide appropriate career and vocational education and transition services as required under state and federal law, including providing required elements of state and federal grants as appropriate. LEAs will also coordinate with local agencies (e.g., Regional Center and Department of Rehabilitation).

15. Assurance of full educational opportunity:

Reference Number:

Document Title:

Document Location:

Description:

Direct instructional support provided by the program specialist: The program specialist(s) assists LEAs to ensure students have a full educational opportunity regardless of the district of special education accountability.

Role of the RLA/AU: N/A

Role of the Administrator of the SELPA: Through approval of the Annual Services Plan, the SELPA will ensure that the full continuum of services is provided. The SELPA will assist with InterSELPA Transfers, as needed. Additionally, professional development and technical assistance is available upon request or as determined to be needed by the SELPA to LEAs and/or nonpublic schools.

Role of the individual LEAs: Each LEA, through their representative to the JPB, will determine the regional programs needed to meet the needs of the students with disabilities within the SELPA. Additionally, each LEA is responsible for providing a full continuum of services.

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16. Fiscal administration and the allocation of state and federal funds pursuant to *EC* Section 56836.01—The SELPA Administrator's responsibility for the fiscal administration of the annual budget plan; the allocation of state and federal funds; and the reporting and accounting of special education funding.

Reference Number:

Document Title:

Document Location:

Description:

17. Direct instructional program support that maybe provided by program specialists in accordance with *EC* Section 56368:

Reference Number:

Document Title:

Document Location:

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Description:

2. Participate in program development, primarily in the area of his or her expertise.
3. Coordinate curricular resources and take leadership in ensuring the use of appropriate instructional methods, strategies, interventions and resources.
4. Facilitate the development and implementation of staff development and parent education activities.

Role of the RLA/AU: N/A

*Role of the Administrator of the SELPA:*The SELPA administrator supervises and evaluates SELPA program specialist(s) and provides training and guidance to the program specialist(s) as needed.

Role of the individual LEAs: SELPA program specialist(s) will provide direct instructional support to LEAs, per the request of LEAs.

Special Education Local Plan Area Services

1. A description of programs for early childhood special education from birth through five years of age:

Reference Number:

Document Title:

Document Location:

The Whittier Area Infant-Family Program, a Whittier Area Cooperative Special Education Program (WACSEP) program located in East Whittier City School District, provides early start services on a regional basis for all member Local Educational Agencies (LEAs) who serve birth-3 years of age. Whittier Area Infant-Family Program serves all solely low incidence (visually, hearing, or orthopedically impaired) identified children birth-3 years of age, providing service coordination and special education and related services. The program also "dually serves", with Regional Center, an additional number of children for special education and some related services. The Regional Center remains payer of last resort for those children who are "dually served." The Whittier Area Infant-Family Program is committed to providing procedural safeguards to families of infants and toddlers with disabilities as mandated by state and federal law. Parent rights are given to all families upon initial Individual Family Service Plan (IFSP) meetings.

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Description:

For children who receive early start services, both through Regional Center and Whittier Area Infant-Family Program, will be referred to the district of residence for assessment prior to 2 years, 9 months. The districts in WACSEP are committed to working with the Regional Center to assure the completion of an Individualized Education Program (IEP) by the child's third birthday.

Referrals for students ages 3, 4, and 5 who are not in transitional kindergarten or kindergarten are made to the child's school district of residence. Referrals for assessment may be received from parents, pediatricians, social workers or other community members.

Preschool special education services are provided to students with IEPs in a variety of ways according to LEA procedures. Trans-disciplinary teams share their expertise, working with parents, in addressing the needs of children. LEAs may work collaboratively to provide regionalized preschool services and/or programs within the Special Education Local Plan Area (SELPA). For a listing of programs and/or services for children aged three through five years of age, refer to the Annual Service Plan.

2. A description of the method by which members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the local plan, may address questions or concerns to the SELPA governing body or individual administrator:

Reference Number:

Document Title:

Document Location:

Description:

Members of the public, including parents or guardians of students with disabilities, may address questions or concerns to the special education directors of their resident LEA, the SELPA Administrator, the Community Advisory Committee (CAC), or to the governing boards of each LEA and the Joint Powers Board (JPB).

3. A description of a dispute resolution process, including mediation and final and binding arbitration to resolve disputes over the distribution of funding, the responsibility for service provision, and the other governance activities specified within the local plan:

Reference Number:

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Document Title:

Document Location:

Description:

4. A description of the process being used to ensure a student is referred for special education instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized:

Reference Number:

Document Title:

Document Location:

Description:

5. A description of the process being used to oversee and evaluate placements in nonpublic, nonsectarian schools and the method of ensuring that all requirements of each student's individualized education program are being met. The description shall include a method for evaluating whether the student is making appropriate educational progress:

Reference Number:

Document Title:

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Document Location: 8036 Ocean View Avenue, Whittier, CA 90602

Description:

Nonpublic, nonsectarian school (NPS) means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an IEP and is certified by the California Department of Education (CDE). The LEA may contract with an NPS when no public education program is available, as determined by the IEP team.

The LEA, or SELPA on behalf of the LEA, shall oversee and evaluate all placements in nonpublic, nonsectarian schools. The LEA, or SELPA on behalf of the LEA, shall do the following:

- Annually verify the NPS has conducted training pursuant to EC 56366.1 (a)(4).
- Conduct one onsite visit to the NPS prior to placement of a student if the LEA does not have any students enrolled at the school at the time of placement.
- Conduct one onsite monitoring visit each school year that the LEA has a student attending and which it maintains a master contract. The monitoring visit shall include:
 - A review of services provided to the student through the individual service agreement between the LEA and NPS.
 - A review of progress the student is making toward the goals in the IEP.
 - A review of progress the student is making toward the goals set forth in the student's behavior intervention plan, should one be included in the IEP.
 - Observation of the during instruction.
 - Conduct a walkthrough of the facility.
 - The onsite monitoring visit shall be documented in a report to be submitted to the CDE within 60 calendar days of the visit.

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

6. A description of the process by which the SELPA will fulfill the obligations to provide free and appropriate public education (FAPE) to a student age 18 to 21 (or age 22 under the circumstances described in *EC 56026(c)(4)*) who has been incarcerated in a county jail and remains eligible for special education services:

The obligation to make FAPE available extends to those otherwise-eligible adults in county jail, age 18 to 21, who: (a) had been identified as a child with a disability and had received services in accordance with an IEP, but left school prior to their incarceration; or (b) did not have an IEP in

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their last educational setting, but had actually been identified as a child with a disability. (EC Section 56040)

It is the responsibility of the district of residence (DOR) to provide special education services and related services to an adult student in county jail who remains eligible for these services and wishes to receive them. The DOR is the district in which the student's parents resided when the student turned 18, unless and until the parents move to a new DOR. For conserved students, the DOR is based on the residence of the conservator. (EC Section 56041)

Reference Number: WA 200 G-6

Document Title: Special Education Local Plan Area Services Guidelines

Document Location: Whittier Area Cooperative Special Education Program Office
8036 Ocean View Avenue, Whittier, CA 90602

The obligation to make free appropriate public education (FAPE) available extends to those otherwise-eligible adults in county jail, age 18 to 21, who: (a) had been identified as a child with a disability and had received services in accordance with an IEP, but left school prior to their incarceration; or (b) did not have an IEP in their last educational setting, but had actually been identified as a child with a disability. (EC Section 56040)

It is the responsibility of the District of Residence (DOR) to provide special education services and related services to an adult student in county jail who remains eligible for these services and wishes to receive them. The DOR is the district in which the student's parents resided when the student turned 18, unless and until the parents move to a new DOR. For conserved students, the DOR is based on the residence of the conservator. (EC Section 56041)

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 IEP under the Individuals with Disabilities Education Act (IDEA), are also entitled to a FAPE (hereinafter ("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.

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(20 U.S.C. 1412(a)(1)(B); Cal. Educ. Code, § 56040(b).)

District of Residence

For an eligible adult who, prior to reaching the age of majority, resided within the Tri-City SELPA's geographic boundaries, the applicable LEA within the SELPA shall ensure the adult student has a FAPE available. If the parent relocates to a new district of residence, the new district of residence shall become the responsible LEA. If the student is conserved, the residence of his or her conservator shall control. (Cal. Educ. Code, 56041)

Child Find

The SELPA shall actively and systematically seek out all eligible adults residing within its boundaries. The LEAs within the SELPA shall ensure that eligible students are identified and provided a FAPE consistent with this policy.

Individualized Education Program

Once the LEA is informed that one of its residents is an eligible adult incarcerated at an adult correctional facility, the LEA will review and revise the individual's IEP as necessary, including conducting an annual review, as needed, subject to the cooperation of the correctional facility where the student is located. The LEA will determine whether the qualified individual wishes to receive a FAPE and if so will ensure that FAPE is provided pursuant to the IDEA and California Education Code. To receive special education services while incarcerated, a qualified individual must consent to the receipt of such 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.

Description:

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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 content 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.

The federal regulations (34 CFR 300.102(a)(2)(ii)) identify two exceptions to the above:

a. Individuals who had been identified as eligible for special education and had received services in accordance with an IEP, but who left school prior to their incarceration.

b. Individuals who did not have an IEP in their last educational setting, but who had been identified as eligible for special education.

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 Yudian, 39 IDELR 270, 103 LRP 37913 (OSEP 2003), (Education Code section 56040(b), 20 U.S.C. section 1412(a) (1) (B) (ii), 34 C.F.R. section 300.102(a) (2).)

