

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
GOVERNANCE COUNCIL MEETING
February 7, 2020 -12:30 p.m.
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

AGENDA

1.0 CALL TO ORDER

2.0 PUBLIC PARTICIPATION

Citizens are encouraged to participate in the deliberation of the CAHELP JPA Governance Council. Several opportunities are available during the meeting for the Council to receive oral communication regarding the presentations of any items listed on the agenda. Please ask for recognition either before a presentation or after the presentation has been completed. Please complete and submit a “Registration Card to Address the Governance Council” to the Recording Secretary and adhere to the provisions described therein.

3.0 ADOPTION OF THE AGENDA

3.1 **BE IT RESOLVED** that the February 7, 2020 CAHELP JPA Governance Council Meeting Agenda be approved as presented.

4.0 INFORMATION / ACTION

4.1 IEP Addendum to Add Desert/Mountain Children’s Center Children’s Intensive Services (CIS) **(ACTION)**

Desert/Mountain Children’s Center (DMCC) Director seeks approval for an addendum to be used to add Children’s Intensive Services (CIS) services to a child’s IEP.

4.1.1 **BE IT RESOLVED** that an addendum can be used to add Desert/Mountain Children’s Center Children’s Intensive Services (CIS) to a child’s IEP be approved as presented.

4.2 Revised CAHELP Strategic Plan for Web Accessibility **(ACTION)**

The CAHELP Strategic Plan for Web Accessibility ensures the CAHELP JPA websites have accessible content. The strategic plan is occasionally updated to reflect changes in the Web Content Accessibility Guidelines (WCAG).

4.2.1 **BE IT RESOLVED** that the Revised CAHELP Strategic Plan for Web Accessibility be approved as presented.

5.0 CONSENT ITEMS

It is recommended that the Governance Council consider approving several Agenda items as a Consent list. Consent Items are routine in nature and can be enacted in one motion without further discussion. Consent items may be called up by any Council Member at the meeting for clarification, discussion, or change.

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5.1 **BE IT RESOLVED** that the following Consent Items be approved as presented:

5.1.1 Approve the November 22, 2019 CAHELP JPA Governance Council Meeting Minutes.

6.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

6.1 Compliance Update

The CAHELP CEO will present information regarding special education compliance including the recent mega letters and requirements.

6.2 Desert/Mountain SELPA and Charter SELPA Local Plan Rewrite Timeline

The CAHELP CEO will present the timeline for the Desert/Mountain SELPA and Charter SELPA rewrite and public hearings to support community input to the plan.

6.3 Desert/Mountain SELPA Local Plan Rewrite (First Read)

The CAHELP CEO will present the Desert/Mountain SELPA Local Plan Rewrite for the first read by the Governance Council.

6.4 Desert/Mountain SELPA Board Policies (First Read)

The CAHELP CEO will present the Desert/Mountain SELPA Board Policies for the first read by the Governance Council.

6.5 Desert/Mountain SELPA Administrative Regulations (First Read)

The CAHELP CEO will present the Desert/Mountain SELPA Administrative Regulations for the first read by the Governance Council.

6.6 Desert/Mountain Charter SELPA Local Plan Rewrite (First Read)

The CAHELP CEO will present the Desert/Mountain Charter SELPA Local Plan Rewrite for the first read by the Governance Council.

6.7 Desert/Mountain Charter SELPA Board Policies (First Read)

The CAHELP CEO will present the Desert/Mountain Charter SELPA Board Policies for the first read by the Governance Council.

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6.8 Desert/Mountain Charter SELPA Administrative Regulations (First Read)

The CAHELP CEO will present the Desert/Mountain Charter SELPA Administrative Regulations for the first read by the Governance Council.

6.9 Special Education Summit

The Special Education Summit is scheduled for Thursday, September 10, 2020. This summit will be for superintendents, assistant superintendents, special education directors, Desert/Mountain Operations and Desert/Mountain SELPA.

6.10 California Longitudinal Pupil Achievement Data System (CALPADS) Submissions

The CAHELP JPA CEO will present a verbal report on the recent CALPADS Submissions.

6.11 Governor's Budget for Special Education

The CAHELP CEO will provide information on the Governor's Budget for Special Education.

7.0 INFORMATION ITEMS

7.1 Resolution Support Services Summary

7.2 Professional Learning Summary

8.0 GOVERNANCE COUNCIL MEMBERS COMMENTS / REPORTS

9.0 CEO COMMENTS

10.0 MATTERS BROUGHT BY CITIZENS

This is the time during the agenda when the CAHELP JPA Governance Council is again prepared to receive the comments of the public regarding items on this agenda or any school related special education issue.

When coming to the podium, citizens are requested to give their name and limit their remarks to five minutes.

Persons wishing to make complaints against CAHELP JPA Governance Council personnel must have filed an appropriate complaint form prior to the meeting.

When the CAHEHLP JPA Governance Council goes into Closed Session, there will be no further opportunity for citizens to address the Council on items under consideration.

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11.0 ADJOURNMENT

The next regular meeting of the CAHELP JPA Governance Council will be held on Wednesday, April 29, 2020, at 9:00 a.m., at the Desert Mountain Education Service Center – Lilac/Yucca Room, 17800 Highway 18, Apple Valley, CA 92307.

Individuals requiring special accommodations for disabilities are requested to contact Jamie Adkins at (760) 955-3555, at least seven days prior to the date of this meeting.

Student Name: Johnny Appleseed DOB: 1/1/2008 Date: 9/1/19

ADDENDUM / REVISION TO IEP

Next Meeting Date: 9/1/2020 Addendum/Revision to IEP Dated: _____
 Parent/Guardian/Surrogate: _____ Home Phone #: _____ Work Phone #: _____
 Parent/Guardian/Surrogate Address: _____ Mailing Address: _____
 Student's Address: (if different) _____ Parent/Guardian/Surrogate Emergency Phone #: _____
 School of Attendance: _____ District of Residence: _____ Residency Code: _____

Reason for Meeting: Add DMCC mental health treatment goals/services to the existing IEP.

Results of Meeting: DMCC mental health treatment goals/counseling were added.

CHANGE CODED ITEMS AS FOLLOWS: (DISABILITY, PRESCHOOL PLACEMENT, SCHOOL TYPE, STATEWIDE ASSESSMENT PROGRAM)
 Change: _____ Code from _____ to _____ Change: _____ Code from _____ to _____
 Change Weekly Percentage (%) of time in general education classes from _____ to _____ Exit Special Education: _____ Date: _____ Code: _____

STATUS CODES: **A = ADD** **M = MODIFY** **E = END** **NC = NO CHANGE**

SPECIAL EDUCATION AND RELATED SERVICES									
STATUS	SERVICE (CODE NO.)	CLASS NO.	PROVIDER	LOCATION OF SERVICE (CODE NO.)	PROJECTED START DATE	PROJECTED END DATE	FREQUENCY (CODE NO.)	DURATION	
A	Code 525	<input checked="" type="checkbox"/> Indiv. <input type="checkbox"/> Group	550 DMCC	520 Sep Classm Pub Integrated Fac	9/1/2019	12/1/2019	2 x per week	60 Mins	
A	Code 525	<input checked="" type="checkbox"/> Indiv. <input type="checkbox"/> Group	550 DMCC	520 Sep Classm Pub Integrated Fac	12/2/2019	9/1/2020	3 x per month	30 Mins	
		<input type="checkbox"/> Indiv. <input type="checkbox"/> Group							
		<input type="checkbox"/> Indiv. <input type="checkbox"/> Group							
		<input type="checkbox"/> Indiv. <input type="checkbox"/> Group							
		<input type="checkbox"/> Indiv. <input type="checkbox"/> Group							
		<input type="checkbox"/> Indiv. <input type="checkbox"/> Group							

NOTE: Programs and services will be provided according to where the student is in attendance and consistent with the district of service calendar and scheduled services, excluding holidays, vacations, and non-instructional days unless otherwise specified.

SERVICE CODES FOR SPECIAL EDUCATION AND RELATED SERVICES							
210	Family Training, Counseling & Home Visits (age 0-2 only)	417	SELPA / DMCC Speech	540	Day Treatment Services	760	Recreation Services (includes therapeutic creation)
220	Medical Services – evaluation only (ages 0-2 only)	425	Adapted Physical Education	550	Residential Treatment Services	820	College Awareness
230	Nutrition Services (ages 0-2 only)	435	Health & Nursing – Specialized Physical	610	Specialized Services for Low Incidence Disabilities	840	Career Awareness
240	Service Coordination (ages 0-2 only)		Health Care Services	710	Specialized Deaf & Hard of Hearing	850	Work Experience Education
250	Special Instruction (ages 0-2 only)	436	Health & Nursing – Other Services	715	Interpreter Services	855	Job Coaching (includes job shadow and service)
260	Special Education Aide in Regular Development Class	445	Assistive Technology Services	720	Audiological Services	860	Mentoring
	Child Care Home (ages 0-2 only)	450	Occupational Therapy	725	Specialized Vision Services	865	Agency Linkages (referral and placement)
270	Respite Care Services (ages 0-2 only)	460	Physical Therapy	730	Orientation & Mobility	870	Travel Training (includes Mobility training)
330	Special Academic Instruction	510	Individual Counseling	735	Braille Transcription	890	Other Transition Services
340	Intensive Individual Services	515	Counseling & Guidance	740	Specialized Orthopedic Services	900	Other Special Education and Related Services
348	One-to-One Bus Aide	520	Parent Counseling	745	Reader Services	901	Transportation
350	Individual & Small Group Instruction (ages 3-5 only)	525	Social Work Services (DMCC)	750	Note Taking Services		
355	Individual & Small Group Instruction (ages 6+)	530	Psychological Services	755	Transcription Services		
415	Language & Speech	535	Behavior Intervention Services				

Student Name: Johnny Appleseed

DOB: 1/1/2008

Date: 9/1/19

ADDENDUM / REVISION TO IEP

I UNDERSTAND THAT THIS IEP IS AN ADDENDUM/REVISION OF MY CHILD'S CURRENT IEP DATED _____, AND THAT ALL GOALS, OBJECTIVES, BENCHMARKS, AND SERVICES INCLUDED IN THE CURRENT IEP WILL BE CONTINUED UNLESS OTHERWISE STATED IN THIS ADDENDUM/REVISION.

INFORMED CONSENT (INITIAL EACH APPLICABLE STATEMENT BELOW)

_____ I have been advised of and given a copy of Special Education Procedural Safeguards/Parent Rights this school year.

_____ I have received a copy of this Individualized Education Program Addendum/Revision.

_____ I **CONSENT** to making these changes without an IEP team meeting.

_____ (IF APPLICABLE) I **CONSENT** to the participation of agencies for transition planning at this IEP meeting.

_____ (IF APPLICABLE) It has been explained to me and I understand the reason why a member of the Individualized Education Program (IEP) team is not present and I **CONSENT** and excuse the IEP team member from the IEP team meeting. _____
Title

_____ (IF APPLICABLE) I **CONSENT** to excuse the following IEP team member during the IEP team meeting: _____
Title

_____ (IF APPLICABLE) Prior to the IEP meeting, I received written information from an excused member of the IEP team that is relevant to the development of the IEP.

_____ (IF APPLICABLE) I **CONSENT** to the review, access, processing of claims, and reimbursement of Medi-Cal benefits/information by the LEA and/or IEP team for services provided under this IEP, including, if appropriate, the provision of Targeted Case Management Services.

_____ (IF APPLICABLE) I have been advised of the LEA's responsibility to conduct a vision and hearing screening of my child but **DO NOT CONSENT** to this examination.

_____ I **CONSENT** to this Individualized Education Program Addendum/Revision **EXCEPT** for the following:

_____ I **DO NOT CONSENT** to this Individualized Education Program Addendum/Revision. **REASONS:**

_____ I request a copy of this Individualized Education Program Addendum/Revision to be provided in my primary language: _____

_____ The Individualized Education Program Addendum/Revision has been interpreted orally by: (when appropriate) _____

_____ The **TRANSFER OF EDUCATIONAL RIGHTS AT THE AGE OF MAJORITY (18)** has been explained to the student and parent. Parent Initials: _____ Student Initials: _____

_____ The LEA facilitates parent involvement to improve services and results for my child. YES NO

LEA USE ONLY: Initial here if no response was provided by the parent/guardian: _____

I CONSENT TO ALL COMPONENTS OF THE IEP ADDENDUM/REVISION WITH ANY EXCEPTIONS NOTED ABOVE. I UNDERSTAND THAT THOSE COMPONENTS TO WHICH I CONSENT WILL BE IMPLEMENTED. I FURTHER UNDERSTAND THAT THIS CONSENT IS VOLUNTARY AND MAY BE REVOKED AT ANY TIME.

Parent/Guardian/Surrogate provided **VERBAL CONSENT** to implement this IEP.

Date: _____

Student: _____

Date: _____

Parent/Guardian/Surrogate: _____

Date: _____

Parent/Guardian/Surrogate: _____

Date: _____

THE FOLLOWING ATTENDED AND PARTICIPATED IN THE DEVELOPMENT OF THIS IEP ADDENDUM/REVISION:

LEA Representative _____ Date _____

Special Education Teacher _____ Date _____

General Education Teacher _____ Date _____

Nurse _____ Date _____

Other/Title _____ Date _____

Other/Title _____ Date _____

Speech-Language Pathologist _____ Date _____

Psychologist _____ Date _____

Parent/Guardian/Surrogate _____ Date _____

Other/Title _____ Date _____

Other/Title _____ Date _____

Other/Title _____ Date _____

STRATEGIC PLAN FOR WEB ACCESSIBILITY

1.0 ORGANIZATIONAL STATEMENT

The California Association of Health and Education Linked Professions, a Joint Powers Authority (CAHELP JPA), values diverse experiences and perspectives and strives to fully include everyone who engages with the organization. Therefore, CAHELP is committed to ensuring that individuals with disabilities have an opportunity equal to that of nondisabled peers accessing CAHELP programs, benefits, and services, including those delivered through information technology (IT). The CAHELP Strategic Plan for Web Accessibility, hereinafter referred to as “SPWA” establishes a foundation for equality of opportunity and provides guidance to ensure equal access to IT the CAHELP purchases, creates, and uses, such as websites, software, hardware, and media in accordance with applicable state and federal laws including, but not limited to, Sections 504 and 508 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act as amended (ADA).

The SPWA shall apply to all new, updated, and existing online web content and functionality. All CAHELP web content shall meet WCAG 2.0 Level AA conformance and shall be updated according to changes in WCAG standards, as best practice, and in accordance to federal and state law. WCAG 2.1 was published on June 5, 2018 by the Worldwide Web Consortium (W3C) and establishes 17 new success criteria that have been included in this policy. By conforming to WCAG 2.1, CAHELP also conforms to WCAG 2.0.

2.0 DEFINITIONS

Accessible: Refers to the concept that individuals with disabilities are able to access and use a product or system, including with the help of assistive technologies. For example, an “accessible” web site may be designed so that the text can be enlarged by the user, rather than having a fixed font size, or may be designed so that it can be interpreted and “read out loud” by screen reader software used by blind or low-vision individuals.

Accessible Information Technology: Information technology that has been designed, developed, or procured to be usable by, and therefore accessible to individuals with disabilities, including those who use assistive technologies.

Assistive Technologies: Adaptive, rehabilitative devices that promote greater independence for individuals with disabilities by changing how these individuals interact with technology. Examples include special input devices (e.g., head or foot mouse, speech recognition), screen reading software, and screen magnifiers.

Usability: Refers to how easily, effectively, and efficiently users can use a product or system to achieve their goals, and how satisfied they are with the experience.

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3.0 REGULATORY REQUIREMENTS (SECTIONS 504/508; TITLE II ADA, CALIFORNIA UNRUH CIVIL RIGHTS ACT)

Accessibility awareness is an important aspect of the CAHELP's underlying legal obligation to ensure that individuals with disabilities have equal access to programs, services, and information within the same timeframe as nondisabled peers. No individual shall be excluded from participation in, deny the benefits of, or otherwise be subjected to discrimination from any of the CAHELP programs, services, and activities, including those delivered through information technology. The regulatory requirements in Sections 504 and 508 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act (ADA), as amended in 1990, provide the basis for equal access and governs the overall responsibility of CAHELP **content developers and approvers**, webmasters, procurement officials, and all others responsible for content management, to ensure that online content and functionality are equally accessible to all.

Section 504 and Title II of the ADA are implicit and require public agencies to make web pages accessible. **The ADA prohibits discrimination against individuals with disabilities by any state or local government and any of its department, agencies, or other instrumentalities. Section 504 prevents intentional or unintentional discrimination based on an individual's disability and applies to employers and organizations that receive federal financial assistance. Section 508 is limited to federal agencies but is extremely influential because its compliance standards require federal agencies to provide software and website accessibility to individuals with disabilities. The California Unruh Civil Rights Act (UCRA) is a California statute providing that all persons within the jurisdiction of this state are free and equal, and no matter what their disability are entitled to full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever. The UCRA specifies that "[a] violation of the right of any individual under the Americans with Disabilities Act of 1990...shall also constitute a violation of this section."**

Title II Americans with Disabilities Act (ADA). "...Protect qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all State and local governments. It additionally extends the prohibition of discrimination on the basis of disability established by section 504 of the Rehabilitation Act of 1973, as amended, to all activities of State and local governments, including those that do not receive Federal financial assistance. By law, the Department of Justice's Title II regulation adopts the general prohibitions of discrimination established under section 504 and incorporates specific prohibitions of discrimination from the ADA.

Section 504, Title 29 of the United States Code § 794. "No otherwise qualified individual with a disability in the United States...shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

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Section 508, Title 29 of the United States Code § 1194.1. “...Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency.”

California Unruh Civil Rights Act (UCRA), Cal Civ. Code § 51. (a) This section shall be known, and may be cited, as the Unruh Civil Rights Act.

(b) All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever... ”

Refer to Appendix D for **WCAG 2** Checklist produced by Web Accessibility in Mind (WebAIM).

3.1 Legal Guidance:

- Department of Justice (DOJ) Guidance (June 2003)
- ADA/504 “generally require” equal access unless fundamental alteration or undue burden
- OCR Dear Colleague Letter (June 2010)
Colleges and universities must make book readers and other educational technologies equally accessible
- OCR FAQs (May 11)
- Follow-up from June 2010 Dear Colleague letter – legal requirements articulated in letter apply to elementary and secondary schools
- DOJ Notice of Proposed Rulemaking (May 2016)
- Proposed rulemaking for state and local governments with regard to web accessibility

NOTE: Effective January 18, 2017, the U.S. Access Board published a final rule updating accessibility requirements for information and communication technology (ICT) covered by Section 508 of the Rehabilitation Act of 1973. Major changes in the revised Section 508 Standards include the incorporation of the web standards in WCAG 2.0 developed by the W3C and clarifies applicability to websites, electronic documents, and software. The final rule also requires all public-facing official agency business content, as well as specific categories of non-public-facing content that is official agency business, to be accessible, and that software and operating systems must interoperate with assistive technology.

4.0 COMPLIANCE/RESPONSIBILITIES

Under this strategic plan, CAHELP personnel shall:

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- Adhere to the CAHELP strategic plan for web accessibility;
- Develop, purchase and/or acquire, to the extent feasible, hardware and software products that are accessible to individuals with disabilities; and
- Promote awareness of this strategic plan to all members of the CAHELP community, particularly those in roles that are responsible for creating, selecting, or maintaining electronic content and applications.

4.1 Implementation of the Policy

CAHELP management in collaboration with the **CAHELP JPA Virtual Compliance Supervisor** is responsible for facilitating and ensuring implementation of this strategic plan for web accessibility with fidelity.

The CAHELP JPA Virtual Compliance Supervisor **in collaboration with the designated Accessibility Compliance Team (ACT)** is responsible for issuing and updating any requirements, standards or guidelines that support this strategic plan and shall facilitate regular communication among organizational departments to address consistent implementation of this strategic plan throughout CAHELP.

4.2 Revisions to the Strategic Plan

The **Chief Executive Officer (CEO) of CAHELP** is the approver of the strategic plan for web accessibility and has the authority to approve revisions upon recommendation by the CAHELP JPA Virtual Compliance Supervisor and **ACT**.

The CAHELP JPA Virtual Compliance Supervisor in collaboration with the **ACT** has the authority to initiate revisions to the strategic plan and is responsible for regular reviews and updates.

All revisions substantive in nature to the strategic plan will be presented for approval to the CEO and subsequently presented to the CAHELP Governance Council for review and **approval**.

4.3 Oversight and Responsibilities

The **CAHELP JPA Virtual Compliance Supervisor** is responsible for online web accessibility and functionality and is a member of the **ACT**. **He/she** is responsible for establishing systems of audit, accountability, corrective action of accessibility of all online content and functionality on an ongoing basis. **He/she** and **the ACT** shall work towards ensuring equal access and opportunity to organizational programs and services for all individuals, including those delivered online. The **ACT** shall be comprised of the following:

- Chief Operations Officer, CAHELP
- JPA Virtual Compliance Supervisor, CAHELP
- Representative from IT Department, as needed
- Representative from Web Programmer/Host, as needed

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- Representative from Desert/Mountain Children’s Center
- Representative from Desert/Mountain Special Education Local Plan Area
- JPA Virtual Compliance Program Technician, CAHELP

Membership of the ACT shall be at the discretion and determination of the CEO, CAHELP.

4.3.1 Responsibilities of Accessibility Compliance Team (ACT)

The ACT responsibilities shall include, but not be limited to, all of the following:

- ❖ Report accessibility issues and recommended solutions;
- ❖ Review and recommend changes and/or modifications to the strategic plan for web accessibility;
- ❖ Evaluate effectiveness of accessibility training(s) and provide recommendations for modifications to improve training and to ensure organizational compliance;
- ❖ Participate in audit of website, web developer meetings (contract renewal, web redesign, etc.); evaluate needs of compliance team; and
- ❖ Attend regularly scheduled team meetings, appropriate accessibility workshops, trainings, etc.

4.3.2 Responsibilities of the CAHELP JPA Virtual Compliance Supervisor

The CAHELP JPA Virtual Compliance Supervisor shall work in collaboration with the ACT in support of the organization’s accessibility requirements and shall:

- ❖ Create workflow and approval process for online content;
- ❖ Develop, coordinate, implement, and facilitate one-to-one and/or annual training regarding online content accessibility and functionality for content developers and approvers, and other staff as needed;
- ❖ Develop, review, revise, and implement strategic plan for web accessibility;
- ❖ Provide recommendations for implementation, or modification to establish compliance;
- ❖ Contract for services (i.e., auditor, web developer, training, etc.);
- ❖ Develop long range plan for addressing problems, taking into account identified priorities, with all proposed remedies to be completed within a reasonable timeframe;
- ❖ Set up systems of accountability and verify claims of accessibility by vendors, open sources;

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- ❖ Set up a system of testing and accountability to maintain the accessibility of all online content and functionality on an ongoing basis;
- ❖ Maintain appropriate records;
- ❖ Develop, implement, and manage CAHELP strategic plan for web accessibility;
- ❖ Develop long range content management and accessibility plans and priorities for CAHELP in conjunction with accessibility requirements under federal and state law, and best practices;
- ❖ Analyze, plan, and coordinate the needs for training and educational development in designing and creating accessible materials;
- ❖ Develop, implement, and maintain a process for public input and reporting on inaccessible virtual content;
- ❖ Investigate, research, analyze, and respond to inquiries and complaints of accessibility-related issues regarding the functionality of the website and virtual content;
- ❖ Perform regular accessibility audit of CAHELP website, applications, and external platforms hosting CAHELP content;
- ❖ Perform accessibility evaluations for website and applications under consideration for purchase and/or use;
- ❖ Manage, monitor, and evaluate budget and expenditure-related activities;
- ❖ Supervise, evaluate, and train personnel assigned to the JPA Virtual Compliance team; and
- ❖ Attend regularly scheduled team meetings, appropriate accessibility workshops, trainings, etc.

4.3.3 Responsibilities of CAHELP JPA Virtual Compliance Technician

The CAHELP JPA Virtual Compliance Technician performs specialized technical work in assisting, training, and advising CAHELP employees regarding virtual regulations, compliance, policies, and procedures. The CAHELP JPA Virtual Compliance Technician:

- ❖ Advises on virtual compliance issues, regulations and procedures;
- ❖ Resolves complex virtual compliance issues;
- ❖ Reviews and makes recommendations for the procurement of software programs to ensure virtual accessibility;
- ❖ Performs monthly audits of virtual compliance;
- ❖ Attends and conducts accessibility and compliance training workshops;

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- ❖ Prepares and disseminates virtual compliance reports, materials, forms, correspondence, and other written information; and
- ❖ Interprets and applies laws, regulations and procedures affecting virtual compliance.

4.3.4 Responsibilities of Designated Content Developers and Approvers, Webmaster, and Procurement Officials

The **CAHELP JPA** Virtual Compliance Supervisor in collaboration with the **ACT** shall provide and/or procure appropriate training necessary to ensure that individuals as defined below are knowledgeable and appropriately trained to create and/or develop accessible online content, maintain functionality, and procure appropriate IT software, hardware, and media.

- ❖ **CAHELP JPA Virtual Compliance Technician:** Primary support technician to the Virtual Compliance team responsible for assisting in resolving compliance issues, auditing of website and functionality, and providing accessibility support services and training to CAHELP staff;
- ❖ **Content Developers:** Individuals responsible for uploading, modifying, maintaining, and updating content on web pages;
- ❖ **Content Approvers:** Individuals responsible for review of online content and ensuring content meets principles of accessibility and WCAG guidelines;
- ❖ **Procurement Officials:** Individuals responsible for the research and procurement of IT equipment; and
- ❖ **Webmaster:** Individual(s) responsible for the overall accountability and compliance of online content and functionality.

An accessibility checklist (Appendix B) based on WCAG 2.0 Level AA is available to assist content developers and approvers, web designers, and purchasing agents in creating and procuring accessible IT. This checklist can also be used by procurement officials as a reference for vendors and contractors providing products and services to CAHELP. Many of the items in the checklist apply to web pages and web-based applications as well as electronic documents in Microsoft Word, Adobe PDF, and other formats, and other products and services that are not specifically web-based.

Refer to Appendix B for a checklist for implementing HTML-related principles and techniques for seeking WCAG 2.0 conformance produced by Web Accessibility in Mind (WebAIM).

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4.3.5 Workflow for Creating/Publishing Online Content

To ensure efficiency, accountability, and implementation, designated content developers and approvers shall upload content to the CAHELP website and/or web pages in the following manner:

4.3.5.1 Content Developers shall:

- Receive and review proposed online content;
- Log in to CAHELP website;
- Enable “design mode” feature to edit or add content to a page;
- Create and/or develop content per accessibility checklist (i.e., headings, subheadings, text, images, video, etc.);
- Save content (Note: Web system will automatically forward an e-mail notification to the content auditor to review saved content);
- Review returned content and complete revisions as needed; and
- Publish and maintain approved online content.

4.3.5.2 Content Approvers shall:

- Log in to CAHELP website;
- Receive and review all e-mail notifications of pending online content for review;
- Review proposed online content;
- Approve or reject propose online content based on accessibility checklist and accessibility standards; and
- Return content to content developer for modifications.

Content developers and approvers are responsible for ensuring accurate and up-to-date information are published on the website.

Questions regarding content development and management, and accessibility requirements shall be submitted to accessibility@cahelp.org. Staff may also complete and submit a helpdesk ticket to the IT support desk. Requests for assistance shall be completed without unreasonable delay.

5.0 ACCESSIBILITY STANDARDS

The following is a set of accessibility standards provided by the W3C Web Accessibility Initiative (WAI) that are commonly recognized by governments and organizations:

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- *Web Content Accessibility Guidelines (WCAG) 2.0* (applicable to all web content and applications, including on mobile, television, and other delivery channels);
- *Authoring Tool Accessibility Guidelines (ATAG) 2.0* (applicable for websites that provide users the opportunity to generate content, such as adding comments, posting to forums, or uploading image or videos; also relevant if an organization provides tools, such as content management systems (CMS), for staff or customers to manage websites and content); and
- *User Agent Accessibility Guidelines (UAAG) 2.0* (applicable when additional plug-ins, such as media players, are provided to deliver content or when custom controls are developed to provide nonstandard functionality. UAAG may also be relevant where mobile applications deliver web content as part of the application, and to the procurement process if your organization provides browsers for staff).

Given the CAHELP's commitment to providing accessible opportunities and environments, it looks to the W3C WCAG 2.0 Level AA and Web Accessibility Initiative Accessible Rich Internet Applications (WAI-ARIA) 1.0 as a target for meeting these commitments. The WCAG 2.0 includes success criterion (WCAG guidelines) organized under four general principles, which provide the foundation of web accessibility. **The latest version, WCAG 2.1, extends WCAG 2.0 by adding 17 new success criteria. The W3C recommends that sites adopt WCAG 2.1 as the new conformance target to provide improved accessibility and to anticipate future policy changes.** The following four principles have been adopted by CAHELP.

5.1 Principles of Accessibility (P.O.U.R.)

- **Perceivable:** Information and user interface components must be presented to users in ways they can perceive;
- **Operable:** User interface components and navigation must be operable;
- **Understandable:** Information and the operation of user interface must be understandable; and
- **Robust:** Content must be robust enough that it can be interpreted reliably by a wide variety of user agents, including assistive technologies.

CAHELP online content shall be Perceivable, Operable, Understandable, and Robust. Content developers and approvers, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality shall implement the accessibility standards to ensure compliance with the CAHELP's underlying legal obligation to ensure individuals with disabilities are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any of the CAHELP's programs, services, and activities delivered online.

5.2 WCAG Guidelines

Under the four principles of accessibility there are 12 WCAG guidelines that provide the framework and overall objectives to help content developers and approvers, webmasters, procurement officials, and all others responsible for

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developing, loading, maintaining, or auditing web content and functionality, understand the success criteria and better implement the techniques to meet accessibility standards. In its adoption of the four principles of accessibility, the CAHELP ensures that online content and functionality shall be developed in accordance to the 12 WCAG guidelines in each principle of accessibility.

5.2.1 Perceivable

- ❖ *Guideline 1.1. Text Alternatives:* Provide text alternatives for any non-text content so that it can be changed into other forms people need, such as large print, braille, speech, symbols or simpler language;
- ❖ *Guideline 1.2. Time-based Media:* Provide alternatives for time-based media;
- ❖ *Guideline 1.3 – Adaptable:* Create content that can be presented in different ways (i.e., simpler layout) without losing information or structure; and
- ❖ *Guideline 1.4 – Distinguishable:* Make it easier for users to see and hear content including separating foreground from background.

5.2.2 Operable

- ❖ *Guideline 2.1 – Keyboard Accessible:* Make all functionality available from a keyboard;
- ❖ *Guideline 2.2 – Enough Time:* Provide users with enough time to read and use content;
- ❖ *Guideline 2.3 – Seizures and Physical Reactions:* Do not design content in a way that is known to cause seizures or physical reactions;
- ❖ *Guideline 2.4 – Navigable:* Provide ways to help users navigate, find content, and determine where they are; and
- ❖ *Input Modalities:* Make it easier for users to operate functionality through various inputs beyond keyboard.

5.2.3 Understandable

- ❖ *Guideline 3.1 – Readable:* Make text content readable and understandable;
- ❖ *Guideline 3.2 – Predictable:* Make web pages appear and operate in predictable ways; and
- ❖ *Guideline 3.3 – Input Assistance:* Help users avoid and correct mistakes.

5.2.4 Robust

- ❖ *Guideline 4.1 – Compatible:* Maximize compatibility with current and future user agents, including assistive technologies.

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5.3 Levels of Conformance (Priority Levels)

W3C WAI guidelines provide three levels of conformance: Levels A, AA, and AAA:

1. *Level A*: Establishes a baseline level of conformance, and covers a basic set of core accessibility issues (such as alternate text on images and captions and videos);
2. *Level AA*: Includes additional success criteria such as providing a visible focus indicator for keyboard users, and ensuring sufficient color contrast; or
3. *Level AAA*: The highest level of conformance. Conforming to WCAG 2.0 at Level AAA would mean all success criteria have been met.

Level AA is the designated benchmark for measuring accessibility of CAHELP online content and functionality. Conformance to Level AA requires that CAHELP meet all Levels A and AA success criterion. Levels of conformance are based on impact on individuals with disabilities, feasibility, and other factors. Each of the success criteria under each principle of accessibility is identified with a conformance level. CAHELP shall ensure that **all public-facing official agency business content, as well as specific categories of non-public-facing content that is official agency business**, conform to all Level AA success criterion.

Example of conformance Level AA required:

Principle: UNDERSTANDABLE	
Guideline 3.2 - Predictable: Make web pages appear and operate in predictable ways.	
Success Criteria	Recommendation
3.2.3 <i>Consistent Navigation</i>	<i>Navigation links that are repeated on web pages do not change order when navigating through the site.</i>
Level AA	

With the new added success criteria under WCAG 2.1, the following lists requirements for conformance to WCAG 2.1, as well as information about how to make conformance claims, which are optional. This information also describes what it means to be accessibility supported, since only accessibility-supported ways of using technologies can be relied upon for conformance.

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5.3.1 Interpreting Normative Requirements: The main content of WCAG 2.1 is normative and defines requirements that impact conformance claims. Introductory material, appendices, sections marked as “non-nomative” diagrams, examples, and notes are informative (non-normative). Non-normative material provides advisory information to help interpret the guidelines but does not create requirements that impact a conformance claim.

5.3.2 Conformance Requirements: In order for a web page to conform to WCAG 2.1, all of the following conformance requirements must be satisfied:

5.3.2.1 *One of the following levels of conformance is met in full:*

- For Level A conformance (the minimum level of conformance), the web page satisfies all the Level A success criteria, or a conforming alternate version is provided.
- For Level AA conformance, the web page satisfies all the Level A and Level AA success criteria, or a Level AA conforming alternate version is provided.
- For Level AAA conformance, the web page satisfies all the Level AA and Level AAA success criteria, or a Level AAA conforming alternate version is provided.

5.3.3 Conformance (and conformance levels) is for full web page(s) only and cannot be achieved if part of a web page is excluded.

NOTE: For the purpose of determining conformance, alternatives to part of a page’s content are considered part of the page when the alternatives can be obtained directly from the page, e.g., a long description or an alternative presentation of a video. Authors of web pages that cannot conform due to content outside of the author’s control may consider a Statement of Partial Conformance. A full page includes each variation of the page that is automatically presented by the page for various screen sizes (e.g., variations in a responsive web page). Each of these variations needs to conform (or needs to have a conforming alternate version) in order for the entire page to conform.

5.3.4 Complete Processes

When a web page is one of a series of web pages presenting a process (i.e., a sequence of steps that need to be completed in order to accomplish an activity), all web pages in the process conforms at the specified level or better. (Conformance is not possible at a particular level if any page in the process does not conform at that level or better).

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5.3.5 Only Accessibility-Supported Ways of Using Technologies

Only accessibility-supported ways of using technologies are relied upon to satisfy the success criteria. Any information or functionality that is provided in a way that is not accessibility supported is also available in a way that is accessibility supported.

5.3.6 Non-Interference

If technologies are used in a way that is not accessibility supported, or if they are used in a non-conforming way, then they do not block the ability of users to access the rest of the page. In addition, the web page as a whole continues to meet the conformance requirements under each of the following conditions:

1. When any technology that is not relied upon is turned on in a user agent;
2. When any technology that is not relied upon is turned off in a user agent; and
3. When any technology that is not relied upon is not supported by a user agent.

In addition, the following success criteria apply to all content on the page, including content that is not otherwise relied upon to meet conformance, because failure to meet them could interfere with any use of the page:

- ❖ 1.4.2 – Audio Control;
- ❖ 2.1.2 – No Keyboard Trap;
- ❖ 2.3.1 – Three Flashes or Below Threshold; and
- ❖ 2.2.2 – Pause, Stop, Hide.

5.3.7 Conformance Claims (Optional)

Conformance is defined only for web pages. However, a conformance claim may be made to cover one page, a series of pages, or multiple related web pages.

5.3.7.1 *Required Components of a Conformance Claim*

Conformance claims are not required. Authors can conform to WCAG 2.1 without making a claim. However, if a conformance claim is made, then the conformance claim must include the following information:

1. Date of claim;

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2. Guidelines title, version and URI “Web Content Accessibility Guidelines 2.1”;
3. Conformance level satisfied (Level A, AA, AAA);
4. A concise description of the web pages, such as a list of URIs for which the claim is made, including whether subdomains are included in the claim; and
5. A list of web content technologies relied upon.

5.3.7.2 *Optional Components of a Conformance Claim*

In addition to the required components of a conformance claim, consider providing additional information to assist users. Recommended additional information includes:

- A list of success criteria beyond the level of conformance claimed that have been met. This information should be provided in a form that users can use, preferably machine-readable metadata.
- A list of the specific technologies that are “used but not relied upon.”
- A list of user agents, including assistive technologies that were used to test the content.
- A list of specific accessibility characteristics of the content, provided in machine-readable metadata.
- Information about any additional steps taken that go beyond the success criteria to enhance accessibility.
- A machine-readable metadata version of the list of specific technologies that are relied upon.
- A machine-readable metadata version of the conformance claim.

Refer to Appendix B for WCAG 2.0 Checklist produced by Web Accessibility in Mind (WebAIM) for list of success criteria at Level A and Level AA.

5.3.8 *Statement of Partial Conformance* - Third Party Content

Sometimes, web pages are created that will later have additional content added to them. For example, an email program, a blog, an article that allows users to add comments, or applications supporting user-

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contributed content. Another example would be a page, such as a portal or news site, composed of content aggregated from multiple contributors, or sites that automatically insert content from other sources over time, such as when advertisements are inserted dynamically.

In these cases, it is not possible to know at the time of original posting what the uncontrolled content of the pages will be. It is important to note that the uncontrolled content can affect the accessibility of controlled content as well. Two options are available:

1. A determination of conformance can be made based on best knowledge. If a page of this type is monitored and repaired (non-conforming content is removed or brought into conformance) within two business days, then a determination or claim of conformance can be made since, except for errors in externally contributed content which are corrected or removed when encountered, the page conforms. No conformance claim can be made if it is not possible to monitor or correct non-conforming content; OR
2. A “statement of **partial** conformance” may be made that the page does not conform but could conform if certain parts were removed. The form of that statement would be, “This page does not conform, but would conform to WCAG 2.0 at Level X if the following parts from uncontrolled sources were removed.” In addition, the following would also be true of uncontrolled content that is described in the statement of partial conformance:
 - a. It is not content that is under the author’s control.
 - b. It is described in a way that users can identify (e.g., they cannot be described as “all parts that we do not control” unless they are clearly marked as such).

A “statement of partial conformance due to language” may be made when the page does not conform but would conform if accessibility support existed for (all of) the language(s) used on the page. The form of that statement would be, “This page does not conform, but would conform to WCAG 2.0 at level X if accessibility support existed for the following language(s).”

5.3.9 Authoring Tool Accessibility Guidelines (ATAG) 2.0

Authoring Tools Accessibility Guidelines (ATAG) 2.0 provides guidelines for designing web content authoring tools that are both more accessible to authors with disabilities, and designed to enable, support, and promote the production of more accessible web content by all authors. Authors are individuals who use authoring tools to create or

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modify content. Authors include roles such as content authors, designers, programmers, publishers, testers, etc. ATAG is primarily for developers of authoring tools. An authoring tool is any web-based or non-web-based application(s) that can be used by authors (alone or collaboratively) to create or modify web content for use by other authors or end users.

Examples of software that are generally considered authoring tools under ATAG 2.0:

- ❖ What-you-see-is-what-you-get (WYSIWYG) HTML editor;
- ❖ Software for directly editing source code; software for converting to web technologies (e.g., “Save as HTML” features in office document applications);
- ❖ Integrated development environments (e.g., for web application development);
- ❖ Software that generates web content on the basis of templates, scripts, command-line input or “wizard” type processes;
- ❖ Software for rapidly updating portions of web pages (e.g., blogging, wikis, online forums);
- ❖ Software for generating/managing entire websites (e.g., content management systems, courseware tools, content aggregators);
- ❖ Email clients that send messages using web content technologies;
- ❖ Multimedia authoring tools; and
- ❖ Software for creating mobile web applications.

CAHELP shall consider authoring tools that web developers, designers, writers use to produce CAHELP web content (i.e., static web pages, dynamic web applications, etc.) based on their accessibility conformance claims and ATAG 2.0 accessibility standards.

Refer to the following for additional information:

- ❖ ATAG <http://www.w3.org/TR/ATAG/>
- ❖ WCAG <http://www.w3.org/TR/WCAG/>
- ❖ WAI-ARIA <http://www.w3.org/TR/wai-aria/>

5.3.10 User Agent Accessibility Guidelines (UAAG)

User Agent Accessibility Guidelines (UAAG) 2.0 is part of a series of accessibility guidelines. The core target audience of UAAG are the developers of the authoring tools, but policy makers and procurement decision makers within CAHELP can equally use UAAG criteria to determine whether the user agent technologies are accessible, or UAAG can be given to other developers to use to enhance the accessibility features of the tools. User agents are defined as any software that

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retrieves, renders and facilitates end user interaction with web content. UAAG 2.0 identifies the following user agent architectures:

- ❖ *Platform-based user agent, native user agent.* User agents that run on non-web platforms (operating systems and cross-OS platforms, such as Java) and perform content retrieval, rendering and end-user interaction facilitation themselves (e.g., Firefox, Internet Explorer, Chrome, Opera, Windows Media Player, QuickTime Pro, RealPlayer);
- ❖ *Embedded user agent, plug-in.* User agents that “plug-in” to other agents or applications (e.g., media player plug-in for a web browser, web view component). Embedded user agents can establish direct connections with the platform (e.g., communication via platform accessibility services);
- ❖ *Web-based user agent.* User agents that have user interfaces that are implemented using web content technologies and are accessed by users via a user agent. Web-based user agents transform content into web content technologies that the host user agent can render (e.g., web-based e-Pub reader, web-based video player).

UAAG provides guidance in designing user agents that make the web more accessible to individuals with disabilities. The goal of UAAG 2.0 is to ensure that all users, including users with disabilities, have equal control over the environment they use to access the web. A user agent that follows UAAG 2.0 will improve accessibility through its own user interface and its ability to communicate with other technologies, including assistive technologies (software that some individuals with disabilities use to meet their requirements). All users, not just users with disabilities, will benefit from user agents that follow UAAG 2.0.

Like WCAG, UAAG offers three layers of guidance: (1) principles, (2) guidelines; and (3) testable success criteria. Five principles provide a foundation for accessible user agents. Three of the five principles are parallel to WCAG 2.0, and two are specific to user agents. For each principle, there is a set of guidelines for making user agents more accessible to users with disabilities. These guidelines provide the framework to help individuals who use authoring tools to create or modify content, content authors, designers, programmers, publishers, testers, etc., understand the objectives for success criteria so they can better implement them. Under each guideline is also a set of testable success criteria that can be used wherever conformance testing is necessary, including design application, purchasing, regulation, and contractual agreements. Each success criterion is assigned a level of conformance, which are designed to meet the needs of different groups and different situations. The recommended conformance for UAAG is

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AA. Much of the value of the UAAG stems from the harmonious integration of the WCAG 2.0 and the ATAG 2.0.

CAHELP will recommend that developers of authoring tools, policy makers, and procurement officials ensure that user agents utilized to support CAHELP web content and web applications meet the W3C recommended UAAG 2.0 version Level AA conformance.

Refer to the following for additional information:

- ❖ UAAG <http://www.w3.org/TR/UAAG/>
- ❖ WCAG <http://www.w3.org/TR/WCAG/>
- ❖ WAI-ARIA <http://www.w3.org/TR/wai-aria/>

5.3.11 Accessibility Evaluation Tools (Testing Sites and Applications)

Evaluating the extent to which the CAHELP conforms to WCAG 2.0 Level AA is a process involving several steps. The activities carried out within these steps are influenced by many aspects such as the type of website (e.g., static, dynamic, responsive, mobile, etc.); its size; complexity; technologies used to create the website (e.g., HTML, WAI-ARIA, PDF, etc.); how much knowledge the auditors have about the process used to design and develop the website; and the main purpose for the audit (e.g., to issue an accessibility statement, to plan a redesign process, to perform research, etc.).

To ensure CAHELP meets established benchmarks for accessibility, it shall implement an audit of online content and functionality as specified herein to ensure compliance with W3C WCAG 2.0 Level AA and WAI-ARIA 1.0. Auditors shall utilize the [Techniques for WCAG 2.0](https://www.w3.org/TR/WCAG20-TECHS/) documented by W3C/WAI (url: <https://www.w3.org/TR/WCAG20-TECHS/>), and may also refer to the W3C Website Accessibility Conformance Evaluation Methodology (WCAG-EM) 1.0 to assist in providing a comprehensive evaluation of online content and functionality. The WCAG-EM highlights considerations for auditors to apply during the evaluation process but does not replace the need for quality assurance measures that are implemented throughout the design, development, and maintenance of the website and web applications to ensure their accessibility conformance. WCAG-EM does not in any way add to or change the requirements defined by the normative WCAG 2.0 standards and can be used in conjunction with techniques for meeting WCAG 2.0 success criteria. [Go to WCAG-EM 1.0 to access this information \(url: https://www.w3.org/TR/WCAG-EM/\)](https://www.w3.org/TR/WCAG-EM/).

Outside of the WCAG-EM, there are also a number of website evaluation tools available online to assist content developers and approvers, webmasters, procurement officials, and all others responsible

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for developing, loading, maintaining, or auditing web content and functionality, in determining whether or not the website meets accessibility standards. However, because these tools are limited in being able to uncover the majority of accessibility issues, the CAHELP shall procure the services of an external auditor in addition to conducting accessibility testing online, and internal auditing.

The CAHELP shall employ the following accessibility evaluation methods to audit all online content and functionality.

1. *Accessibility Audit:* An external accessibility auditor shall review the website, highlighting any accessibility issue(s) and provide recommendations to the **CAHELP JPA Virtual Compliance Supervisor**. The auditor shall utilize assistive software used by web users **who are disabled** (e.g., screen reader) to effectively carry out the audit, along with the free Web Accessibility Toolbar (WAT) developed by The Paciello Group. WAT aids manual examination of web pages for a variety of aspects of accessibility. **Go to WAT to download a copy (url: <https://developer.paciellogroup.com/resources/wat/>).**

The auditor can be a hired external accessibility consultancy, or an in-house member who is knowledgeable of the W3C accessibility guidelines who is appropriately trained in web accessibility.

2. *Accessibility Testing:* **The CAHELP JPA Virtual Compliance Technician, as designated by the CAHELP JPA Virtual Compliance Supervisor**, shall coordinate testing with real users with disabilities to complete common tasks on the website while a designated moderator notes all problems the user experiences. Regular usability testing will uncover more usability issues as users with disabilities may require additional time to complete tasks.
3. *Automated Accessibility Testing:* Both internal and external auditor may utilize automated programs to evaluate the website against accessibility guidelines.

For a list of online accessibility testing resources, see Appendix C (e.g., Useablenet, Web Accessibility Versatile Evaluator (WAVE), AChecker, **SiteImprove**, etc.).

The external auditor shall carry out the accessibility audit. After the findings from an accessibility audit has been implemented, the CAHELP shall initiate accessibility testing, as needed. The **CAHELP JPA Virtual Compliance Supervisor** shall further coordinate testing sessions with the assistance of county-operated programs and/or

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inviting a group of users living with visual, auditory, physical, and/or cognitive disabilities, to participate.

5.3.12 Qualifications of Accessibility Auditor

The external auditor shall have the requisite experience and knowledge to carry out an appropriate audit and to develop a proposed Corrective Action Plan. The external auditor shall meet the approved qualifications of an auditor as specified by the Office of Civil Rights (OCR) and shall:

- ❖ Audit all content and functionality of the CAHELP website to identify any online content or functionality that is inaccessible to individuals with disabilities, including online content and functionality developed by, maintained by, or offered through a third-party vendor or an open source;
- ❖ Use W3C WCAG 2.0 Level AA and WAI-ARIA 1.0 as the benchmarks for measuring accessibility, unless the CAHELP receives prior permission to use a different standard as a benchmark; and
- ❖ Develop a proposed Corrective Action Plan.

During the accessibility audit, the CAHELP may also seek input from members of the public with disabilities, including parents, students, employees, and others associated with the CAHELP, and other persons knowledgeable about website accessibility, regarding the accessibility of its online content and functionality.

The **Virtual Compliance Team** shall have overall responsibility for establishing systems of audit, accountability, corrective action of accessibility of all online content, and functionality on an ongoing basis (Section 4.0 Oversight and Responsibility).

Refer to Appendix C for list of Accessible Testing resources (e.g., Useablenet, Web Accessibility Versatile Evaluator (WAVE), AChecker, **SiteImprove**, etc.)

6.0 PROCEDURES

See Appendix A: Getting Started with Accessibility.

7.0 IT ACCESSIBILITY CHECKLIST

The following is a checklist for **c**ontent **d**evelopers and **a**pprovers, web designers and developers, and purchasing agents to consider when developing and/or procuring accessible information technology that the CAHELP purchases, creates, and uses, such as websites, software, hardware, and media. Many of the items in this checklist apply to web pages and web-based applications as well as electronic documents in Microsoft Word,

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Adobe PDF, and other formats, and other products and services that are not specifically web-based.

7.1 Make content and controls Perceivable by all users

- Do images have alternative text?
- Does video have captions and does audio have a transcript?
- Does the web page or document include headings, lists, ARIA landmarks, and other semantic elements to communicate document structure?
- Is the tab order and read order logical and intuitive?
- Do form fields within web pages and documents have appropriately coded labels and prompts?
- Have you avoided using visual characteristics to communicate information (e.g., “click the circle on the right” or “required fields are in red”)?
- Does the interface have sufficient contrast between text color and background color?
- Does the content scale well when text is enlarged up to 200 percent?

7.2 Make content and controls Operable by all users

- Can all menus, links, buttons, and other controls be operated by keyboard, to make them accessible to users who are unable to use a mouse?
- Does the web page include a visible focus indicator so all users, especially those using a keyboard, can easily track their current position?
- Do features that scroll or update automatically (e.g., slideshows, carousels) have prominent accessible controls that enable users to pause or advance these features on their own?
- Do pages that have time limits include mechanisms for adjusting those limits for users who need more time?
- Have you avoided using content that flashes or flickers?
- Does the web page or document have a title that describes its topic or purpose?
- Are mechanisms in place that allow users to bypass blocks of content (e.g., “skip to main content” link on a web page or bookmarks in a PDF)?
- Does the website include two or more ways of finding content, such as a navigation menu, search feature, or site map?
- Is link text meaningful, independent of context?

7.3 Make content and user interfaces Understandable to all users

- Has the language of the web page or document (or individual parts of a multilingual document) been defined?
- Have you avoided links, controls, or form fields that automatically trigger a change in context?
- Does the website include consistent navigation?
- Do online forms provide helpful, accessible error and verification messages?

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7.4 Make content Robust enough that it can be interpreted reliably by a wide variety of user agents, including assistive technologies

- Is the web page coded using valid HTML?
- Do rich, dynamic, web interfaces, such as modal windows, drop-down menus, slideshows, and carousels, include ARIA markup?

8.0 TRAINING

CAHELP shall provide and/or procure website accessibility training for all appropriate personnel, including, but not limited to content developers and approvers, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality. Training shall continue on a schedule designed to maintain website accessibility consistent with, or superior to, that which is required under federal law.

9.0 RELATED INFORMATION

9.1 Resources and Support for IT Accessibility

- Accessible Technology at the CAHELP
- IT Accessibility Checklist
- Access Technology Center
- World Wide Web Consortium (W3C) Web Content Accessibility Guidelines 2.0

9.2 Legal and Policy Requirements

- Section 504 of the Rehabilitation Act of 1973 (<http://www2.ed.gov/about/offices/list/ocr/504faq.html>)
- Americans with Disabilities Act as amended (https://www.ada.gov/2010_regs.htm)
- **California Unruh Civil Rights Act (UCRA), Cal Civ. Code § 51.**
- Department of Justice (DOJ) Guidance (June 2003)
 - ❖ ADA/504 “generally require” equal access unless fundamental alteration or undue burden
- OCR Dear Colleague Letter (June 2010)
 - ❖ Colleges and universities must make book readers and other educational technologies equally accessible
- OCR FAQs (May 11)
 - ❖ Follow-up from June 2010 Dear Colleague letter – legal requirements articulated in letter apply to elementary and secondary schools
- DOJ Notice of Proposed Rulemaking (May 2016)
 - ❖ Proposed rulemaking for state and local governments with regard to web accessibility

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10.0 REVISION HISTORY

Version Number	Revised	Governance Approval
1.0	10/27/16	4/7/2017
2.0	08/24/18	9/7/2018
3.0	01/16/20	02/07/20

APPENDIX A

A. GETTING STARTED WITH ACCESSIBILITY

To ensure accessibility standards are met, *content developers and approvers* must have an understanding of web accessibility, online content, and functionality, and an understanding of the terminology provided in Section 2.0 of this document. In designing web accessibility, *content developers and approvers* should consider these user characteristics in designing web accessibility:

A.1. Characteristics for Consideration

- (1) **Unable to see.** Individuals who are blind use either audible output (products called screen readers that read web content using synthesized speech) or tactile output (a refreshable Braille device).
- (2) **Has dyslexia.** Individuals with learning disabilities such as dyslexia may also use audible output, along with software that highlights words or phrases as they are read aloud using synthesized speech.
- (3) **Has low vision.** Individuals with low vision may use screen magnification software that allows them to zoom in all or a portion of the visual screen. Many others with less-than-perfect eyesight may enlarge the font on websites using standard browser functions, such as Ctrl + in Windows browsers or Command + in Mac browsers.
- (4) **Has a physical disability.** Individuals with physical disabilities that effect their use of hands may be unable to use a mouse, and instead may rely exclusively on keyboard or use assistive technologies such as speech recognition, head pointers, mouth sticks, or eye-gaze tracking systems.
- (5) **Unable to hear.** Individuals who are deaf or hard of hearing are unable to access audio content, so video needs to be captioned and audio needs to be transcribed.
- (6) **Using a mobile device.** Individuals who are accessing the web using a compact mobile device such as a phone, face accessibility barriers, just like individuals with disabilities do. They're using a small screen and may need to zoom in or increase the font size, and they are likely to be using a touch interface rather than a mouse. Also, Apple's iPhone and iPad do not support Adobe Flash.
- (7) **Limited bandwidth.** Individuals may be on slow internet connections if they are located in a rural area or lack the financial resources to access high-speed internet. These users benefit from pages that load quickly (use graphics sparingly) and transcripts for video.

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- (8) Limited time. Very busy individuals may have too little time to watch an entire video or audio recording but can quickly access its content if a transcript is available.**

Accessible technology works for all of these users, and countless others not mentioned.

A.2. Essential Components of Web Accessibility

Web accessibility depends on several different components of web development and interactions working together and how improvements in specific components could substantially improve web accessibility. These components include:

- Content (information in a web page or web application, including (1) natural information such as text, images, and sounds, or (2) code or markup that defines structure, presentation etc.);
- Web browsers, media players, and other user agents;
- Assistive technology, in some cases, screen readers, alternative keyboards, switches, scanning software, etc.;
- User’s knowledge, experiences, and in some cases, adaptive strategies using the web;
- Developers, designers, coders, authors, etc., including developers with disabilities and users who contribute content;
- Authoring tools – software that creates web sites; and
- Evaluation tools – web accessibility evaluation tools, HTML validators, Cascading Style Sheets (CSS) validators, etc.

Authoring tools and evaluation tools are used by web developers to create web content. Individuals (“users”) use web browsers, media players, assistive technologies, or other means to get and interact with content. It’s important to note that there are significant interdependencies between the components. Components must work together in order for the web to be accessible. When accessibility features are effectively implemented in one component, the other components are more likely to implement them.

A.2.1. Examples

- When web browsers, media players, assistive technologies, and other user agents support an accessibility feature, users are more likely to demand it and developers are more likely to implement it in their content;

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- When developers want to implement an accessibility feature in their content, they are more likely to demand that their authoring tool make it easy to implement;
- When authoring tools make a feature easy to implement, developers are more likely to implement it in their content; or
- When an accessibility feature is implemented in most content, developers and users are more likely to demand that user agents support it.

If an accessibility feature is not implemented in one component, there is little motivation for the other components to implement it when it does not result in an accessible user experience. If one component has poor accessibility support, sometimes other components can compensate through “work-arounds” that require much more effort and are not good for accessibility overall.

A.3. Guidelines for Different Components:

The different components were briefly covered in Section 5.0 – Accessibility Standards: WCAG, ATAG, and UAAG. *Content Developers and Approvers*, web developers, and other individuals involved in the creation and maintenance of online content and functionality may refer to the following W3C WAI accessibility guidelines for additional information on the different components:

- [Authoring Tool Accessibility Guidelines](https://www.w3.org/WAI/intro/atag.php) (ATAG) addresses authoring tools (url: <https://www.w3.org/WAI/intro/atag.php>)
- [Web Content Accessibility Guidelines](https://www.w3.org/WAI/intro/wcag.php) (WCAG) addresses web content, and is used by developers, authoring tools, and accessibility evaluation tools (url: <https://www.w3.org/WAI/intro/wcag.php>)
- [User Agent Accessibility Guidelines](https://www.w3.org/WAI/intro/uaag.php) (UAAG) addresses web browsers and media players, including some aspects of assistive technologies (url: <https://www.w3.org/WAI/intro/uaag.php>)

B. HOW TO MAKE TECHNOLOGY ACCESSIBLE

The following information will provide *content developers and approvers and webmasters* how-to-pages with step-by-step guides for making particular types of content accessible. For additional information about accessibility of particular technologies, please refer to the pages that are most relevant for the technologies to be used. *Webmasters* and *content developers and approvers* shall be familiar with:

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- (1) Creating Accessible Documents
- (2) Developing Accessible Websites
- (3) Creating Accessible Videos
- (4) Procuring Accessible IT
- (5) Managing Projects for Accessibility

Content developers and approvers, and webmasters shall consider accessibility throughout the design and creation process of online content. The following are tips for creating accessible content and conducting simple accessibility tests:

- **Useable without a mouse:** Ensure all links, buttons, menus, and controls in web pages and applications can be used without a mouse, but instead can be navigated using only the keyboard. Whether an interface is functional using a keyboard alone is often a reliable indicator of overall accessibility;
- **Document structure:** Create web pages, Word documents, and PDF files that have good structure, including the use of headings, sub-headings, and lists that make these documents easier for users to understand and navigate;
- **Accessible images:** Include alternative text for graphics and avoid images of text. Individuals who cannot see an image rely on alternate text to access its content; and
- **Test with accessibility checker tools:** As stated in **subsection 5.3.11**, CAHELP will employ accessibility testing using online accessibility checkers. *Webmasters* may use accessibility checkers and/or web browser plug-ins to identify common accessibility problems and report them to the **CAHELP JPA Virtual Compliance Supervisor and/or the Accessibility Compliance Team (ACT)**. A list of online accessibility checkers is available in *Appendix B* to assist with accessibility efforts.

Accessibility issues shall be reported to the **CAHELP JPA Virtual Compliance Supervisor and/or the ACT** for accountability. Issues that exceed the parameters and scope of responsibility of the **CAHELP JPA Virtual Compliance Supervisor and ACT** shall be referred to an accessibility expert for review and recommendation for corrective action.

B.1. Creating Accessible Documents

The core steps needed for accessibility are the same regardless of whether the document is developed in HTML (web), Microsoft Word, Adobe PDF, or another document format. The following are the required basic steps to assist *content developers and approvers* in creating accessible documents:

- Use headings;

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- Use lists;
- Add alternate text to images;
- Use tables wisely; and
- Understand how to export from one format to another.

B.1.1. Headings

Identify headings and subheadings using the built-in heading features of the authoring tool. Headings (e.g., h1, h2, h3, etc.) form an outline of the page content and enable screen reader users to understand how the page is organized, and to quickly navigate to content of interest. Screen readers have features that enable users to jump quickly between headings with a single key stroke.

B.1.2. Use Lists

Use the list controls provided in the document authoring software. Content that is organized as a list should be created using the list controls. Authoring software provides one or more controls for adding unordered lists (with bullets) and ordered lists (with numbers). When lists are explicitly created as lists, this helps screen readers to understand how the content is organized. When screen reader users enter a list, their screen reader informs them that they're on a list and may also inform them of how many items are in the list, which can be very helpful information when deciding whether to continue reading.

B.1.3. Add Alternate Text for Images

Users who are unable to see images depend on content developers to supplement their images with alternate text, which is often abbreviated "alt text." The purpose of alt text is to communicate the content of an image to individuals who can't see the image. The alt text should be succinct, just enough text to communicate the idea without burdening the user with unnecessary detail. When screen readers encounter an image with alt text, they typically announce the image then read the alt text.

Authoring tools provide a means of adding alt text to images, usually in dialog that appears when an image is added, or later within an image properties dialog.

If images are purely decorative and contain no informative content, they do not require a description. However, they may still require specific markup, so screen readers know to skip them. Also, images that require a lengthier

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description, such as charts and graphs, may require additional steps beyond adding alt text.

B.1.4. Use Tables Wisely

Tables should not be used to control content layout. Tables in documents are useful for communicating relationships between data, especially where those relationships can be best expressed in a matrix of rows and columns. Authoring tools have other means of doing this, including organizing content into columns.

If the data is best presented in a table, try to keep the table simple. If the table is complex, consider whether it could be divided into multiple simpler tables with a heading above each.

A key to making data tables accessible to screen reader users is to clearly identify column and row headers. Also, if there are nested in columns and rows with multiple headers for each cell, screen readers need to be explicitly informed as to which headers relate to which cells.

B.1.5. When Exporting to PDF, Understand How to Preserve Accessibility

In order for an Adobe PDF document to be accessible, it must be a “tagged” PDF, with an underlying tagged structure that includes all of the features already described herein. There are right ways and wrong ways to export documents to PDF. Some authoring tools do not support tagged PDF at all, while others provide multiple ways of exporting to PDF, some that produce tagged PDF and some that do not. The CAHELP utilizes Adobe Acrobat **DC** which provides accessible tags.

B.1.6. Creating High Quality Scanned Documents

When documents are in electronic form, they are easier to distribute and can be more accessible than print documents. However, in order to be fully accessible, certain steps must be followed to be sure a scanned document is of high quality. Even if a document is not needed for an individual with a disability, a poor scan often negatively impacts the end user’s experience.

B.1.7. Developing an Accessible Website

In order to assure that the CAHELP website and web applications are accessible to and usable by everyone, web designers and developers must follow accessibility guidelines. The following topics address issues that are especially common on the website:

Features of an Accessible Website:

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- Good structure in web pages and documents;
- Good use of HTML headings;
- Accessible with keyboard;
- Accessible images;
- Accessible menus;
- Accessible forms;
- Accessible tables;
- Effective use of color;
- Meaningful link text;
- ARIA landmark roles;
- ARIA for web applications; and
- Avoiding reliance on visual characteristics.

B.1.8. Structure in Web Pages and Documents

In order to understand a document, everyone depends on understanding its structure. Screen reader users need to understand this structure and are dependent on *content developers* clearly identifying the headings, paragraphs, lists, tables, banners, menus, and other features as exactly what they are. In the world of web design this is called semantics, building a page using web elements that define the role of the object. For example, when adding a top-level heading to a web page, *content developers* shall use the built-in h1 feature that the authoring software provides. Simply making the text big and bold may look like a heading but it really is not a heading.

B.1.9. HTML headings

As discussed in Section 5.0, the core steps needed for accessibility are the same whether the document is developed in HTML (web), Microsoft Word, Adobe PDF, or another document format. The use of HTML headings is essential in developing an accessible website.

HTML headings service two purposes for non-sighted users:

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- They provide an outline of the page, so users can understand how the page is structured, and how all the sections relate to one another; and
- They provide a target so users can jump from heading to heading with a single keystroke, e.g., the letter “H” in some screen readers.

Content developers shall utilize built-in heading feature in authoring tools.

B.1.10. Accessible with Keyboard

Because many users are physically unable to use a mouse and might be navigating through a web page using a keyboard alone, conducting a simple accessibility test using the keyboard will help determine whether users can (1) access all features, (2) operate all controls, and (3) easily tell where they are on the web page. *Content developers* test this feature by using the tab key to navigate between features, and other keys of doing so would seem to make sense (e.g., enter or space to “click” the element that currently has focus), arrow keys to move within a widget such as a menu or slider, and escape to close a pop-up window.

B.1.11. Testing HTML Web Pages

Content developers should navigate through the web page using a keyboard alone. Using the tab key, *content developers* should be able to access all links and controls in a predictable order based on their visual position on the page. The success of this test can also be affected by whether there is sufficient visual indication of focus.

- WCAG 2.0 Success Criterion 1.3.2 Meaningful Sequence (Level A)
- WCAG 2.0 Success Criterion 2.4.3 Focus Order (Level A)

If users are unable to tell where they are on a web page when navigating with keyboard, *content developers and approvers*, and webmasters can typically fix this with some very simple cascading style sheets (CSS). *Content developers and approvers* should consult the webmaster and/or developer of authoring tools.

Movement through a web page or application should follow a logical order. It should mirror the visual order of navigation and controls on the page. Users who are navigating by keyboard (e.g., using the tab key) expect to move sequentially from left to right and top to bottom through the focusable elements on the page.

When creating web pages, be sure the order of items in the source code matches the visual order.

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B.1.12. Accessible Images

If web pages include images, the content of those images is, by default, inaccessible to individuals who are unable to see the images. Whether and how to address this issue depends on the purpose of the image within the context of the web page.

- **Simple Informative Images.** If images are designed to communicate information to the user, they must be described. Images that convey simple information must be described with alternative text, or “alt text.” Alt text is a short description of the content of the image, added in such a way that is typically invisible to individuals who can see the image but is exposed to individuals who are using assistive technologies such as screen readers or Braille displays. Browsers also display alt text visibly if an image fails to load. Such simple images include logos, buttons, and photographs. The description should describe the content and functionality of the image as concisely as possible to provide access to the content of the image without burdening the user with superfluous details.
- **Adding Alt Text in Word Processing Programs or Rich Text Editors.** Word processing applications such as Microsoft Word and Google Docs; as well as online rich text editors such as those used for adding content to Canvas, WordPress, or Drupal; all include support for alt text on images. When adding an image to a web page or document, simply look for a tab or field labeled “alt text” or equivalent and enter a short description into the field. If you are not prompted for alt text when adding the image, right click on the image after it has been added and select “Image Properties” or equivalent, then look around in the image properties dialog for an “Alt text” prompt.
- **Complex Informative Images.** Complex images, such as graphs, charts, or diagrams, may contain too much information to be effectively described using alt text. Instead, these images must be described with a long description. Long description is a more detailed description that provides equivalent access to the information of the image. The question *content developers* should ask is: Given the current context, what information is this image intended to communicate? That same information must be provided to individuals who are unable to see the image. A long description can include any structure necessary to communicate the content of the image, including heading list and data tables.

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- **Adding Long Description in HTML.** In HTML, long description can be added either on a separate web page or on the same page in a <div> with id attribute. The latter can be hidden from sighted users, although *content developers* should consider whether it might be of value to some sighted users too, particularly individuals who have difficulty understanding visually symbolic content such as charts and graphs. Once the long description is in place, add a longdesc attribute to the element, pointing to the URL of the long description.
- For assistance on providing accessible images and what constitutes alt text verses longdesc, consult the webmaster and/or developer of authoring tools.
- **Decorative Images.** If images are used solely for decorative purposes and does not convey meaning, they should be added to the page using CSS, not with the HTML element. If for some reason an image needs to be added using HTML, the element must have an empty alt attribute (alt=""). This is a standard technique for communicating to screen readers that the image should be ignored. The following are a few methods that *content developers* can tell screen readers to ignore the decorative image:
 - Avoid using the HTML element for decorative images; instead present the image as a background image using cascading style sheets (CSS)
 - If using the HTML element, add an empty alt attribute (alt="")
 - If using the HTML element, add the following attribute: role="presentation"

References:

- HTML5: Techniques for providing useful text alternatives
- National Center for Accessible Media (NCAM) guidelines for describing complex images: Effective Practices for Description of Science Content within Digital Talking Books
- National Center on Accessible Media (NCAM): Effective Practices for Describing STEM Images
- WCAG 2.0. Success Criterion 1.1.1 Non-text Content (Level A)

B.1.13. Accessible Menus

Website navigation menus often include dropdown or fly-out menus, where submenus are hidden by default and appear visibly when mouse users hover

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over or click a top-level menu item. These types of menus can present major accessibility challenges for many groups of users unless they are coded properly.

For assistance and information on creating accessible menus, consult the webmaster and/or developer of authoring tools. The webmaster and/or developer shall explore this problem in depth and provide recommendations to the [CAHELP JPA Virtual Compliance Supervisor](#) and/or the [ACT](#).

B.1.14. Accessible Forms

To create an accessible Online Form, *content developers* shall ensure that all form fields have accurate labels or prompts so screen reader users know what each field is asking for. Forms typically have labels or prompts that are obvious to sighted users, but their association with particular form fields is made based on visual cues, such as relative position and proximity to the field. Since screen reader users do not have access to these same visual cues, labels and prompts must be explicitly associated with form fields within the HTML (web).

The following should be used by *Content Developers* or form developers:

B.1.14.1. Use Label Element

The prompt “Last name” precedes the input field, but its relationship to the field is not explicitly defined. Therefore, some screen readers will simply announce this as an “edit” field but will not prompt the user to enter “Last name” into that field. Other screen readers will guess at the label, and in the example provided below, the user will probably guess accurately. However, as forms grow in complexity, screen readers that guess at labels are more likely to guess incorrectly, which means users are more likely to complete the form incorrectly. *Content developers* or form developers shall properly label form elements.

EXAMPLE OF INCORRECT FIELD:

```
<div>
```

Last name:

```
<input type="text" name="last_name" id="last_name">
```

```
</div>
```

CORRECT LABEL:

```
<div>
```

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```
<label for="last_name">Last name:</label>  
<input type="text" name="last_name" id="last_name">  
</div>
```

B.1.14.2. Use <fieldset> and <legend> Elements

For groups of related fields such as radio buttons and checkboxes, each form field must have a label as described in the previous section. However, that prompt alone can be meaningless if the user does not know the question. *Content developers* or form developers shall address this problem by grouping these elements together using a <fieldset> element then use a <legend> element to markup the question.

EXAMPLE:

```
<fieldset>  
<legend>What is your favorite color?</legend>  
<div>  
<input type="radio" name="color" value="Red" id="color_red">  
<label for="color_red">Red</label>  
</div>  
<div>  
    <input type="radio" name="color" value="green"  
    id="color_green">  
</div>  
<div>  
    <input type="radio" name="color" value="blue"  
    id="color_blue">  
    <label for="color_blue">Blue</label>  
</div>  
</fieldset>
```

For additional assistance regarding appropriate use of labels, field sets, and legend elements, consult the webmaster and/or developer of authoring tools.

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B.1.14.3. Making PDF Forms Accessible

Interactive forms in Adobe PDF have many of the same issues as those described in developing online forms (HTML). Labels and prompts must all be created in a way that explicitly associates them with their corresponding form fields. It is also important to note that PDF form fields have a tendency to be out of order, so *content developers* or form developers must be sure to test the tab order of the PDF form, to be sure that users will move through the form in a logical sequence when jumping between fields using the keyboard.

Testing PDF Documents. In Adobe Acrobat, go to View > Tools > Accessibility, and select “Touch Up Reading Order.” This feature provides a visual indication of the approximate order in which content will appear if automatically re-purposed for display on a small screen.

To test an interactive PDF form, open the form in any desktop PDF reader and move through the form fields by pressing the tab key. Fields will be highlighted as they receive focus. If fields are not arranged in the expected sequence, this can be fixed in Adobe Acrobat. Go to View > Tools > Forms > Edit. All form fields will be listed in tab order in a sidebar panel. Simply drag fields to their correct position in the tab order.

References:

- WCAG 2.0 Success Criterion 1.3.1 Info and Relationships (Level A)
- WCAG 2.0 Success Criterion 1.3.2 Meaningful Sequence (Level A)
- WCAG 2.0 Success Criterion 2.4.3 Focus Order (Level A)

B.1.14.4. Avoiding CAPTCHA

CAPTCHA (an acronym that stands for “Completely Automated Public Turing Test to tell Computers and Humans Apart”) is a type of form field that is sometimes used to determine whether a user is human, in an effort to prevent computers from automatically submitting online forms. Often CAPTCHAs assume the form of distorted characters.

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CAPTCHA is inaccessible to many groups of users, including individuals who are blind or dyslexic. If audio CAPTCHA is provided as an alternative for these users, that still is not a solution for individuals who are deaf-blind. Also, CAPTCHAs are burdensome for everyone, and increase the likelihood that individuals will fail to submit the form or complete the task. *Content developers* should consider other creative alternative solutions that do not burden the user.

B.1.15. Accessible Tables

Data tables should not be used to force content into visible columns. Multi-column layouts can now be attained using CSS to handle layout and positioning. Data tables are useful for presenting data in rows and columns. A few specific HTML tags are required in order to ensure that data tables are accessible to screen readers. Without these tags, users who are unable to see the table can find it very difficult or impossible to understand the relationship between table headers and the cells within their scope.

Content developers should determine whether the table will be simple or complex and apply the specific tags as noted below.

B.1.15.1. Simple Table

A simple table has a single header at the top of each column, and optionally a single header in the first column of each row. It has no nested columns or rows. To make a simple table accessible, apply the following techniques:

- Markup all column headers or row headers as table headers using the <th> element.
- Define the scope of each <th> using the scope attribute (the value of scope can be either “col” or “row”)

B.1.15.2. Complex Table

A complex table is any table that is not a simple table, as defined in the preceding section. There might be nested rows or columns, or headers might be located in places other than the first row or column. These sorts of tables can be very challenging for screen reader users to understand. To ensure their accessibility, apply the following techniques:

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- Markup all column headers or row headers as table headers using the <th> element
- Add a unique id attribute to each <th> element
- For every table data cell (<td>), add a headers attribute that lists the ids of all headers that apply to that particular cell. If more than one header applies to a cell, separate ids with a space

For additional assistance and guidance regarding the use and development of accessible tables, consult the webmaster and/or developer of authoring tool.

B.1.16. Effective Use of Color

There are two accessibility issues related to choice of color:

B.1.16.1. Avoid Using Color to Communicate Information

Because some users are unable to perceive color differences or may not perceive color the same way others do, it is important to avoid using color alone to communicate information. For example, if link text is blue, *content developers* should also enable underline feature so users who are unable to perceive color differences can distinguish links from surrounding text.

B.1.16.2. Choose Colors with Ample Contrast

Because some users have difficulty perceiving text if there is too little contrast between foreground and background, *content developers* must use color combinations that meet clearly defined contrast ratios per W3C WCAG 2.0. CAHELP applies Level AA for contrast success criteria. In order to meet Level AA, *content developers* must ensure that text or images of text must have a contrast ratio of at least 4.5:1 (or 3:1 for large text). In order to meet the guidelines at the stricter Level AAA, the contrast ratio must be at least 7:1 (or 4.5:1 for large text).

Several free tools have been developed that make it easy to check color combinations for WCAG 2.0 compliance. *Content developers* may utilize the following resources to determine Level AA compliance for color contrast:

- [Colour Contrast Analyser by the Paciello Group](#) (for Windows or Mac) ([url](#):

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<https://www.paciellogroup.com/resources/contrastanalyser>



- [WebAIM Color Contrast Checker \(url: https://webaim.org/resources/contrastchecker/\)](https://webaim.org/resources/contrastchecker/)

B.1.17. Meaningful Link Text

Screen reader users navigate websites using a variety of techniques. One of those is to pull up a list of links (a feature on most screen readers) and navigate through that list. Given this, link text should be able to stand alone independently of its context. For example, links like “click here” and “more” are meaningless out of context. Also, speech recognition users can click links with a voice command like “click” followed by the link text. Therefore, *content developers* should keep link text short and easy to say.

For both of these reasons long URLs should be avoided as link text (short URLs like cahelp.org) are okay since they are easy to say and stand-alone independently of context.

B.1.18. ARIA Landmark Roles

ARIA is a new W3C specification that stands for “Accessible Rich Internet Applications.” It consists of markup that can be added to HTML in order to clearly communicate the roles, states, and properties of user interface elements. User interface includes both the “user agent user interface,” i.e., the controls (e.g., menus, buttons, prompts, etc.) and mechanisms (e.g., selection and focus) provided by the user agent that are not created by content; and the “content user interface,” i.e., the enabled elements that are part of content, such as form elements, links, applets, etc. This information helps screen readers and other assistive technologies to better understand the elements on a web page, and to provide a user interface that enables their users to effectively interact with those elements.

One of the easiest ARIA features to implement, and one that provides significant immediate benefits to screen reader users, is landmark roles. There are eight of these roles, each representing a block of content that occurs commonly on web pages. To use them, webmasters and/or developers of authoring tools simply add a relevant role attribute to an appropriate container within the HTML. Then, screen reader users can quickly jump to that section of the page. The eight ARIA landmark roles are:

- Role=”banner”
- Role”navigation” (e.g., a menu)

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- Role="main" (the main content of the page)
- Role="complementary" (e.g., a sidebar)
- Role="contentinfo" (meta data about the page, e.g., a copyright statement)
- Role="search"
- Role="form"
- Role="application" (a web application with its own keyboard interface)

If a role is used more than once on a page, the aria-label attribute should also be used in order to distinguish between the two regions. For example, a web page might have the following two navigation regions:

- `<div role="navigation" aria-label="Main-menu">`
- `<div role="navigation" aria-label="User_menu">`

When role="application" is used, there is an exception that the application has its own model for navigating and operating all controls by keyboard, and help text is easily available so users can learn the keystrokes. When assistive technologies encounter content that's marked up with role="application", they stop listening for users' keystrokes and hand off all functionality to the application. This can be problematic as it defies users' expectations. Keys that normally perform certain functions when using their assistive technology suddenly stop providing that functionality.

Therefore, webmasters and/or developers of authoring tools should use role="application" only when an application has been carefully developed with accessibility in mind, and steps have been taken to inform users of what to expect.

For additional clarification and guidance on Aria landmark roles, consult the webmaster and/or developer of authoring tool.

B.1.19. ARIA for Web Application

Like ARIA for Landmark Roles, ARIA for web applications is W3C specification that consists of markup that can be added to HTML in order to clearly communicate the roles, states, and properties of user interface elements. This information helps screen readers and other assistive technologies to better understand the elements on a web page, and to provide

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a user interface that enables their users to effectively interact with those elements.

For example, imagine a web page where a user is able to click a button to trigger some action on the page. When the user clicks the button, a message appears at the top of the page informing the user of their success or failure. Using HTML alone, screen reader users would have no idea that this message has appeared, and even if they suspected it had appeared, they might not be able to easily find it. With ARIA, webmasters and/or developers of authoring tools could simply add `role="alert"` to the container where the message will appear. Then, when the content of that container changes, screen readers will interrupt the user by announcing the message content. The user's focus will remain in their original location so they can resume their work.

Webmasters and/or developers of authoring tools creating dynamic, rich, interactive user interface elements for web pages must include ARIA markup or there is very little possibility of their being accessible.

Testing ARIA:

- Use the W3C Markup Validation Service to check HTML against current web standards. This tool includes checks for valid use of ARIA markup.
- Test website or web application with multiple browser/screen reader combinations. Support for ARIA is a moving target, and even if the code is valid, there might be problems in the way its rendered with assistive technologies. There is no substitute for testing, especially if the website has rich, interactive content.

For additional assistance and guidance, consult the webmaster and/or developer of authoring tool. For help with testing with assistive technologies, please contact accessibility@cahelp.org.

References:

- WCAG 2.0 Success Criterion 4.1.2 Name, Role, Value (Level A)

B.1.20. Avoiding Reliance on Visual Characteristics

Content that flashes or flickers can trigger seizures in susceptible individuals. Therefore, flashing or flickering content should be avoided.

The best technique for addressing this issue is to avoid using content that flashes or flickers. Not only can it cause seizures, but it is likely to be annoying or distracting for users in general. If *content developers* must use content that flashes or flickers, test the content using methods described below to be sure the content flashes or flickers at a safe level.

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Testing:

The W3C WCAG 2.0 includes specific technical requirements for determining whether content flashes or flickers at an unsafe level. In general, if content flashes more than three times per second, it is unsafe. However, the W3C provides a more precise technical formula for calculating general flash and red flash thresholds. The Trace Center at the University of Wisconsin has developed a Photosensitive Epilepsy Analysis Tools (PEAT) for measuring whether web or computer applications are likely to cause seizures.

References:

- WCAG 2.0 Success Criterion 2.3.1 Three Flashes or Below Threshold (Level A)

B.1.21. Creating Accessible Videos

Videos and audio content can help make web pages and course curriculum provided by the CAHELP Professional Learning more engaging. However, they can also erect barriers unless delivered with accessibility in mind. Videos should be produced and delivered in ways that ensure that all members of the audience can access their content. An accessible video includes captions, a transcript, audio description, and is delivered in an accessible media player. When delivering video content, the following accessibility issues must be considered by *content developers and approvers*, and other designated staff producing or delivering video:

- **Some people are unable to hear audio.** Audio content such as audio-recorded lectures or podcasts must be accompanied by a transcript, and videos must be provided with closed captions.
- **Some people are unable to see video.** Video must be carefully scripted or edited in a way that ensures all important content is accessible through the audio track. If this is not the case, any important information that is presented visually must be described in a separate narration track using a technique called audio description.
- **Some people are unable to operate a mouse.** Multimedia content should be delivered in a player that can be operated with keyboard alone, has controls that are properly labeled so that they are announced properly to screen reader users, and can be operated effectively by speech input users.

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B.1.21.1. Captions

Captions are text versions of the audio content, synchronized with the video. They are essential for ensuring a video is accessible to members of the public who are deaf or hard of hearing. Captions also help non-native English speakers to understand the video, make it possible to search for content within the video, help with the spelling of technical terms spoken in the video, and make it possible to generate an interactive transcript where users can click anywhere in the transcript to watch the video where the text is spoken.

There are two general approaches to captioning video that *content developers and approvers*, and other appropriate staff producing or delivering video can consider:

- **Outsource.** Companies such as Automatic Sync Technologies, 3PlayMedia, cielo24, and many other captioning service providers will caption videos for a fee. Consult **CAHELP JPA Virtual Compliance Team** prior to contacting these companies for additional information.
- **Do it Yourself.** There are free tools available online that make it possible and easy to caption video. See captioning your own video for free (*See Appendix D*).

The end product generated by the above two options is a caption file. Most caption files are plain text files with time codes indicating the start and stop times. However, there are various types of caption files with slight variations in their syntax. Once a caption file has been created, the final step is to add this file to the video. How *content developers and approvers* accomplish this depends on where the video is hosted. For specific instructions, select one of the following options:

- Adding captions to YouTube videos ([link to...](#))
- Adding captions to videos on web pages ([link to...](#))
- Adding captions to videos in Panopto ([link to...](#))
- Adding captions to videos in Canvas ([link to...](#))
- Adding captions to videos in MediaAMP ([link to...](#))

References:

- WCAG 2.0 Success Criterion 1.2.1 Audio=only and Video=only (Prerecorded) (Level A)

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- WCAG 2.0 Success Criterion 1.2.2 Cations (Prerecorded) (Level A)
- WCAG 2.0 Success Criterion 1.2.3 Audio Description or Media Alternative (Prerecorded) (Level A)
- WCAG 2.0 Success Criterion 1.4.2 Audio Control (Level AA)
- WCAG 2.0 Success Criterion 1.2.4 Captions (Live) (Level AA)
- WCAG 2.0 Success Criterion 1.2.5 Audio Description (Prerecorded) (Level AA)

B.1.21.2. Audio Description

Audio description is a separate narrative audio track that describes important visual content, making it accessible to individuals who are unable to see the video. Individuals who are blind can understand much of a video’s content by listening to its audio. However, if a video includes content that is only presented visually (e.g., on-screen text or key actions that are not obvious from the audio), this visual information must be described in order to be accessible to individuals who are unable to see it.

Like captions, there are two general approaches to producing audio description for video that *content developers and approvers*, and other appropriate staff producing or delivering audio shall consider:

- **Outsource.** The American Council of the Blind has compiled a comprehensive list of commercial services for producing audio description. If the video contains a lot of visual information, this may be the best option since describing visual content effectively requires specialized skills. Typically, service providers will produce a new video that has the descriptive narration mixed in with the program audio. *Content developers and approvers*, and other appropriate staff producing or delivering audio can then provide a video in two formats: one with audio description and one without.
- **Do it Yourself.** For videos that have very little visual information, the same free online tools that are used for creating closed caption tracks can be used for creating description tracks. Description tracks are essentially the same as caption tracks—short blocks of text with timestamps that synchronize the text with the video—but their function

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is different. They are intended to be read aloud by screen readers, rather than voiced by a human narrator. Playing video with text-based audio description requires a media player that supports this feature, such as Able Player, the open source media player developed at the University of Washington.

B.1.21.3. Live Captioning and Description.

If live events are simulcast over the web, live captioning is needed in order to provide access to the audio content for audience members who are deaf or hard of hearing. Similarly, live description may be needed if key visual content is not otherwise verbalized, such as in a dramatic production. At the CAHELP, these services are coordinated through the Professional Learning team with the assistance of *content developers* and *approvers*, and the **CAHELP JPA Virtual team and/or the ACT**.

B.1.21.4. Transcript

A transcript is a text version of the media content. A transcript should capture all the spoken audio, plus on-screen text and descriptions of key visual information that wouldn't otherwise be accessible without seeing the video. Transcripts make video content accessible to everyone, including individuals who are unable to view the video due to accessibility problems or technical limitations. They are also helpful for individuals who want to quickly scan or search a video's content but do not have the time to watch the entire video.

If *content authors* have captioned the video, a transcript is available as one of the optional output formats produced by the closed captioning process. This is true of both the free online tools and the commercial service providers. To make the transcript available simply link to it from the web page, wherever it is linked to or display the associated video.

Content developers and approvers, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality, may consider using Able Player, the accessible open source media player developed at the University of Washington, which

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generates an interactive transcript automatically using the caption and/or description tracks.

B.1.21.5. Choosing an Accessible Media Player

When choosing how to deliver video, it is important that *content developers and approvers*, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality, consider options that are fully accessible. Whether selecting a media player plugin or module for the CAHELP website or selecting a service to host videos, the following questions should be answered about the available options:

- Does the media player support close captions?
- Does the media player support audio description in a way that enables users to toggle the narration on and off?
- Can the media player's buttons and controls be operated without a mouse?
- Are the media player's buttons and controls properly labeled so they can be operated by a blind person using a screen reader?
- Is the media player fully functional, including all of its accessibility features, across platforms and in all major browsers?

Able Player, the accessible open source media player developed at the University of Washington satisfies all of the above criteria. It is a free, open-source media player developed with accessibility in mind. For additional information on Able Player, [go to Able Player on Github \(url: *https://ableplayer.github.io/ableplayer/*\)](https://ableplayer.github.io/ableplayer/).

B.1.22. Procuring Accessible IT

The CAHELP strives to ensure that IT products developed at, purchased by, or used at the CAHELP are accessible to all individuals. To reach this aspirational goal, the **ACT** shall be responsible for making decisions about which products to procure and must consider accessibility as one of the criteria for acquisition. This is especially critical for enterprise-level systems and other technologies that affect a large number of students, teachers, and/or staff. The following three steps provide an example of how accessibility can be considered in the procurement process.

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For additional information and guidance on procurement of products accessible to all, consult IT services or the **ACT** with any of these steps.

B.1.22.1. Ask vendors to provide information about the accessibility of their products.

The following is an example of accessibility language that could be used in requests for proposals (RFPs):

Mandatory Scored Requirement:

- Bidder must describe how their IT products or services are accessible to users in accordance with CAHELP guidelines;
- CAHELP refers to the WCAG 2.0 developed by W3C Level AA for guidance in meeting its IT accessibility commitments.

If there are issues that prevent a bidder's IT product or service from meeting these requirements, the bidder must describe efforts underway to address these issues, including anticipated timelines for completion.

B.1.22.2. Validate information provided by bidders and evaluate the product for accessibility

Consult **the ACT** for assistance. Vendors should provide detailed information about the accessibility of their product or services. One common method is by providing a Voluntary Product Accessibility Template (VPAT). This is a standard form developed to assist federal agencies in fulfilling their Section 508 requirements. VPATs can sometimes be informative, but they have limitations since they are self-reports completed by the vendors. Some vendors do not have adequate technical expertise to accurately assess their products' accessibility. Others skillfully complete their VPATs in ways that trivialize the significance of accessibility shortcomings. Therefore, VPAT claims should be independently verified and not accepted at face value. A VPAT could provide a good starting point, but ultimately vendors, particularly those whose products are selected as finalists, should be engaged in a thorough discussion about accessibility of their products.

Few IT products are fully accessible. However, vendors should at a minimum be willing to make a commitment to address their

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accessibility problems. Without this commitment, using the product may place the CAHELP at risk for discriminating against some of its users and/or employees.

The CAHELP procured and/or contracted web host shall provide detailed information about the accessibility of their web product or services and may provide a Voluntary Product Accessibility Template (VPAT) for consideration.

B.1.23. Include Accessibility Assurances in Contracts with Vendors

If ultimately the best product for meeting a particular need is one that fails to fully meet accessibility requirements, vendors should be asked to make a commitment to improving accessibility over a specified timeline, perhaps working with the **CAHELP JPA Virtual Compliance Team** and **the ACT**.

After procurement officials discuss accessibility issues with a vendor, the procurement contract should include language that specifically documents the agreement between vendor and procurer as to how satisfactory progress on accessibility will be measured. The vendor might provide a roadmap as an addendum to the contract with a prioritized list of accessibility issues and a timeline for addressing each issue. Contract extensions might be contingent upon satisfactory progress toward resolving the issues identified in the roadmap.

Even if the product is currently accessible, the contract should include language that assures continued accessibility as the product is updated. This is especially important for products that are developed on an ongoing rapid release cycle.

B.1.24. Managing Projects for Accessibility

It shall be the responsibility of the CAHELP JPA Virtual Compliance Supervisor to ensure that all projects related to accessibility be prioritized. All areas of the CAHELP website will be reviewed annually using the processes described at WCAG 2.0. Reviews are the responsibility of the **CAHELP JPA Virtual Compliance Supervisor** in collaboration with the **ACT**. Accessibility checks will be incorporated into the publishing workflow for all new content.

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GOVERNANCE COUNCIL MEMBERS PRESENT:

Academy for Academic Excellence – Lisa Lamb, Apple Valley USD – Trenae Nelson, Desert Trails Preparatory Academy (DTPA) & LaVerne Elementary Preparatory Academy (LEPA) – Debra Tarver, Helendale SD – Ross Swearingen, Hesperia USD – David Olney, Oro Grande SD – Heather Griggs, Silver Valley USD – Jeff Youskievicz, Snowline USD – Ryan Holman, and Victor Elementary SD – Jan Gonzales.

CAHELP JPA STAFF PRESENT:

Jamie Adkins, Marina Gallegos, Jenae Holtz, Linda Llamas, Kami Murphy, Adrienne Shepherd-Myles, and Jennifer Sutton.

1.0 CALL TO ORDER

2.0 PUBLIC PARTICIPATION

None.

3.0 ADOPTION OF THE AGENDA

- 3.1 **BE IT RESOLVED** that a motion was made by Ross Swearingen, seconded by Lisa Lamb, that the November 22, 2019 CAHELP JPA Governance Council Meeting Agenda be approved as presented. The motion carried on the following vote: 8:0: Ayes: Members Gonzales, Griggs, Holman, Lamb, Nelson, Swearingen, Tarver, Youskievicz, Nays: None, Abstentions: None.

4.0 INFORMATION / ACTION

4.1 Desert/Mountain SELPA Policy & Procedures Chapters 5 and 9 (ACTION)

Policies and procedures governing the operation of special education programs within the Desert/Mountain SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Steering Committee. Policies and Procedures are modified as necessary in order to ensure that special education programs are operated in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Policy and Procedures are annually submitted to the CAHELP Governance Council for consideration and approval.

- 4.1.1 **BE IT RESOLVED** that a motion was made by Ryan Holman, seconded by Debra Tarver, that the Desert/Mountain SELPA Policy & Procedures Chapters 5 and 9 be approved as presented. The motion carried on the following vote: 8:0: Ayes: Members Gonzales, Griggs, Holman, Lamb, Nelson, Swearingen, Tarver, Youskievicz, Nays: None, Abstentions: None.

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4.2 Desert/Mountain Charter SELPA Policy & Procedures Chapters 6 and 22 (**ACTION**)

Policies and procedures governing the operation of special education programs within the Desert/Mountain Charter SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Steering Committee. Policies and Procedures are modified as necessary in order to ensure that special education programs are operated in an efficient, effective and legally compliant manner. Suggested revisions to Charter SELPA Policy and Procedures are annually submitted to the CAHELP Governance Council for consideration and approval.

4.2.1 **BE IT RESOLVED** that a motion was made by Lisa Lamb, seconded by Debra Tarver, that the Desert/Mountain Charter SELPA Policy & Procedures Chapters 6 and 22 be approved as presented. The motion carried on the following vote: 8:0: Ayes: Members Gonzales, Griggs, Holman, Lamb, Nelson, Swearingen, Tarver, Youskievicz, Nays: None, Abstentions: None.

4.3 Desert/Mountain SELPA and Desert/Mountain Charter SELPA Forms D/M 151, 154, 157, and 175 (**ACTION**)

Forms used in the operations of special education programs within the Desert/Mountain SELPA and Desert/Mountain Charter SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Program Team. Forms are modified as necessary in order to support the operations of special education programs in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Forms are submitted to the D/M SELPA and D/M Charter SELPA Steering Committees for consideration and approval.

4.3.1 **BE IT RESOLVED** that a motion was made by Ross Swearingen, seconded by Jeff Youskievicz, that Desert/Mountain SELPA and Desert/Mountain Charter SELPA Forms D/M 151, 154, 157, and 175 be approved as presented. The motion carried on the following vote: 8:0: Ayes: Members Gonzales, Griggs, Holman, Lamb, Nelson, Swearingen, Tarver, Youskievicz, Nays: None, Abstentions: None.

4.4 CAHELP JPA Compliance Monitoring Guide Final Draft (**ACTION**)

Jenae Holtz presented the CAHELP JPA Compliance Monitoring Guide as a final draft to the Governance Council.

4.4.1 **BE IT RESOLVED** that a motion was made by Ryan Holman, seconded by Jeff Youskievicz, that the CAHELP JPA Compliance Monitoring Guide be accepted as presented. The motion carried on the following vote: 8:0: Ayes: Members Gonzales, Griggs, Holman, Lamb, Nelson, Swearingen, Tarver, Youskievicz, Nays: None, Abstentions: None.

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)

GOVERNANCE COUNCIL MEETING

November 22, 2019 -10:00 a.m.

Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

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4.5 Proposed Future Finance Committee Meetings (**ACTION**)

Jenae Holtz presented a proposal to combine Desert/Mountain SELPA Steering Committee and Desert/Mountain SELPA Finance Committee meetings and to combine Desert/Mountain Charter SELPA Steering Committee and Desert/Mountain Charter Finance Committee meetings effective immediately.

4.5.1 **BE IT RESOLVED** that a motion was made by Ross Swearingen, seconded by Debra Tarver, that the Desert/Mountain SELPA Steering Committee and Desert/Mountain SELPA Finance Committee meetings be combined and the Desert/Mountain Charter SELPA Steering Committee and Desert/Mountain Charter Finance Committee meetings be combined effective immediately. The motion carried on the following vote: 8:0: Ayes: Members Gonzales, Griggs, Holman, Lamb, Nelson, Swearingen, Tarver, Youskievicz, Nays: None, Abstentions: None.

4.6 Desert/Mountain Charter SELPA Executive Council Meeting Dates and Times (**ACTION**)

Jenae Holtz seeks consideration in a change of dates and times for the January 22, 2020 and April 8, 2020 Desert/Mountain Charter SELPA Executive Council Meetings.

4.6.1 **BE IT RESOLVED** that a motion was made by Lisa Lamb, seconded by Jeff Youskievicz, that the Desert/Mountain Charter SELPA Executive Council approves the change of dates and times for the January 22, 2020 and April 8, 2020 Desert/Mountain Charter SELPA Executive Council Meetings. The motion carried on the following vote: 8:0: Ayes: Members Gonzales, Griggs, Holman, Lamb, Nelson, Swearingen, Tarver, Youskievicz, Nays: None, Abstentions: None.

4.7 Inter-District Transfers for Students with Disabilities (**ACTION**)

Jenae Holtz proposed an agreement for all districts to continue to operate inter-district transfers in the manner previously conducted in past years. The agreement will meet the letter of the law regarding inter-district transfers for students with disabilities and continue to support the district of service.

4.7.1 **BE IT RESOLVED** that a motion was made by Jeff Youskievicz, seconded by Trenae Nelson, that the CAHELP JPA approves the agreement to continue to serve students with disabilities through an inter-district transfer with the current Fee-For-Service rate. The motion carried on the following vote: 8:0: Ayes: Members Gonzales, Griggs, Holman, Lamb, Nelson, Swearingen, Tarver, Youskievicz, Nays: None, Abstentions: None.

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4.8 CAHELP JPA Speech and Language Department (**ACTION**)

Jenae Holtz provided information regarding salary ranges for Speech and Language Pathologists and Speech and Language Pathologist Assistants. There was discussion on the pros and cons of the SELPA operating a Speech and Language Department for member LEAs based on a fee-for-service rate.

In discussion, the concern of staff moving from job to job for the signing bonuses was expressed. It was also stated that as school districts, they are not able to compete with the pay scale and benefits packages offered by CAHELP JPA.

Jenae said currently D/M SELPA currently holds a few virtual services contracts for the very small districts. She continued that some of the younger students struggle with virtual services but having a good paraprofessional to provide 1:1 assistance is helpful.

4.8.1 **BE IT RESOLVED** that a motion was made by Trenae Nelson, seconded by Heather Griggs, to support any member district with speech and language services through a contract with a nonpublic agency. The motion carried on the following vote: 8:0: Ayes: Members Gonzales, Griggs, Holman, Lamb, Nelson, Swearingen, Tarver, Youskievicz, Nays: None, Abstentions: None.

5.0 **CONSENT ITEMS**

It is recommended that the Governance Council consider approving several Agenda items as a Consent list. Consent Items are routine in nature and can be enacted in one motion without further discussion. Consent items may be called up by any Council Member at the meeting for clarification, discussion, or change.

5.1 **BE IT RESOLVED** that a motion was made by Lisa Lamb, seconded by Ross Swearingen, that the following Consent Items be approved as presented. The motion carried on the following vote: 8:0: Ayes: Members Gonzales, Griggs, Holman, Lamb, Nelson, Swearingen, Tarver, Youskievicz, Nays: None, Abstentions: None.

5.1.1 Approve the September 27, 2019 CAHELP JPA Governance Council Meeting Minutes.

5.1.2 Approve the 2019/2020 Crisis Prevention Institute (CPI) Annual Membership Certification for Adrien Faamausili in an amount not to exceed \$150.00 per individual membership.

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- 5.1.3 Approve Tools to Grow Software annual membership adding Wendy Guilbert-Neal to be included in the amount of \$350.50 which was approved at the September 27, 2019 meeting.

At approximately 10:25 a.m., David Olney, Hesperia USD joined the meeting.

6.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

6.1 Compliance Update

Jenae Holtz presented information regarding special education compliance:

- Comprehensive Review (CR) - Barstow USD and Apple Valley USD are currently in Comprehensive Review. CDE recently visited both LEAs to review files to determine student and policy protocol adherence. While both visits received some suggestions and positive commendations, official written status from CDE has not yet been received.
- Performance Indicator Review (PIR) - CDE is currently reviewing PIR Plans, most have been approved as LEAs have done a great job in aligning their PIRs to their LCAP. Those that were not approved warranted minimal changes. The PIR process notification is ongoing.
- 2017-18 Disproportionality (DISPRO) - There are a few LEAs that are identified for the 2017-18 school year, as CDE continues to monitor to achieve 100% compliance.
- 2018-19 Disproportionality (DISPRO) - Currently, CDE is reviewing and has not notified D/M SELPA to date of approvals. Once communication is received by D/M SELPA, it will be disseminated to LEAs.
- Significant Disproportionality (SIG DIS) - Currently, there are no LEAs in significant disproportionality. Significant disproportionality occurs when LEAs are disproportionate in the same area for multiple years without showing improvement.
- CASEMIS 2 CALPADS Meeting (C2C) - CDE is changing their reporting system to one system where special education and general education are merging to one reporting system. D/M SELPA is providing continuous support to LEAs.
- Data Identified Non-Compliance (DINCs) - While DINCs monitoring is currently on hold with CDE, it covers transition, 60-day timeline, Part C to B, overdue annuals and overdue triennials.

6.2 Special Education Summit

Jenae Holtz led a discussion on conducting a special education summit in order to identify the concerns regarding current special education practices. Through the summit, determinations of

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areas to focus the D/M SELPA efforts in the 2020-2021 school year will be made. Jenae shared and David Olney discussed having a summit with special education directors, superintendents, Desert/Mountain Operations staff, and D/M SELPA staff. She continued it would be a workshop to identify the top three greatest concerns in special education and to decide how to we can look at things differently. The summit would include a facilitator to help the day move and would redirect us for the next year. Jenae provided March 13, 2020 as a tentative date. It was stated that March 13, 2020 is the superintendent ACSA meeting. Jenae asked for someone from the executive cabinet of each LEA to attend the summit so they have the knowledge and decision-making capability.

David Olney said members work together the best they can and he believes SELPA members should have a voice so sending representatives to Sacramento to provide input to legislators should be considered. School staff are the ones working with the children in special education daily. A survey will be sent to the Governance Council members with possible dates so in order to accommodate as many as possible.

7.0 INFORMATION ITEMS

7.1 Resolution Support Services Summary

7.2 Professional Learning Summary

7.3 Hesperia Property Cleanup Schedule

Jenae Holtz provided the Hesperia Property Cleanup Schedule as a reminder to the members.

Trenae Nelson volunteered to email a map of the property location to the members since her LEA marked the location to assist with maintaining the correct property.

8.0 GOVERNANCE COUNCIL MEMBERS COMMENTS / REPORTS

David Olney shared that he presented at Hesperia USD Plugged-In professional development for teachers. A Victor Elementary SD teacher of an emotional disturbance classroom asked for special education teachers to have the opportunity to collaborate about best practices.

Jenae Holtz said that will be discussed at the CAHELP JPA Executive Team meeting December 9, 2019. There is a Speech and Language Collaborative that meets four times each year.

Jan Gonzales thanked David Olney for Plugged-In. Her teachers enjoyed attending.

Trenae Nelson thanked Jenae Holtz for meeting with her and Pat Schlosser regarding behavioral health for their students. She shared that the in-house Board Certified Behavior Analysts are experiencing

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roadblocks with job descriptions. Trenae reported that students that are receiving services are experiencing successes.

9.0 CEO COMMENTS

None.

10.0 MATTERS BROUGHT BY CITIZENS

None.

11.0 ADJOURNMENT

Having no further business to discuss, a motion was made by Debra Tarver, seconded by Ross Swearingen, to adjourn the meeting. The motion carried on the following vote: 9:0: Ayes: Members Gonzales, Griggs, Holman, Lamb, Nelson, Olney, Swearingen, Tarver, Youskievich, Nays: None, Abstentions: None.

The next regular meeting of the CAHELP JPA Governance Council will be held on Friday, February 7, 2020, at 12:30 p.m., at the Roy C Hill Education Center – Telepresence Room, 601 North E Street, San Bernardino, CA 92415.

Individuals requiring special accommodations for disabilities are requested to contact Jamie Adkins at (760) 955-3555, at least seven days prior to the date of this meeting.

Jamie Adkins

Subject: FW: CDE Annual Determination and Selection for 2019-20 Monitoring Activities

From: SEDMonitoring <SEDMonitoring@cde.ca.gov>

Sent: Friday, January 31, 2020 3:21 PM

To: Jenae Holtz <Jenae.Holtz@cahelp.org>

Subject: CDE Annual Determination and Selection for 2019-20 Monitoring Activities

CAUTION: This email originated from outside of the organization. Please do not click links or open attachments unless you recognize the sender and know the content is safe.

January 31, 2020

Superintendent
School District
Street Address
City, State Zip Code
Subject: Notification of 2018–19 Annual Determination Pursuant to the Individuals with Disabilities Education Act and Selection for 2019–20 Special Education Monitoring Activities including Identification of Significant Disproportionality

Dear Superintendent:

The California Department of Education (CDE), Special Education Division (SED) is providing this notification in accordance with Title 34, *Code of Federal Regulations (CFR)* Sections 300.600-604, Sections 300.646-647, and the Individuals with Disabilities Education Act (IDEA). The following areas will be addressed in this notification:

- 2018–19 Annual Determination
- Selection for 2019–20 Monitoring Activities
- Overview of Additional Changes to Selection for Monitoring
- Intensive Monitoring
- Targeted Monitoring
- Significant Disproportionality
- Data Identified Noncompliance Review
- Annual Disproportionality Review

2018–19 Annual Determination

Annually, the CDE, SED, in accordance with the IDEA and Title 34, *CFR* Section 300.600, reviews local educational agency (LEA) performance and compliance data related to implementation of IDEA requirements. As a result, every California LEA receives one of four possible annual determinations, as follows:

- Meets Requirements
- Needs Assistance
- Needs Intervention
- Needs Substantial Intervention

Annual determinations are based on the LEA’s participation in the previous year’s monitoring activities. The LEA participated in the following monitoring activities during School Year 2018–19:

Activity	Participated (Yes/No)
Annual Disproportionality Review	Yes
Data Identified Noncompliance Review	Yes
Performance Indicator Review	Yes
Comprehensive Review	Yes
Significant Disproportionality Review	No

The determination for (School District) is **needs intervention** in meeting the requirements of the IDEA, Part B, for 2018–19.

Selection for 2019–20 Monitoring Activities

The CDE has made updates to its monitoring system, including changes to how LEAs are selected for monitoring activities. Selection for 2019–20 monitoring activities are largely based on special education data submitted from each LEA. An LEA is selected for Intensive Monitoring or Targeted Monitoring if the LEA does not meet established targets for performance and compliance indicators under the IDEA as well as the LEA’s performance regarding certain additional elements (e.g. Child Find). All data evaluated to select LEAs for Intensive or Targeted Monitoring are included in the data link below. Intensive and Targeted Monitoring include different types of activities based on the needs of the LEA identified through the selection process.

More information about Intensive and Targeted Monitoring will be available at the following Padlet link no later than February 14, 2020: <https://padlet.com/sedmonitoring/1920monitoring>.

The monitoring status for (School District) for School Year 2019–20 is indicated below.

Status	2018–19 Selection Data
Intensive Review	https://www3.cde.ca.gov/exfiles/downloadurl.aspx?pid=111&dc=b766d0d73d0341d0ac

To find your LEA’s data, click on the link in the table above under “2018–19 Selection Data” and download the Portable Document Format (PDF) file that contains your Special Education Local Plan Area’s (SELPA’s) data sheets. Please be aware that data sheets are categorized by monitoring review title: Intensive Review, Targeted Review, Preschool Review, and a data sheet regarding significant disproportionality. Thus, data for your LEA may appear in multiple locations within the data link above. At a minimum, all LEAs will receive a data sheet titled Intensive Review Data, Targeted Review Data, and Preschool Review Data. Only those LEAs that have been identified as significantly disproportionate will receive a data sheet titled Significant Disproportionality Data.

Please be sure to review all data sheets that indicate “Yes” in the table below. Search for your LEA’s data sheets using the “Find” function in the PDF. If an LEA receives multiple data sheets that state “Review Required,” the highest level of monitoring will guide the LEA’s activities.

Data Sheet	Yes/No
Intensive Review	Yes
Targeted Review	Yes
Preschool Review	Not Evaluated
Significant Disproportionality	No

More information about data and selection criteria will be available at the following Padlet link no later than February 14, 2020: <https://padlet.com/sedmonitoring/1920monitoring>

For questions regarding data, please contact the Data, Evaluation, and Assessment (DEA) Unit by phone at 916-445-4628. You may also contact DEA Unit staff Steven Rogers by email at SRogers@cde.ca.gov or Nora Parella by email at NParella@cde.ca.gov.

Overview of Additional Changes to Selection for Monitoring

The CDE has made changes to its monitoring system including selecting LEAs for monitoring activities solely based on preschool data. In the past, monitoring of preschool performance was integrated with school age data for selection of monitoring activities. Please refer to the data sheet titled “Preschool Review Data” to review the elements used in the selection of LEAs for monitoring. In addition, beginning with the 2019–20 monitoring year (using 2018–19 school year data), the CDE has applied an aggregation method for data calculations of LEAs with 100 or fewer students with disabilities. These LEAs have been grouped in the following manner:

- Grouped by County: LEAs with 100 or fewer students with disabilities
- Grouped by Charter SELPA: Charter LEAs with 100 or fewer students with disabilities

For questions regarding data, please contact the DEA Unit by phone at 916-445-4628. You may also contact DEA Unit staff Steven Rogers by email at SRogers@cde.ca.gov or Nora Parella by email at NParella@cde.ca.gov.

Intensive Monitoring

Intensive Monitoring is the highest level of monitoring. Intensive Reviews are a joint activity between the CDE and an LEA that involves a comprehensive evaluation of significant compliance and/or performance issues related to IDEA implementation.

There are three types of Intensive Reviews at the Intensive Monitoring level:

- Intensive Review (based on school age data)
- Preschool Review (based on preschool data)
- Significant Disproportionality Review

The CDE will be working directly with the LEA to complete 2019–20 Intensive Monitoring activities. The activities may include onsite visits, record reviews, regional trainings, and technical assistance. An LEA participating in Intensive Monitoring will submit an improvement plan in which the LEA will describe planned activities with the goal of improving outcomes for students with disabilities. All Intensive Monitoring activities must be completed to ensure the LEA’s continued eligibility for grant funding under the IDEA.

Supporting documents for Intensive Monitoring will be available at the following Padlet link no later than February 14, 2020: <https://padlet.com/sedmonitoring/1920monitoring>.

LEAs will be contacted by the assigned regional CDE consultant with more information on the review process. For general questions regarding Intensive Monitoring, please email IntensiveMonitoring@cde.ca.gov or contact the manager listed below to be directed to the appropriate Focused Monitoring Technical Assistance (FMTA) Unit consultant:

Intensive Monitoring Unit	Unit Contact Information
FMTA I	Acting Manager: Jack Brimhall Direct Line: 916-445-1056 Unit Line: 916-324-8898 JBrimhall@cde.ca.gov
FMTA IV	Manager: Jack Brimhall Direct Line: 916-445-1056 Unit Line: 916-445-9772 JBrimhall@cde.ca.gov

For questions regarding data, please contact the DEA Unit by phone at 916-445-4628. You may also contact DEA Unit staff Steven Rogers by email at SRogers@cde.ca.gov or Nora Parella by email at NParella@cde.ca.gov.

Targeted Monitoring

Targeted Reviews are a joint activity in which the CDE supports the LEA to improve performance and compliance related to IDEA implementation in one or more areas. An LEA participating in Targeted Monitoring will submit an improvement plan, developed in collaboration with the CDE, that will address the needs identified through the selection process. This process will include the LEA’s submission of planned activities, which may include improvement strategies described in prior Performance Indicator Review (PIR) plans, with the goal of improving outcomes for students with disabilities.

Supporting documents for Targeted Monitoring will be available at the following Padlet link no later than February 14, 2020: <https://padlet.com/sedmonitoring/1920monitoring>

LEAs will be contacted by the assigned regional CDE consultant with more information on the Targeted Review process. For general questions regarding the Targeted Review, please email TargetedMonitoring@cde.ca.gov or contact the managers listed below to be directed to the appropriate consultant:

Targeted Monitoring Unit	Unit Contact Information
FMTA II	Manager: Donna DeMartini Direct Line: 916-327-3696 Unit Line: 916-445-4632 DDeMartini@cde.ca.gov
FMTA III	Manager: James Johnson Direct Line: 916-327-4218 Unit Line: 916-327-6966 JamJohns@cde.ca.gov

For questions regarding data, please contact the DEA Unit by phone at 916-445-4628. You may also contact DEA Unit staff Steven Rogers by email at SRogers@cde.ca.gov or Nora Parella by email at NParella@cde.ca.gov.

Significant Disproportionality

This letter serves as official notification to those LEAs that have been identified as significantly disproportionate for 2019–20.

For (School District)’s 2019–20 significant disproportionality status, please see the table below:

Identified with Significant Disproportionality (Yes/No)	No

If the LEA identification above indicates “Yes,” then the CDE has identified the LEA as significantly disproportionate in one or more areas. Please refer to the LEA’s data sheet link located in this letter under “Selection for 2019–20 Monitoring Activities” to review the significant disproportionality data if applicable.

When the LEA is determined to have an overidentification of students by race, ethnicity, or disability in one or more areas, the CDE identifies the LEA as disproportionate. LEAs identified as disproportionate for three consecutive school years for the same area are determined to be significantly disproportionate. Pursuant to federal requirements under the IDEA and Title 34, *Code of Federal Regulations (CFR)* Sections 300.646-647, LEAs identified as significantly disproportionate did not meet one or more of the targets for the following elements:

1. Discipline: Suspension and Expulsion
2. Placement
3. Indicator 9: Disproportionality Overall
4. Indicator 10: Disproportionality by Disability

If your LEA has been identified as significantly disproportionate, then your LEA is required to take mandatory actions including, but not limited to, reserving 15 percent of IDEA funds to provide Comprehensive Coordinated Early Intervening Services (CCEIS). A detailed document outlining the mandatory steps for LEAs identified as significantly disproportionate will be available at the following Padlet link no later than February 14, 2020: <https://padlet.com/sedmonitoring/1920monitoring>. LEAs will be contacted by the CDE's technical assistance contractor, State Performance Plan Technical Assistance Project (SPP-TAP), with information about an upcoming informational webinar and mandatory trainings. In addition, the assigned CDE regional consultant will be in contact with more information on significant disproportionality requirements. For general questions please email IntensiveMonitoring@cde.ca.gov or contact the manager listed below to be directed to the appropriate consultant:

Intensive Monitoring Unit	Unit Contact Information
FMTA I	Acting Manager: Jack Brimhall Direct Line: 916-445-1056 Unit Line: 916-324-8898 JBrimhall@cde.ca.gov
FMTA IV	Manager: Jack Brimhall Direct Line: 916-445-1056 Unit Line: 916-445-9772 JBrimhall@cde.ca.gov

For questions regarding data, please contact the DEA Unit by phone at 916-445-4628. You may also contact DEA Unit staff Steven Rogers by email at SRogers@cde.ca.gov or Nora Parella by email at NParella@cde.ca.gov.

Data Identified Noncompliance Review

The CDE has recently implemented changes to its data information system, moving special education data from the California Special Education Management Information System (CASEMIS) to the California Longitudinal Pupil Achievement Data System (CALPADS). This change has resulted in a delay in reviewing LEA performance on the following selection elements, formerly the Data Identified Noncompliance Review elements, which are now components of Targeted Monitoring. The LEA will be notified no later than March 2020 if selected to participate in Targeted Monitoring for the elements in the bulleted list below:

- Evaluation completed within 60 days of parent consent
- Part C to B transition
- Elements of secondary transition
- Timeliness of annual IEPs
- Timeliness of triennial IEPs
- Timeliness of resolution sessions

For general questions regarding Targeted Monitoring related to these particular elements, please email TargetedMonitoring@cde.ca.gov or contact the manager listed below:

Targeted Monitoring Unit	Unit Contact Information
FMTA V	Manager: Lisa Stie Direct Line: 916-327-0865 Unit Line: 916-323-2409 LStie@cde.ca.gov

For questions regarding data, please contact the DEA Unit by phone at 916-445-4628. You may also contact DEA Unit staff Steven Rogers by email at SRogers@cde.ca.gov or Nora Parella by email at NParella@cde.ca.gov.

Annual Disproportionality Review

LEAs selected for the Annual Disproportionality Review received notification on August 14, 2019, with a link to data specific to the review. The elements included in the Annual Disproportionality Review are now incorporated as part of Targeted Monitoring. Please note that data needed for development of improvement activities is contained via a link in the August 14, 2019, notification letter from the Special Education Compliance Monitoring System.

For questions, email TargetedMonitoring@cde.ca.gov or contact the managers listed below to be directed to the appropriate consultant:

Targeted Monitoring Unit	Unit Contact Information
FMTA II	Manager: Donna DeMartini Direct Line: 916-327-3696 Unit Line: 916-445-4632 DDeMartini@cde.ca.gov
FMTA III	Manager: James Johnson Direct Line: 916-327-4218 Unit Line: 916-327-6966 JamJohns@cde.ca.gov

For questions regarding data, please contact the DEA Unit by phone at 916-445-4628. You may also contact DEA Unit staff Steven Rogers by email at SRogers@cde.ca.gov or Nora Parella by email at NParella@cde.ca.gov.

Universal Supports and Resources

Universal supports are available for all LEAs to access, including those LEAs that have an annual determination of meets requirements under the IDEA. A list of resources for continuous improvement will be available to all LEAs, regardless of their annual determination status, at the following Padlet link no later than February 14, 2020: <https://padlet.com/sedmonitoring/1920monitoring>.

As noted throughout this letter, additional information will be provided via the Padlet link. LEAs are encouraged to check the link periodically to review pertinent documents and resources. The SED looks forward to supporting LEAs’ efforts under the IDEA to improve outcomes for students with disabilities.

Sincerely,

/S/

Kristin Wright, Director
 Special Education Division

KW: slr
 Enclosures

cc: Desert Mountain SELPA
 Focused Monitoring and Technical Assistance Unit

SELPA Updates

Shiyloh Duncan-Becerril, IDEA Data Administrator
Tina Tranzor, Administrator II of Monitoring

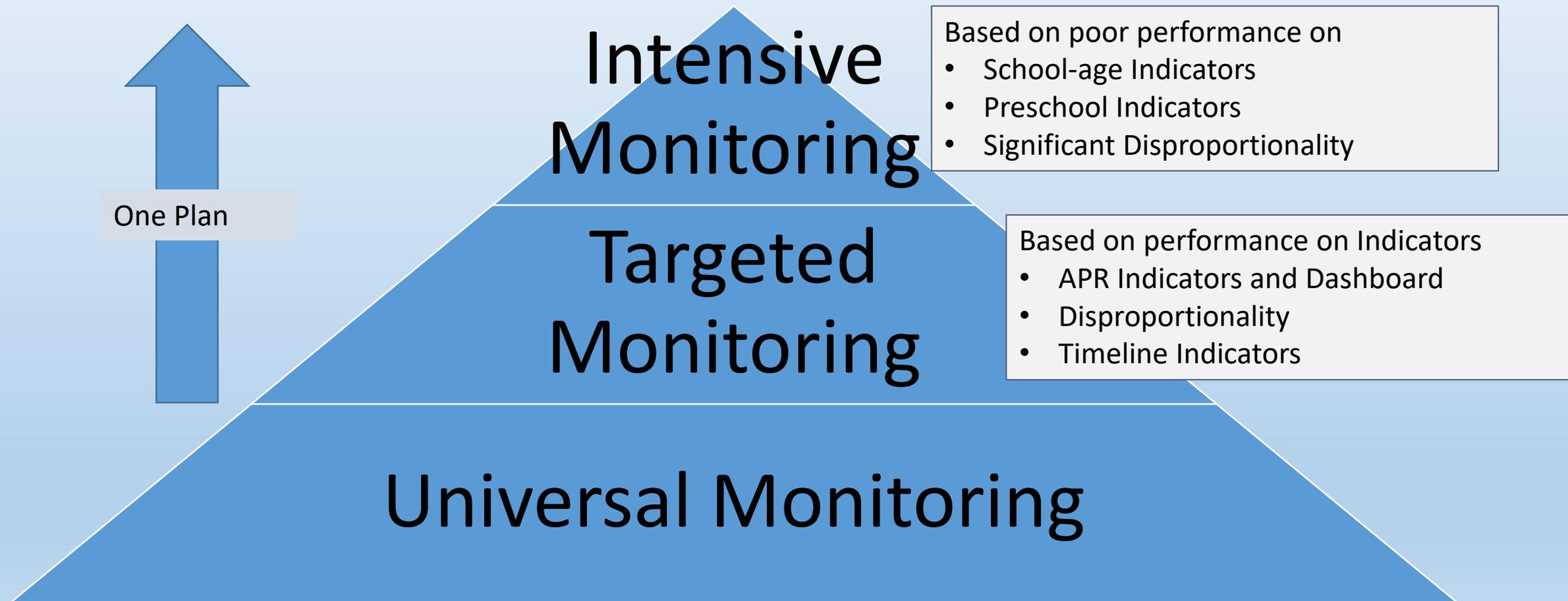
CALPADS UPDATES

- Amendment Window closes January 24, 2020.
- ALL Submissions must have two approvals to be complete

Mega-Letter Updates

- Continuing SELPA data preview through Jan 21
- Something we have found:
 - Errors to Indicator 14c. They are being corrected
 - Recreating the display for SMALL LEA GROUPS (later)
- Mega-Letter will go out between Jan 24 and Jan 29
- Remember to check the firewalls and your IT departments first if you can't access the links
- If you have or want additional information in the methods document please send us any suggested language by 2pm on Jan 21.

CDE's Monitoring Structure

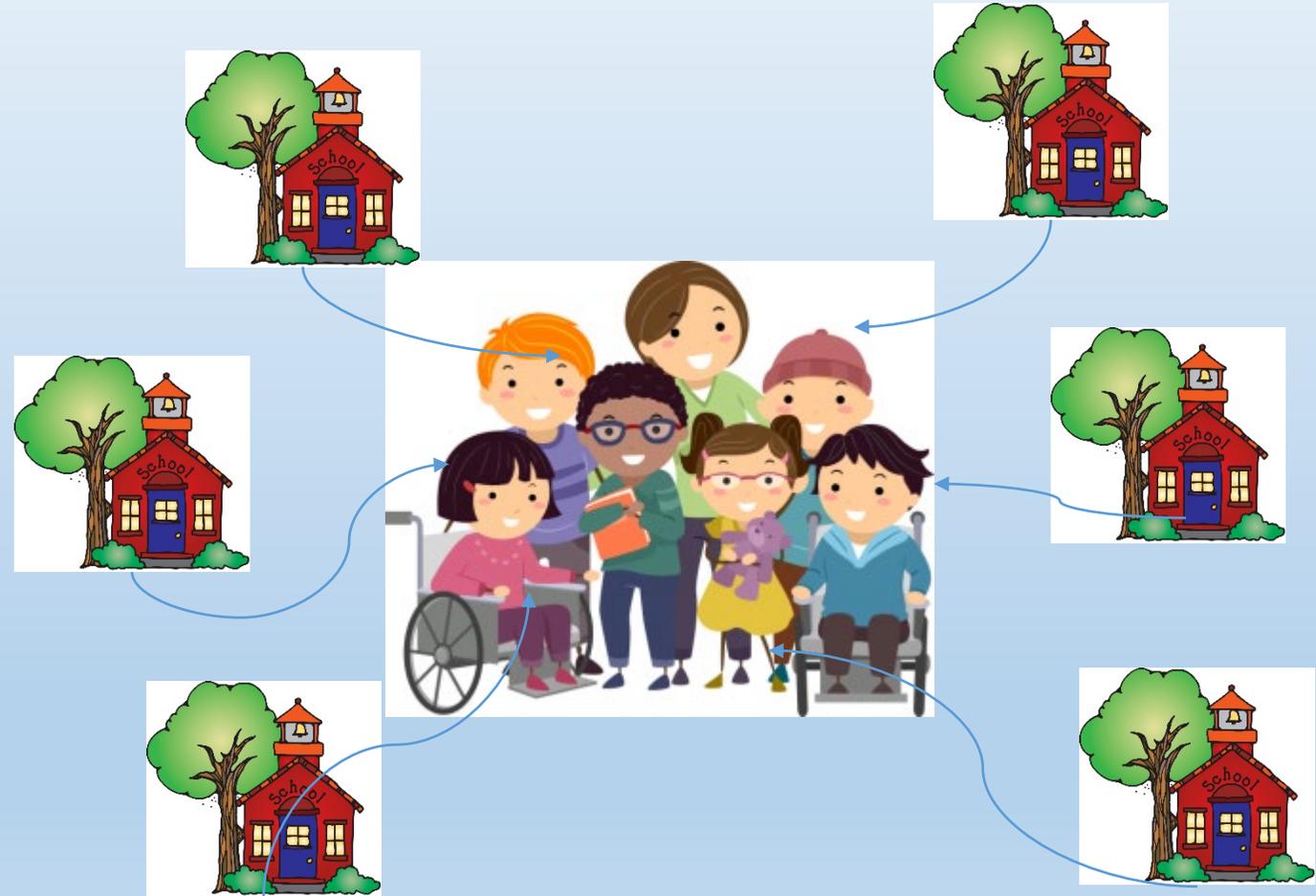


Common Questions

- What will the review processes look like?
- What supports will LEAs receive?
- I think our district or SELPA contact information is wrong how do I change it before the letters go out?
 - Please send the updates to Alexa Slater aslater@cde.ca.gov

Question: How did CDE determine smalls group?

- LEAs with fewer than 100 SWDs were groups together and the calculations ran as a group.
- Groups are by county or by Charter SELPA
- If the group was below the target then LEAs in the group may be subjected to review if they contributed the poor performance.



Small LEA Group Display Update

2019-20 Targeted Review Selection Data							
Indicator	Selection Element	Target	Data Year (18-19) Smalls Group Data	Target Met (Based on Smalls Group Data)	Selection (Based on Smalls Group Data)	Data Year (18-19) Individual LEA Data	LEA Participation (If Selected as Smalls Group and LEA contributed negatively to Smalls Group Data)
Dashboard	Graduation Rate		NO_COLOR				NO
2	Drop Out Rate	≤ 10.72%	0.00%	YES	NO	No Data	NO
3b	ELA Participation	95%	94.32%	NO	YES	86.67%	NO
3b	Math Participation	95%	93.64%	NO	YES	86.67%	NO
Dashboard	ELA Achievement		YELLOW			NO_COLOR	NO
Dashboard	Math Achievement		YELLOW			NO_COLOR	NO
Dashboard	Suspension		YELLOW			RED	NO
5a	LRE Regular Class 80% or more	52.2%	70.25%	YES	NO	64.29%	NO
5b	LRE Regular Class 40% or less	≤ 21.6%	5.45%	YES	NO	11.90%	NO
5c	LRE Separate School	≤ 3.8%	3.31%	YES	NO	0.00%	NO
6a	Regular Class	35.9%	75.61%	YES	NO	50.00%	NO
6b	Separate Schools	≤ 31.4%	6.10%	YES	NO	12.50%	NO
8	Parent Involvement	93%	99.30%	YES	NO	98.31%	NO
14a	Higher Education	54.3%	16.67%	NO	YES	No Data	NO
14b	Competitive Employment	74.4%	37.50%	NO	YES	No Data	NO
14c	Any Education/Employment	83.0%	33.33%	NO	YES	No Data	NO
	Child Find		9.42%	YES	NO	11.57%	NO

NOTE: "No Data" means that the LEA had no data in the Data Source and the corresponding Target Met and Selection will be blank.

If an LEA suspended a student(s) in K or TK, why would they be selected for a preschool review?

Review of Preschool Intensive Review

2019-20 Preschool Review Data			
Indicator	Selection Element	Data Year (18-19)	Rank
6A	LRE Regular Class	44.9%	4
6B	LRE Separate Schools	30.2%	6
7	Preschool Skills		1.17
7A	Positive social-emotional skills: Substantially Increased	62.5%	
7A	Positive social-emotional skills: Functioning within age expectations	58.7%	
7B	Acquisition and use of knowledge and skills: Substantially Increased	56.5%	
7B	Acquisition and use of knowledge and skills: Functioning within age expectations	54.2%	
7C	Use of appropriate behaviors to meet their needs: Substantially Increased	60.8%	
7C	Use of appropriate behaviors to meet their needs: Functioning within age expectations	56.3%	
	Discipline	0.8%	1
Sum of Ranking			12.17
Number of Valid Indicators			4.00
Total Possible (Number of Valid Indicators multiplied by 10)			40.00
Percent (Sum of Ranking divided by Total Possible)			30.42%
Review Required			

NOTE: "No Data" means that the LEA had no data in the Data Source and the corresponding Rank will be blank.
LEAs that were evaluated as part of either County Small or Charter SELPA Small will have Rank that is blank.

Is there any other way that we code 5 year old kindergarten students in virtual charters?

- Currently IDEA treats these children as preschoolers

But what if it the contribution to the performance was one or two students

- The activity in the One Plan for those LEAs with one or two students will be to simply explain the circumstances.

Other questions?

CAHELP JPA Desert/Mountain SELPA & Charter SELPA 2020 Local Plans Rewrite Schedule

Workgroup & Committees: Meetings & Approval Process

Draft Local Plans

Date	Group	Task
October 2019 thru January 2020	CAHELP CEO	Review CDE rewrite guidelines and write drafts of Local Plans
January 2020	CAHELP CEO	Organize Workgroup & solicit input

Committees' Readings

Date	Group(s)	Task
02/07/2020	Governance Council	Local Plans First Reading
02/20/2020	Community Advisory Committee (CAC)	Local Plans First Reading
02/20/2020 & 02/21/2020	Workgroup, Steering/Finance Committees, Charter SELPA Executive Council & CAHELP Program Team	Local Plans First Reading, Public Hearings, Workgroup Collaborative Meeting
03/19/2020 & 03/20/2020	Steering/Finance Committees & Charter SELPA Executive Council & CAHELP Program Team	Local Plans Second Reading, Public Hearings, Workgroup Collaboration and Approvals of Local Plans
03/20/2020 thru 03/27/2020	CAHELP CEO	Add input and recommendations to Local Plans from Workgroup & Committees
04/29/2020	Governance Council	Local Plans Second Reading, Public Hearing and Action to Approve Local Plans & Annual Service & Budget Plans
04/30/2020 thru 09/30/2020	CAHELP JPA Mngr. & Admin. Services Assistant	Send out and collect the LEA Governing Board approvals of Local Plans
June 2020	CEO & Admin. Services Assistant	Submit Local Plans to CDE for Approval

CAHELP's Log for Tracking Local Plans: Readings & Approvals

Committee	1 st Read Completed	2 nd Read Completed	Approval Date
CAHELP Program Team			
Community Advisory Committee (CAC)			
D/M SELPA Steering/Finance Committee			
D/M Charter SELPA Steering/Finance Committee			
D/M Charter SELPA Executive Council			
CAHELP Governance Council			

D/M SELPA – Dates of LEA Board Approval of Local Plan

LEA	Date Local Plan Approved by LEA's Board
Academy for Academic Excellence Charter School	
Adelanto Elementary School District	
Apple Valley Unified School District	
Baker Valley Unified School District	
Barstow Unified School District	
Bear Valley Unified School District	
Excelsior Charter School	
Excelsior Corona-Norco	
Health Sciences Middle	
Health Sciences High and Middle College Charter School	
Helendale Elementary School District	
Hesperia Unified School District	
High Tech Elementary Point Loma	
High Tech Explorer Elementary School	
High Tech High Media Arts	
High Tech High	
High Tech High International	
High Tech High Middle Media Arts	
High Tech High Middle School	
High Tech High Learning Statewide Benefit Charter School*	
Lucerne Valley Unified School District	
Needles Unified School District	
Norton Science and Language Academy Charter School	
Oro Grande Elementary School District	
San Bernardino County Superintendent of Schools	
Silver Valley Unified School District	
Snowline Joint Unified School District	
Trona Joint Unified School District	
Victor Elementary School District	
Victor Valley Union High School District	
*High Tech High Statewide Benefit Charter School sites:	
High Tech High Chula Vista High School	
High Tech High Chula Vista Elementary	
High Tech High Chula Vista Middle	
High Tech High North County High School	
High Tech High Middle North County	
High Tech High Elementary North County	
High Tech High Mesa	

D/M Charter SELPA – Dates of LEA Board Approval of Local Plan

LEA	Date Local Plan Approved by LEA's Board
Allegiance STEAM Academy- Thrive	
Aveson Global Leadership Academy	
Aveson School of Leaders	
Ballington Academy for the Arts and Sciences	
Desert Trails Preparatory Academy	
Elite Academic Academy – Lucerne	
Elite Academic Academy – Adult Work Force Investment	
Encore High School, Riverside	
Encore Junior/Senior High School	
Julia Lee Performing Arts Academy	
LaVerne Elementary Preparatory Academy	
Leonardo da Vinci Health Sciences Charter	
OCS - South	
Odyssey Charter School	
Pasadena Rosebud Academy	
Pathways to College	
Taylion High Desert Academy	

FIRST READ

LOCAL PLAN

Section A: Contacts and Certifications

SPECIAL EDUCATION LOCAL PLAN AREA



California Department of Education

Special Education Division

A. Contact Information and Certification Requirements

From the five choices below, select the applicable Special Education Local Plan Area (SELPA) submission:

- Initial Local Plan (new SELPAs only)
- Amended Governance and Administration
- Annual Plan
- Amended Annual Plan
- Amended Local Educational Agency Membership

Special Education Local Plan Area Contact Information

Include current contact information for the SELPA administrator and the administrative unit and fiscal agency responsible for the implementation of the local plan.

Special Education Local Plan Area Administrator

SELPA administrator position changes do not require amendments to the local plan. However, in such cases, new SELPA administrators assume the responsibility for the contents and implementation of the last submitted and approved local plan filed with the California Department of Education (CDE).

SELPA Contact Information			
SELPA Name	Desert/Mountain SELPA		
SELPA Code	3601		
Street Address	17800 Highway 18	Zip Code	92307
City	Apple Valley	County	San Bernardino
Administrator First Name	Jenae		
Administrator Last Name	Holtz		
Email	jenae.holtz@cahelp.org		
Telephone	(760) 955-3555	Extension	
Contact Title	Chief Executive Officer		
Web Address	www.cahelp.org		

Responsible Local Agency (RLA)/Administrative Unit (AU) Contact Information			
RLA/AU	San Bernardino County Superintendent of Schools		
Street Address	601 North E Street	Zip Code	92415
City	San Bernardino	County	San Bernardino
Superintendent First Name	Ted	Last Name	Alejandre
Email	ted.alejandre@sbcss.net		
Telephone	9093862406	Extension	
Web Address	www.sbcss.k12.ca.us		

Local Plan Agency Review Requirements

Community Advisory Committee

The SELPA must provide the local plan Governance and Administration component (Section B) to the Community Advisory Committee (CAC) for review. The CAC must be provided with at least 30 days to conduct this review.

The local plan was provided to the CAC for review on what date Feb 20, 2020

County Office of Education

California Education Code (EC) sections 56140, 56195.1(c), and 56205

Within 45 days, the County Office of Education (COE), or COEs (as applicable) must approve or disapprove any proposed initial local plan submitted by a local educational agency (LEA) or group of LEAs within the county or counties, and any amendment to the Governance and Administration element thereafter.

COE responsible for approving the Local Plan is the San Bernardino County Superintendent of S

The local plan was submitted to the COE on what date

Public Hearing Requirements

Local Educational Agency

Governance and Administration (Section B)

A public hearing (PH) notice for the adoption of the Governance and Administration component shall be posted in **each** school in the SELPA 15 days before the hearing. Evidence of the posting should be maintained and made available up request by the CDE.

Annual Budget and Service Plans (Sections D, E, and Attachments)

1. LEAs participating in a SELPA's governance structure are not required to convene a separate public hearing for the adoption of the Annual Budget and Service Plans. However, LEAs must post PH notices with information related to the SELPA's PH for the adoption of the Annual Budget, Service, and/or Assurances Support Plan(s) at least 15 days before the hearing. Evidence of the posting should be maintained and made available upon request by the CDE.
2. LEAs must include public hearing adoption dates as applicable on *Certification 5* for each participating LEA.

Special Education Local Plan Area

Governance and Administration (Section B)
<p>A PH notice for the adoption of the Governance and Administration local plan component shall be posted at least 15 days before the hearing.</p> <p>Governance and Administration PH Posting Date</p> <p>Governance and Administration PH Date</p>
Annual Budget and Services Plans (Sections D, E, and Attachments)
<p>A PH notice for the adoption of the Annual Budget and/or Annual Service Plan(s) shall be posted at least 15 days before the hearing.</p> <p>Annual Budget Plan PH Posting Date</p> <p>Annual Budget Plan PH Date</p> <p>Annual Services Plan PH Posting Date</p> <p>Annual Services Plan PH Date</p>

Submitting the Local Plan to the California Department of Education

STEP 1:

Section A is required when submitting each local plan section to the CDE for approval.

STEP 2:

Select the radio button and check-box that represents whether the SELPA's organization is a single-LEA, or multiple-LEA structure; and the membership participation (including charter schools, COEs, and whether the SELPA meets the criteria for small and sparse SELPA).

<input type="radio"/> Single-LEA
<input checked="" type="radio"/> Multiple-LEAs
<input type="checkbox"/> Charter Schools Only
<input checked="" type="checkbox"/> LEAs Only (including Charter LEAs)
<input type="checkbox"/> COE/LEA
<input type="checkbox"/> Small and Sparse (EC sections 56211 through 56212)

STEP 3:

Is the local plan component (Governance and Administration, Annual Budget Plan, or Annual Service Plan) an amendment to a previously submitted plan?

Yes No If "Yes," fiscal year of the previously approved plan

STEP 4:

Include the agency, name, and title of the participants who collaborated in the development of the local plan. Select the "+" button to add rows and the "-" button to delete rows.

+	Agency	First and Last Name	Title	Local Plan Section
-				
-				

STEP 5:

Select the check box to indicate which of the five certifications are being submitted. Include the total

Section A: Contacts and Certifications

SELPA Desert/Mountain SELPA

Fiscal Year 2020-21

number of each type of certification being submitted.

Certification 1	Number Submitted
Certification 2	Number Submitted
Certification 3	Number Submitted
Certification 4	Number Submitted
Certification 5	Number Submitted

STEP 6:

Make sure all applicable certifications are signed electronically and are attached to this pdf.

STEP 7:

Select the "Submit to CDE" button at the bottom of each form to automatically email the completed section to SELPALocalPlan@cde.ca.gov. SELPAs may individually email the corresponding Sections (B, D, E), and the Attachments file to the CDE in the same manner.

NOTE: SELPAs are not required to use the submit button feature on each form. Instead, SELPAs may attach all files to a single email.

IMPORTANT: Include the SELPA name, "Local Plan," and the sections being submitted in the "Subject" line of all emails sent to the CDE.

SELPA: Desert/Mountain SELPA

Fiscal Year: 2020-21

Certification 1: Governance and Administration

Certification 1 is required for an initial Section B submission to the CDE, and each subsequently amended submission.

I certify the attached Governance and Administration local plan section has been adopted at LEA public hearings by the represented local board(s) (LEA/county) and is the basis for the operation and administration of special education programs. I further assure the agency(ies) represented herein will meet all applicable requirements of state and federal laws, regulations, and state policies and procedures, including compliance with the Individuals with Disabilities Education Act (IDEA), Title 20 of *United States Code (USC)* 1400 et seq., implementing regulations under Title 34 *Code of Federal Regulations (34 CFR)* Parts 300 and 303, 29 *USC* 705 (20) and 794-794b, the Federal Rehabilitation Act of 1973 as amended, the provisions of the California *EC* Part 30, and Chapter 3 Division 1 of Title 5 of the *California Code of Regulations (5 CCR)*. Copies of all interagency agreements have been attached to the Governance and Administration section of the local plan.

I further certify written agreements have been developed and entered into by LEAs participating in the local plan. Such agreements include, but are not limited to all provisions pursuant to *EC* Section 56195.7.

Web address where the SELPA local plan, including all sections, is posted.

RLA/AU Authorized Agent

Date

Local Governance Council Chairperson

Date

SELPA Administrator

Date

Section A: Contacts and Certifications

SELPA: Desert/Mountain SELPA

Fiscal Year: 2020-21

Certification 2: Annual Budget Plan and Annual Service Plan

Certification 2 is required for an initial Section D, and/or E submission to the CDE and each subsequent annual revision.

I certify the attached local plan section(s) including, (1) the Annual Budget Plan; and/or (2) the Annual Service Plan has/have was/were adopted at a SELPA public hearing and is/are the basis for the operation and administration of special education programs specified herein. I further assure the agency(ies) represented will meet all applicable requirements of state and federal laws, regulations, and state policies and procedures, including compliance with the Individuals with Disabilities Education Act (IDEA), 20 *USC* 1400 et seq., and implementing regulations under 34 *CFR* Parts 300 and 303, 29 *USC* 705 (20) and 794-794b, the Federal Rehabilitation Act of 1973 as amended, the provisions of the California *EC* Part 30, and Chapter 3 Division 1 of 5 *CCR*.

Web address where the SELPA local plan, including all sections, is posted.

RLA/AU Authorized Agent

Date

Local Governance Council Chairperson

Date

SELPA Administrator

Date

FIRST READ

LOCAL PLAN

Section B: Governance and Administration

SPECIAL EDUCATION LOCAL PLAN AREA



California Department of Education

Special Education Division

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 Desert/Mountain Special Education Local Plan Area (SELPA) is located in the Desert/Mountain region of San Bernardino County. The Desert/Mountain SELPA's LEAs cover more than a 20,100 square mile radius. Our region is from the mountains (Bear Valley) to Trona, from the top of the Cajon Pass to the Arizona border (Needles) and San Diego County where several of our charter schools are located.

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 Desert/Mountain SELPA regional governance and administrative structure of the local plan falls under the governance and administrative structure of the California Association of Health and Education Linked Professions (CAHELP) Joint Powers Authority (JPA). CAHELP JPA operates the departments of Desert/Mountain SELPA, Desert/Mountain Charter SELPA and Desert/Mountain Children's Center (a mental health component). CAHELP JPA is a consortium of local school districts within our geographical region and charter LEAs in our region and in San Diego County. Participating LEAs of the Desert/Mountain SELPA have joined in a cooperative effort to provide for the coordinated delivery of programs and services, and to assure equal access to such programs and services to eligible individuals with disabilities requiring special education within the Desert/Mountain SELPA. The CAHELP JPA Governance Council is the governing board of the Desert/Mountain SELPA and shall adopt policies for the Desert/Mountain SELPA and participating LEAs. The policies and procedures adopted by the CAHELP JPA Governance Council under the authority of the adopting LEA board have the same status and authority as other LEA board policy. In adopting the Local Plan, each LEA agrees to carry out

the duties and responsibilities assigned to each agency, or which may be designated at a later date through agreement of the participating LEAs. Participating agencies may enter into additional contractual arrangements to meet the requirements of applicable federal and state law.

For Charter LEAs outside the geographic boundaries of the Desert/Mountain SELPA catchment area (San Bernardino County), the CAHELP JPA Governance Council shall ensure that these Charter LEAs have full access and opportunity to participate in the coordinated system of services for identified students with disabilities. To ensure that all identified students have access, a Charter LEA with assistance from the Desert/Mountain SELPA office, may enter into a Memorandum of Understanding (MOU) and/or a contractual arrangement with the local SELPA or surrounding SELPAs or other LEAs within close proximity to the Charter LEA, including nonpublic agencies and nonpublic schools, to ensure that students are identified, assessed, receive individualized education program planning, review, and reevaluation.

The function of the Desert/Mountain SELPA and participating LEAs is to provide quality educational programs and services appropriate to the needs of each eligible student with a disability who is enrolled within the Desert/Mountain SELPA. The Responsible Local Agency (RLA) Superintendent, LEA Superintendents and CEOs of the LEA Charters are responsible for the management and supervision of all special education program operations within the Desert/Mountain SELPA. All such programs are to operate in a manner consistent with the funding provisions of the California Education Code, the Individuals with Disabilities Education Act (IDEA), other applicable laws, and Desert/Mountain SELPA policies and procedures.

The Local Plan is a joint effort of the CAHELP JPA, Office of the San Bernardino County Superintendent of Schools, and participating LEAs, including Charter LEAs outside the geographic boundaries of the Desert/Mountain SELPA. Participating LEAs work in cooperation with the Office of the San Bernardino County Superintendent of Schools to ensure that all eligible students with disabilities enrolled in alternative education programs including, but not limited to, alternative schools, charter schools, opportunity schools and classes, community day schools, community schools, and juvenile court schools within the Desert/Mountain SELPA will have access to appropriate special education programs and related services. The Desert/Mountain SELPA will ensure and provide support to the LEAs that are out of the geographic area to ensure that all eligible students with disabilities enrolled in alternative education programs have access to appropriate special education programs and related services.

The Office of the San Bernardino County Superintendent of Schools is presently designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the Desert/Mountain SELPA, and the CAHELP JPA Governance Council may change the RLA and AU in its discretion and in accordance with California law.

All structural changes within the organization of the Desert/Mountain SELPA, including changes in governance, are decided through deliberations of the CAHELP JPA Governance Council. All conflicts are ultimately resolved through deliberations of the CAHELP JPA Governance Council. However, most concerns are managed within various committee interactions. The SELPA Steering/Finance committee examines program issues, staffing needs, fiscal issues and advises

the CAHELP JPA Governance Council regarding adoption of the Annual Service Plan and the Annual Budget Plan. If necessary, recommendations regarding policies, procedures, and the implementation of the Local Plan can be given to the CAHELP CEO for ultimate consideration by the CAHELP JPA Governance Council.

The Desert/Mountain SELPA is governed by the CAHELP JPA Governance Council. The CAHELP JPA Governance Council shall be advised by the CAHELP CEO who shall, in turn be advised the SELPA Steering/Finance Committee and the Community Advisory Committee (CAC). The CAHELP CEO is responsible to ensure that all aspects of the approved SELPA Local Plan are implemented according to the approved California Department of Education (CDE) Local Plan and by the CAHELP JPA Governance Council.

CAHELP JPA Governance Council

The CAHELP Governance Council shall consist of the Superintendent/CEO representing each of the LEA members of the Desert/Mountain SELPA, and two (2) CEO representatives from the Desert/Mountain Charter SELPA. A CEO representing multiple LEAs shall count as a single member of the Governance Council. Each member of the Governance Council may designate, in writing, an alternate representative, including but not limited to, another member of the Governance Council ("proxy"), if the Superintendent/CEO is unable to attend a meeting, which designated alternate representative or designee shall have the full authority of the designating Superintendent/CEO for the purpose of decision-making. Such a designation must be received by the CEO prior to the commencement of a scheduled meeting of the Governance Council, and shall be good only for that meeting. One-third (1/3) of the members, represented in person or by proxy, shall constitute a quorum at a meeting of members.

The Governance Council is empowered to establish or to participate in the establishment of a system for determining the responsibility of member agencies for the education of each individual with disabilities and to designate an administrative entity to perform such regionalized functions as the receipt and distribution of all SELPA funds and provisions of administrative support, and coordination of the implementation of the Local Plan for the education of children with disabilities, and to undertake such ancillary and related programs as determined by the Governance Council. The Governance Council shall determine all policy matters for the CAHELP JPA.

Policies governing the Desert/Mountain SELPA shall be adopted by the CAHELP JPA Governance Council and are included as part of the Local Plan. Input may be received from parents, staff, public and nonpublic agencies, and members of the public at large. Individuals wishing an opportunity to address the Desert/Mountain SELPA Steering/Finance Committee and/or the CAHELP JPA Governance Council on a particular agenda item, or have the Steering/Finance Committee and/or the CAHELP Governance Council consider a topic, are invited to complete a Request to Address either the Steering/Finance committee and/or the CAHELP JPA Governance Council form.

The CAHELP JPA Governance Council shall review the Desert/Mountain SELPA Local Plan and recommend modifications on an annual basis or as necessary. The CAHELP CEO and SELPA Steering/Finance Committee shall assist the CAHELP JPA Governance Council with

these reviews.

The CAHELP JPA Governance Council may initiate and carry on an activity, or may otherwise act in any manner which is not inconsistent with or preempted by law, and which is not in conflict with the purposes for which the Desert/Mountain SELPA is established.

The CAHELP JPA Governance Council shall have responsibility for overall management and direction of the Local Plan development, implementation, and operation. Governance Council members shall be involved in the budget review and approval process for the Local Plan. The County Superintendent of Schools as the current RLA, and any successors or later RLA, shall have responsibility for employing the number and type of Desert/Mountain SELPA staff to meet the program and service requirements necessary for the implementation of the Local Plan as determined by the CAHELP JPA Governance Council.

Responsibilities of the CAHELP JPA Governance Council

The CAHELP JPA Governance Council, with direction from the LEA governing boards, shall be responsible for the following areas of Local Plan administration and shall act to:

- A. Establish operational procedures and make decisions on any matters regarding implementation, administration, and operation of special education programs in accordance with the Local Plan;
- B. Review and approve all Desert/Mountain SELPA policies, procedures, standards, and guidelines;
- C. Review, approve, and monitor the allocation of special education funds to LEAs through the Annual Budget Plan process;
- D. Review, approve, and monitor all budgets assigned to the Desert/Mountain SELPA office;
- E. Provide leadership to the Desert/Mountain SELPA regarding the development, revision, implementation, and review of the Local Plan;
- F. Select and recommend to the Superintendent of the RLA, a qualified candidate to be employed as the CAHELP CEO;
- G. Evaluate the performance of the CAHELP CEO;
- H. Determine and provide direction related to the personnel, program, and service requirements necessary for the implementation of the Local Plan and allocation of special education funds;
- I. Meet as often as necessary during the year to implement the business of the Desert/Mountain SELPA and to provide the necessary direction and guidance to the CAHELP CEO;
- J. Provide direction, consultation, and technical assistance to the LEAs and the Superintendent of the RLA;
- K. Provide a consistent forum to develop, review, and approve policy recommendations, which are submitted to the Governance Council for consideration;
- L. Approve interagency agreements;
- M. Designate participants for the SELPA Steering/Finance Committee;
- N. Establish and promote a Community Advisory Committee (CAC);
- O. Receive recommendations from the CAC, SELPA Steering/Finance Committee, LEA boards, and other concerned agencies and individuals;
- P. Decide disputes, if any, between participating LEAs that arise concerning special education

related matters or related to the interpretation of the Local Plan and other agreements or policies between or among the LEAs;

Q. Annually evaluate the Local Plan implementation and operations; and

R. Undertake such additional activities as permitted under the JPA Agreement and Bylaws, California law, and the Local Plan.

SELPA Steering/Finance Committee

Each participating LEA shall appoint an appropriate administrator of special education programs and an administrator of the LEAs business department to membership of the SELPA Steering/Finance Committee. The SELPA Steering/Finance Committee may be requested by the CAHELP JPA Governance Council to provide advice or assistance in other areas as needs are identified within the Desert/Mountain SELPA.

The SELPA Steering/Finance Committee meets on a regular basis. The CAHELP CEO or designee serves as the Chairperson of the committee and is responsible for providing timely written notice of the meeting and agenda, minutes for the meeting, and additional documentation as needed to provide informed decision-making.

The duties of the SELPA Steering /Finance Committee include, but are not limited to, the following:

- A. Provide information and recommendations for the development, modification, and implementation of the Local Plan to the CAHELP JPA Governance Council;
- B. Develop and implement forms and procedures for the identification, referral, assessment, IEP development, and special education service delivery to individuals with disabilities as established by the Local Plan;
- C. Develop procedures and recommendations for programs and services for review, modification, and approval by the CAHELP JPA Governance Council;
- D. Develop, review, and/or modify an annual budget for SELPA operations, including Regional Services, Program Specialists, and other SELPA administrative budgets prior to review, modification, and approval by the CAHELP JPA Governance Council;
- E. Recommend and monitor staff development training programs, including parent education activities;
- F. Provide recommendations for membership for the CAC;
- G. Develop, review, and/or modify the Annual Service Plan prior to adoption by the CAHELP JPA Governance Council;
- H. Develop, review, and/or modify the Annual Budget Plan prior to adoption by the CAHELP JPA Governance Council;
- I. Provide information and recommendations for the development, modification, and implementation of the SELPA funding allocation plan to the CAHELP JPA Governance Council; and,
- J. Review and make recommendations to the CAHELP JPA Governance Council regarding decisions that impact the finances of LEAs.

In addition to carrying out the responsibilities identified in the Local Plan, the SELPA Steering/Finance Committee may choose to form subcommittees to focus on special issues. Such

subcommittees shall report to the SELPA Steering/Finance Committee, or CAHELP JPA Governance Council, as appropriate.

Distribution of Federal and State Funds

All federal and state special education funds shall be allocated to the Desert/Mountain SELPA AU for distribution to LEAs according to an approved special education funding allocation plan. Any changes to the allocation of federal and state special education funds shall be made by the CAHELP JPA Governance Council as permitted under the CAHELP JPA Agreement and Bylaws, and California and federal law.

Responsibilities for Distribution of Federal and State Funds

A. The governing boards of the LEAs participating in the Desert/Mountain SELPA have agreed that students with disabilities will be provided with appropriate special education services. The CAHELP JPA Governance Council 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. The AU shall be responsible for the distribution of funds according to an approved special education funding allocation plan. The CAHELP CEO is responsible to ensure that the funds are distributed in accordance with the funding allocation plan.

The SELPA Steering/Finance Committee shall participate in the development of the Annual Budget Plan for review and approval by the CAHELP JPA Governance Council. The Annual Budget Plan shall be distributed to the LEAs and the CAC upon approval by the CAHELP JPA Governance Council.

State and federal funds are deposited from the San Bernardino County Treasury into the County School Service Fund (AU), unless otherwise directed by the CAHELP JPA Governance Council. The Desert/Mountain SELPA provides an annual allocation plan to the Office of the San Bernardino County Superintendent of Schools for distribution of state and federal funds to the LEAs according to the approved schedule of disbursement.

B. Monitoring the Use of State and Federal Funds

Funds allocated for special education programs shall be used for services to students with disabilities. Federal funds under Part B of IDEA may be used for the following activities:

1. For the costs of special education and related services and supplementary aids and services provided in a regular class or other education-related setting to a student with a disability in accordance with the IEP for the child, even if one or more nondisabled children benefit from these services.

2. The CAHELP CEO, with the assistance of the SELPA Steering/Finance Committee, and the AU shall be responsible to monitor on an annual basis the appropriate use of all funds allocated for special education programs. Final determination and action regarding the appropriate use of special education funds shall be made by the CAHELP JPA Governance Council through the Annual Budget Plan process.

The Desert/Mountain SELPA monitors the distribution and appropriate use of funds and shares this information with the SELPA Steering/Finance Committee. When necessary, meetings are held with individual LEAs for the purpose of monitoring funds.

The Desert/Mountain SELPA is responsible for the preparation of program and fiscal reports requested by the State.

The CAHELP CEO shall be permitted to monitor the LEAs special education program implementation to ensure compliance in all areas including finance, service delivery, and legal requirements.

If the CAHELP CEO or designee determines that an LEA is not compliant and/or not operating in a fiscally responsible manner, the CAHELP CEO may require that the responsibility for resulting costs be borne by the LEA or take such other action as may be required to remedy the matter. The LEA will have the right to appeal any such determination to the CAHELP JPA Governance Council. The decision of the CAHELP JPA Governance Council shall be final.

Procedures for Changes in Governance Structure

Any changes in the governance structure of the Desert/Mountain SELPA are subject to specific provisions of California Education Code 56140, 56195, et. seq., 56195.1 et seq., and 56202 et seq.

1. Any LEA may elect to pursue an alternative option from those specified in California Education Code 56195.1 by notifying CDE, Desert/Mountain SELPA, and the County Superintendent at least one year prior to the date the alternative plan would become effective (California Education Code 56195.3(b)).
2. Any alternative plan of an LEA is subject to the approval of the County Superintendent of the county, which would have LEAs as participating agencies in the alternative plan (California Education Code 56195.1).
3. Approval of a proposed alternative plan by the appropriate County Superintendent(s) must be based on the capacity of the LEA(s) to ensure that special education programs and services are provided to all children with disabilities (California Education Code 56140 (b)).
4. If the County Superintendent does not approve an alternative plan, the County Office shall return the plan with comments and recommendations to the LEAs. The LEAs participating in the alternative plan may appeal the decisions to the Superintendent of Public Instruction (California Education Code 56140(b)(2)).
5. Any alternative plan to be submitted by an LEA or group or LEAs currently participating in the Desert/Mountain SELPA must meet the standards established by the State Board of Education.

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 CAHELP JPA Governance Council is the governing board of the Desert/Mountain SELPA and shall adopt policies for the Desert/Mountain SELPA and participating LEAs. The policies and procedures adopted by the CAHELP JPA Governance Council under the authority of the adopting LEA board have the same status and authority as other LEA board policy. All proposed policies are vetted through the Desert/Mountain SELPA Program Team consisting of

the administrator, program managers, program specialists and intervention specialists within the Desert/Mountain SELPA. Policies are then taken to the Steering/Finance committee for review, input and approval. The final phase of the policy making is with the CAHELP JPA Governance Council reviewing, providing input and approval.

Opportunities for parent, community input are made through the Steering/Finance Committee meetings and the CAHELP JPA Governance Council meetings.

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 role of the San Bernardino County Office of Education is designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the Desert/Mountain SELPA.

A. Responsibilities of the RLA

The RLA shall be responsible for functions as specified under California Education Code 56195.1(c)(2) such as, but not limited to:

1. Receipt and distribution of regionalized services funds as approved by the CAHELP JPA Governance Council. An overall budget for all special education services and programs for the Special Education Local Plan Area shall be prepared under the direction of the CAHELP CEO. The SELPA Steering/Finance Committee shall also provide assistance in the development of the annual income and expenditure budgets for the Desert/Mountain SELPA. The budget shall be submitted to the CAHELP JPA Governance Council by the CAHELP CEO for review and approval;
2. Provision of administrative support;
3. Coordination and implementation of the Local Plan;
4. Receipt and distribution of special education funds to LEA accounts for the operation of special education programs and services according to the Special Education Funding Allocation Plan approved by the CAHELP JPA Governance Council;
5. Receipt and distribution of special education funds to accounts exclusively designated for SELPA use; and
6. The employment of staff as designated by the CAHELP JPA Governance Council to support SELPA functions.

The Desert/Mountain SELPA office is designated as the entity responsible for the administration of the Local Plan and assuring that the SELPA is in compliance with all applicable laws and regulations.

B. Selection, Employment, and Evaluation of the SELPA Staff

The governing boards of each of the participating LEAs agree to invest the CAHELP JPA Governance Council with the responsibility of designating an appropriate agency as the RLA for the administration of the Local Plan and its implementation. The boards assure that the CAHELP JPA Governance Council shall indemnify the need for and designate the positions necessary for the operation of the SELPA functions according to this Local Plan.

The CAHELP CEO shall be responsible for recommending the employment of Desert/Mountain SELPA personnel to carry out those functions described in the Local Plan.

The CAHELP JPA Governance Council shall be responsible for designating the staff to support the functioning of the Desert/Mountain SELPA. In reviewing and approving the SELPA budgets on an annual basis, the CAHELP JPA Governance Council designates the staffing for the Desert/Mountain SELPA office upon recommendation of the CAHELP CEO.

Desert/Mountain SELPA staff shall be employed by the RLA and supervised by the CAHELP CEO according to the RLA's policy and practices. The CAHELP CEO shall use a selection process that is in accordance with the law and personnel policies of the RLA.

Desert/Mountain SELPA employed personnel shall be subject to the administrative procedures and policies in operation with the San Bernardino County Superintendent of Schools Office including but not limited to, hiring, supervision, evaluation, and discipline. In addition, contract negotiations shall follow County established procedures for all applicable SELPA employed personnel.

C. CAHELP CEO

The fundamental role of the CAHELP CEO is to provide leadership and facilitate and decision making process regarding the implementation of the Local Plan. The CAHELP CEO's role includes the provision of information, specific services identified by the CAHELP JPA Governance Council, technical assistance, leadership and arbitration. It is the CAHELP CEO's responsibility to represent the interest of the Desert/Mountain SELPA as a whole without promoting any particular LEAs interest over the interest of any other agency. In the event there are differences of opinions and/or positions on issues, it is the CAHELP CEO's responsibility to mediate a reasonable resolution of the issue(s).

The CAHELP JPA Governance Council shall be responsible for the selection, direction, discipline and evaluation of the CAHELP CEO. The CAHELP JPA Governance Council shall be assisted

in the hiring and selection process by the RLA.

The CAHELP CEO is subject to the RLA's policies and procedures for day-to-day operations, but receives direction from, and is responsible to, the CAHELP JPA Governance Council. The CAHELP CEO is evaluated by a joint committee comprised of the Chair of the CAHELP JPA Governance Council and at least two other superintendents/CEOs from the CAHELP JPA Governance Council. The evaluation is confirmed by a vote of the CAHELP JPA Governance Council.

The CAHELP CEO shall have the responsibility for the coordination of all SELPA activities.

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

The function of the Desert/Mountain SELPA and participating LEAs is to provide quality education programs and services appropriate to the needs of each eligible student with a disability who is enrolled within the Desert/Mountain SELPA, including charter schools who operate as a school of the district or as a LEA.

The Desert/Mountain SELPA currently has several LEA charter schools who are members. Some of these Charter LEAs are outside the geographic boundaries of the Desert/Mountain SELPA. The CEOs of the Charter LEAs in and outside of the geographic boundaries of the Desert/Mountain SELPA are responsible for the management and supervision of all special education program operations. To this end, the Desert/Mountain SELPA provides technical assistance in ensuring that all Charter LEAs have the support necessary to fulfill their legal obligations under California Education Code, IDEA, and other applicable laws, and the Desert/Mountain SELPA policies and procedures.

Charters who function as a school of the district operate under the policies and procedures of the Desert/Mountain SELPA through their authorizing district. Charters who operate as LEAs sign assurance of following the Desert/Mountain SELPA policies and procedures.

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:

Each participating member LEA of the Desert/Mountain SELPA, including those that are out of

geographic boundaries, shall appoint representatives to the CAC for the purpose of:

1. Advising the CAHELP CEO regarding the development, amendment and review of the Local Plan;
2. Recommending annual priorities to be addressed by the plan;
3. Assisting in parent education;
4. Encouraging community involvement;
5. Fulfilling such other responsibilities as designated in the Local Plan.

Each CAC representative shall be responsible to the governing board of their respective LEA. All areas of responsibility related to the Local Plan shall be implemented through regularly scheduled meetings of the CAC. Representatives from out of geographic area LEAs may participate in CAC activities through video or telephone conference.

Procedures for CAC appointment

The CAC shall be composed of members approved by their participating LEA governing board. At least fifty-one percent of the members shall be parent of students with disabilities. Members shall include the following:

1. Parents - A majority of the CAC membership is composed of parents of students enrolled in LEAs participating in the Local Plan, including those that are out of geographic boundaries. A majority of these parent members shall be parents of students with disabilities;
2. School Personnel - School related members of the CAC include general education classroom teachers, special education classroom teachers, and other school personnel;
3. Students with disabilities enrolled in special education programs;
4. Representatives of public and private agencies;
5. Others - Persons concerned with students with disabilities; and
6. One member shall be appointed by the SELPA Steering/Finance Committee.

Responsibilities of the CAC

The CAC shall serve in an advisory capacity to the Desert/Mountain SELPA and shall act to:

1. Improve communications among students with disabilities, their parents/guardians, and LEA staff;
2. Increase public awareness and understanding of the unique educational needs of students with disabilities by communicating with LEAs, the Desert/Mountain SELPA, and legislative staff members;
3. Advise local, county, and state officials of the development, operation, and review of the Local Plan.
4. Provide a support group and forum for students with disabilities and their parents/guardians where they may express their needs and concerns regarding their children's education;
5. Conduct parent orientation, education training programs for individuals or groups as a means of increasing support for improved educational opportunities for all students;
6. Advise the CAHELP CEO and SELPA Steering/Finance Committee regarding the development and review of the Local Plan and review of programs under the Local Plan;
7. Make recommendations on annual priorities to be addressed under the Local Plan to the SELPA Steering/Finance Committee;

8. Assist in parent education and training. Recruit parents and other volunteers who may contribute to the implementation of the Local Plan;
 9. Encourage public involvement in the development and review of the Local Plan;
 10. Act in support of students with disabilities. Serve as liaison between the CAHELP CEO and the local communities;
 11. Encourage regular attendance in all school programs. Assisting in parent awareness of the importance of regular school attendance;
 12. Submit an annual written report to the CAHELP CEO and the SELPA Steering/Finance Committee regarding progress of CAC projects;
 13. Submit an annual written report to the CAHELP JPA Governance Council. Apprise the CAHELP JPA Governance Council, as needed, on matters of community concern;
 14. Become familiar with the laws pertaining to special education and students with disabilities; and
 15. Other duties and responsibilities as assigned by the CAHELP JPA Governance Council.
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:

Policies governing the Desert/Mountain SELPA shall be adopted by the CAHELP JPA Governance Council and are included as part of the Local Plan. Input may be received from parents, staff (general and special education teachers), public and nonpublic agencies, and members of the public at large during our Steering/Finance Committee meetings, CAC, and the CAHELP JPA Governance Council meetings. Individuals wishing an opportunity to address any committee/council meeting on a particular agenda item, or have the committee/council consider a topic, are invited to complete a Request to Address the particular committee of interest.

The Local Plan is developed and updated by a committee of special and general education teachers and administrators and with participation of parents. Each participating LEA, including those that are out of geographic boundaries, shall appoint representatives to the Community Advisory Committee (CAC) for the purpose of advising the CAHELP CEO regarding the development, amendment and review of the Local Plan, recommending annual priorities to be addressed by the plan; assisting in parent education; encouraging community involvement; and fulfilling such responsibilities as designated in the Local Plan.

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 role of the San Bernardino County Office of Education is designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the Desert/Mountain SELPA.

A. Responsibilities of the RLA

The RLA shall be responsible for functions as specified under California Education Code 56195.1(c)(2) such as, but not limited to:

1. Receipt and distribution of regionalized services funds as approved by the CAHELP JPA Governance Council. An overall budget for all special education services and programs for the Special Education Local Plan Area shall be prepared under the direction of the CAHELP CEO. The SELPA Steering/Finance Committee shall also provide assistance in the development of the annual income and expenditure budgets for the Desert/Mountain SELPA. The budget shall be submitted to the CAHELP JPA Governance Council by the CAHELP CEO for review and approval;
2. Provision of administrative support;
3. Coordination and implementation of the Local Plan;
4. Receipt and distribution of special education funds to LEA accounts for the operation of special education programs and services according to the Special Education Funding Allocation Plan approved by the CAHELP JPA Governance Council;
5. Receipt and distribution of special education funds to accounts exclusively designated for SELPA use; and
6. The employment of staff as designated by the CAHELP JPA Governance Council to support SELPA functions.

The Desert/Mountain SELPA office is designated as the entity responsible for the administration of the Local Plan and assuring that the SELPA is in compliance with all applicable laws and regulations.

B. Selection, Employment, and Evaluation of the SELPA Staff

The governing boards of each of the participating LEAs agree to invest the CAHELP JPA Governance Council with the responsibility of designating an appropriate agency as the RLA for the administration of the Local Plan and its implementation. The boards assure that the

CAHELP JPA Governance Council shall indemnify the need for and designate the positions necessary for the operation of the SELPA functions according to this Local Plan.

The CAHELP CEO shall be responsible for recommending the employment of Desert/Mountain SELPA personnel to carry out those functions described in the Local Plan.

The CAHELP JPA Governance Council shall be responsible for designating the staff to support the functioning of the Desert/Mountain SELPA. In reviewing and approving the SELPA budgets on an annual basis, the CAHELP JPA Governance Council designates the staffing for the Desert/Mountain SELPA office upon recommendation of the CAHELP CEO.

Desert/Mountain SELPA staff shall be employed by the RLA and supervised by the CAHELP CEO according to the RLA's policy and practices. The CAHELP CEO shall use a selection process that is in accordance with the law and personnel policies of the RLA.

Desert/Mountain SELPA employed personnel shall be subject to the administrative procedures and policies in operation with the San Bernardino County Superintendent of Schools Office including but not limited to, hiring, supervision, evaluation, and discipline. In addition, contract negotiations shall follow County established procedures for all applicable SELPA employed personnel.

C. CAHELP CEO

The fundamental role of the CAHELP CEO is to provide leadership and facilitate decision making processes regarding the implementation of the Local Plan. The CAHELP CEO's role includes the provision of information, specific services identified by the CAHELP JPA Governance Council, technical assistance, leadership and arbitration. It is the CAHELP CEO's responsibility to represent the interest of the Desert/Mountain SELPA as a whole without promoting any particular LEAs interest over the interest of any other agency. In the event there are differences of opinions and/or positions on issues, it is the CAHELP CEO's responsibility to mediate a reasonable resolution of the issue(s).

The CAHELP JPA Governance Council shall be responsible for the selection, direction, discipline and evaluation of the CAHELP CEO. The CAHELP JPA Governance Council shall be assisted in the hiring and selection process by the RLA.

The CAHELP CEO is subject to the RLA's policies and procedures for day-to-day operations. The role of the San Bernardino County Office of Education is designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the Desert/Mountain SELPA.

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 LEAs within the Desert/Mountain SELPA join together pursuant to Sections 56140 and 56195 of the California Education Code to adopt a plan to assure access to special education and services for all eligible individuals with disabilities participating in education with our Desert/Mountain SELPA jurisdiction. In adopting the Local Plan, each participating agency agrees to carry out the duties and responsibilities assigned to it within the plan. Participating LEAs may enter into additional contractual arrangements to meet the requirement of applicable federal and state law.

In adopting the Local Plan, each participating local education agency agrees to carry out the duties and responsibilities assigned to it within the plan. Each agency shall provide special education and services to all eligible students within its boundaries, including students attending charter schools where that LEA of the SELPA has granted that charter. 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 programs. Such cooperation ensures that a range of program options is available throughout the Desert/Mountain SELPA.

Any participating LEA may provide for the education of special education students in special education programs maintained by other districts or counties and may include with the special education program students who reside in other districts or counties.

Pursuant to the provisions of Education Code Sections 56000 et seq., the SELPA shall plan, facilitate, implement, and administer the activities of the Desert/Mountain SELPA as approved by the State Board of Education, and shall perform those services as required to accomplish the elements set forth in the plan as well as those required by state and federal law. Those services include, but are not limited to the following:

1. Coordinate community and state agency resources with those provided by Participating LEAs and the RLA, including initiation of such contractual agreements as may be required. Each district of special education accountability is responsible for the students within their jurisdiction. There are no additional contractual agreements that supersede education code.

10. For multi-LEA local plans, specify:

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

Education Code § 56200 (c)(2) requires that the Local Plan "specify the responsibilities of each participating county office and district governing board in the policy-making process, the responsibilities of the Superintendent of each participating district and county in the implementation of the Local Plan, and the responsibilities of district and county administrators of

special education in coordinating the administration of the plan." In accordance with this provision, the Desert/Mountain SELPA has developed the following governance structure, policy development, and approval process.

The governing board for each LEA, Charter LEA and the County Superintendent of Schools approves the Agreement for Participation and the Local Plan for Special Education. As described within those documents, the Boards of Directors of the LEAs, Charter LEAs delegate the administrative policy-making process and procedures for carrying out that responsibility to the governance structure of the Desert/Mountain SELPA.

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

The CAHELP JPA Governance Council, with direction from the LEA governing boards, shall be responsible for the following areas of Local Plan administration and shall act to:

1. Establish operational procedures and make decisions on any matters regarding implementation, administration, and operation of special education programs in accordance with the Local Plan;
2. Review and approve all Desert/Mountain SELPA policies, procedures, standards and guidelines;
3. Review, approve, and monitor the allocation of special education funds to LEAs through the Annual Budget Plan process;
4. Review, approve, and monitor all budgets assigned to the Desert/Mountain SELPA office;
5. Provide leadership to the Desert/Mountain SELPA regarding the development, revision, implementation, and review of the Local Plan;
6. Select and recommend to the Superintendent of the RLA, a qualified candidate to be employed as the CAHELP CEO;
7. Evaluate the performance of the CAHELP CEO;
8. Determine and provide direction related to the personnel, program, and service requirement necessary for the implementation of the Local Plan and allocation of special education funds;
9. Meet as often as necessary during the year to implement the business of the Desert/Mountain SELPA and to provide the necessary direction and guidance to the CAHELP CEO;
10. Provide direction, consultation, and technical assistance to the LEAs and the Superintendent of the RLA;
11. Provide a consistent forum to develop, review, and approve policy recommendations, which are submitted to the Governance Council for consideration;
12. Approve interagency agreements;
13. Designate participants for the SELPA Steering/Finance Committee;
14. Establish and promote a Community Advisory Committee (CAC);

15. Receive recommendations from the CAC, SELPA Steering/Finance Committee, LEA boards, and other interested agencies and individuals;
16. Decide disputes, if any, between participating LEAs that arise concerning special education related matters or related to the interpretation of the Local Plan and other agreements or policies between or among the LEAs;
17. Annually evaluate the Local Plan implementation and operations; and
18. Undertake such additional activities as permitted under the JPA Agreement and Bylaws, California law, and the Local Plan.

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

LEAs, in adopting the completed Local Plan, agree to carry out the duties and responsibilities assigned within the plan, or which may be designated at a later date through agreement of the participating LEAs. Participating LEAs may also enter into additional contractual arrangements to meet the requirements of applicable federal and state law.

Each LEA shall ensure that children with disabilities are educated with children who are nondisabled to the maximum extent appropriate. Removal of children with disabilities from the general educational environment shall occur only if 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. It is recognized, however, that some students have educational needs so unique that it is not possible to meet those needs in their neighborhood schools or within their home LEAs. As a result, some students will need to receive services from other LEAs within the Desert/Mountain SELPA, or through additional contractual arrangements with LEAs outside of the Desert/Mountain SELPA. Each LEA shall cooperate to the maximum extent possible with other agencies to serve individuals with disabilities who cannot be served in the LEA of enrollment. Such cooperation ensures that a range of program options is available through the Desert/Mountain SELPA.

Each LEA is responsible to participate in regular meetings of the Steering/Finance Committee, CAC and CAHELP JPA Governance Council to ensure the administration of the Local Plan.

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:

The role of the San Bernardino County Office of Education is designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the Desert/Mountain SELPA.

A. Responsibilities of the RLA

The RLA shall be responsible for functions as specified under California Education Code 56195.1(c)(2) such as, but not limited to:

1. Receipt and distribution of regionalized services funds as approved by the CAHELP Governance Council. An overall budget for all special education services and programs for the Special Education Local Plan Area shall be prepared under the direction of the CAHELP CEO. The SELPA Steering/Finance Committee shall also provide assistance in the development of the annual income and expenditure budgets for the Desert/Mountain SELPA. The budget shall be submitted to the CAHELP JPA Governance Council by the CAHELP CEO for review and approval;
2. Provision of administrative support;
3. Coordination and implementation of the Local Plan;
4. Receipt and distribution of special education funds to LEA accounts for the operation of special education programs and services according to the Special Education Funding Allocation Plan approved by the CAHELP JPA Governance Council;
5. Receipt and distribution of special education funds to accounts exclusively designated for SELPA use; and
6. The employment of staff as designated by the CAHELP JPA Governance Council to support SELPA functions.

The Desert/Mountain SELPA office is designated as the entity responsible for the administration of the Local Plan and assuring that the SELPA is in compliance with all applicable laws and regulations.

B. Selection, Employment, and Evaluation of the SELPA Staff

The governing boards of each of the participating LEAs agree to invest the CAHELP JPA Governance Council with the responsibility of designating an appropriate agency as the RLA for the administration of the Local Plan and its implementation. The boards assure that the CAHELP JPA Governance Council shall indemnify the need for and designate the positions necessary for the operation of the SELPA functions according to this Local Plan.

The CAHELP CEO shall be responsible for recommending the employment of Desert/Mountain SELPA personnel to carry out those functions described in the Local Plan.

The CAHELP JPA Governance Council shall be responsible for designating the staff to support the functioning of the Desert/Mountain SELPA. In reviewing and approving the SELPA budgets

on an annual basis, the CAHELP JPA Governance Council designates the staffing for the Desert/Mountain SELPA office upon recommendation of the CAHELP CEO.

Desert/Mountain SELPA staff shall be employed by the RLA and supervised by the CAHELP CEO according to the RLA's policy and practices. The CAHELP CEO shall use a selection process that is in accordance with the law and personnel policies of the RLA.

Desert/Mountain SELPA employed personnel shall be subject to the administrative procedures and policies in operation with the San Bernardino County Superintendent of Schools Office including but not limited to, hiring, supervision, evaluation, and discipline. In addition, contract negotiations shall follow County established procedures for all applicable SELPA employed personnel.

C. CAHELP CEO

The fundamental role of the CAHELP CEO is to provide leadership and facilitate decision making processes regarding the implementation of the Local Plan. The CAHELP CEO's role includes the provision of information, specific services identified by the CAHELP JPA Governance Council, technical assistance, leadership and arbitration. It is the CAHELP CEO's responsibility to represent the interest of the Desert/Mountain SELPA as a whole without promoting any particular LEAs interest over the interest of any other agency. In the event there are differences of opinions and/or positions on issues, it is the CAHELP CEO's responsibility to mediate a reasonable resolution of the issue(s).

The CAHELP JPA Governance Council shall be responsible for the selection, direction, discipline and evaluation of the CAHELP CEO. The CAHELP JPA Governance Council shall be assisted in the hiring and selection process by the RLA.

The CAHELP CEO is subject to the RLA's policies and procedures for day-to-day operations. The role of the San Bernardino County Office of Education is designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the Desert/Mountain SELPA.

- 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 Desert/Mountain SELPA AU for distribution to LEAs according to an approved special education funding allocation plan. Any changes to the allocation of federal and state special education funds shall be made by the CAHELP JPA Governance Council as permitted under the JPA Agreement and Bylaws, and California and federal law.

1. Responsibilities for Distribution of Federal and State Funds

The governing boards of the LEAs participating in the Desert/Mountain SELPA have agreed that students with disabilities will be provided with appropriate special education services. The CAHELP JPA Governance Council 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. The AU shall be responsible for the distribution of funds according to an approved special education funding allocation plan. The CAHELP CEO is responsible to ensure the funds are distributed in accordance with the funding allocation plan.

The SELPA Steering/Finance Committee shall participate in the development of the Annual Budget Plan for review and approval by the CAHELP JPA Governance Council. The Annual Budget Plan shall be distributed to LEAs and the CAC upon approval by the CAHELP JPA Governance Council.

State and federal funds are deposited from the San Bernardino County Treasury into the County School Service Fund (AU), unless otherwise directed by the CAHELP JPA Governance Council. The Desert/Mountain SELPA provides an annual allocation plan to the Office of the San Bernardino County Superintendent of Schools for distribution of state and federal funds to the LEAs according to the approved schedule of disbursement.

c. The operation of special education programs:

The function of the Desert/Mountain SELPA and participating LEAs is to provide quality educational programs and services appropriate to the needs of each eligible student with a disability who is enrolled within the Desert/Mountain SELPA. The Responsible Local Agency (RLA) Superintendent, LEA Superintendents and CEOs of the LEA Charters are responsible for the management and supervision of all special education program operations within the Desert/Mountain SELPA. All such programs are to be operated in a manner consistent with the funding provision of the California Education Code, the Individuals with Disabilities Education Act (IDEA), other applicable laws, and Desert/Mountain SELPA policies and procedures.

For Charter LEAs outside of the Desert/Mountain SELPA geographical area, the SELPA will provide technical assistance in ensuring the Charter LEAs have support necessary to fulfill their legal obligations under California Education Code, the Individuals with Disabilities Education Act (IDEA), other applicable laws, and Desert/Mountain SELPA policies and procedures.

The Desert/Mountain SELPA Local Plan is a joint effort of the CAHELP JPA, Office of the San Bernardino County Superintendent of Schools, and participating LEAs, including Charter LEAs. Participating LEAs work in cooperation with the Office of San Bernardino County Superintendent of Schools to ensure that all eligible students with disabilities enrolled in alternative education programs including, but not limited to, alternative schools, charter schools, and juvenile court schools within the Desert/Mountain SELPA will have access to appropriate special education programs and related services. The Desert/Mountain SELPA will ensure and provide support to the LEAs that are out of the geographic area to ensure that all eligible students with disabilities

enrolled in alternative education programs have access to appropriate special education programs and related services.

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

Funds allocated for special education programs shall be used for services to students with disabilities. Federal funds under Part B of IDEA may be used for the following activities:

1. For the costs of special education and related services and supplementary aids and services provided in a regular class or other education-related setting to a student with a disability in accordance with the IEP for the child, even if one or more nondisabled children benefit from these services.

2. To develop and implement a fully integrated and coordinated services system.

The CAHELP CEO, with the assistance of the SELPA Steering/Finance Committee, and the AU shall be responsible to monitor on an annual basis the appropriate use of all funds allocated for special education programs. Final determination and action regarding the appropriate use of special education funds shall be made by the CAHELP JPA Governance Council through the Annual Budget Plan process.

The Desert/Mountain SELPA monitors the distribution and appropriate use of funds and shares this information with the SELPA Steering/Finance Committee. When necessary, meetings are held with individual LEAs for the purpose of monitoring funds.

The Desert/Mountain SELPA is responsible for the preparation of program and fiscal reports requested by the State.

The CAHELP CEO shall be permitted to monitor the LEAs special education program implementation to ensure compliance in all areas including finance, service delivery, and legal requirements.

If the CAHELP CEO or designee determines that an LEA is not compliant and/or not operating in a fiscally responsible manner, the CAHELP CEO may require that the responsibility for resulting costs be borne by the LEA or take such other action as may be required to remedy the matter. The LEA will have the right to appeal any such determination to the CAHELP JPA Governance Council. The decision of the CAHELP JPA Governance Council shall be final.

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:

Both state and federal law provide that students with disabilities are entitled to a free appropriate

public education (FAPE) that includes special education and related services to meet their unique needs in the least restrictive environment (LRE). Each SELPA member must ensure that all children served under their jurisdiction who have disabilities, regardless of the severity of their disability, and who are in need of special education and related services are identified, located, evaluated, and served. Therefore, a full continuum of services are available within the SELPA.

Due to the large geographical area of the Desert/Mountain SELPA, the Local Plan provides funding per the SELPA Fiscal Allocation Plan to the member LEAs so they may appropriately provide for all students with special education needs attending their schools.

The CAHELP JPA Governance Council has indicated its strong preference for a decentralized structure that would keep as many children as possible appropriately served in their LEA of enrollment. It is felt that only when there is convincing evidence that a service is more economically feasible on a regional level would service be provided outside of the local LEAs. Leaving most programs with local LEAs will ensure their responsiveness to local interests and values; minimize transportation; encourage inclusion; and reduce duplication of administrative and service costs.

Policies, Procedures, and Programs

Pursuant to *EC* sections 56122 and 56205(a), the SELPA ensures conformity with 20 *USC* and in accordance with 34 *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: 00.00

Document Title: Supports and Services

Document Location: Governance and Administration

"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: 00.00

Document Title: Supports and Services

Document Location: Governance and Administration

"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:

Yes No

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

Policy/Procedure Number: N/A

Document Title: Identification and Referral: Child Find

Document Location: Chapter 1, Section A

"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: N/A

Document Title: Evaluation and Assessments

Document Location: Chapter 2, Section C

"It shall be the policy of this LEA that an IEP, or an IFSP that meets the requirements of 20 USC § 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 § 1414 (d). It shall be the policy of this LEA that a of 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—20 USC Section 1412(a)(5)

Policy/Procedure Number: N/A

Document Title: Support and Services

Document Location: Chapter 5, Section A

"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: N/A

Document Title: Procedural Safeguards

Document Location: Chapter 7, Section A

"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: N/A

Document Title: Evaluation and Assessment

Document Location: Chapter 2, Section G

"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: N/A

Document Title: Student Records

Document Location: Chapter 15, Introduction and Section A

"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: N/A

Document Title: Transition Services

Document Location: Chapter 9, Section A

"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

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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:

Yes No

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

Policy/Procedure Number: N/A

Document Title: Private Schools and Services

Document Location: Chapter 19, Sections A and B

"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: 00.00

Document Title: Governance and Administration

Document Location: Board Policy 00.00

"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 Education Code, Part 30." The policy is adopted by the SELPA as stated:

Yes No

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

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Policy/Procedure Number: N/A

Document Title: Inter-Agency Agreements and Responsibilities

Document Location: Chapter 12, Introduction

"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: 00.00

Document Title: Governance and Administration

Document Location: Board Policy 00.00

"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: N/A

Document Title: Personnel Development

Document Location: Chapter 22, Introduction

"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

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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: 00.00

Document Title: Governance and Administration

Document Location: Board Policy 00.00

"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: N/A

Document Title: State and District Assessment Programs

Document Location: Chapter 16, Sections A and E

"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

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

Policy/Procedure Number: N/A

Document Title: Fiscal Allocation Plan

Document Location: Chapter 24, Section G

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"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: 00.00

Document Title: Governance and Administration

Document Location: Board Policy 00.00

"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: 00.00

Policy/Procedure Title: Governance and Administration

Document Location: Board Policy 00.00

"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: N/A

Section B: Governance and Administration

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Document Title: Suspension and Expulsion

Document Location: Chapter 11

"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: N/A

Document Title: Low Incidence Funding

Document Location: Chapter 13, Section A

"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

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

Policy/Procedure Number: N/A

Document Title: Identification and Referral

Document Location: Chapter 1, Section F

"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)

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Policy/Procedure Number: 00.00

Document Title: Governance and Administration

Document Location: Board Policy 00.00

"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:

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

Reference Number: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

2. Coordinated system of identification and assessment:

Reference Number: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

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3. Coordinated system of procedural safeguards:

Reference Number: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

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

Reference Number: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

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

Reference Number: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

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

Reference Number: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

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7. Coordinated system of data collection and management:

Reference Number: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

8. Coordination of interagency agreements:

Reference Number: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

9. Coordination of services to medical facilities:

Reference Number: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

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

Reference Number: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

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

Reference Number: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

12. Fiscal and logistical support of the CAC:

Reference Number: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

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

Reference Number: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

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

Reference Number: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

Section B: Governance and Administration

SELPA: Desert/Mountain SELPA

Fiscal Year: 2020-21

15. Assurance of full educational opportunity:

Reference Number: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

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: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

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

Reference Number: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

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: N/A

Section B: Governance and Administration

SELPA: Desert/Mountain SELPA

Fiscal Year: 2020-21

Document Title: Desert/Mountain SELPA Local Plan

Document Location: SELPA Office

Description: Local 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: N/A

Document Title: Desert/Mountain SELPA Local Plan

Document Location: SELPA Office

Description: Local Plan

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: N/A

Document Title: Desert/Mountain SELPA Local Plan

Document Location: SELPA Office

Description: Local Plan

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: N/A

Document Title: Desert/Mountain SELPA Local Plan

Document Location: SELPA Office

Description: Local Plan

Section B: Governance and Administration

SELPA: Desert/Mountain SELPA

Fiscal Year: 2020-21

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: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

6. A description of the process by which the SELPA will fulfill the obligations to provide FAPE to a student age 18 -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 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: N/A
Document Title: Desert/Mountain SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

GOVERNANCE AND ADMINISTRATION

DMSELPA Board Policy (BP) 0000

Participating Local Education Agencies (LEAs) of the SELPA join in a cooperative effort to provide for the coordinated delivery of programs and services, and to assure equal access to such programs and services to eligible individuals with disabilities requiring special education within the Desert/Mountain SELPA. The California Association of Health and Education Linked Professions, a Joint Powers Authority (CAHELP JPA) is the governing board of the Desert/Mountain SELPA and shall adopt policies for the Desert/Mountain SELPA and participating LEAs. The policies and procedures adopted by the CAHELP JPA Governance Council under the authority of adopting LEA boards have the same status and authority as other LEA board policy.

In adopting the Local Plan, member LEAs agree to Desert/Mountain SELPA policies and procedures and agree to carry out the duties and responsibilities assigned to each agency, or which may be designated at a later date through agreement of the participating LEAs. Participating LEAs may enter into additional contractual agreements to meet the requirements of applicable federal and state law. Member LEAs further agree 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.

Definitions

Free Appropriate Public Education (FAPE)

Special education and related service(s) that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the California Department of Education (CDE), state and federal law, including the requirements of *Title 34 of the Code of Federal Regulations (CFR) 300.1-200.818*; include appropriate infant, preschool, elementary school, and/or secondary school education for individuals between the ages of three and 21; and are provided in conformity with an Individualized Education Program (IEP) that meets the requirements of *Title 34 of the Code of Federal Regulations, sections 300.320-300.324. (Title 34 of the Code of Federal Regulations 300.17, 300.101, 300.104; California Education Code 56040)*

FAPE applies to students who are suspended or expelled or placed by the LEA in a nonpublic, nonsectarian school (*Title 34 of the Code of Federal Regulations 300.17, 300.101, 300.104*).

Guidelines for determining FAPE

- FAPE is determined within the context of an IEP meeting with active participation from all members, including the parents. In no case should decisions concerning eligibility or placement be made outside of the IEP team.
- When determining eligibility for special education, the IEP team must first identify the area(s) of disability and secondly must determine the need for special education and related services.
- There must be a direct correlation between the IEP goals, and the services provided.
- Placement and services are determined by the student's unique needs and IEP goals, not the disability.
- Specific methodologies are usually not included in the IEP. Once the needs of the student are determined and the goals established, the teacher determines the specific methodology and instructional strategies.
- Special education and related services should always be provided in the least restrictive environment (LRE).
- Special education and related services must address the unique needs of the student that are required for the student to benefit from his/her educational program.

Full Educational Opportunity

Special education serves students from birth through two years, 11 months, and are provided under the provisions of the California Early Start Interagency Agreement. Preschool special education services are available to all eligible students in their home district or in an SBCSS Desert/Mountain Student Services' program located within the Desert/Mountain SELPA region. The caseload for a speech/language specialist who provides services exclusively to students with disabilities between the ages of three to five, shall not exceed 40.

A full continuum of program options provided to students from preschool through grade 12 by the LEAs in the Desert/Mountain SELPA. Special education includes instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education to meet the education and service needs in the LRE. The appropriate placement for a student is determined by the IEP team based on the student's instructional needs and not on the student's disability category.

Options include:

- **General Education Classroom.** Students are educated in age-appropriate general education classrooms at their neighborhood schools with the necessary accommodations, supports, and services for the student to progress toward his/her IEP goals.

- **Related Services.** As defined by federal and state law and are available to students if a development, corrective, and/or supportive service is required for the student to benefit from special education. Specialists provide these services and may work with students individually or in small groups either in the general education classroom or other appropriate settings. The average caseload for language/speech and hearing specialists in the Desert/Mountain SELPA shall not exceed 55.
- **Specialized Academic Instruction (SAI).** SAI is available at every school site for students in kindergarten through grade 12. This program provides a broad range of services from supplementing the general education program to providing intensive services for students whose disabilities are more severe. Services may occur in either individual or small group settings, as a component of an integrated School Based Services Program, or as consultative or collaborative services within general education or other settings. LEAs may choose to provide SAI through a Resource Specialist Program (RSP) or Special Day Class (SDC) setting. The caseload for RSP cannot exceed 28 students. Students are placed in programs as close to their home school as possible.
- **Preschool Services.** Preschool services are provided to students ages three to five (for students not in kindergarten) at local school sites. The type and frequency of special education services is determined for each student annually through the IEP process. As required to address, LRE, preschool students have opportunities to participate with their nondisabled peers.
- **Specialized Services.** These services are provided to students with low incidence disabilities on an itinerant basis or in a special class setting.
- **Services Provided by Another Local School District with the Desert/Mountain SELPA.** In such cases, the LEA of residence retains the responsibility to ensure that the students assigned to these programs receive FAPE. An Inter-district Transfer defines the reimbursement process.
- **Services Provided through an Arrangement with Another SELPA.** An Inter-SELPA Transfer defines the reimbursement process for excess costs associated with special education and related services for students when the IEP team has determined that the student requires educational services outside of the Desert/Mountain SELPA. The Inter-SELPA Transfer process is outlined in a Memorandum of Understanding (MOU).
- **Nonpublic, Nonsectarian School Services (NPS).** NPS services are considered after all programs available within the LEA and Desert/Mountain SELPA have been considered and determined by the IEP team not to be appropriate to address the individual student's needs. Every effort is made to ensure that nonpublic school students are educated in the LRE and that transition back to the public-school setting is considered annually. Each LEA shall monitor the progress of students enrolled in nonpublic schools by participation in the annual IEP development for the students, reviewing the master contract and individual services agreement, conducting evaluations as required, and facilitating transition from the nonpublic school to a less restrictive environment. All nonpublic schools in San Bernardino

County participate in the Nonpublic School Quality Review process for instructional improvement every four years.

- **State Special Schools.** State Special Schools such as the California School for the Deaf and Blind, are available to students when local programs that meet the unique needs to students are not available and are recommended by the student's IEP team.
- **Extended School Year (ESY).** ESY services are specified on the student's IEP when the IEP team determines that the student's unique needs require special education and related services in excess of the regular academic year. Students who require ESY usually have severe disabilities that are likely to continue indefinitely or for a prolonged period. Interruption of the student's educational programming may cause significant regression, when coupled with limited recoupment capacity that renders it impossible or unlikely that the student will attain the level of self-sufficiency and independence that would otherwise be expected in view of his/her disability.
- **Instruction in Settings other than Classrooms.** Specially designed instruction may occur and include locations in the community such as day treatment or residential settings.
- **Instruction in Home, Hospitals, and in other Institutions.** To the extent required by federal law or regulations.

The Management Information System (MIS) adopted by the Desert/Mountain SELPA member LEAs enable staff to carefully and continuously track timelines and the various services required by the individual students. Service logs are maintained and monitored by service providers and LEA administrators.

Least Restrictive Environment (LRE)

To the maximum extent appropriate, students with disabilities, including individuals in public or private institutions or other care facilities, be educated with individuals who are nondisabled, including the provision of nonacademic and extracurricular service and activities. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (*Title 34 of the Code of Federal Regulations 300.17, 300.117, 300.117; California Education Code 56040.1*)

Special Education

Specially designed instruction, provided at no cost to the parent/guardian, to meet the unique needs of individuals with disabilities including a full continuum of program options including instruction conducted in the classroom, in the home, in hospitals and institutions, and other

settings, and instruction in physical education to meet the educational and service needs in the least restrictive environment. (*California Education Code 56031*)

Special education may include each of the following if the services otherwise meet the definition in the above paragraph: (*California Education Code 56031*)

1. Speech/Language Pathology services, or any other related service, pursuant to California Education Code 56363, if the service is considered special education rather than a related service under state standards;
2. Travel Training;
3. Career Technical Education; and/or
4. Transition services for students with disabilities in accordance with Title 34 of the Code of Federal Regulations 300.43 if provided as specially designed instruction, or a related service, if required to assist a student with disabilities to benefit from special education.

Specially designed instruction means adapting the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability and to ensure access of the student to the general curriculum, so that the student can meet the educational standards that apply to all students in the LEA. (*Title 34 of the Code of Federal Regulations 300.39*)

Surrogate Parent means an individual assigned to act as a surrogate for the parent/guardian. The surrogate may represent an individual with disabilities in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP, and in other matters relating to the provision of FAPE to the individual with disability. (*Title 34 of the Code of Federal Regulations 300.519; California Education Code 56050*)

Annual Review of Special Education Services Options

Annually, the Desert/Mountain SELPA shall review its service provision options and revise them as necessary to reflect current Service Category Descriptions as specified in California Longitudinal Pupil Achievement Data System (CALPADS).

Procedures for Monitoring the Provision of Services

Every student with a disability is assigned a case manager through the IEP process. In most instances, the special education teacher at the school site is assigned as the case manager. When students are assigned to programs outside the LEA, the Special Education Director assigns a case manager who oversees the IEP in the alternative setting and ensures that services are

provided consistent with the IEP. The case manager will also work closely with the home school site to transition the student back into the LEA of residence successfully.

LEA Responsibilities

The LEAs of the Desert/Mountain SELPA shall monitor all special education students who are the educational responsibility of the LEA including students with disabilities in alternative and nonpublic schools, and students who have been suspended or expelled. Procedures to monitor compliance will include, but not be limited to:

- Development and implementation of local policies and procedures with applicable state and federal laws;
- Conduct regular staff meetings with special education staff;
- Provide training for administrators and other school staff/employees:
- School site and classroom visits;
- Review of IEPs;
- Review of/address parental comments and/or complaints;
- Review of LEA's State Performance Plan Indicators (SPPI);
- Review of LEA's CALPADs data/reports;
- Review of LEA's California Dashboard;
- Review and implementation of findings from Intensive Monitoring;
- Review of LEA-level AYP and API reports; and
- Review of selected evaluation reports.

All LEAs will provide data to the Desert/Mountain SELPA and/or the CDE that may be required by regulations. In addition, LEAs will comply with the requirement of the State Performance Plan Indicators (SPPI) developed by the CDE and provide data as required by the department.

SELPA Responsibilities

The Desert/Mountain SELPA will monitor member LEAs of the Desert/Mountain SELPA for compliance with state and federal laws and implementation of the Local Plan. The procedures utilized may include, but not be limited to:

- Develop policies and procedures in accordance with applicable state and federal laws;
- Review of Annual Budget Plan;
- Review of Annual Service Delivery Plan;
- Review of the Desert/Mountain SELPA LEA's SPPI;
- Review of pertinent CALPADs data/reports;
- Review of the Desert/Mountain SELPA's Funding Allocation Plan;

- Evaluation of services offered by the Desert/Mountain SELPA office by LEA directors;
- Results of state and LEA Special Education Targeted Monitoring and Intensive Monitoring; and
- Consultation with LEA staff regarding allegations of noncompliance filed with CDE.

The Desert/Mountain SELPA will conduct proactive activities to achieve and maintain ongoing compliance with state and federal special education laws. These activities may include, but not be limited to:

- Meetings held by the Desert/Mountain SELPA Administrator (CAHELP CEO) and the Steering/Finance committee;
- Meetings with the Governance Council and the CAHELP CEO;
- Desert/Mountain SELPA sponsored trainings for staff members at all levels on related topics; and/or
- Technical assistance to LEAs from the Desert/Mountain SELPA.

In cases of substantial, prolonged noncompliance by an LEA, the Desert/Mountain SELPA Administrator (CAHELP CEO) may, but not be limited to:

- Conducting conferences with the LEA's Director of Special Education and/or the superintendent;
- Notifying the CAHELP JPA Governance Council and San Bernardino County Office of Education of the substantial, prolonged noncompliance by a LEA;
- In conjunction with the CAHELP JPA Governance Council, notify the LEA's Board of Education concerning the extent of the problem and recommended steps to resolve the problems;
- Withhold special education funding until the noncompliance is addressed, if approved by the CAHELP JPA Governance Council; and/or
- Utilize the funding withheld to assist the LEA in obtaining program compliance.

Elements of the Local Plan

The Local Plan developed by the Desert/Mountain SELPA shall include, but not be limited to, the following: (*California Education Code 56206*)

1. Assurances that policies, procedures, and programs, consistent with state law, regulations, and policy, are in effect as specified in *California Education Code 56205(a)(1-22)* and in conformity with *Title 20 of the United States Code 1412(a), 1413(a)(1), and Title 34 of the Code of Federal Regulations 300.201*.
2. An Annual Budget Plan and Annual Service Plan adopted at a public hearing held by the Desert/Mountain SELPA.

3. A description of programs for early childhood special education from birth through five years of age.
4. A description of the method by which members of the public, including parents/guardians of individuals with disabilities who are receiving services under the plan, may address questions or concerns pursuant to *California Education Code 56205*.
5. A description of a dispute resolution process.
6. Verification that the plan has been reviewed by the Community Advisory Committee (CAC) in accordance with *California Education Code 56205*.
7. A description of the process being utilized to refer students for special education instruction pursuant to *California Education Code 56303*.
8. A description of the process being utilized to oversee and evaluate placements in nonpublic, nonsectarian schools and the method for ensuring that all requirements of each student's IEP are being met.
9. A description of how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environment.

The Local Plan, Annual Budget and Annual Service Plans shall be written in language that is understandable to the general public. (*California Education Code 56205*)

Each entity providing special education shall adopt policies for the programs and services it operates, consistent with agreements adopted pursuant to *California Education Code 56195.1, 56195.7, 56195.8*).

Interagency Agreements

Other public agencies are also responsible for the provision of services to some students with disabilities and their families. Desert/Mountain SELPA participates with the other SELPAs in San Bernardino County and the San Bernardino County Office of Education to ensure that students who are eligible for special education receive appropriate related services from designated agencies as specified in their IEPs. Interagency agreements outline how students access services and define service delivery, and case management and fiscal responsibility. Interagency agreements are developed and maintained with the Inland Regional Center (IRC) for developmental and behavioral services, and California Children's Services (CCS) for medically necessary occupational and physical therapy. All interagency agreements are signed and monitored by the CAHELP CEO and the LEA superintendent/designee. The LEA superintendent/designee shall monitor the statutory timelines to ensure that services are

provided without delays and that services are delivered consistent with the interagency agreements. When another agency fails to provide the service in accordance with the IEP, the superintendent/designee shall ensure that the LEA provides the service and may claim reimbursement from the responsible agency in accordance with state law and the interagency agreement.

State Performance Plan Indicators (SPPI)

The Desert/Mountain SELPA and member LEAs believe that all students need to meet high standards of academic knowledge and skills. In addition, they must have the ability to apply their skills to the workplace where they will be required to adapt to emerging technologies and changing social needs. The Desert/Mountain SELPA and member LEAs recognize that content and performance standards are necessary to clarify for student, parents/guardians, and staff what students are expected to know and be able to perform at each grade level and in each area of study. Students' goals on their IEPs shall be based on the state content standards whenever appropriate.

The Desert/Mountain SELPA and member LEAs shall comply with the requirements of the SPPI developed by the state and provide data as required by the state. A review of the LEA performance goals and indicators is made on at least an annual basis to determine priorities for program improvements.

Participation in Assessments

Students with disabilities are included in general state and district-wide assessment programs with appropriate accommodations and/or modifications, where necessary. Each student's IEP team shall determine, at least on an annual basis, the individual accommodations and/or modifications in the administration of state or district-wide assessments necessary to minimize the impact of the student's disability on test performance. If the IEP team determines that the child will not participate in a particular state or district-wide assessment of student achievement, or part of the assessment, the IEP shall include a statement of how the child will be assessed.

Special Education Funding

Annually, the Steering/Finance Committee and the CAHELP JPA Governance Council shall review the AB 602 Implementation Plan and make adjustments as required to provide equitable funding to support the provision of a free appropriate public education to all children with disabilities in the Desert/Mountain SELPA.

Supplementation of State and Federal Funds

The LEAs provide assurances that funds received from Part B of the Individuals with Disabilities Education Act (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 (including property taxes), and other federal funds. LEAs may use up to 15% of the amount they receive under Part B for any fiscal year to develop and implement coordinated, early intervening services for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.

Maintenance of Effort (MOE)

The LEAs provide assurances 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. Each LEA is individually responsible for meeting federal maintenance of effort requirements. On an annual basis, each LEA shall complete state required Maintenance of Effort Reports (SEMA and SEMB) and submit them to the Desert/Mountain SELPA for review and submission.

Under SEMB requirements, each LEA shall compare the projected budget to unaudited actuals from the prior year. Each LEA shall be eligible to receive federal local assistance dollars for the current year once it has been determined that the Desert/Mountain SELPA is projected to spend at least the same or more in state and local funds than in the previous year. If the Desert/Mountain SELPA does not meet the budget to unaudited actuals test (SEMB), then none of the LEAs shall receive federal funds.

Procedures for LEA Sanctions when SELPA Has Met SEMA Requirements

Effective 2020-2021, each LEA shall utilize the SACS Software (SEMAI) at the first and second interim reporting to compare actual budgeted expenditures from the previous year's actual expenditures to determine that no supplanting of state funds has occurred. If an individual LEA is unable to meet MOE, the member LEAs of the Desert/Mountain SELPA shall explore adjusting the allocation of federal funds. However, no LEA shall be required to accept additional federal funds in any given year. If a shift in federal funds is not feasible, the LEA shall file an appeal to the CAHELP JPA Governance Council prior to the recapture of funds. The CAHELP JPA Governance Council shall review any pertinent information and determine what sanctions may be imposed and the redistribution of funds.

Procedures for LEA Sanctions when SELPA Has Not Met SEMA Requirements

Effective 2020-2021, each LEA shall utilize the SACS Software (SEMAI) at the first and second interim reporting to compare actual budgeted expenditures from the previous year's actual expenditures to determine that no supplanting of state funds has occurred. If an LEA is unable to meet MOE, the member LEAs of the Desert/Mountain SELPA shall explore adjusting the allocation of federal funds. However, no LEA shall be required to accept additional federal funds in any given year. The LEA may file an appeal to the CDE in accordance with state directives. If the Desert/Mountain SELPA is billed by the state for the amount the Desert/Mountain SELPA failed to spend from state and local funds to maintain its level of effort, the funds shall be deducted from the LEA who was unable to meet MOE and the funds will be allocated to other member LEAs on a dollar for dollar basis after agreement with the LEAs.

End of Year Expenditures

When the end-of-the-year expenditures are certified annually utilizing SACS codes, each Desert/Mountain member's total expenditures as indicated on the MOE report will be compared to the Total Entitlement for special education funds. If a LEA's entitlement exceeds the expenditures indicated on the prior year MOE report, the use of these funds shall be approved by the CAHELP JPA Governance Council. Funding designated for an LEA reserve account must not exceed 5% of the total allocation and must be designated for special education costs only in accordance with state and federal law. Any excess special education funding as of the end-of-the-year expenditures for the second year will be recaptured by the Desert/Mountain SELPA, subject to review by the Steering/Finance Committee and approval of the CAHELP JPA Governance Council, and reallocated to the remaining districts below the Desert/Mountain SELPA per ADA or state special disabilities average. If a LEA does not meet the annual MOE requirement, funds may be recaptured and distributed to other LEAs to meet this standard utilizing the same approval process.

Legal References

- Title 34 of the Code of Federal Regulations
 - Sections 300.1-300.818; 300.17; 300.39; 300.43; 300.101; 300.104; 300.117; 300.201; and 300519.
- Title 20 of the United States Code
 - Section 1412(a)(1)
- California Education Code
 - Sections 56031; 56040; 56040.1; 56050; 56195.1; 56195.7; 56195.8; 56205; and 56363.

Administrative Regulation (AR) 0000

GOVERNANCE AND ADMINISTRATION

Free Appropriate Public Education (FAPE)

It shall be the policy that member Local Education Agencies (LEAs) comprising the Desert/Mountain SELPA provide a free appropriate public education (FAPE) to all students with disabilities residing in the LEAs from birth to age 21 inclusive, including students with disabilities who have been suspended or expelled from school.

The determination that a student is in need of a service shall be based on an appropriate evaluation that determines eligibility and establishes the need for services. All special education and related services determined to be necessary by the Individualized Education Program (IEP) team shall be listed on the IEP. The parent shall be included as a member of the IEP team. The LEA shall ensure that services are provided in accordance with the IEP, regardless of which agency or contractor provides the service(s).

The Desert/Mountain SELPA desires to provide an appropriate education for all students, including those with disabilities, from birth through age 21 inclusive, including students with disabilities who have been suspended or expelled from school, or placed by the Local Education Agency (LEA) in a nonpublic, nonsectarian school. The Desert/Mountain SELPA recognizes that all individuals with disabilities have the right to receive a free and appropriate public education (FAPE). FAPE means special education and related services as determined through the Individualized Education Program (IEP) team process that meets the unique needs of each individual in order to derive benefit from his/her access to an educational program, that are provided at public expense under public supervision and direction, and without charge, meet the standards of the state educational agency, including an appropriate preschool, elementary school, or secondary school education and provided in conformity with the IEP required under 614(d). The parent shall be included as a member of the IEP team for students' birth to 18 years of age and at the discretion of the student 18 years to 21 years old.

An appropriate education may comprise education in regular classes, education in regular classes with the use of related aids and services, or special education and related services in separate classrooms for all or portions of the school day. Special education may include specially designed instruction in classrooms, at home, or in private or public institutions, and may be accompanied by related services such as speech therapy, occupational therapy and physical therapy, psychological counseling, and medical diagnostic services necessary to the child's education.

An appropriate education will include:

- Education services designed to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students are met;

- The education of each student with a disability with nondisabled students, to the maximum extent appropriate to the needs of the student with a disability;
- Evaluation and placement procedures established to guard against misclassification or inappropriate placement of students, and a periodic reevaluation of students who have been provided special education and related services; and
- Establishment of due process procedures that enable parents/guardians to:
 - Receive required notices;
 - Review their child's records; and
 - Challenge identification, evaluation and placement decisions.

Full Educational Opportunity

The Desert/Mountain SELPA member LEAs shall provide students with disabilities access to the variety of educational programs and services available to nondisabled students including non-academic and extracurricular services and activities. The LEAs and Desert/Mountain SELPA shall monitor the provision of special education services to ensure compliance with applicable state and federal laws and with the SELPA Local Plan.

Modifications and/or special services and aids shall also be provided as needed for students who are eligible for services under Section 504 of the Federal Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), and related federal regulations. In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the LEA participates as a member of the Desert/Mountain SELPA.

Information shall be provided by LEAs concerning the number of individuals with exceptional needs who are being provided special education and related services (Education Code 56195.8). This information is reported to the California Department of Education (CDE).

Access to Instructional Materials

It shall be the policy of the Desert/Mountain SELPA and member LEAs 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. Students with an IEP or Individualized Family Service Plan (IFSP) should have their specialized needs discussed and recorded at their IEP/IFSP meeting. The student's documented needs determine the LEA's responsibility to secure specialized books, materials, and services. It is the responsibility of the LEA to locate funds to purchase the items documented in the IEP or IFSP. One source is low incidence funds. To qualify for low incidence funding, the student must have one of the qualifying low incidence disabilities: deaf, blind, deaf and blind, or severely orthopedically impaired. Low incidence funding is provided for purchasing and coordinating the use of specialized books, materials, and equipment for students with low incidence disabilities.

Data/Reading Literacy

It shall be the policy of the Desert/Mountain SELPA and member LEAs to improve the educational results for students with disabilities. The Desert/Mountain SELPA Local Plan shall include

specific information to ensure that all students who require special education will participate in the California Reading Initiative.

Interagency Agreement/Coordination

It shall be the policy of member LEAs and the Desert/Mountain SELPA 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.

The Desert/Mountain SELPA participates in interagency agreements with the Department of Rehabilitation (DOR), California Children's Services (CCS), State Preschool, and Inland Regional Center (IRC). The interagency agreements stipulate the joint provision of services to individuals with exceptional needs in accordance with their IEP, and further carry out regulations from the federal and state government including fiscal responsibility for the provision of services.

Least Restrictive Environment (LRE)

Member LEAs of the Desert/Mountain shall provide special education instruction and services for individuals with exceptional needs in accordance with the federal Individuals with Disabilities Education Act (IDEA). To the maximum extent appropriate, children with disabilities, are educated with children who are nondisabled and 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 of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

A full continuum of program options shall be available for the educational placement of students with disabilities. Program options provide a spectrum of educational offerings, which range from regular classroom alternatives to the special site structured to deliver intensive and specialized services. The IEP team remains the primary decision-making body in determining the individual needs of students and the appropriate placement. Every effort is made to ensure that students with disabilities have access to state determined frameworks and standards, and participation in academic and extracurricular activities.

Local Compliance Assurances

The superintendent, Chief Executive Officer (CEO), or designee shall extend the LEAs' full cooperation to the Desert/Mountain SELPA. The policies and procedures of the Desert/Mountain SELPA shall be applied as policies and regulations of each member LEA, with the exception of those that apply to complaints, unless the Desert/Mountain SELPA plan specifically authorizes the LEA to operate under its own policies and regulations.

Governance

It shall be the policy of the Desert/Mountain SELPA that the Local Plan shall be adopted by the appropriate LEA board(s) of member LEAs and is the basis of the operation and administration of

special education programs; and that the Local Plan agencies herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with IDEA, Federal Rehabilitation Act of 1973, Section 504 of Public Law, the Americans with Disabilities Act, and the provisions of the Education Code, Part 30.

The Desert/Mountain SELPA shall administer a Local Plan and administer the allocation of funds. *(California Education Code 56195)*

Member LEAs shall 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 the LEA with reasonable notice and opportunity for a hearing through the State Educational Agency.

Maintenance of Effort (MOE)

It shall be the policy of the Desert/Mountain SELPA and member LEAs 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.

Member LEAs shall follow federal and state laws pertaining to the required MOE spending levels for special education. If an LEA, or more than one LEA, does not meet the required spending levels to pass the MOE tests and the Desert/Mountain SELPA loses funding as a result of failure to pass the MOE requirements, the LEA(s) that caused the Desert/Mountain SELPA to fail the MOE requirements shall reimburse the Desert/Mountain SELPA for any funds lost by the other LEAs or the Desert/Mountain SELPA office, upon final approval of the Governance Council.

There are two components to the LEA MOE – the eligibility standard and the compliance standard. The eligibility standard requires that, except in specified situations, in order to find an LEA eligible for IDEA Part B funds for the upcoming fiscal year, the LEA should have budgeted for the education of individuals with disabilities at least the same amount of state and local, or local only funds, as it actually spent for the education of individuals with disabilities during the most recent year for which information is available. *(Title 34 of the Code of Federal Regulations 300.203(a))*

The compliance standard requires that, except in specified situations, an LEA should not reduce the level of expenditures for the education of children with disabilities made from state and local, or local only funds, below the level of those expenditures from the same source for the comparison year. *(Title 34 of the Code of Federal Regulations 300.203(c))*

Member LEAs may use the following four methods to meet both eligibility and compliance standards:

- Combined state and local expenditures;
- Combined state and local expenditures on a per capita basis;
- Local expenditures only;
- Local expenditures only on a per capita basis.

Participation in Statewide Assessments

It shall be the policy of the Desert/Mountain SELPA and member LEAs 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 and/or modifications, or access alternate assessments, consistent with state standards governing such determinations.

California approved achievement tests are administered each spring to all students in grades 3-8, and 11. Member LEAs utilize the information that is gathered to make decisions regarding how to design and implement instruction for their students.

The IEP team determines the manner in which a student with a disability shall participate in state and district-wide assessments. The IEP must include a statement of individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student; and if the IEP team determines that the student shall take an alternate assessment instead of a particular state or district-wide assessment of student achievement, the IEP shall include a statement of the reason why the student cannot participate in the regular assessment, and the reason why the particular alternate assessment selected is appropriate for the student.

Prohibition on Mandatory Medicine

It shall be the policy of the Desert/Mountain SELPA and member LEAs 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. It shall be the policy of the LEAs to provide data or information to the Desert/Mountain SELPA and the CDE that may be required by regulations.

The administration of any medication must follow all applicable statutes, regulations, standards of practice, and LEA policies and procedures. Member LEA Board policies and procedures should address the administration of non-traditional substances.

Public Participation

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

Agenda of items to be discussed shall be prepared for all meetings and shall be made available at least three (3) working days prior to regularly scheduled Governance Council or other Standing Committee meetings, where required under the Brown Act and California law. The agenda shall be posted at one or more locations freely accessible to members of the public. (*Government Code 54954.2*)

Each agenda shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (*Government Code 54954.2*)

The agenda shall provide members of the public the opportunity to address the Governance Council on any agenda item or during the Council's consideration of the item. However, the agenda need not provide an opportunity for public comment when the agenda item has previously been considered at an open meeting of a committee comprised exclusively of Council members, provided that members of the public were afforded an opportunity to comment on the item at that meeting and that the item has not been substantially changed since the committee considered it. (*Government Code 54954.3*)

Any member of the public desiring to make a personal appearance before the Governance Council or any other Standing Committee of CAHELP JPA to discuss an item of interest shall be limited to a maximum of five (5) minutes, and all public comments shall be limited to fifteen (15) minutes and allocated equally to each member of the public making an appearance, unless otherwise allowed by the Governance Council in its discretion.

Any document prepared by the LEA or Council and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (*Government Code 54957.5*)

Upon request, the Chairperson, shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (*Government Code 54954.1*)

Meetings and Notices

Meetings of the Desert/Mountain SELPA's Governance Council are conducted for the purpose of accomplishing SELPA business.

A Governance Council meeting exists whenever a majority of members gather at the same time and place to hear, discuss or deliberate upon any item within the subject matter jurisdiction of the Governance Council. (*Government Code 54952.2*)

In accordance with state open meeting laws, the Governance Council shall hold its meetings in public and shall conduct closed sessions during these meetings only to discuss confidential matters specified by law. To encourage community involvement in the schools, meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with laws and CAHELP JPA adopted bylaws.

When addressing the Governance Council during Public Input, comments are to be limited to three (3) minutes or less for each speaker, with a maximum of 20 minutes total for each item. This time limit may be extended upon a majority vote of the members of the Governance Council.

Agenda/Meeting Materials

Governance Council meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (*Government Code 54954.2*)

In addition, the Chairperson, shall post the agenda on the homepage of the agency website. The posted agenda shall be accessible through a prominent direct link to the current agenda or to the LEA's agenda management platform in accordance with Government Code 54954.2. When the LEA utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the web site with the LEA's agendas, and the current agenda shall be the first available. (*Government Code 54954.2*)

Agendas for special meetings and emergency meetings will be made available in accordance with the provisions of the Brown Act and California law. When special meetings are called, Governance Council members shall receive, at least 24 hours prior to the meeting, notice of the business to be transacted. (*Government Code 54956*)

The agenda shall provide members of the public the opportunity to address the Governance Council agenda item before or during the Council's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda, but which are within the subject matter jurisdiction of the Governance Council. (*California Education Code 35145.5; Government Code 54954.3*)

The agenda shall specify that an individual who requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Governance Council meeting should contact the SELPA Administrator or designee in writing.

Items may be placed on the agendas for meetings of the Governance Council and other Standing Committees, provided a written request is received by the CEO from a member of that committee at least ten (10) business days prior to the regularly scheduled meeting, absent circumstances precluding earlier notice and request.

Any agenda and related materials distributed to the Council shall be made available to the public upon request without delay. Only those documents which are disclosable public records under the Public Records Act, and which relate to an agenda item scheduled for the open session portion of a regular meeting shall be made available to the public. (*Government Code 54957.5*)

If a document which relates to an open session agenda item for a regular Council meeting is distributed to the Council less than 72 hours prior to a meeting, the Chairperson shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Council. (*Government Code 54957.5*)

The Chairperson shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Council, whichever comes first. (*Government Code 54954.1*)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (*Government Code 54954.1*)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Chairperson, not to exceed the cost of providing the service.

Meeting Conduct

All Governance Council meetings shall begin on time and shall be guided by an agenda prepared and delivered in advance to all Governance Councilmembers and to other persons upon request.

The chairperson shall conduct Governance Council meetings in accordance with CAHELP JPA bylaws and procedures that enable the superintendents and CEOs to efficiently consider issues and carry out the will of the majority.

State Performance Plan Indicators (SPPI)

It shall be the policy of the Desert/Mountain SELPA and its member LEAs to comply with the requirements of the State Performance Plan Indicators (SPPI) developed by the CDE and provide data as required by the CDE.

The Desert/Mountain SELPA and member LEAs believe that all students need to meet high standards of academic knowledge and skills. In addition, they must have the ability to apply their skills to the workplace where they will be required to adapt to emerging technologies and changing societal needs. The Desert/Mountain SELPA and member LEAs recognize that content and performance standards are necessary to clarify for student, parents/guardians, and staff what students are expected to know and be able to perform at each grade level and in each area of study. Students' goals on their individual IEPs shall be based on state content standards whenever appropriate.

Each LEA in the Desert/Mountain SELPA shall provide data and/or information to the CDE required by regulations for purposes of the State Performance Plan on at least an annual basis to determine priorities for program improvement. Current data reporting includes, but is not limited to:

- Pupil count information through CALPADS
- Desired Results Developmental Profile (DRDP)

Supplementation of State and Federal Funds

Member LEAs comprising the Desert/Mountain SELPA utilize a combination of federal, state, and local funds to provide a free appropriate public education to all children with disabilities in the Desert/Mountain SELPA. Federal and state special education funds are distributed to the LEAs as per the Desert/Mountain SELPA allocation plan.

It shall be the policy of the Desert/Mountain SELPA and member LEAs to provide assurances that funds received from Part B of 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.

It shall be the policy of the LEAs 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.

Each LEA shall assure compliance through sound budget development and fiscal review. Each LEA shall provide the Desert/Mountain SELPA the documentation necessary to develop the Annual Service Plan, the Annual Budget Plan, and Maintenance of Effort. A detailed description of local, state and federal funds is contained in the Desert/Mountain SELPA Fiscal Allocation Plan and Procedures.

LEGAL REFERENCES

- Education Code:
 - 5095 Powers of remaining Governance Council members and new appointees
 - 32210 Willful disturbance of public school or meeting a misdemeanor
 - 35010 Prescription and reinforcement of rules
 - 35140 Time and place of meetings
 - 35143 Annual organizational meeting, date, and notice
 - 35144 Special meeting
 - 35145 Public meetings
 - 35145.5 Agenda; public participation; regulations
 - 35163 Official actions, minutes and journal
 - 35164 Vote requirements
 - 54950-54957.9 Meetings, especially:
 - 54953 Meetings to be open and public; attendance
 - 54953.2 Compliance with Americans with Disabilities Act
 - 54953.5 Audio or video tape recordings of proceedings
 - 54954 Time and Place of regular meetings
 - 54954.1 Mailed notices
 - 54954.2 Agenda posting requirements, board actions
 - 54954.3 Opportunity for public to address legislative body
 - 54954.5 Closed session item descriptions
 - 54956 Special meetings; call; notice
 - 54956.5 Emergency meetings
 - 54957 Closed sessions
 - 54957.5 Agenda distribution
 - 54957.9 Disorderly conduct of general public during meeting; clearing of room
 - 54961 Prohibition on use of certain facilities

- 56000-56001 Education for individuals with exceptional needs
- 56020-56035 Definitions
- 56040-56042 General Provisions
- 56190-56194 Community advisory committees
- 56195-56195.9 Local Plans
- 56200-56202 Local Plan Requirements
- 56205-56208 Local Plan Requirements
- 56240-56245 Staff Development
- 56300-56382 Identification and referral, assessment, instructional planning, implementation, and review
- 56440-56447.1 Programs for individuals between the ages of three and five years
- 56500-56508 Procedural safeguards, including due process rights
- 56600-56606 Evaluation, audits and information
- 56836 Administration of Local Plan
- 56836.03
- 56844
- 60312
- Government Code
 - 9500-95029 California Early Intervention Services Act
- Code of Regulations, Title 5
 - 3000-3082 Regulations governing special education
- AB 602 (Chapter 854, Statutes of 1997) Funding
- United States Code, Title 20
 - 1400-1485 Individuals with Disabilities Act
- Code of Federal Regulations, Title 28
 - 35.160.i Effective communication
 - 36.303 Auxiliary aids and services
- United States Code, Title 29
 - 794 Rehabilitation Act of 1973, Section 504
- United States Code, Title 42
 - 12101-12213 Americans with Disabilities Education Act
- Code of Federal Regulations, Title 34
 - 99.10-99.22 Inspection, review and procedures for amending education records
 - 104.1-104.39 Section 504 of the Rehabilitation Act of 1973
 - 30.200-209
 - 30.231-2
 - 300.300(a)(3)
 - 300.340-300.351
 - 300.500 Due process procedures for parents and children
 - 300.517
 - 303.1-303.654 Early intervention program for infants and toddlers with disabilities
- State Board
 - Requirement 02/99
- Attorney General Opinions

- 84 Ops.Cal.Atty.Gen. 181 (2001)
 - 84 Ops.Cal.Atty.Gen. 69 (1996)
 - 78 Ops.Cal.Atty.Gen. 327
- Court Decisions
 - Baca v. Moreno Valley Unified School District (C.D. Cal. 1996) 936F. Supp. 719
- Attorney General Opinions
 - 59 Ops.Cal.Atty.Gen. 532 (1976)
 - 61 Ops.Cal.Atty.Gen. 243, 253 (1978)
 - 63 Ops.Cal.Atty.Gen. 215 (1980)
 - 66 Ops.Cal.Atty.Gen. 336, 337 (1983)
 - 76 Ops.Cal.Atty.Gen. 281 (1993)

**FIRST READ
LOCAL PLAN**

Section A: Contacts and Certifications
SPECIAL EDUCATION LOCAL PLAN AREA



California Department of Education
Special Education Division

A. Contact Information and Certification Requirements

From the five choices below, select the applicable Special Education Local Plan Area (SELPA) submission:

- Initial Local Plan (new SELPAs only)
- Amended Governance and Administration
- Annual Plan
- Amended Annual Plan
- Amended Local Educational Agency Membership

Special Education Local Plan Area Contact Information

Include current contact information for the SELPA administrator and the administrative unit and fiscal agency responsible for the implementation of the local plan.

Special Education Local Plan Area Administrator

SELPA administrator position changes do not require amendments to the local plan. However, in such cases, new SELPA administrators assume the responsibility for the contents and implementation of the last submitted and approved local plan filed with the California Department of Education (CDE).

SELPA Contact Information			
SELPA Name	Desert/Mountain Charter SELPA		
SELPA Code	3651		
Street Address	17800 Highway 18	Zip Code	92307
City	Apple Valley	County	San Bernardino
Administrator First Name	Jenae		
Administrator Last Name	Holtz		
Email	jenae.holtz@cahelp.org		
Telephone	(760) 955-3555	Extension	
Contact Title	Chief Executive Officer		
Web Address	www.cahelp.org		

Responsible Local Agency (RLA)/Administrative Unit (AU) Contact Information			
RLA/AU	San Bernardino County Superintendent of Schools		
Street Address	601 North E Street	Zip Code	92415
City	San Bernardino	County	San Bernardino
Superintendent First Name	Ted	Last Name	Alejandre
Email	ted.alejandre@sbcss.net		
Telephone	9093862406	Extension	
Web Address	www.sbcss.k12.ca.us		

Local Plan Agency Review Requirements

Community Advisory Committee

The SELPA must provide the local plan Governance and Administration component (Section B) to the Community Advisory Committee (CAC) for review. The CAC must be provided with at least 30 days to conduct this review.

The local plan was provided to the CAC for review on what date Feb 20, 2020

County Office of Education

California Education Code (EC) sections 56140, 56195.1(c), and 56205

Within 45 days, the County Office of Education (COE), or COEs (as applicable) must approve or disapprove any proposed initial local plan submitted by a local educational agency (LEA) or group of LEAs within the county or counties, and any amendment to the Governance and Administration element thereafter.

COE responsible for approving the Local Plan is the San Bernardino County Superintendent of S

The local plan was submitted to the COE on what date

Public Hearing Requirements

Local Educational Agency

Governance and Administration (Section B)

A public hearing (PH) notice for the adoption of the Governance and Administration component shall be posted in **each** school in the SELPA 15 days before the hearing. Evidence of the posting should be maintained and made available up request by the CDE.

Annual Budget and Service Plans (Sections D, E, and Attachments)

1. LEAs participating in a SELPA's governance structure are not required to convene a separate public hearing for the adoption of the Annual Budget and Service Plans. However, LEAs must post PH notices with information related to the SELPA's PH for the adoption of the Annual Budget, Service, and/or Assurances Support Plan(s) at least 15 days before the hearing. Evidence of the posting should be maintained and made available upon request by the CDE.
2. LEAs must include public hearing adoption dates as applicable on *Certification 5* for each participating LEA.

Special Education Local Plan Area

Governance and Administration (Section B)
<p>A PH notice for the adoption of the Governance and Administration local plan component shall be posted at least 15 days before the hearing.</p> <p>Governance and Administration PH Posting Date</p> <p>Governance and Administration PH Date</p>
Annual Budget and Services Plans (Sections D, E, and Attachments)
<p>A PH notice for the adoption of the Annual Budget and/or Annual Service Plan(s) shall be posted at least 15 days before the hearing.</p> <p>Annual Budget Plan PH Posting Date</p> <p>Annual Budget Plan PH Date</p> <p>Annual Services Plan PH Posting Date</p> <p>Annual Services Plan PH Date</p>

Submitting the Local Plan to the California Department of Education

STEP 1:

Section A is required when submitting each local plan section to the CDE for approval.

STEP 2:

Select the radio button and check-box that represents whether the SELPA's organization is a single-LEA, or multiple-LEA structure; and the membership participation (including charter schools, COEs, and whether the SELPA meets the criteria for small and sparse SELPA).

<input type="radio"/> Single-LEA
<input checked="" type="radio"/> Multiple-LEAs <ul style="list-style-type: none"> <input type="checkbox"/> Charter Schools Only <input type="checkbox"/> LEAs Only (including Charter LEAs) <input type="checkbox"/> COE/LEA <input type="checkbox"/> Small and Sparse (EC sections 56211 through 56212)

STEP 3:

Is the local plan component (Governance and Administration, Annual Budget Plan, or Annual Service Plan) an amendment to a previously submitted plan?

Yes No If "Yes," fiscal year of the previously approved plan

STEP 4:

Include the agency, name, and title of the participants who collaborated in the development of the local plan. Select the "+" button to add rows and the "-" button to delete rows.

+	Agency	First and Last Name	Title	Local Plan Section
-				
-				

STEP 5:

Select the check box to indicate which of the five certifications are being submitted. Include the total

Section A: Contacts and Certifications

SELPA Desert/Mountain Charter SELPA

Fiscal Year 2020-21

number of each type of certification being submitted.

Certification 1	Number Submitted
Certification 2	Number Submitted
Certification 3	Number Submitted
Certification 4	Number Submitted
Certification 5	Number Submitted

STEP 6:

Make sure all applicable certifications are signed electronically and are attached to this pdf.

STEP 7:

Select the "Submit to CDE" button at the bottom of each form to automatically email the completed section to SELPALocalPlan@cde.ca.gov. SELPAs may individually email the corresponding Sections (B, D, E), and the Attachments file to the CDE in the same manner.

NOTE: SELPAs are not required to use the submit button feature on each form. Instead, SELPAs may attach all files to a single email.

IMPORTANT: Include the SELPA name, "Local Plan," and the sections being submitted in the "Subject" line of all emails sent to the CDE.

SELPA: Desert/Mountain Charter SELPA

Fiscal Year: 2020-21

Certification 1: Governance and Administration

Certification 1 is required for an initial Section B submission to the CDE, and each subsequently amended submission.

I certify the attached Governance and Administration local plan section has been adopted at LEA public hearings by the represented local board(s) (LEA/county) and is the basis for the operation and administration of special education programs. I further assure the agency(ies) represented herein will meet all applicable requirements of state and federal laws, regulations, and state policies and procedures, including compliance with the Individuals with Disabilities Education Act (IDEA), Title 20 of *United States Code (USC)* 1400 et seq., implementing regulations under Title 34 *Code of Federal Regulations (34 CFR)* Parts 300 and 303, 29 *USC* 705 (20) and 794-794b, the Federal Rehabilitation Act of 1973 as amended, the provisions of the California *EC* Part 30, and Chapter 3 Division 1 of Title 5 of the *California Code of Regulations (5 CCR)*. Copies of all interagency agreements have been attached to the Governance and Administration section of the local plan.

I further certify written agreements have been developed and entered into by LEAs participating in the local plan. Such agreements include, but are not limited to all provisions pursuant to *EC* Section 56195.7.

Web address where the SELPA local plan, including all sections, is posted.

RLA/AU Authorized Agent

Date

Local Governance Council Chairperson

Date

SELPA Administrator

Date

Section A: Contacts and Certifications

SELPA: Desert/Mountain Charter SELPA

Fiscal Year: 2020-21

Certification 2: Annual Budget Plan and Annual Service Plan

Certification 2 is required for an initial Section D, and/or E submission to the CDE and each subsequent annual revision.

I certify the attached local plan section(s) including, (1) the Annual Budget Plan; and/or (2) the Annual Service Plan has/have was/were adopted at a SELPA public hearing and is/are the basis for the operation and administration of special education programs specified herein. I further assure the agency(ies) represented will meet all applicable requirements of state and federal laws, regulations, and state policies and procedures, including compliance with the Individuals with Disabilities Education Act (IDEA), 20 *USC* 1400 et seq., and implementing regulations under 34 *CFR* Parts 300 and 303, 29 *USC* 705 (20) and 794-794b, the Federal Rehabilitation Act of 1973 as amended, the provisions of the California *EC* Part 30, and Chapter 3 Division 1 of 5 *CCR*.

Web address where the SELPA local plan, including all sections, is posted.

RLA/AU Authorized Agent

Date

Local Governance Council Chairperson

Date

SELPA Administrator

Date

**FIRST READ
LOCAL PLAN**

**Section B: Governance and Administration
SPECIAL EDUCATION LOCAL PLAN AREA**



California Department of Education
Special Education Division

SELPA: Desert/Mountain Charter SELPA

Fiscal Year: 2020-21

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 Desert/Mountain Charter Special Education Local Plan Area (Charter SELPA) is composed of participating local education agency (LEAs) charter schools and is the governance structure responsible for the implementation of the provisions of the Local Plan. The areas covered by the Desert/Mountain Charter SELPA are any eligible charter LEA throughout the State of California requesting membership and obtaining approval into the Charter SELPA by the CAHELP JPA Governance Council.

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 Desert/Mountain Charter SELPA regional governance and administrative structure of the local plan falls under the governance and administrative structure of the California Association of Health and Education Linked Professions (CAHELP) Joint Powers Authority (JPA). CAHELP JPA operates the departments of Desert/Mountain SELPA, Desert/Mountain Charter SELPA and Desert/Mountain Children's Center (a mental health component). CAHELP JPA is a consortium of local school districts within our geographical region and charter LEAs throughout the State of California. Participating LEAs of the Desert/Mountain Charter SELPA have joined in a cooperative effort to provide for the coordinated delivery of programs and services, and to assure equal access to such programs and services to eligible individuals with disabilities requiring special education within the Desert/Mountain Charter SELPA. The CAHELP JPA Governance Council is the governing board of the Desert/Mountain Charter SELPA and shall adopt policies for the Desert/Mountain Charter SELPA and participating LEAs. The policies and procedures adopted by the CAHELP JPA Governance Council under the authority of the adopting LEA boards have the same status and authority as other LEA board policy. In adopting the Local Plan, each LEA agrees to carry out the duties and responsibilities assigned

Section B: Governance and Administration

SELPA: Desert/Mountain Charter SELPA

Fiscal Year: 2020-21

to each agency, or which may be designated at a later date through agreement of the participating LEAs. Participating agencies may enter into additional contractual arrangements to meet the requirements of applicable federal and state law.

The CAHELP JPA Governance Council shall ensure that all Charter LEAs within the Desert/Mountain Charter SELPA shall have full access and opportunity to participate in the coordinated system of services for identified students with disabilities. To ensure that all identified students have access, a Charter LEA with assistance from the Desert/Mountain Charter SELPA office, may enter into a Memorandum of Understanding (MOU) and/or a contractual arrangement with the local SELPA or surrounding SELPAs or other LEAs within close proximity to the Charter LEA, including nonpublic agencies and nonpublic schools, to ensure that students are identified, assessed, receive individualized education program planning, review, and reevaluation.

The function of the Desert/Mountain Charter SELPA and participating LEAs is to provide quality educational programs and services appropriate to the needs of each eligible student with a disability who is enrolled within the Desert/Mountain Charter SELPA. The Responsible Local Agency (RLA) Superintendent, and CEOs of the LEA Charters are responsible for the management and supervision of all special education program operations within the Desert/Mountain Charter SELPA. All such programs are to operate in a manner consistent with the funding provisions of the California Education Code, the Individuals with Disabilities Education Act (IDEA), other applicable laws, and Desert/Mountain Charter SELPA policies and procedures.

The Office of the San Bernardino County Superintendent of Schools is presently designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the Desert/Mountain Charter SELPA, and the CAHELP JPA Governance Council may change the RLA and AU in its discretion and in accordance with California law.

All structural changes within the organization of the Desert/Mountain Charter SELPA, including changes in governance, are decided through deliberations of the CAHELP JPA Governance Council. All conflicts are ultimately resolved through deliberations of the CAHELP JPA Governance Council. However, most concerns are managed within various committee interactions. The Charter SELPA Executive Council and Steering/Finance committee examines program issues, staffing needs, fiscal issues and advises the CAHELP JPA Governance Council regarding adoption of the Annual Service Plan and the Annual Budget Plan. If necessary, recommendations regarding policies, procedures, and the implementation of the Local Plan can be given to the CAHELP CEO for ultimate consideration by the CAHELP JPA Governance Council.

The Desert/Mountain Charter SELPA is governed by the CAHELP JPA Governance Council. The CAHELP JPA Governance Council shall be advised by the CAHELP CEO who shall, in turn be advised the Charter SELPA Executive Council, Steering/Finance Committee and the Community Advisory Committee (CAC). The CAHELP CEO is responsible to ensure that all aspects of the approved Charter SELPA Local Plan are implemented according to the approved California Department of Education (CDE) Local Plan and by the CAHELP JPA Governance Council.

CAHELP JPA Governance Council

The CAHELP Governance Council shall consist of the Superintendent/CEO representing each of the LEA members of the Desert/Mountain SELPA, and two (2) CEO representatives from the Desert/Mountain Charter SELPA. A CEO representing multiple LEAs shall count as a single member of the Governance Council. Each member of the Governance Council may designate, in writing, an alternate representative, including but not limited to, another member of the Governance Council ("proxy"), if the Superintendent/CEO is unable to attend a meeting; the designated alternate representative or designee shall have the full authority of the designating Superintendent/CEO for the purpose of decision-making. Such a designation must be received by the CEO prior to the commencement of a scheduled meeting of the Governance Council, and shall be good only for that meeting. One-third (1/3) of the members, represented in person or by proxy, shall constitute a quorum at a meeting of members.

The Governance Council is empowered to establish or to participate in the establishment of a system for determining the responsibility of member LEAs for the education of each individual with disabilities and to designate an administrative entity to perform such regionalized functions as the receipt and distribution of all SELPA and Charter SELPA funds and provisions of administrative support, and coordination of the implementation of the Local Plan for the education of children with disabilities, and to undertake such ancillary and related programs as determined by the Governance Council. The Governance Council shall determine all policy matters for the CAHELP JPA.

Policies governing the Desert/Mountain Charter SELPA shall be adopted by the CAHELP JPA Governance Council and are included as part of the Local Plan. Input may be received from parents, staff, public and nonpublic agencies, and members of the public at large. Individuals wishing an opportunity to address the Desert/Mountain Charter SELPA Executive Council, Steering/Finance Committee and/or the CAHELP JPA Governance Council on a particular agenda item, or have the Executive Council, Steering/Finance Committee and/or the CAHELP Governance Council consider a topic, are invited to complete a Request to Address the Executive Council, Steering/Finance committee and/or the CAHELP JPA Governance Council form.

The CAHELP JPA Governance Council shall review the Desert/Mountain Charter SELPA Local Plan and recommend modifications on an annual basis or as necessary. The CAHELP CEO and Charter SELPA Executive Council, and Steering/Finance Committee shall assist the CAHELP JPA Governance Council with these reviews.

The CAHELP JPA Governance Council may initiate and carry on an activity, or may otherwise act in any manner which is not inconsistent with or preempted by law, and which is not in conflict with the purposes for which the Desert/Mountain Charter SELPA is established.

The CAHELP JPA Governance Council shall have responsibility for overall management and direction of the Local Plan development, implementation, and operation. Governance Council members shall be involved in the budget review and approval process for the Local Plan. The County Superintendent of Schools as the current RLA, and any successors or later RLA, shall have responsibility for employing the number and type of Desert/Mountain Charter SELPA staff

to meet the program and service requirements necessary for the implementation of the Local Plan as determined by the CAHELP JPA Governance Council.

Responsibilities of the CAHELP JPA Governance Council

The CAHELP JPA Governance Council, with direction from the LEA governing boards, shall be responsible for the following areas of Local Plan administration and shall act to:

- A. Establish operational procedures and make decisions on any matters regarding implementation, administration, and operation of special education programs in accordance with the Local Plan;
- B. Review and approve all Desert/Mountain Charter SELPA policies, procedures, standards, and guidelines;
- C. Review, approve, and monitor the allocation of special education funds to LEAs through the Annual Budget Plan process;
- D. Review, approve, and monitor all budgets assigned to the Desert/Mountain Charter SELPA office;
- E. Provide leadership to the Desert/Mountain Charter SELPA regarding the development, revision, implementation, and review of the Local Plan;
- F. Select and recommend to the Superintendent of the RLA, a qualified candidate to be employed as the CAHELP CEO;
- G. Evaluate the performance of the CAHELP CEO;
- H. Determine and provide direction related to the personnel, program, and service requirements necessary for the implementation of the Local Plan and allocation of special education funds;
- I. Meet as often as necessary during the year to implement the business of the Desert/Mountain Charter SELPA and to provide the necessary direction and guidance to the CAHELP CEO;
- J. Provide direction, consultation, and technical assistance to the LEAs and the Superintendent of the RLA;
- K. Provide a consistent forum to develop, review, and approve policy recommendations, which are submitted to the Governance Council for consideration;
- L. Approve interagency agreements;
- M. Designate participants for the Charter SELPA Steering/Finance Committee;
- N. Establish and promote a Community Advisory Committee (CAC);
- O. Receive recommendations from the CAC, Executive Council, Charter SELPA Steering/Finance Committee, LEA boards, and other concerned agencies and individuals;
- P. Decide disputes, if any, between participating LEAs that arise concerning special education related matters or related to the interpretation of the Local Plan and other agreements or policies between or among the LEAs;
- Q. Annually evaluate the Local Plan implementation and operations; and
- R. Undertake such additional activities as permitted under the JPA Agreement and Bylaws, California law, and the Local Plan.

Executive Council

The Charter Executive Council is comprised of a representative from each Charter LEA in the Charter

SELPA at the CEO level. Organizations that operate more than one Charter LEA have a single representative for all Charter LEAs. Each CEO has one vote for the Charter LEA he/she represents. The Charter Executive Council makes recommendations to the CAHELP JPA Governance Council on fiscal and policy matters. This group meets regularly to direct and supervise the implementation of the Local Plan.

SELPA Steering/Finance Committee

Each participating LEA shall appoint an appropriate administrator of special education programs and an administrator of the LEAs business department to membership of the Charter SELPA Steering/Finance Committee. The Charter SELPA Steering/Finance Committee may be requested by the CAHELP JPA Governance Council to provide advice or assistance in other areas as needs are identified within the Desert/Mountain Charter SELPA.

The Charter SELPA Steering/Finance Committee meets on a regular basis. The CAHELP CEO or designee serves as the Chairperson of the committee and is responsible for providing timely written notice of the meeting and agenda, minutes for the meeting, and additional documentation as needed to provide informed decision-making.

The duties of the Charter SELPA Steering /Finance Committee include, but are not limited to, the following:

- A. Provide information and recommendations for the development, modification, and implementation of the Local Plan to the Executive Council and CAHELP JPA Governance Council;
- B. Develop and implement forms and procedures for the identification, referral, assessment, IEP development, and special education service delivery to individuals with disabilities as established by the Local Plan;
- C. Develop procedures and recommendations for programs and services for review, modification, and approval by the CAHELP JPA Governance Council;
- D. Develop, review, and/or modify an annual budget for Charter SELPA operations, including Regional Services, Program Specialists, and other SELPA administrative budgets prior to review, modification, and approval by the Executive Council and final approval by the CAHELP JPA Governance Council;
- E. Recommend and monitor staff development training programs, including parent education activities;
- F. Provide recommendations for membership for the CAC;
- G. Develop, review, and/or modify the Annual Service Plan prior to adoption by the Executive Council and final adoption by the CAHELP JPA Governance Council;
- H. Develop, review, and/or modify the Annual Budget Plan prior to adoption by the Executive Council and final adoption by the CAHELP JPA Governance Council;
- I. Provide information and recommendations for the development, modification, and implementation of the Charter SELPA funding allocation plan to the Executive Council and CAHELP JPA Governance Council; and,

J. Review and make recommendations to the Executive Council and CAHELP JPA Governance Council regarding decisions that impact the finances of LEAs.

In addition to carrying out the responsibilities identified in the Local Plan, the Charter SELPA Steering/Finance Committee may choose to form subcommittees to focus on special issues. Such subcommittees shall report to the Charter SELPA Steering/Finance Committee, Executive Council or CAHELP JPA Governance Council, as appropriate.

Distribution of Federal and State Funds

All federal and state special education funds shall be allocated to the Desert/Mountain Charter SELPA AU for distribution to LEAs according to an approved special education funding allocation plan. Any changes to the allocation of federal and state special education funds shall be made by the CAHELP JPA Governance Council as permitted under the CAHELP JPA Agreement and Bylaws, and California and federal law.

Responsibilities for Distribution of Federal and State Funds

A. The governing boards of the LEAs participating in the Desert/Mountain Charter SELPA have agreed that students with disabilities will be provided with appropriate special education services. The CAHELP JPA Governance Council 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. The AU shall be responsible for the distribution of funds according to an approved special education funding allocation plan. The CAHELP CEO is responsible to ensure that the funds are distributed in accordance with the funding allocation plan.

The Charter SELPA Executive Council and Steering/Finance Committee shall participate in the development of the Annual Budget Plan for review and approval by the CAHELP JPA Governance Council. The Annual Budget Plan shall be distributed to the LEAs and the CAC upon approval by the CAHELP JPA Governance Council.

State and federal funds are deposited from the San Bernardino County Treasury into the County School Service Fund (AU), unless otherwise directed by the CAHELP JPA Governance Council. The Desert/Mountain Charter SELPA provides an annual allocation plan to the Office of the San Bernardino County Superintendent of Schools for distribution of state and federal funds to the LEAs according to the approved schedule of disbursement.

B. Monitoring the Use of State and Federal Funds

Funds allocated for special education programs shall be used for services to students with disabilities. Federal funds under Part B of IDEA may be used for the following activities:

1. For the costs of special education and related services and supplementary aids and services provided in a regular class or other education-related setting to a student with a disability in accordance with the IEP for the child, even if one or more non disabled children benefit from these services.
2. The CAHELP CEO, with the assistance of the Charter SELPA Executive Council, Steering/Finance Committee, and the AU shall be responsible to monitor on an annual basis the appropriate use of all funds allocated for special education programs. Final determination and

action regarding the appropriate use of special education funds shall be made by the CAHELP JPA Governance Council through the Annual Budget Plan process.

The Desert/Mountain Charter SELPA monitors the distribution and appropriate use of funds and shares this information with the Charter SELPA Executive Council and Steering/Finance Committee. When necessary, meetings are held with individual LEAs for the purpose of monitoring funds.

The Desert/Mountain Charter SELPA is responsible for the preparation of program and fiscal reports requested by the State.

The CAHELP CEO shall be permitted to monitor the LEAs special education program implementation to ensure compliance in all areas including finance, service delivery, and legal requirements.

If the CAHELP CEO or designee determines that an LEA is not compliant and/or not operating in a fiscally responsible manner, the CAHELP CEO may require that the responsibility for resulting costs be borne by the LEA or take such other action as may be required to remedy the matter. The LEA will have the right to appeal any such determination to the CAHELP JPA Governance Council. The decision of the CAHELP JPA Governance Council shall be final.

Procedures for Changes in Governance Structure

Any changes in the governance structure of the Desert/Mountain Charter SELPA are subject to specific provisions of California Education Code 56140, 56195, et. seq., 56195.1 et seq., and 56202 et seq.

1. Any LEA may elect to pursue an alternative option from those specified in California Education Code 56195.1 by notifying CDE, Desert/Mountain Charter SELPA, and the County Superintendent at least one year prior to the date the alternative plan would become effective (California Education Code 56195.3(b)).
2. Any alternative plan of an LEA is subject to the approval of the County Superintendent of the county, which would have LEAs as participating agencies in the alternative plan (California Education Code 56195.1).
3. Approval of a proposed alternative plan by the appropriate County Superintendent(s) must be based on the capacity of the LEA(s) to ensure that special education programs and services are provided to all children with disabilities (California Education Code 56140 (b)).
4. If the County Superintendent does not approve an alternative plan, the County Office shall return the plan with comments and recommendations to the LEAs. The LEAs participating in the alternative plan may appeal the decisions to the Superintendent of Public Instruction (California Education Code 56140(b)(2)).
5. Any alternative plan to be submitted by an LEA or group of LEAs currently participating in the Desert/Mountain Charter SELPA must meet the standards established by the State Board of Education.

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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 CAHELP JPA Governance Council is the governing board of the Desert/Mountain Charter SELPA and shall adopt policies for the Desert/Mountain Charter SELPA and participating LEAs. The policies and procedures adopted by the CAHELP JPA Governance Council under the authority of the adopting LEA board have the same status and authority as other LEA board policy. All proposed policies are vetted through the Desert/Mountain Charter SELPA Program Team consisting of the administrator, program managers, program specialists and intervention specialists within the Desert/Mountain Charter SELPA. Policies are then taken to the Steering/Finance committee and Executive Council for review, input and approval. The final phase of the policy making is with the CAHELP JPA Governance Council reviewing, providing input and approval.

Opportunities for parent, community input are made through the Executive Council, Charter Steering/Finance Committee meetings and the CAHELP JPA Governance Council meetings.

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 role of the San Bernardino County Office of Education is designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the Desert/Mountain Charter SELPA.

A. Responsibilities of the RLA

The RLA shall be responsible for functions as specified under California Education Code 56195.1(c)(2) such as, but not limited to:

1. Receipt and distribution of regionalized services funds as approved by the CAHELP JPA Governance Council. An overall budget for all special education services and programs for the Special Education Local Plan Area shall be prepared under the direction of the CAHELP CEO. The Charter SELPA Executive Council and Steering/Finance Committee shall also provide assistance in the development of the annual income and expenditure budgets for the Desert/Mountain Charter SELPA. The budget shall be submitted to the CAHELP JPA Governance Council by the CAHELP CEO for review and approval;
2. Provision of administrative support;
3. Coordination and implementation of the Local Plan;

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4. Receipt and distribution of special education funds to LEA accounts for the operation of special education programs and services according to the Special Education Funding Allocation Plan approved by the CAHELP JPA Governance Council;
5. Receipt and distribution of special education funds to accounts exclusively designated for Charter SELPA use; and
6. The employment of staff as designated by the CAHELP JPA Governance Council to support Charter SELPA functions.

The Desert/Mountain Charter SELPA office is designated as the entity responsible for the administration of the Local Plan and assuring that the Charter SELPA is in compliance with all applicable laws and regulations.

B. Selection, Employment, and Evaluation of the SELPA Staff

The governing boards of each of the participating LEAs agree to invest the CAHELP JPA Governance Council with the responsibility of designating an appropriate agency as the RLA for the administration of the Local Plan and its implementation. The boards assure that the CAHELP JPA Governance Council shall indemnify the need for and designate the positions necessary for the operation of the Charter SELPA functions according to this Local Plan.

The CAHELP CEO shall be responsible for recommending the employment of Desert/Mountain Charter SELPA personnel to carry out those functions described in the Local Plan.

The CAHELP JPA Governance Council shall be responsible for designating the staff to support the functioning of the Desert/Mountain Charter SELPA. In reviewing and approving the Charter SELPA budgets on an annual basis, the CAHELP JPA Governance Council designates the staffing for the Desert/Mountain Charter SELPA office upon recommendation of the CAHELP CEO.

Desert/Mountain Charter SELPA staff shall be employed by the RLA and supervised by the CAHELP CEO according to the RLA's policy and practices. The CAHELP CEO shall use a selection process that is in accordance with the law and personnel policies of the RLA.

Desert/Mountain Charter SELPA employed personnel shall be subject to the administrative procedures and policies in operation with the San Bernardino County Superintendent of Schools Office including but not limited to, hiring, supervision, evaluation, and discipline. In addition, contract negotiations shall follow County established procedures for all applicable SELPA employed personnel.

C. CAHELP CEO

The fundamental role of the CAHELP CEO is to provide leadership and facilitate a decision

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making process regarding the implementation of the Local Plan. The CAHELP CEO's role includes the provision of information, specific services identified by the CAHELP JPA Governance Council, technical assistance, leadership and arbitration. It is the CAHELP CEO's responsibility to represent the interest of the Desert/Mountain Charter SELPA as a whole without promoting any particular LEAs interest over the interest of any other agency. In the event there are differences of opinions and/or positions on issues, it is the CAHELP CEO's responsibility to mediate a reasonable resolution of the issue(s).

The CAHELP JPA Governance Council shall be responsible for the selection, direction, discipline and evaluation of the CAHELP CEO. The CAHELP JPA Governance Council shall be assisted in the hiring and selection process by the RLA.

The CAHELP CEO is subject to the RLA's policies and procedures for day-to-day operations, but receives direction from, and is responsible to, the CAHELP JPA Governance Council. The CAHELP CEO is evaluated by a joint committee comprised of the Chair of the CAHELP JPA Governance Council and at least two other superintendents/CEOs from the CAHELP JPA Governance Council. The evaluation is confirmed by a vote of the CAHELP JPA Governance Council.

The CAHELP CEO shall have the responsibility for the coordination of all Charter SELPA activities.

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

The function of the Desert/Mountain Charter SELPA and participating LEAs is to provide quality education programs and services appropriate to the needs of each eligible student with a disability who is enrolled within the Desert/Mountain Charter SELPA, including charter schools who operate as a school of the district or as a LEA.

The Desert/Mountain Charter SELPA provides supports throughout the State of California for member LEAs. The Desert/Mountain Charter SELPA provides technical assistance in ensuring that all Charter LEAs have the support necessary to fulfill their legal obligations under California Education Code, IDEA, and other applicable laws, and the Desert/Mountain Charter SELPA policies and procedures.

Charters are welcome to apply for membership to the Desert/Mountain Charter SELPA on an annual basis. Notice on our website provides the time line to submit applications. Once applications are received, the Charter SELPA team and at least one CEO from the Executive Council conducts an on site visit to the Charter. Recommendations are then made to the Executive Council for membership with final approval by the CAHELP JPA Governance Council.

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:

Each participating member LEA of the Desert/Mountain Charter SELPA, shall appoint representatives to the CAC for the purpose of:

1. Advising the CAHELP CEO regarding the development, amendment and review of the Local Plan;
2. Recommending annual priorities to be addressed by the plan;
3. Assisting in parent education;
4. Encouraging community involvement;
5. Fulfilling such other responsibilities as designated in the Local Plan.

Each CAC representative shall be responsible to the governing board of their respective LEA. All areas of responsibility related to the Local Plan shall be implemented through regularly scheduled meetings of the CAC. Representatives from out of geographic area LEAs may participate in CAC activities through video or telephone conference.

Procedures for CAC appointment

The CAC shall be composed of members approved by their participating LEA governing board. At least fifty-one percent of the members shall be parents of students with disabilities. Members shall include the following:

1. Parents - A majority of the CAC membership is composed of parents of students enrolled in LEAs participating in the Local Plan, including those that are out of geographic boundaries. A majority of these parent members shall be parents of students with disabilities;
2. School Personnel - School related members of the CAC include general education classroom teachers, special education classroom teachers, and other school personnel;
3. Students with disabilities enrolled in special education programs;
4. Representatives of public and private agencies;
5. Others - Persons concerned with students with disabilities; and
6. One member shall be appointed by the Charter SELPA Steering/Finance Committee.

Responsibilities of the CAC

The CAC shall serve in an advisory capacity to the Desert/Mountain Charter SELPA and shall act to:

1. Improve communications among students with disabilities, their parents/guardians, and LEA staff;
2. Increase public awareness and understanding of the unique educational needs of students with disabilities by communicating with LEAs, the Desert/Mountain Charter SELPA, and legislative staff members;
3. Advise local, county, and state officials of the development, operation, and review of the Local Plan.
4. Provide a support group and forum for students with disabilities and their parents/guardians where they may express their needs and concerns regarding their children's education;

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5. Conduct parent orientation, education training programs for individuals or groups as a means of increasing support for improved educational opportunities for all students;
6. Advise the CAHELP CEO, Executive Council and Charter SELPA Steering/Finance Committee regarding the development and review of the Local Plan and review of programs under the Local Plan;
7. Make recommendations on annual priorities to be addressed under the Local Plan to the Charter SELPA Executive Council and Steering/Finance Committee;
8. Assist in parent education and training. Recruit parents and other volunteers who may contribute to the implementation of the Local Plan;
9. Encourage public involvement in the development and review of the Local Plan;
10. Act in support of students with disabilities. Serve as liaison between the CAHELP CEO and the local communities;
11. Encourage regular attendance in all school programs. Assisting in parent awareness of the importance of regular school attendance;
12. Submit an annual written report to the CAHELP CEO and the Charter SELPA Executive Council and Steering/Finance Committee regarding progress of CAC projects;
13. Submit an annual written report to the CAHELP JPA Governance Council. Apprise the CAHELP JPA Governance Council, as needed, on matters of community concern;
14. Become familiar with the laws pertaining to special education and students with disabilities; and
15. Other duties and responsibilities as assigned by the CAHELP JPA Governance Council.

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:

Policies governing the Desert/Mountain Charter SELPA shall be adopted by the CAHELP JPA Governance Council and are included as part of the Local Plan. Input may be received from parents, staff (general and special education teachers), public and nonpublic agencies, and members of the public at large during the Desert/Mountain Charter Executive Council, Steering/Finance Committee meetings, CAC, and/or the CAHELP JPA Governance Council meetings. Individuals wishing an opportunity to address any committee/council meeting on a particular agenda item, or have the committee/council consider a topic, are invited to complete a Request to Address the particular committee of interest.

The Local Plan is developed and updated by a committee of special and general education teachers and administrators and with participation of parents. Each participating LEA, including those that are out of geographic boundaries, shall appoint representatives to the Community Advisory Committee (CAC) for the purpose of advising the CAHELP CEO regarding the development, amendment and review of the Local Plan, recommending annual priorities to be addressed by the plan; assisting in parent education; encouraging community involvement; and

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fulfilling such responsibilities as designated in the Local Plan.

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 role of the San Bernardino County Office of Education is designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the Desert/Mountain Charter SELPA.

A. Responsibilities of the RLA

The RLA shall be responsible for functions as specified under California Education Code 56195.1(c)(2) such as, but not limited to:

1. Receipt and distribution of regionalized services funds as approved by the CAHELP JPA Governance Council. An overall budget for all special education services and programs for the Special Education Local Plan Area shall be prepared under the direction of the CAHELP CEO. The Charter SELPA Executive Council and Steering/Finance Committee shall also provide assistance in the development of the annual income and expenditure budgets for the Desert/Mountain Charter SELPA. The budget shall be submitted to the CAHELP JPA Governance Council by the CAHELP CEO for review and approval;
2. Provision of administrative support;
3. Coordination and implementation of the Local Plan;
4. Receipt and distribution of special education funds to LEA accounts for the operation of special education programs and services according to the Special Education Funding Allocation Plan approved by the CAHELP JPA Governance Council;
5. Receipt and distribution of special education funds to accounts exclusively designated for Charter SELPA use; and
6. The employment of staff as designated by the CAHELP JPA Governance Council to support Charter SELPA functions.

The Desert/Mountain Charter SELPA office is designated as the entity responsible for the administration of the Local Plan and assuring that the Charter SELPA is in compliance with all applicable laws and regulations.

B. Selection, Employment, and Evaluation of the Charter SELPA Staff

The governing boards of each of the participating LEAs agree to invest the CAHELP JPA Governance Council with the responsibility of designating an appropriate agency as the RLA for the administration of the Local Plan and its implementation. The boards assure that the CAHELP JPA Governance Council shall indemnify the need for and designate the positions necessary for the operation of the Charter SELPA functions according to this Local Plan.

The CAHELP CEO shall be responsible for recommending the employment of Desert/Mountain Charter SELPA personnel to carry out those functions described in the Local Plan.

The CAHELP JPA Governance Council shall be responsible for designating the staff to support the functioning of the Desert/Mountain Charter SELPA. In reviewing and approving the Charter SELPA budgets on an annual basis, the CAHELP JPA Governance Council designates the staffing for the Desert/Mountain Charter SELPA office upon recommendation of the CAHELP CEO.

Desert/Mountain Charter SELPA staff shall be employed by the RLA and supervised by the CAHELP CEO according to the RLA's policy and practices. The CAHELP CEO shall use a selection process that is in accordance with the law and personnel policies of the RLA.

Desert/Mountain Charter SELPA employed personnel shall be subject to the administrative procedures and policies in operation with the San Bernardino County Superintendent of Schools Office including but not limited to, hiring, supervision, evaluation, and discipline. In addition, contract negotiations shall follow County established procedures for all applicable Charter SELPA employed personnel.

C. CAHELP CEO

The fundamental role of the CAHELP CEO is to provide leadership and facilitate decision making processes regarding the implementation of the Local Plan. The CAHELP CEO's role includes the provision of information, specific services identified by the CAHELP JPA Governance Council, technical assistance, leadership and arbitration. It is the CAHELP CEO's responsibility to represent the interest of the Desert/Mountain Charter SELPA as a whole without promoting any particular LEA's interest over the interest of any other agency. In the event there are differences of opinions and/or positions on issues, it is the CAHELP CEO's responsibility to mediate a reasonable resolution of the issue(s).

The CAHELP JPA Governance Council shall be responsible for the selection, direction, discipline and evaluation of the CAHELP CEO. The CAHELP JPA Governance Council shall be assisted in the hiring and selection process by the RLA.

The CAHELP CEO is subject to the RLA's policies and procedures for day-to-day operations. The role of the San Bernardino County Office of Education is designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the Desert/Mountain Charter SELPA.

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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 LEAs within the Desert/Mountain Charter SELPA join together pursuant to Sections 56140 and 56195 of the California Education Code to adopt a plan to assure access to special education and services for all eligible individuals with disabilities participating in education within our Desert/Mountain Charter SELPA jurisdiction. In adopting the Local Plan, each participating agency agrees to carry out the duties and responsibilities assigned to it within the plan. Participating LEAs may enter into additional contractual arrangements to meet the requirement of applicable federal and state law.

In adopting the Local Plan, each participating local education agency agrees to carry out the duties and responsibilities assigned to it within the plan. Each agency shall provide special education and services to all eligible students attending their charter schools. 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 programs. Such cooperation ensures that a range of program options is available throughout the Desert/Mountain Charter SELPA.

Any participating LEA may provide for the education of special education students in special education programs maintained by other districts or counties and may include with the special education program students who reside in other districts or counties.

Pursuant to the provisions of Education Code Sections 56000 et seq., the Charter SELPA shall plan, facilitate, implement, and administer the activities of the Desert/Mountain Charter SELPA as approved by the State Board of Education, and shall perform those services as required to accomplish the elements set forth in the plan as well as those required by state and federal law. Those services include, but are not limited to the following:

1. Coordinate community and state agency resources with those provided by Participating LEAs and the RLA, including initiation of such contractual agreements as may be required. Each district of special education accountability is responsible for the students within their jurisdiction. There are no additional contractual agreements that supersede education code.

10. For multi-LEA local plans, specify:

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

Education Code 56200 (c)(2) requires that the Local Plan "specify the responsibilities of each participating county office and district governing board in the policy-making process, the

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responsibilities of the Superintendent of each participating LEA and county in the implementation of the Local Plan, and the responsibilities of the LEA and county administrators of special education in coordinating the administration of the plan." In accordance with this provision, the Desert/Mountain Charter SELPA has developed the following governance structure, policy development, and approval process.

The governing board for each Charter LEA and the County Superintendent of Schools approves the Agreement for Participation and the Local Plan for Special Education. As described within those documents, the Boards of Directors of the Charter LEAs delegate the administrative policy-making process and procedures for carrying out that responsibility to the governance structure of the Desert/Mountain Charter SELPA.

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

The CAHELP JPA Governance Council and Executive Council, with direction from the LEA governing boards, shall be responsible for the following areas of Local Plan administration and shall act to:

1. Establish operational procedures and make decisions on any matters regarding implementation, administration, and operation of special education programs in accordance with the Local Plan;
2. Review and approve all Desert/Mountain Charter SELPA policies, procedures, standards and guidelines;
3. Review, approve, and monitor the allocation of special education funds to LEAs through the Annual Budget Plan process;
4. Review, approve, and monitor all budgets assigned to the Desert/Mountain Charter SELPA office;
5. Provide leadership to the Desert/Mountain Charter SELPA regarding the development, revision, implementation, and review of the Local Plan;
6. Select and recommend to the Superintendent of the RLA, a qualified candidate to be employed as the CAHELP CEO;
7. Evaluate the performance of the CAHELP CEO;
8. Determine and provide direction related to the personnel, program, and service requirements necessary for the implementation of the Local Plan and allocation of special education funds;
9. Meet as often as necessary during the year to implement the business of the Desert/Mountain Charter SELPA and to provide the necessary direction and guidance to the CAHELP CEO;
10. Provide direction, consultation, and technical assistance to the LEAs and the Superintendent of the RLA;
11. Provide a consistent forum to develop, review, and approve policy recommendations, which are submitted to the Governance Council for consideration;
12. Approve interagency agreements;

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13. Designate participants for the Charter SELPA Steering/Finance Committee;
14. Establish and promote a Community Advisory Committee (CAC);
15. Receive recommendations from the Executive Council, CAC, Charter SELPA Steering/Finance Committee, LEA boards, and other interested agencies and individuals;
16. Decide disputes, if any, between participating LEAs that arise concerning special education related matters or related to the interpretation of the Local Plan and other agreements or policies between or among the LEAs;
17. Annually evaluate the Local Plan implementation and operations; and
18. Undertake such additional activities as permitted under the JPA Agreement and Bylaws, California law, and the Local Plan.

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

Charter LEAs, in adopting the completed Local Plan, agree to carry out the duties and responsibilities assigned within the plan, or which may be designated at a later date through agreement of the participating charter LEAs. Participating charter LEAs may also enter into additional contractual arrangements to meet the requirements of applicable federal and state law.

Each charter LEA shall ensure that children with disabilities are educated with children who are non-disabled to the maximum extent appropriate. Removal of children with disabilities from the general educational environment shall occur only if 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. It is recognized, however, that some students have educational needs so unique that it is not possible to meet those needs within their charter LEA. As a result, some students will need to receive services from other LEAs within the Desert/Mountain Charter SELPA, or through additional contractual arrangements with LEAs outside of the Desert/Mountain Charter SELPA. Each charter LEA shall cooperate to the maximum extent possible with other agencies to serve individuals with disabilities who cannot be served in the LEA of enrollment. Such cooperation ensures that a range of program options is available through the Desert/Mountain Charter SELPA.

Each charter LEA is responsible to participate in regular meetings of the Desert/Mountain Charter Executive Council, Steering/Finance Committee, CAC and CAHELP JPA Governance Council to ensure the administration of the Local Plan.

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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:

The role of the San Bernardino County Office of Education is designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the Desert/Mountain Charter SELPA.

A. Responsibilities of the RLA

The RLA shall be responsible for functions as specified under California Education Code 56195.1(c)(2) such as, but not limited to:

1. Receipt and distribution of regionalized services funds as approved by the CAHELP Governance Council. An overall budget for all special education services and programs for the Special Education Local Plan Area shall be prepared under the direction of the CAHELP CEO. The Charter SELPA Executive Council, Steering/Finance Committee shall also provide assistance in the development of the annual income and expenditure budgets for the Desert/Mountain Charter SELPA. The budget shall be submitted to the CAHELP JPA Governance Council by the CAHELP CEO for review and approval;
2. Provision of administrative support;
3. Coordination and implementation of the Local Plan;
4. Receipt and distribution of special education funds to LEA accounts for the operation of special education programs and services according to the Special Education Funding Allocation Plan approved by the CAHELP JPA Governance Council;
5. Receipt and distribution of special education funds to accounts exclusively designated for Charter SELPA use; and
6. The employment of staff as designated by the CAHELP JPA Governance Council to support Charter SELPA functions.

The Desert/Mountain Charter SELPA office is designated as the entity responsible for the administration of the Local Plan and assuring that the Charter SELPA is in compliance with all applicable laws and regulations.

B. Selection, Employment, and Evaluation of the SELPA Staff

The governing boards of each of the participating LEAs agree to invest the CAHELP JPA Governance Council with the responsibility of designating an appropriate agency as the RLA for

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the administration of the Local Plan and its implementation. The boards assure that the CAHELP JPA Governance Council shall indemnify the need for and designate the positions necessary for the operation of the Charter SELPA functions according to this Local Plan.

The CAHELP CEO shall be responsible for recommending the employment of Desert/Mountain Charter SELPA personnel to carry out those functions described in the Local Plan.

The CAHELP JPA Governance Council shall be responsible for designating the staff to support the functioning of the Desert/Mountain Charter SELPA. In reviewing and approving the Charter SELPA budgets on an annual basis, the CAHELP JPA Governance Council designates the staffing for the Desert/Mountain Charter SELPA office upon recommendation of the CAHELP CEO.

Desert/Mountain Charter SELPA staff shall be employed by the RLA and supervised by the CAHELP CEO according to the RLA's policy and practices. The CAHELP CEO shall use a selection process that is in accordance with the law and personnel policies of the RLA.

Desert/Mountain Charter SELPA employed personnel shall be subject to the administrative procedures and policies in operation with the San Bernardino County Superintendent of Schools Office including but not limited to, hiring, supervision, evaluation, and discipline. In addition, contract negotiations shall follow County established procedures for all applicable Charter SELPA employed personnel.

C. CAHELP CEO

The fundamental role of the CAHELP CEO is to provide leadership and facilitate decision making processes regarding the implementation of the Local Plan. The CAHELP CEO's role includes the provision of information, specific services identified by the CAHELP JPA Governance Council, technical assistance, leadership and arbitration. It is the CAHELP CEO's responsibility to represent the interest of the Desert/Mountain Charter SELPA as a whole without promoting any particular LEA's interest over the interest of any other agency. In the event there are differences of opinions and/or positions on issues, it is the CAHELP CEO's responsibility to mediate a reasonable resolution of the issue(s).

The CAHELP JPA Governance Council shall be responsible for the selection, direction, discipline and evaluation of the CAHELP CEO. The CAHELP JPA Governance Council shall be assisted in the hiring and selection process by the RLA.

The CAHELP CEO is subject to the RLA's policies and procedures for day-to-day operations. The role of the San Bernardino County Office of Education is designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the Desert/Mountain Charter SELPA.

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- 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 Desert/Mountain Charter SELPA AU for distribution to LEAs according to an approved special education funding allocation plan. Any changes to the allocation of federal and state special education funds shall be made by the CAHELP JPA Governance Council as permitted under the JPA Agreement and Bylaws, and California and federal law.

1. Responsibilities for Distribution of Federal and State Funds

The governing boards of the LEAs participating in the Desert/Mountain Charter SELPA have agreed that students with disabilities will be provided with appropriate special education services. The CAHELP JPA Governance Council 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. The AU shall be responsible for the distribution of funds according to an approved special education funding allocation plan. The CAHELP CEO is responsible to ensure the funds are distributed in accordance with the funding allocation plan. The Charter SELPA Executive Council and Steering/Finance Committee shall participate in the development of the Annual Budget Plan for review and approval by the CAHELP JPA Governance Council. The Annual Budget Plan shall be distributed to LEAs and the CAC upon approval by the CAHELP JPA Governance Council. State and federal funds are deposited from the San Bernardino County Treasury into the County School Service Fund (AU), unless otherwise directed by the CAHELP JPA Governance Council. The Desert/Mountain Charter SELPA provides an annual allocation plan to the Office of the San Bernardino County Superintendent of Schools for distribution of state and federal funds to the LEAs according to the approved schedule of disbursement.

- c. The operation of special education programs:

The function of the Desert/Mountain Charter SELPA and participating LEAs is to provide quality educational programs and services appropriate to the needs of each eligible student with a disability who is enrolled within the Desert/Mountain Charter SELPA. The Responsible Local Agency (RLA) Superintendent, and CEOs of the LEA Charters are responsible for the management and supervision of all special education program operations within the Desert/Mountain Charter SELPA. All such programs are to be operated in a manner consistent with the funding provision of the California Education Code, the Individuals with Disabilities Education Act (IDEA), other applicable laws, and Desert/Mountain Charter SELPA policies and procedures.

The Charter SELPA will provide technical assistance in ensuring the Charter LEAs have support

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necessary to fulfill their legal obligations under California Education Code, the Individuals with Disabilities Education Act (IDEA), other applicable laws, and Desert/Mountain Charter SELPA policies and procedures.

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

Funds allocated for special education programs shall be used for services to students with disabilities. Federal funds under Part B of IDEA may be used for the following activities:

1. For the costs of special education and related services and supplementary aids and services provided in a regular class or other education-related setting to a student with a disability in accordance with the IEP for the child, even if one or more non disabled children benefit from these services.
2. To develop and implement a fully integrated and coordinated services system.

The CAHELP CEO, with the assistance of the Charter SELPA Executive Council, Steering/Finance Committee, and the AU shall be responsible to monitor on an annual basis the appropriate use of all funds allocated for special education programs. Final determination and action regarding the appropriate use of special education funds shall be made by the CAHELP JPA Governance Council through the Annual Budget Plan process.

The Desert/Mountain Charter SELPA monitors the distribution and appropriate use of funds and shares this information with the Charter SELPA Executive Council and Steering/Finance Committee. When necessary, meetings are held with individual LEAs for the purpose of monitoring funds.

The Desert/Mountain Charter SELPA is responsible for the preparation of program and fiscal reports requested by the State.

The CAHELP CEO shall be permitted to monitor the LEAs special education program implementation to ensure compliance in all areas including finance, service delivery, and legal requirements.

If the CAHELP CEO or designee determines that an LEA is not compliant and/or not operating in a fiscally responsible manner, the CAHELP CEO may require that the responsibility for resulting costs be borne by the LEA or take such other action as may be required to remedy the matter. The LEA will have the right to appeal any such determination to the CAHELP JPA Governance Council. The decision of the CAHELP JPA Governance Council shall be final.

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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:

Both state and federal law provide that students with disabilities are entitled to a free appropriate public education (FAPE) that includes special education and related services to meet their unique needs in the least restrictive environment (LRE). Each Charter SELPA member must ensure that all children served under their jurisdiction who have disabilities, regardless of the severity of their disability, and who are in need of special education and related services are identified, located, evaluated, and served. Therefore, a full continuum of services are available within the Desert/Mountain Charter SELPA.

Due to the large geographical area of the Desert/Mountain Charter SELPA, the Local Plan provides funding per the Charter SELPA Fiscal Allocation Plan to the member LEAs so they may appropriately provide for all students with special education needs attending their schools.

The CAHELP JPA Governance Council has indicated its strong preference for a decentralized structure that would keep as many children as possible appropriately served in their LEA of enrollment. It is felt that only when there is convincing evidence that a service is more economically feasible on a regional level would service be provided outside of the local LEAs. Leaving most programs with local LEAs will ensure their responsiveness to local interests and values; minimize transportation; encourage inclusion; and reduce duplication of administrative and service costs.

Policies, Procedures, and Programs

Pursuant to *EC* sections 56122 and 56205(a), the SELPA ensures conformity with *20 USC* and in accordance with *34 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:

Document Title:

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SELPA:

Fiscal Year:

Document Location:

"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:

Document Title:

Document Location:

"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:

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

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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 § 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 § 1414 (d). It shall be the policy of this LEA that a of 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—20 USC Section 1412(a)(5)

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:

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SELPA:

Fiscal Year:

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:

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)

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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:

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

If "NO," provide a brief description of the SELPA's policy related to the provision of law:

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

Policy/Procedure Number:

Document Title:

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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 Education Code, Part 30." The policy is adopted by the SELPA as stated:

Yes No

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

Policy/Procedure Number:

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

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No

14. Personnel Qualifications

Policy/Procedure Number:

Document Title:

Document Location:

"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-

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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

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

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

Policy/Procedure Number:

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Document Title:

Document Location:

"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:

Document Title:

Document Location:

"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:

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

Reference Number:

Document Title:

Document Location:

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Description: Local Plan

2. Coordinated system of identification and assessment:

Reference Number: N/A

Document Title: Desert/Mountain Charter SELPA Local Plan

Document Location: SELPA Office

Description: Local Plan

3. Coordinated system of procedural safeguards:

Reference Number: N/A

Document Title: Desert/Mountain Charter SELPA Local Plan

Document Location: SELPA Office

Description: Local Plan

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

Reference Number: N/A

Document Title: Desert/Mountain Charter SELPA Local Plan

Document Location: SELPA Office

Description: Local Plan

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

Reference Number: N/A

Document Title: Desert/Mountain Charter SELPA Local Plan

Document Location: SELPA Office

Description: Local Plan

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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:

7. Coordinated system of data collection and management:

Reference Number:

Document Title:

Document Location:

Description:

8. Coordination of interagency agreements:

Reference Number:

Document Title:

Document Location:

Description:

9. Coordination of services to medical facilities:

Reference Number:

Document Title:

Document Location:

Description:

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

Reference Number: N/A
Document Title: Desert/Mountain Charter SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

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

Reference Number: N/A
Document Title: Desert/Mountain Charter SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

12. Fiscal and logistical support of the CAC:

Reference Number: N/A
Document Title: Desert/Mountain Charter SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

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

Reference Number: N/A
Document Title: Desert/Mountain Charter SELPA Local Plan
Document Location: SELPA Office
Description: Local Plan

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

Reference Number:

Document Title:

Document Location:

Description:

15. Assurance of full educational opportunity:

Reference Number:

Document Title:

Document Location:

Description:

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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Fiscal Year:

Description:

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:

Description:

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:

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:

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

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considered and, where appropriate, utilized:

Reference Number:	<input type="text" value="N/A"/>
Document Title:	<input type="text" value="Desert/Mountain Charter SELPA Local Plan"/>
Document Location:	<input type="text" value="SELPA Office"/>
Description:	<input type="text" value="Local Plan"/>

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:	<input type="text" value="N/A"/>
Document Title:	<input type="text" value="Desert/Mountain Charter SELPA Local Plan"/>
Document Location:	<input type="text" value="SELPA Office"/>
Description:	<input type="text" value="Local Plan"/>

6. A description of the process by which the SELPA will fulfill the obligations to provide FAPE to a student age 18 -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 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:	<input type="text" value="N/A"/>
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Section B: Governance and Administration

SELPA: Desert/Mountain Charter SELPA

Fiscal Year: 2020-21

Document Title: Desert/Mountain Charter SELPA Local Plan

Document Location: SELPA Office

Description: Local Plan

GOVERNANCE AND ADMINISTRATION

D/M Charter SELPA Board Policy (BP) 0000

Participating Local Education Agencies (LEAs) of the Desert/Mountain Charter SELPA join in a cooperative effort to provide for the coordinated delivery of programs and services, and to assure equal access to such programs and services to eligible individuals with disabilities requiring special education within the Desert/Mountain Charter SELPA. LEA members of the Desert/Mountain Charter SELPA are expected to be somewhat diverse geographically. Given this fact, the Local Plan provides funding per the Desert/Mountain Charter SELPA Fiscal Allocation Plan to the charter schools so that they may appropriately provide for all students with special education needs attending their schools.

The California Association of Health and Education Linked Professions, a Joint Powers Authority (CAHELP JPA) is the governing board of the Desert/Mountain Charter SELPA and shall adopt policies for the Desert/Mountain Charter SELPA and participating LEAs. The policies and procedures adopted by the CAHELP JPA Governance Council under the authority of adopting LEA boards have the same status and authority as other LEA board policy.

In adopting the Local Plan, member LEAs agree to Desert/Mountain Charter SELPA policies and procedures and agree to carry out the duties and responsibilities assigned to each agency, or which may be designated at a later date through agreement of the participating LEAs. Participating LEAs may enter into additional contractual agreements to meet the requirements of applicable federal and state law. Member LEAs further agree 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.

Definitions

Free Appropriate Public Education (FAPE)

Special education and related service(s) that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the California Department of Education (CDE), state and federal law, including the requirements of *Title 34 of the Code of Federal Regulations (CFR) 300.1-200.818*; include appropriate infant, preschool, elementary school, and/or secondary school education for individuals between the ages of three and 21; and are provided in conformity with an Individualized Education Program (IEP) that meets the requirements of *Title 34 of the Code of Federal Regulations, sections 300.320-300.324. (Title 34 of the Code of Federal Regulations 300.17, 300.101, 300.104; California Education Code 56040)*

FAPE applies to students who are suspended or expelled or placed by the LEA in a nonpublic, nonsectarian school (*Title 34 of the Code of Federal Regulations 300.17, 300.101, 300.104*).

Guidelines for determining FAPE

- FAPE is determined within the context of an IEP meeting with active participation from all members, including the parents. In no case should decisions concerning eligibility or placement be made outside of the IEP team.
- When determining eligibility for special education, the IEP team must first identify the area(s) of disability and secondly must determine the need for special education and related services.
- There must be a direct correlation between the IEP goals, and the services provided.
- Placement and services are determined by the student's unique needs and IEP goals, not the disability.
- Specific methodologies are usually not included in the IEP. Once the needs of the student are determined and the goals established, the teacher determines the specific methodology and instructional strategies.
- Special education and related services should always be provided in the least restrictive environment (LRE).
- Special education and related services must address the unique needs of the student that are required for the student to benefit from his/her educational program.

Full Educational Opportunity

Special education serves students from birth through two years, 11 months, and are provided under the provisions of the California Early Start Interagency Agreement. **Preschool special education services are available to all eligible students in their home district or in an SBCSS Desert/Mountain Student Services' program located within the Desert/Mountain Charter SELPA region.** The caseload for a speech/language specialist who provides services exclusively to students with disabilities between the ages of three to five, shall not exceed 40.

A full continuum of program options provided to students from preschool through grade 12 by the LEAs in the Desert/Mountain Charter SELPA. Special education includes instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education to meet the education and service needs in the LRE. The appropriate placement for a student is determined by the IEP team based on the student's instructional needs and not on the student's disability category.

Options include:

- **General Education Classroom.** Students are educated in age-appropriate general education classrooms at their neighborhood schools with the necessary accommodations, supports, and services for the student to progress toward his/her IEP goals.
- **Related Services.** As defined by federal and state law and are available to students if a development, corrective, and/or supportive service is required for the student to benefit from special education. Specialists provide these services and may work with students individually or in small groups either in the general education classroom or other appropriate settings. The average caseload for language/speech and hearing specialists in the Desert/Mountain Charter SELPA shall not exceed 55.
- **Specialized Academic Instruction (SAI).** SAI is available at every school site for students in kindergarten through grade 12. This program provides a broad range of services from supplementing the general education program to providing intensive services for students whose disabilities are more severe. Services may occur in either individual or small group settings, as a component of an integrated School Based Services Program, or as consultative or collaborative services within general education or other settings. LEAs may choose to provide SAI through a Resource Specialist Program (RSP) or Special Day Class (SDC) setting. The caseload for RSP cannot exceed 28 students. Students are placed in programs as close to their home school as possible.
- **Preschool Services.** Preschool services are provided to students ages three to five (for students not in kindergarten) at local school sites. The type and frequency of special education services is determined for each student annually through the IEP process. As required to address LRE, preschool students have opportunities to participate with their nondisabled peers.
- **Specialized Services.** These services are provided to students with low incidence disabilities on an itinerant basis or in a special class setting.
- **Services Provided by Another Local School District with the Desert/Mountain SELPA.** In such cases, the LEA of residence retains the responsibility to ensure that the students assigned to these programs receive FAPE. An Inter-district Transfer defines the reimbursement process.
- **Services Provided through an Arrangement with Another SELPA.** An Inter-SELPA Transfer defines the reimbursement process for excess costs associated with special education and related services for students when the IEP team has determined that the student requires educational services outside of the Desert/Mountain Charter SELPA. The Inter-SELPA Transfer process is outlined in a Memorandum of Understanding (MOU).

- **Nonpublic, Nonsectarian School Services (NPS).** NPS services are considered after all programs available within the LEA and Desert/Mountain Charter SELPA have been considered and determined by the IEP team not to be appropriate to address the individual student's needs. Every effort is made to ensure that nonpublic school students are educated in the LRE and that transition back to the public-school setting is considered annually. Each LEA shall monitor the progress of students enrolled in nonpublic schools by participation in the annual IEP development for the students, reviewing the master contract and individual services agreement, conducting evaluations as required, and facilitating transition from the nonpublic school to a less restrictive environment. All nonpublic schools in San Bernardino County participate in the Nonpublic School Quality Review process for instructional improvement every four years.
- **State Special Schools.** State Special Schools such as the California School for the Deaf and Blind, are available to students when local programs that meet the unique needs to students are not available and are recommended by the student's IEP team.
- **Extended School Year (ESY).** ESY services are specified on the student's IEP when the IEP team determines that the student's unique needs require special education and related services in excess of the regular academic year. Students who require ESY usually have severe disabilities that are likely to continue indefinitely or for a prolonged period. Interruption of the student's educational programming may cause significant regression, when coupled with limited recoupment capacity that renders it impossible or unlikely that the student will attain the level of self-sufficiency and independence that would otherwise be expected in view of his/her disability.
- **Instruction in Settings other than Classrooms.** Specially designed instruction may occur and include locations in the community such as day treatment or residential settings.
- **Instruction in Home, Hospitals, and in other Institutions.** To the extent required by federal law or regulations.

The Management Information System (MIS) adopted by the Desert/Mountain Charter SELPA member LEAs enable staff to carefully and continuously track timelines and the various services required by the individual students. Service logs are maintained and monitored by service providers and LEA administrators.

Least Restrictive Environment (LRE)

To the maximum extent appropriate, students with disabilities, including individuals in public or private institutions or other care facilities, be educated with individuals who are nondisabled, including the provision of nonacademic and extracurricular service and activities. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the

disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (*Title 34 of the Code of Federal Regulations 300.17, 300.117, 300.117; California Education Code 56040.1*)

Special Education

Specially designed instruction, provided at no cost to the parent/guardian, to meet the unique needs of individuals with disabilities including a full continuum of program options including instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education to meet the educational and service needs in the least restrictive environment. (*California Education Code 56031*)

Special education may include each of the following if the services otherwise meet the definition in the above paragraph: (*California Education Code 56031*)

1. Speech/Language Pathology services, or any other related service, pursuant to *California Education Code 56363*, if the service is considered special education rather than a related service under state standards;
2. Travel Training;
3. Career Technical Education; and/or
4. Transition services for students with disabilities in accordance with *Title 34 of the Code of Federal Regulations 300.43* if provided as specially designed instruction, or a related service, if required to assist a student with disabilities to benefit from special education.

Specially designed instruction means adapting the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability and to ensure access of the student to the general curriculum, so that the student can meet the educational standards that apply to all students in the LEA. (*Title 34 of the Code of Federal Regulations 300.39*)

Surrogate Parent means an individual assigned to act as a surrogate for the parent/guardian. The surrogate may represent an individual with disabilities in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP, and in other matters relating to the provision of FAPE to the individual with disability. (*Title 34 of the Code of Federal Regulations 300.519; California Education Code 56050*)

Annual Review of Special Education Services Options

Annually, the Desert/Mountain Charter SELPA shall review its service provision options and revise them as necessary to reflect current Service Category Descriptions as specified in California Longitudinal Pupil Achievement Data System (CALPADS).

Procedures for Monitoring the Provision of Services

Every student with a disability is assigned a case manager through the IEP process. In most instances, the special education teacher at the school site is assigned as the case manager. When students are assigned to programs outside the LEA, the Special Education Director assigns a case manager who oversees the IEP in the alternative setting and ensures that services are provided consistent with the IEP. The case manager will also work closely with the home school site to transition the student back into the LEA of residence successfully.

LEA Responsibilities

The LEAs of the Desert/Mountain Charter SELPA shall monitor all special education students who are the educational responsibility of the LEA including students with disabilities in alternative and nonpublic schools, and students who have been suspended or expelled. Procedures to monitor compliance will include, but not be limited to:

- Development and implementation of local policies and procedures with applicable state and federal laws;
- Conduct regular staff meetings with special education staff;
- Provide training for administrators and other school staff/employees:
- School site and classroom visits;
- Review of IEPs;
- Review of/address parental comments and/or complaints;
- Review of LEA's State Performance Plan Indicators (SPPI);
- Review of LEA's CALPADs data/reports;
- Review of LEA's California Dashboard;
- Review and implementation of findings from Intensive Monitoring;
- Review of LEA-level AYP and API reports; and
- Review of selected evaluation reports.

All LEAs will provide data to the Desert/Mountain Charter SELPA and/or the CDE that may be required by regulations. In addition, LEAs will comply with the requirement of the State Performance Plan Indicators (SPPI) developed by the CDE and provide data as required by the department.

SELPA Responsibilities

The Desert/Mountain Charter SELPA will monitor member LEAs of the Desert/Mountain Charter SELPA for compliance with state and federal laws and implementation of the Local Plan. The procedures utilized may include, but not be limited to:

- Develop policies and procedures in accordance with applicable state and federal laws;
- Review of Annual Budget Plan;
- Review of Annual Service Delivery Plan;
- Review of the Desert/Mountain Charter SELPA LEA's SPPI;
- Review of pertinent CALPADS data/reports;
- Review of the Desert/Mountain Charter SELPA's Funding Allocation Plan;
- Evaluation of services offered by the Desert/Mountain Charter SELPA office by LEA directors;
- Results of state and LEA Special Education Targeted Monitoring and Intensive Monitoring; and
- Consultation with LEA staff regarding allegations of noncompliance filed with CDE.

The Desert/Mountain Charter SELPA will conduct proactive activities to achieve and maintain ongoing compliance with state and federal special education laws. These activities may include, but not be limited to:

- Meetings held by the Desert/Mountain Charter Administrator (CAHELP CEO) and the Steering/Finance committee;
- Meetings with the CAHELP JPA Governance Council and the CAHELP CEO;
- Desert/Mountain Charter SELPA sponsored trainings for staff members at all levels on related topics; and/or
- Technical assistance to LEAs from the Desert/Mountain Charter SELPA.

In cases of substantial, prolonged noncompliance by an LEA, the Desert/Mountain Charter Administrator (CAHELP CEO) may, but not be limited to:

- Conducting conferences with the LEA's Director of Special Education and/or the superintendent;
- Notifying the CAHELP JPA Governance Council and San Bernardino County Office of Education (should this be the authorizing LEA to the charter) of the substantial, prolonged noncompliance by a LEA;
- In conjunction with the CAHELP JPA Governance Council, notify the LEA's Board of Education concerning the extent of the problem and recommended steps to resolve the problems;
- Withhold special education funding until the noncompliance is addressed, if approved by the CAHELP JPA Governance Council; and/or
- Utilize the funding withheld to assist the LEA in obtaining program compliance.

Elements of the Local Plan

The Local Plan developed by the Desert/Mountain Charter SELPA shall include, but not be limited to, the following: (*California Education Code 56206*)

1. Assurances that policies, procedures, and programs, consistent with state law, regulations, and policy, are in effect as specified in *California Education Code 56205(a)(1-22)* and in conformity with *Title 20 of the United States Code 1412(a), 1413(a)(1), and Title 34 of the Code of Federal Regulations 300.201*.
2. An Annual Budget Plan and Annual Service Plan adopted at a public hearing held by the Desert/Mountain Charter SELPA.
3. A description of programs for early childhood special education from birth through five years of age.
4. A description of the method by which members of the public, including parents/guardians of individuals with disabilities who are receiving services under the plan, may address questions or concerns pursuant to *California Education Code 56205*.
5. A description of a dispute resolution process.
6. Verification that the plan has been reviewed by the Community Advisory Committee (CAC) in accordance with *California Education Code 56205*.
7. A description of the process being utilized to refer students for special education instruction pursuant to *California Education Code 56303*.
8. A description of the process being utilized to oversee and evaluate placements in nonpublic, nonsectarian schools and the method for ensuring that all requirements of each student's IEP are being met.
9. A description of how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environment.

The Local Plan, Annual Budget and Annual Service Plans shall be written in language that is understandable to the general public. (*California Education Code 56205*)

Each entity providing special education shall adopt policies for the programs and services it operates, consistent with agreements adopted pursuant to *California Education Code 56195.1, 56195.7, 56195.8*).

Interagency Agreements

Other public agencies are also responsible for the provision of services to some students with disabilities and their families. Desert/Mountain Charter SELPA participates with the other SELPAs in San Bernardino County and the San Bernardino County Office of

Education to ensure that students who are eligible for special education receive appropriate related services from designated agencies as specified in their IEPs. Interagency agreements outline how students access services and define service delivery, and case management and fiscal responsibility. Interagency agreements are developed and maintained with the Inland Regional Center (IRC) for developmental and behavioral services, and California Children's Services (CCS) for medically necessary occupational and physical therapy. All interagency agreements are signed and monitored by the CAHELP CEO and the LEA superintendent/designee. The LEA superintendent/designee shall monitor the statutory timelines to ensure that services are provided without delays and that services are delivered consistent with the interagency agreements. When another agency fails to provide the service in accordance with the IEP, the superintendent/designee shall ensure that the LEA provides the service and may claim reimbursement from the responsible agency in accordance with state law and the interagency agreement.

State Performance Plan Indicators (SPPI)

The Desert/Mountain Charter SELPA and member LEAs believe that all students need to meet high standards of academic knowledge and skills. In addition, they must have the ability to apply their skills to the workplace where they will be required to adapt to emerging technologies and changing social needs. The Desert/Mountain Charter SELPA and member LEAs recognize that content and performance standards are necessary to clarify for student, parents/guardians, and staff what students are expected to know and be able to perform at each grade level and in each area of study. Students' goals on their IEPs shall be based on the state content standards whenever appropriate.

The Desert/Mountain Charter SELPA and member LEAs shall comply with the requirements of the SPPI developed by the state and provide data as required by the state. A review of the LEA performance goals and indicators is made on at least an annual basis to determine priorities for program improvements.

Participation in Assessments

Students with disabilities are included in general state and district-wide assessment programs with appropriate accommodations and/or modifications, where necessary. Each student's IEP team shall determine, at least on an annual basis, the individual accommodations and/or modifications in the administration of state or district-wide assessments necessary to minimize the impact of the student's disability on test performance. If the IEP team determines that the child will not participate in a particular state or district-wide assessment of student achievement, or part of the assessment, the IEP shall include a statement of how the child will be assessed.

Special Education Funding

Annually, the Steering/Finance Committee and the CAHELP JPA Governance Council shall review the AB 602 Implementation Plan and make adjustments as required to provide equitable funding to support the provision of a free appropriate public education to all children with disabilities in the Desert/Mountain Charter SELPA.

Supplementation of State and Federal Funds

The LEAs provide assurances that funds received from Part B of the Individuals with Disabilities Education Act (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 (including property taxes), and other federal funds. LEAs may use up to 15% of the amount they receive under Part B for any fiscal year to develop and implement coordinated, early intervening services for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.

Maintenance of Effort (MOE)

The LEAs provide assurances 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. Each LEA is individually responsible for meeting federal maintenance of effort requirements. On an annual basis, each LEA shall complete state required Maintenance of Effort Reports (SEMA and SEMB) and submit them to the Desert/Mountain Charter SELPA for review and submission.

Under SEMB requirements, each LEA shall compare the projected budget to unaudited actuals from the prior year. Each LEA shall be eligible to receive federal local assistance dollars for the current year once it has been determined that the Desert/Mountain Charter SELPA is projected to spend at least the same or more in state and local funds than in the previous year. If the Desert/Mountain Charter SELPA does not meet the budget to unaudited actuals test (SEMB), then none of the LEAs shall receive federal funds.

Procedures for LEA Sanctions when SELPA Has Met SEMA Requirements

Effective 2020-2021, each LEA shall utilize the SACS Software (SEMAI) at the first and second interim reporting to compare actual budgeted expenditures from the previous year's actual expenditures to determine that no supplanting of state funds has occurred. If an individual LEA is unable to meet MOE, the member LEAs of the Desert/Mountain Charter

SELPA shall explore adjusting the allocation of federal funds. However, no LEA shall be required to accept additional federal funds in any given year. If a shift in federal funds is not feasible, the LEA shall file an appeal to the CAHELP JPA Governance Council prior to the recapture of funds. The CAHELP JPA Governance Council shall review any pertinent information and determine what sanctions may be imposed and the redistribution of funds.

Procedures for LEA Sanctions when SELPA Has Not Met SEMA Requirements

Effective 2020-2021, each LEA shall utilize the SACS Software (SEMAI) at the first and second interim reporting to compare actual budgeted expenditures from the previous year's actual expenditures to determine that no supplanting of state funds has occurred. If an LEA is unable to meet MOE, the member LEAs of the Desert/Mountain Charter SELPA shall explore adjusting the allocation of federal funds. However, no LEA shall be required to accept additional federal funds in any given year. The LEA may file an appeal to the CDE in accordance with state directives. If the Desert/Mountain Charter SELPA is billed by the state for the amount the Desert/Mountain Charter SELPA failed to spend from state and local funds to maintain its level of effort, the funds shall be deducted from the LEA who was unable to meet MOE and the funds will be allocated to other member LEAs on a dollar for dollar basis after agreement with the LEAs.

End of Year Expenditures

When the end-of-the-year expenditures are certified annually utilizing SACS codes, each Desert/Mountain Charter member's total expenditures as indicated on the MOE report will be compared to the Total Entitlement for special education funds. If a LEA's entitlement exceeds the expenditures indicated on the prior year MOE report, the use of these funds shall be approved by the CAHELP JPA Governance Council. Funding designated for an LEA reserve account must not exceed 5% of the total allocation and must be designated for special education costs only in accordance with state and federal law. Any excess special education funding as of the end-of-the-year expenditures for the second year will be recaptured by the Desert/Mountain Charter SELPA, subject to review by the Steering/Finance Committee and approval of the CAHELP JPA Governance Council, and reallocated to the remaining districts below the Desert/Mountain Charter SELPA per ADA or state special disabilities average. If a LEA does not meet the annual MOE requirement, funds may be recaptured and distributed to other LEAs to meet this standard utilizing the same approval process.

Legal References

- Title 34 of the Code of Federal Regulations

- Sections 300.1-300.818; 300.17; 300.39; 300.43; 300.101; 300.104; 300.117; 300.201; and 300519.
- Title 20 of the United States Code
 - Section 1412(a)(1)
- California Education Code
 - Sections 56031; 56040; 56040.1; 56050; 56195.1; 56195.7; 56195.8; 56205; and 56363.

Administrative Regulation (AR) 0000

GOVERNANCE AND ADMINISTRATION

Free Appropriate Public Education (FAPE)

It shall be the policy that member Local Education Agencies (LEAs) comprising the Desert/Mountain Charter SELPA provide a free appropriate public education (FAPE) to all students with disabilities residing in the LEAs from birth to age 21 inclusive, including students with disabilities who have been suspended or expelled from school.

The determination that a student is in need of a service shall be based on an appropriate evaluation that determines eligibility and establishes the need for services. All special education and related services determined to be necessary by the Individualized Education Program (IEP) team shall be listed on the IEP. The parent shall be included as a member of the IEP team. The LEA shall ensure that services are provided in accordance with the IEP, regardless of which agency or contractor provides the service(s).

The Desert/Mountain Charter SELPA desires to provide an appropriate education for all students, including those with disabilities, from birth through age 21 inclusive, including students with disabilities who have been suspended or expelled from school, or placed by the Local Education Agency (LEA) in a nonpublic, nonsectarian school. The Desert/Mountain Charter SELPA recognizes that all individuals with disabilities have the right to receive a free and appropriate public education. FAPE means special education and related services as determined through the Individualized Education Program (IEP) team process that meets the unique needs of each individual in order to derive benefit from his/her access to an educational program, that are provided at public expense under public supervision and direction, and without charge, meet the standards of the state educational agency, including an appropriate preschool, elementary school, or secondary school education and provided in conformity with the IEP required under 614(d). The parent shall be included as a member of the IEP team for students' birth to 18 years of age and at the discretion of the student 18 years to 21 years old.

An appropriate education may comprise education in regular classes, education in regular classes with the use of related aids and services, or special education and related services in separate classrooms for all or portions of the school day. Special education may include specially designed instruction in classrooms, at home, or in private or public institutions, and may be accompanied by related services such as speech therapy, occupational therapy and physical therapy, psychological counseling, and medical diagnostic services necessary to the child's education.

An appropriate education will include:

- Education services designed to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students are met;

- The education of each student with a disability with nondisabled students, to the maximum extent appropriate to the needs of the student with a disability;
- Evaluation and placement procedures established to guard against misclassification or inappropriate placement of students, and a periodic reevaluation of students who have been provided special education and related services; and
- Establishment of due process procedures that enable parents/guardians to:
 - Receive required notices;
 - Review their child’s records; and
 - Challenge identification, evaluation and placement decisions.

Full Educational Opportunity

The Desert/Mountain Charter SELPA member LEAs shall provide students with disabilities access to the variety of educational programs and services available to nondisabled students including non-academic and extracurricular services and activities. The LEAs and Desert/Mountain Charter SELPA shall monitor the provision of special education services to ensure compliance with applicable state and federal laws and with the SELPA Local Plan.

Modifications and/or special services and aids shall also be provided as needed for students who are eligible for services under Section 504 of the Federal Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), and related federal regulations. In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the LEA participates as a member of the Desert/Mountain Charter SELPA.

Information shall be provided by LEAs concerning the number of individuals with exceptional needs who are being provided special education and related services (*Education Code 56195.8*). This information is reported to the California Department of Education (CDE).

Access to Instructional Materials

It shall be the policy of the Desert/Mountain Charter SELPA and member LEAs 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. Students with an IEP or Individualized Family Service Plan (IFSP) should have their specialized needs discussed and recorded at their IEP/IFSP meeting. The student’s documented needs determine the LEA’s responsibility to secure specialized books, materials, and services. It is the responsibility of the LEA to locate funds to purchase the items documented in the IEP or IFSP. One source is low incidence funds. To qualify for low incidence funding, the student must have one of the qualifying low incidence disabilities: deaf, blind, deaf and blind, or severely orthopedically impaired. Low incidence funding is provided for purchasing and coordinating the use of specialized books, materials, and equipment for students with low incidence disabilities.

Data/Reading Literacy

It shall be the policy of the Desert/Mountain Charter SELPA and member LEAs to improve the educational results for students with disabilities. The Desert/Mountain Charter SELPA Local Plan

shall include specific information to ensure that all students who require special education will participate in the California Reading Initiative.

Interagency Agreement/Coordination

It shall be the policy of member LEAs and the Desert/Mountain Charter SELPA 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.

The Desert/Mountain Charter SELPA participates in interagency agreements with the Department of Rehabilitation (DOR), California Children's Services (CCS), State Preschool, and Inland Regional Center (IRC). The interagency agreements stipulate the joint provision of services to individuals with exceptional needs in accordance with their IEP, and further carry out regulations from the federal and state government including fiscal responsibility for the provision of services.

Least Restrictive Environment (LRE)

Member LEAs of the Desert/Mountain shall provide special education instruction and services for individuals with exceptional needs in accordance with the federal Individuals with Disabilities Education Act (IDEA). To the maximum extent appropriate, children with disabilities, are educated with children who are nondisabled and 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 of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

A full continuum of program options shall be available for the educational placement of students with disabilities. Program options provide a spectrum of educational offerings, which range from regular classroom alternatives to the special site structured to deliver intensive and specialized services. The IEP team remains the primary decision-making body in determining the individual needs of students and the appropriate placement. Every effort is made to ensure that students with disabilities have access to state determined frameworks and standards, and participation in academic and extracurricular activities.

Local Compliance Assurances

The superintendent, Chief Executive Officer (CEO), or designee shall extend the LEAs' full cooperation to the Desert/Mountain Charter SELPA. The policies and procedures of the Desert/Mountain Charter SELPA shall be applied as policies and regulations of each member LEA, with the exception of those that apply to complaints, unless the Desert/Mountain Charter SELPA plan specifically authorizes the LEA to operate under its own policies and regulations.

Governance

It shall be the policy of the Desert/Mountain Charter SELPA that the Local Plan shall be adopted by the appropriate LEA board(s) of member LEAs and is the basis of the operation and

administration of special education programs; and that the Local Plan agencies herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with *IDEA, Federal Rehabilitation Act of 1973, Section 504 of Public Law, the Americans with Disabilities Act, and the provisions of the Education Code, Part 30.*

The Desert/Mountain Charter SELPA shall administer a Local Plan and administer the allocation of funds. (*Education Code 56195*)

Member LEAs shall 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 the LEA with reasonable notice and opportunity for a hearing through the State Educational Agency.

Maintenance of Effort (MOE)

It shall be the policy of the Desert/Mountain Charter SELPA and member LEAs 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.

Member LEAs shall follow federal and state laws pertaining to the required MOE spending levels for special education. If an LEA, or more than one LEA, does not meet the required spending levels to pass the MOE tests and the Desert/Mountain Charter SELPA loses funding as a result of failure to pass the MOE requirements, the LEA(s) that caused the Desert/Mountain Charter SELPA to fail the MOE requirements shall reimburse the Desert/Mountain Charter SELPA for any funds lost by the other LEAs or the Desert/Mountain Charter SELPA office, upon final approval of the Governance Council.

There are two components to the LEA MOE – the eligibility standard and the compliance standard. The eligibility standard requires that, except in specified situations, in order to find an LEA eligible for IDEA Part B funds for the upcoming fiscal year, the LEA should have budgeted for the education of individuals with disabilities at least the same amount of state and local, or local only funds, as it actually spent for the education of individuals with disabilities during the most recent year for which information is available. (*Title 34 of the Code of Federal Regulations 300.203(a)*)

The compliance standard requires that, except in specified situations, an LEA should not reduce the level of expenditures for the education of children with disabilities made from state and local, or local only funds, below the level of those expenditures from the same source for the comparison year. (*Title 34 of the Code of Federal Regulations 300.203(c)*)

Member LEAs may use the following four methods to meet both eligibility and compliance standards:

- Combined state and local expenditures;
- Combined state and local expenditures on a per capita basis;
- Local expenditures only;

- Local expenditures only on a per capita basis.

Participation in Statewide Assessments

It shall be the policy of the Desert/Mountain Charter SELPA and member LEAs 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 and/or modifications, or access alternate assessments, consistent with state standards governing such determinations.

California approved achievement tests are administered each spring to all students in grades 3-8, and 11. Member LEAs utilize the information that is gathered to make decisions regarding how to design and implement instruction for their students.

The IEP team determines the manner in which a student with a disability shall participate in state and district-wide assessments. The IEP must include a statement of individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student; and if the IEP team determines that the student shall take an alternate assessment instead of a particular state or district-wide assessment of student achievement, the IEP shall include a statement of the reason why the student cannot participate in the regular assessment, and the reason why the particular alternate assessment selected is appropriate for the student.

Prohibition on Mandatory Medicine

It shall be the policy of the Desert/Mountain Charter SELPA and member LEAs 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. It shall be the policy of the LEAs to provide data or information to the Desert/Mountain Charter SELPA and the CDE that may be required by regulations.

The administration of any medication must follow all applicable statutes, regulations, standards of practice, and LEA policies and procedures. Member LEA Board policies and procedures should address the administration of non-traditional substances.

Public Participation

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

Agenda of items to be discussed shall be prepared for all meetings and shall be made available at least three (3) working days prior to regularly scheduled Governance Council or other Standing Committee meetings, where required under the Brown Act and California law. The agenda shall be posted at one or more locations freely accessible to members of the public. (*Government Code 54954.2*)

Each agenda shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (*Government Code 54954.2*)

The agenda shall provide members of the public the opportunity to address the Governance Council on any agenda item or during the Council's consideration of the item. However, the agenda need not provide an opportunity for public comment when the agenda item has previously been considered at an open meeting of a committee comprised exclusively of Council members, provided that members of the public were afforded an opportunity to comment on the item at that meeting and that the item has not been substantially changed since the committee considered it. (*Government Code 54954.3*)

Any member of the public desiring to make a personal appearance before the Governance Council or any other Standing Committee of CAHELP JPA to discuss an item of interest shall be limited to a maximum of five (5) minutes, and all public comments shall be limited to fifteen (15) minutes and allocated equally to each member of the public making an appearance, unless otherwise allowed by the Governance Council in its discretion.

Any document prepared by the LEA or Council and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (*Government Code 54957.5*)

Upon request, the Chairperson, shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (*Government Code 54954.1*)

Meetings and Notices

Meetings of the Desert/Mountain Charter SELPA's Governance Council are conducted for the purpose of accomplishing SELPA business.

A Governance Council meeting exists whenever a majority of members gather at the same time and place to hear, discuss or deliberate upon any item within the subject matter jurisdiction of the Governance Council. (*Government Code 54952.2*)

In accordance with state open meeting laws, the Governance Council shall hold its meetings in public and shall conduct closed sessions during these meetings only to discuss confidential matters specified by law. To encourage community involvement in the schools, meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with laws and CAHELP JPA adopted bylaws.

When addressing the Governance Council during Public Input, comments are to be limited to three (3) minutes or less for each speaker, with a maximum of 20 minutes total for each item. This time limit may be extended upon a majority vote of the members of the Governance Council.

Agenda/Meeting Materials

Governance Council meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (*Government Code 54954.2*)

In addition, the Chairperson, shall post the agenda on the homepage of the agency website. The posted agenda shall be accessible through a prominent direct link to the current agenda or to the LEA's agenda management platform in accordance with Government Code 54954.2. When the LEA utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the web site with the LEA's agendas, and the current agenda shall be the first available. (*Government Code 54954.2*)

Agendas for special meetings and emergency meetings will be made available in accordance with the provisions of the Brown Act and California law. When special meetings are called, Governance Council members shall receive, at least 24 hours prior to the meeting, notice of the business to be transacted. (*Government Code 54956*)

The agenda shall provide members of the public the opportunity to address the Governance Council agenda item before or during the Council's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda, but which are within the subject matter jurisdiction of the Governance Council. (*California Education Code 35145.5; Government Code 54954.3*)

The agenda shall specify that an individual who requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Governance Council meeting should contact the SELPA Administrator or designee in writing.

Items may be placed on the agendas for meetings of the Governance Council and other Standing Committees, provided a written request is received by the CEO from a member of that committee at least ten (10) business days prior to the regularly scheduled meeting, absent circumstances precluding earlier notice and request.

Any agenda and related materials distributed to the Council shall be made available to the public upon request without delay. Only those documents which are disclosable public records under the Public Records Act, and which relate to an agenda item scheduled for the open session portion of a regular meeting shall be made available to the public. (*Government Code 54957.5*)

If a document which relates to an open session agenda item for a regular Council meeting is distributed to the Council less than 72 hours prior to a meeting, the Chairperson shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Council. (*Government Code 54957.5*)

The Chairperson shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Council, whichever comes first. (*Government Code 54954.1*)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (*Government Code 54954.1*)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Chairperson, not to exceed the cost of providing the service.

Meeting Conduct

All Governance Council meetings shall begin on time and shall be guided by an agenda prepared and delivered in advance to all Governance Councilmembers and to other persons upon request.

The chairperson shall conduct Governance Council meetings in accordance with CAHELP JPA bylaws and procedures that enable the superintendents and CEOs to efficiently consider issues and carry out the will of the majority.

State Performance Plan Indicators (SPPI)

It shall be the policy of the Desert/Mountain Charter SELPA and its member LEAs to comply with the requirements of the State Performance Plan Indicators (SPPI) developed by the CDE and provide data as required by the CDE.

The Desert/Mountain Charter SELPA and member LEAs believe that all students need to meet high standards of academic knowledge and skills. In addition, they must have the ability to apply their skills to the workplace where they will be required to adapt to emerging technologies and changing societal needs. The Desert/Mountain Charter SELPA and member LEAs recognize that content and performance standards are necessary to clarify for student, parents/guardians, and staff what students are expected to know and be able to perform at each grade level and in each area of study. Students' goals on their individual IEPs shall be based on state content standards whenever appropriate.

Each LEA in the Desert/Mountain Charter SELPA shall provide data and/or information to the CDE required by regulations for purposes of the State Performance Plan on at least an annual basis to determine priorities for program improvement. Current data reporting includes, but is not limited to:

- Pupil count information through CALPADS
- Desired Results Developmental Profile (DRDP)

Supplementation of State and Federal Funds

Member LEAs comprising the Desert/Mountain Charter SELPA utilize a combination of federal, state, and local funds to provide a free appropriate public education to all children with disabilities in the Desert/Mountain Charter SELPA. Federal and state special education funds are distributed to the LEAs as per the Desert/Mountain Charter SELPA allocation plan.

It shall be the policy of the Desert/Mountain Charter SELPA and member LEAs to provide assurances that funds received from Part B of 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.

It shall be the policy of the LEAs 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.

Each LEA shall assure compliance through sound budget development and fiscal review. Each LEA shall provide the Desert/Mountain Charter SELPA the documentation necessary to develop the Annual Service Plan, the Annual Budget Plan, and Maintenance of Effort. A detailed description of local, state and federal funds is contained in the Desert/Mountain Charter SELPA Fiscal Allocation Plan and Procedures.

LEGAL REFERENCES

- Education Code:
 - 5095 Powers of remaining Governance Council members and new appointees
 - 32210 Willful disturbance of public school or meeting a misdemeanor
 - 35010 Prescription and reinforcement of rules
 - 35140 Time and place of meetings
 - 35143 Annual organizational meeting, date, and notice
 - 35144 Special meeting
 - 35145 Public meetings
 - 35145.5 Agenda; public participation; regulations
 - 35163 Official actions, minutes and journal
 - 35164 Vote requirements
 - 54950-54957.9 Meetings, especially:
 - 54953 Meetings to be open and public; attendance
 - 54953.2 Compliance with Americans with Disabilities Act
 - 54953.5 Audio or video tape recordings of proceedings
 - 54954 Time and Place of regular meetings
 - 54954.1 Mailed notices
 - 54954.2 Agenda posting requirements, board actions
 - 54954.3 Opportunity for public to address legislative body
 - 54954.5 Closed session item descriptions
 - 54956 Special meetings; call; notice
 - 54956.5 Emergency meetings
 - 54957 Closed sessions
 - 54957.5 Agenda distribution
 - 54957.9 Disorderly conduct of general public during meeting; clearing of room
 - 54961 Prohibition on use of certain facilities

- 56000-56001 Education for individuals with exceptional needs
- 56020-56035 Definitions
- 56040-56042 General Provisions
- 56190-56194 Community advisory committees
- 56195-56195.9 Local Plans
- 56200-56202 Local Plan Requirements
- 56205-56208 Local Plan Requirements
- 56240-56245 Staff Development
- 56300-56382 Identification and referral, assessment, instructional planning, implementation, and review
- 56440-56447.1 Programs for individuals between the ages of three and five years
- 56500-56508 Procedural safeguards, including due process rights
- 56600-56606 Evaluation, audits and information
- 56836 Administration of Local Plan
- 56836.03
- 56844
- 60312
- Government Code
 - 9500-95029 California Early Intervention Services Act
- Code of Regulations, Title 5
 - 3000-3082 Regulations governing special education
- AB 602 (Chapter 854, Statutes of 1997) Funding
- United States Code, Title 20
 - 1400-1485 Individuals with Disabilities Act
- Code of Federal Regulations, Title 28
 - 35.160.i Effective communication
 - 36.303 Auxiliary aids and services
- United States Code, Title 29
 - 794 Rehabilitation Act of 1973, Section 504
- United States Code, Title 42
 - 12101-12213 Americans with Disabilities Education Act
- Code of Federal Regulations, Title 34
 - 99.10-99.22 Inspection, review and procedures for amending education records
 - 104.1-104.39 Section 504 of the Rehabilitation Act of 1973
 - 30.200-209
 - 30.231-2
 - 300.300(a)(3)
 - 300.340-300.351
 - 300.500 Due process procedures for parents and children
 - 300.517
 - 303.1-303.654 Early intervention program for infants and toddlers with disabilities
- State Board
 - Requirement 02/99
- Attorney General Opinions

- 84 Ops.Cal.Atty.Gen. 181 (2001)
 - 84 Ops.Cal.Atty.Gen. 69 (1996)
 - 78 Ops.Cal.Atty.Gen. 327
- Court Decisions
 - Baca v. Moreno Valley Unified School District (C.D. Cal. 1996) 936F. Supp. 719
- Attorney General Opinions
 - 59 Ops.Cal.Atty.Gen. 532 (1976)
 - 61 Ops.Cal.Atty.Gen. 243, 253 (1978)
 - 63 Ops.Cal.Atty.Gen. 215 (1980)
 - 66 Ops.Cal.Atty.Gen. 336, 337 (1983)
 - 76 Ops.Cal.Atty.Gen. 281 (1993)

6.5 Special Education Summit
Verbal report, no materials

6.6 CALPADS Submissions

Verbal report, no materials

Jamie Adkins

Subject: FW: Trailer Bill Language - Still Awaiting New Formula
Attachments: sped copy 2020 GBWS (Presentation) (1).pdf

From: Kelly Satterfield <kellys@sscal.com>
Sent: Monday, February 3, 2020 1:28 PM
To: Kelly Satterfield <kellys@sscal.com>
Cc: Michelle McKay Underwood <michelleu@sscal.com>; Kyle Hyland <kyleh@sscal.com>
Subject: Trailer Bill Language - Still Awaiting New Formula

CAUTION:This email originated from outside of the organization. Please do not click links or open attachments unless you recognize the sender and know the content is safe.

February 3, 2020

To: Members, Coalition for Adequate Funding for Special Education

From: Michelle McKay Underwood
School Services of California Inc.

Re: Trailer Bill Language - Still Awaiting New Formula

On Friday evening, the Department of Finance (DOF) released the trailer bill language for the 2020–21 State Budget. This is the next step in the State Budget process so stakeholders and legislators can see the details that were summarized on January 10, 2020.

While some significant special education trailer bill language was released, the new funding formula was not. When the trailer bills were sent out by the DOF, they noted: “We anticipate that at this time, two additional pieces of language will be released in the next few weeks. These include the language for the new special education base funding formula. Finally, we also intend to send out additional supporting documentation in the coming months to help clarify the Administration’s proposals.”

As we await that language, there are several special education proposals that were released on Friday night, including:

- Extending the special education assurances plan implementation dates by two years, and extending the reporting deadlines for the interagency collaborative charged with improving transitions for three-year-olds with disabilities and accessing federal funds
- Temporarily freezing the ability to create new single-district Special Education Local Plan Areas (SELPAs)
- Freezing funding for necessary small SELPAs with declining enrollment; freezing extraordinary cost pool funding; freezing funding for low incidence pupils; freezing Program Specialists/Regionalized Services (PS/RS);
- Expanding the use of educationally related mental health services funding and freezing the current-year allocation

- Starting in 2020–21, educationally related mental health services (ERMHS) funds could be used for all mental health related services, including out-of-home residential services for emotionally disturbed pupils; counseling and guidance services, including counseling, career counseling, personal counseling, and parent counseling and training; psychological services; social work services; behavioral interventions; and other mental health related services not necessarily required by the federal Individuals with Disabilities Education Act
- Continuing the existing formula for out-of-home care funding an additional year

The funding based on preschoolers with disabilities mirrors this year’s funds except for the addition of intent language for how the dollars should be used. Intent language does not have the force of law, so these funds would remain flexible under this proposal.

Three studies would be funded as follows:

- \$500,000 contract for a study with a California postsecondary educational institution or a nongovernmental research institution that will examine special education governance and accountability
- \$250,000 contract with a local educational agency (LEA) to convene a workgroup that will examine and propose alternate pathways to a high school diploma for students with disabilities
- \$350,000 contract with an LEA to convene a workgroup that will design a state standardized individualized education program template
- \$4 million for allocation to a designated county office of education for the California Dyslexia Initiative

The trailer bill can be found here <https://esd.dof.ca.gov/dofpublic/public/trailerBill/pdf/55>.

We will be following up with the Administration to better understand these proposals and awaiting further trailer bill language regarding the proposed new special education funding formula.

Excerpts from the Governor's Proposals for the 2020–21 State Budget and K–12 Education



Governor's Proposals for the 2020–21 State Budget and K–12 Education

Presented by

School Services of California Inc. Staff

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The Education Budget

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- Once again, Proposition 98 provides a ceiling—not a floor—for the education budget
 - Declining enrollment will be with us for the foreseeable future, so it is time to bone up on Proposition 98—Test 1
- With moderate funding growth, the Governor provides just enough ongoing resources to keep the LCFF at full implementation
 - The rest of education funding is primarily new or continued one-time, categorical grant programs
 - All with laudable goals, but few that provide immediate relief when the cost to keep local educational agencies (LEAs) afloat hovers around 4%
 - Even the 15% special education base funding increase described in the Budget summary is mostly a repurposing of last year's dollars based on preschoolers with disabilities
- The Governor appears to be building in a buffer with one-time spending against a future economic downturn

Excerpts from the Governor's Proposals for the 2020–21 State Budget and K–12 Education



Proposition 98—Past, Current, and Future

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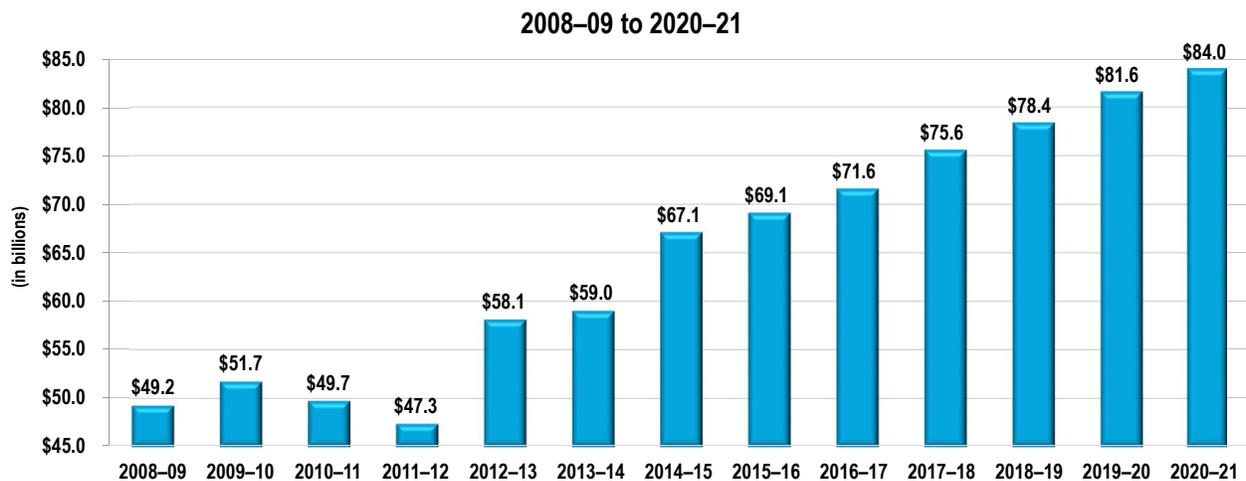
- The 2020–21 minimum guarantee is projected to be \$84 billion
 - A \$2.4 billion (2.9%) increase from last year's revised State Budget
- The minimum guarantee increased from the 2019 Budget Act for both 2018–19 and 2019–20
 - Due largely to an increase in property taxes in 2018–19 and increased General Fund revenues in both 2018–19 and 2019–20
 - Resulting in a total of \$3 billion in additional funding



Proposition 98 Funding Over Time

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Source: 2020–21 Governor's Budget, page 68

Excerpts from the Governor's Proposals for the 2020–21 State Budget and K–12 Education



2020–21 Local Control Funding Formula

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- The State Budget proposes \$1.2 billion towards the LCFF to fund the 2.29% statutory COLA
 - Which brings LCFF funding to \$64.2 billion (up from \$63 billion in 2019–20)
 - This is lower than the 3% COLA projected at adoption of the 2019-20 State Budget, but higher than the LAO's estimate of 1.79%
- 2020–21 LCFF growth provides an average increase in per-pupil funding of an estimated \$231 per ADA, or 2.14% (individual results will vary)
 - The lower 2.14% increase takes into consideration that no COLA is provided for Targeted Instructional Improvement Grant, Transportation, or Economic Recovery Target funds



Special Education

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- To understand the 2020-21 State Budget proposal for special education remember:
 - The 2019-20 State Budget included \$645 million in new resources:
 - \$152 million to bring the lowest-funded Special Education Local Plan Areas (SELPAs) up to the statewide target rate of \$557.27 per ADA
 - \$493 million in flexible, one-time funding to school districts based on the count of three-, four-, and five-year-olds with Individualized Education Programs (IEPs)
 - These two pots were funded with ongoing state money, but future, specific allocation to districts was dependent upon further discussion
- The 2020-21 State Budget proposes to use this \$645 million in an ongoing manner to increase special education base rates
- Additionally, the budget proposes \$250 million in one-time funding to school districts based on preschoolers with disabilities

Excerpts from the Governor's Proposals for the 2020–21 State Budget and K–12 Education



Special Education—Base Rates

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- For the 2020–21 fiscal year, the Budget proposes to use the \$645 million from the 2019–20 State Budget to add to the existing AB 602 base funding for a new special education base formula that uses a three-year rolling average of LEA ADA (but still allocated to SELPAs)
 - While future formula discussions may include other factors, this formula is strictly based on a statewide per-ADA amount
 - With the information currently available, we estimate this would equal between \$640 and \$680 per ADA
 - Most LEAs will see an increase in base funding
 - Approximately 100 LEAs with base rates higher than the proposed base rate will be held harmless
 - It is unknown whether these hold harmless LEAs will receive a COLA
 - The proposed repeal of AB 602's base formula would also eliminate the approximate \$65 million special education deficit



Special Education—Funding Based on Preschoolers with Disabilities

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- Like the 2019–20 State Budget, Governor Newsom proposes to provide funding to school districts based on the three-, four-, and five-year-old preschoolers with disabilities that they serve
 - The 2020–21 allocation of \$250 million would be one time
 - Based on the latest data, we would estimate the per-pupil rate at \$4,570
- Unlike the 2019-20 State Budget, the Administration specifies that districts will be required to allocate these funds to increased or improved services
 - In the current year, while the dollars were apportioned based on pupil count, they were not required to be used for any specific purpose

Excerpts from the Governor's Proposals for the 2020–21 State Budget and K–12 Education



Special Education—Future Phases

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- The 2019–20 State Budget called for future State Budget legislation to make changes to improve outcomes for students with disabilities
- Over the fall, the Department of Finance and legislative staff made numerous site visits and engaged with researchers to determine best practices and opportunities to improve the state's system of special education
 - There was general agreement that:
 - Skillful teaching in inclusive classrooms improves outcomes for all students, not just students with disabilities
 - Needs associated with student mental health and social-emotional issues are becoming more prevalent
 - Many teachers are not fully prepared to adapt curriculum to meet the changing needs of students, especially students with disabilities in a general education classroom



Special Education—Future Phases

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- Shortages in special education teachers and specialists make providing services more costly, less effective, and difficult to schedule
- A clear and consistent message from the state is needed to allow teachers, parents, administrators, and school boards to fully embrace a move towards more inclusive classrooms and eliminate education siloes
- This year, Governor Newsom proposes \$1.1 million to study the current SELPA governance and accountability structure and improved accountability for special education service delivery and student outcomes

Excerpts from the Governor's Proposals for the 2020–21 State Budget and K–12 Education



Special Education—Future Phases

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- In the future, the Administration anticipates:
 - Finalizing the new special education funding formula to support equity, more inclusive practices, and early intervention services
 - Incorporating recommendations from the governance and accountability workgroups
 - Pursuing reforms related to family and student engagement
 - Incorporating recommendations from the Master Plan for Early Learning and Care into the K–12 infrastructure of early intervention services for young children with exceptional needs



Special Education Funding

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- The State Budget proposes a new special education funding formula
 - The current AB 602 formula will no longer be utilized for base funding apportionments though the other special education-related funds will remain as in current law
- The proposed formula will:
 - Allocate to all SELPAs based on three-year rolling ADA averages for each LEA in the SELPA
 - Provide a higher per-ADA base funding amount for most LEAs
 - SSC currently estimates between \$640 and \$680 per ADA
 - Hold harmless those LEAs funded above the proposed base rate
 - Eliminate the special education proration factor (deficit)
 - Distribute funds to SELPAs
 - Allocations to member LEAs still subject to the local SELPA funding allocation model

Excerpts from the Governor's Proposals for the 2020–21 State Budget and K–12 Education



Special Education Funding

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- **Maintain the categorical programs that are not included in base funding**
 - Regionalized Services/Program Specialists
 - Out-of-Home Care
 - Low Incidence
 - Mental Health
 - Extraordinary Cost Pool
 - Necessary Small SELPA
- **This is great news—an acknowledgement by policy makers that special education funding should be increased and equalized across the state**
 - **For now, exercise caution in local budgets—this proposal is in its infancy**



Special Education Funding

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- **Preschool funding**
 - **Additional \$250 million statewide is proposed to be allocated to LEAs based on the number of three- to five-year olds with Individualized Education Programs (IEPs)**
 - SSC estimates at \$4,570 per pupil
 - **Funding must be used to increase or improve services**
 - Encouraged to be used pre-IEP to avoid increasing the Maintenance of Effort with these one-time resources
 - **Will be distributed directly to LEAs**
 - **Should be considered one-time funding**

Desert/Mountain SELPA
Due Process Summary
July 1, 2019 - January 17, 2020

DISTRICT													CASE ACTIVITY FOR CURRENT YEAR				
	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	Total	D /W	Resolution	Mediation	Settled	Hearing
Adelanto SD	0	2	0	3	6	5.5	2.5	5	3	3.5	3	33.5	0	2	0	1	0
Apple Valley USD	2	1.33	0	0	2	1	1.5	1.5	0	3.5	8	20.83	1	2	1	4	0
Baker USD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Barstow USD	0	1	0	0	0	0	1	3.5	0	2	0	7.5	0	0	0	0	0
Bear Valley USD	0	0	1	0	0	0	0	1	2	0	0	4	0	0	0	0	0
Helendale SD	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0
Hesperia USD	2.5	1	5.5	4	3	5	7.5	7	6	7	11	59.5	0	0	1	10	0
Lucerne Valley USD	0	4	0	1	2	1	1	2	0	1.5	0	12.5	0	0	0	0	0
Needles USD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Oro Grande SD	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	1	0
Silver Valley USD	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Snowline USD	0	0	2	1	1	5	4.5	6.5	2	8.5	6	36.5	0	1	3	2	0
Trona USD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Victor Elementary SD	1	1	1	1	4.33	3.33	1.83	2.5	6.5	0	7	29.49	1	0	2	4	0
Victor Valley Union High SD	2.5	0	2	4	3.33	4.3	7.83	4	4	8.5	4	44.46	0	2	0	2	0
Academy for Academic Excellenc	0	1.33	0	0	4	2	0	1	2	1	1	12.33	0	0	0	1	0
CA Charter Academy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Desert/Mountain OPS	0	0.34	0.5	1	1.33	0.83	4.33	3	1.5	3	1	16.83	0	1	0	0	0
Excelsior Education Center	0	0	0	0	0	0	0	0	0	0.5	1	1.5	0	0	1	0	0
Explorer Elementary	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0
Health Sciences HS & MS	0	0	0	0	0	0	0	0	0	1	1	2	0	0	0	1	0
High Tech Elementary P. L.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0	0	0	0	0	0	0
High Tech Middle	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0
High Tech High	0	0	2	2	0	1	0	0	0	2	3	10	0	1	1	1	0
High Tech High International	0	0	0	1	2	0	0	0	0	0	1	4	0	0	0	1	0
High Tech High Media Arts	0	2	0	0	2	0	0	0	0	0	0	4	0	0	0	0	0
High Tech Middle Media Arts	0	0	0	0	0	0	0	0	2	0	1	3	0	1	0	0	0
High Tech High Statewide Benefi	0	1	2	0	2	1	1	3	2	0	0	12	0	0	0	0	0
SELPA-WIDE TOTALS	8	15	17	18	33	29.96	33	40	34	42	49	318.9	2	10	9	28	0

Districts showing a value of .50 above indicates that the district is a co-respondent with another district.

Districts showing a value of .25 above indicates that the district is a co-respondent with 3 other districts.

**Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2019 – January 17, 2020**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
1. Snowline JUSD 2019061248	1. Free Appropriate Public Education <ul style="list-style-type: none"> a. Alternative Augmentative Communication (AAC) b. occupational therapy c. Functional Behavior Assessment (FBA) d. missing IEP members e. placement 	06/28/19	07/22/19	08/28/19	08/16/19	10/01/19 – 10/03/19	Resolution on phone; no settlement reached; mediation held; settled 09/03/19; CLOSED
2. Apple Valley USD 2019070018	1. Free Appropriate Public Education <ul style="list-style-type: none"> a. health aide b. late assessment 	06/25/19	07/19/19				07/19/19 settled - CLOSED
3. Apple Valley USD 2019061059	1. Failure to assess <ul style="list-style-type: none"> a. occupational therapy b. speech language pathology c. adaptive physical education d. alternative augmentative communication 	06/28/19	Waived		08/12/19	08/20/19 – 08/22/19	Attorneys negotiating outside of resolution; settled 08/14/19; CLOSED
4. High Tech High 2019070209	1. Free Appropriate Public Education <ul style="list-style-type: none"> a. placement b. Educationally Related Mental Health Services (ERMHS) 	07/08/19	07/17/19				07/23/19 settled - CLOSED

**Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2019 – January 17, 2020**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
5. Hesperia USD Case #2019070638	1. Free Appropriate Public Education a. speech language pathology b. Functional Behavior Assessment c. goals d. occupational therapy	07/17/19	08/23/19		08/30/19	09/10/19 – 09/12/19	Settled at resolution 08/23/19; CLOSED
6. Health Sciences Case #2019070740	1. Failure to evaluate Functional Behavior Assessment (FBA), Speech and Language, and Educationally Related Mental Health Services (ERMHS)	07/18/19	07/31/19		08/30/19	09/10/19 – 09/12/19	Agreement reached 08/26/19; CLOSED
7. Victor Valley Union High School Dist Case #2019070699	1. Free Appropriate Public Education a. lack of appropriate program b. Functional Behavior Assessment (FBA) c. Educationally Related Mental Health Services (ERMHS) d. Occupational Therapy e. adapted physical education	07/17/19	08/16/19		08/30/19	09/10/19 – 09/12/19	Settled at resolution 08/16/19; CLOSED
8. Hesperia USD Case #2019070805	Failure to assess a. Functional Behavior Assessment (FBA)	07/22/19	08/06/19		08/30/19	09/10/19 – 09/12/19	Agreement reached; settled 08/12/19; CLOSED

**Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2019 – January 17, 2020**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
	<ul style="list-style-type: none"> b. Educationally Related Mental Health Services (ERMHS) c. speech language, pragmatics 						
9. Oro Grande SD Case #20190710076	1.Free Appropriate Public Education <ul style="list-style-type: none"> a. Functional Behavior Assessment (FBA) b. Educationally Related Mental Health Services (ERMHS) c. one-to-one aide d. reading goals 	07/26/19	08/08/19		09/09/19	09/17/19 – 09/19/19	Settled 08/08/19 at resolution; CLOSED
10. Hesperia USD Case #2019071079	1.Free Appropriate Public Education <ul style="list-style-type: none"> a. reading goals b. writing goals c. math goals 	07/26/19	Waived	10/08/19	11/25/19	12/03 – 12/05/19	Timeline violated; opposing attorney refused resolution; mediation scheduled; settlement agreement 09/30/19; CLOSED
11. Hesperia USD Case #2019071077	1. Child Find	07/26/19	08/12/19	10/07/19	11/04/19	11/19- 11/21/19	No settlement at resolution; settled post-mediation; CLOSED 10/31/19

**Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2019 – January 17, 2020**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
12. Hesperia USD Case #2019081039	1. Free and Appropriate Public Education (FAPE); Least Restrictive Environment (LRE) placement; 2. Meaningful participation 3. Assessments: Functional Behavior Assessment Occupational Therapy Speech Language Therapy 4. Goals for sensory processing	08/27/19	09/10/19		10/14/19	10/22-10/24/19	Settled at resolution; agreed to compensatory education, assess Speech Language Pathology, occupational therapy, provide Independent Educational Evaluation, Functional Behavior Assessment; CLOSED
13. Victor Elem SD Case #2019081037	1.Appropriate placement Non-public School (NPS)	08/27/19	09/17/19	10/29/19	12/30/19	01/07-01/19/20	Settled post resolution; CLOSED
14. Academy of Academic Excellence (AAE) Case #2019090154	1. Denial of Free and Appropriate Public Education (FAPE) 2. Programs and services a. occupational therapy b. psychoeducational	09/05/19	09/12/19		10/18/19	10/29-10/31/19	Ongoing negotiations; settlement agreement 10/03/19; CLOSED
15. Victor Elem SD Case #2019090045	1.Invalid manifestation determination 2. Behavior related to disability 3. Failed to assess: a. autism b. emotionally disturbed c. Functional Behavior Assessment 4. Inadequate goals	09/04/19	Waived	09/17/19	09/25/19	10/29-10/31/19	Settled at mediation; agreed to expunge manifestation determination; provide Educationally-Related Mental Health Services (ERMHS); compensatory education; CLOSED

**Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2019 – January 17, 2020**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
16. Apple Valley USD Case #2019081133	1. Denied accommodations for cheer tryouts 2. District policies, practice and training for special education accommodations related to sports 3. Student is devastated	08/28/19	09/11/19	11/04/19	11/18/19	12/03-12/05/19	Parent not interested in settling; had no attorney; declined counseling; wants placement on cheer squad; no settlement at mediation of 11/20/19; new attorney obtained complaint & withdrew; CLOSED
17. High Tech High International Case #2019081213	1. Denied Free and Appropriate Public Education (FAPE) 2. Assess in all areas of suspected disability 3. Inadequate a. goals b. assessment	08/29/19	09/26/19		10/14/19	10/22-10/24/19	Settled post resolution 10/23/19; CLOSED
18. Hesperia USD Case #2019090587	1. Denied Free and Appropriate Public Education (FAPE) 2. Failed to assess Speech Language Pathology, occupational therapy; 3. Insufficient goals; 4. Lack of educational benefit 5. Failure to address bullying	09/16/19	10/01/19		10/25/19	11/05-11/07/19	Settled post resolution 10/22/19; CLOSED
19. Victor Elem SD & Desert/Mtn Operations Case #2019090521	1. Placement 2. Safety – travel distance	09/13/19	09/23/19		10/25/19	11/05-11/07/19	Settlement agreement 10/07/19; CLOSED

**Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2019 – January 17, 2020**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
20. Apple Valley USD; SBCSS Case #2019090706	1. Denial of Free and Appropriate Public Education (FAPE) a. Least Restrictive Environment (LRE)/placement b. appropriate goals c. services and supports 2. Failure to convene Individualized Educational Plan (IEP) 3. Failure to assess/triennial 4. Safety	09/18/19	10/01/19		11/04/19	11/13-11/14/19	Not settled at resolution; mediation to be scheduled;
21. Hesperia USD & VVUHSD Case #2019090656	1. Predetermined placement 2. Least Restrictive Environment (LRE) 3. Related services: a. speech language pathology b. occupational therapy c. adapted physical education	09/18/19	10/02/19		11/01/19	11/13-11/14/19	Settled post resolution 10/22/19; CLOSED
22. Victor Elem SD Case #2019090711	1. Placement 2. Negative impact on student	09/17/19	09/27/19		11/04/19	11/13-11/14/19	Filed notice of insufficiency 09/27/19; parent declined all services offered; waiting for withdrawal; OAH vacated; CLOSED
23. Excelsior Case #2019090942	1. Failure to provide Free and Appropriate Public Education (FAPE) 2. Lack of progress	09/24/19	10/10/19 11/07/19	12/03/19 01/08/2020	11/08/19 01/17/20	11/19- 11/21/19 01/28-01/30/20	VVUHSD dismissed; settlement not reached at resolution; mediation rescheduled; mediation

**Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2019 – January 17, 2020**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
	3. Change to certificate of completion 4. Independent Educational Evaluations (IEEs) a. psychoeducational b. Functional Behavior Assessment (FBA) 5. Conduct assessment a. Educationally Related Mental Health Services (ERMHS) b. Special Circumstance Instructional Assistance (SCIA) c. social skills						cancelled; attorney dropped case; CLOSED
24. High Tech High Case #2019091119	Failure to provide Free and Appropriate Public Education (FAPE): 1. Timely Assessment a. mental health b. fine motor c. assistive technology 2. Parent participation a. mental health report 3. Lack of clear goals 4. Failing to implement speech language pathology	09/30/19	10/16/19	01/29/20	11/08/19-11/21/19 02/10/20	11/19-11/21/19 02/25-02/27/20	Resolution held; no agreement; mediation scheduled;
25. High Tech High Case #2019100197	Parent participation No progress report	10/02/19	10/16/19		11/18/19	11/26-11/27/19	Resolution held; no agreement; settlement

**Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2019 – January 17, 2020**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
	Failure to provide Free and Appropriate Public Education (FAPE): 1. Unmeasurable goals 2. Placement						agreement 12/22/19; CLOSED
26. Snowline JUSD Case #2019100701	1. Denial of Free and Appropriate Public Education (FAPE) a. one-to-one b. social skills c. mental health d. vocational education 2. Psychoeducational assessment a. independent educational evaluation (IEE)	10/16/19	10/31/19	01/13/20	12/02/19 02/14/20	12/10- 12/12/19 03/03- 03/05/20	Resolution not held due to attorney not being available; Attempting to settle between lawyers; no agreement; mediation scheduled;
27. Snowline JUSD Case #2019100697	1. Denial of Free and Appropriate Public Education (FAPE) a. reading b. social needs c. behavior 2. Failure to assess a. vocational b. functional behavior assessment (FBA) c. adaptive 3. Impeded parent participation 4. Deprived of educational benefit	Amended: 11/15/19	12/11/19	01/14/20	12/02/19 03/02/20	12/10- 12/12/19 03/10- 03/12/20	No agreement at resolution; mediation scheduled;

**Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2019 – January 17, 2020**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
28. Adelanto SD Case #2019100641	1. Denial of Free and Appropriate Public Education (FAPE) a. comprehensive assessment b. behavior needs c. emotional needs	10/16/19	10/28/19		12/09/19	12/17-12/19/19	Settlement agreement 10/31/19; CLOSED
29. Snowline JUSD Case #2019100620	Lack of educational benefit a. reading goals b. writing goals c. math goals	10/18/19	10/29/19		12/02/19	12/10-12/12/19	Agreement reached; awaiting signatures; settled 11/05/19; CLOSED
30. Hesperia USD Case #2019100943	Denial of Free and Appropriate Public Education (FAPE) 1. Failure to provide appropriate program: a. academic b. behavioral 2. Failure to complete triennial review	10/23/19	11/18/19		12/09/19	12/17-12/19/19	11/25/19 settlement post resolution; CLOSED
31. Hesperia USD Case #2019101079	Denial of Free and Appropriate Public Education (FAPE) a. lack of appropriate program b. not assessed in all areas	10/28/19	11/18/19	12/17/19	01/13/20	01/22-01/23/20	01/08/20 settlement post mediation; CLOSED
32. Victor Elem SD & Desert/Mountain OPs Case #2019101108	1. Denial of Free and Appropriate Public Education (FAPE) a. inappropriate placement b. behavior intervention services c. one-to-one aide 2. Assessment timeline violation	10/28/19	11/12/19	01/10/20	12/09/19	12/17-12/19/19	No agreement at resolution; mediation scheduled;

**Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2019 – January 17, 2020**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
33. Hesperia USD Case #2019101171	Child Find	10/29/19	11/18/19	12/19/19	02/03/20	02/11/- 02/13/20	No agreement at resolution; mediation scheduled; settlement agreement 11/20/19; CLOSED
34. Adelanto SD Case #2019110105	1. Denial of Free and Appropriate Public Education (FAPE) <ul style="list-style-type: none"> a. failure to provide assistive technology/augmentative and alternative communication (AAC) b. inconsistent one-to-one c. behavior intervention services (BIS) 2. Failure to provide safe transportation 3. Lack of education benefit <ul style="list-style-type: none"> a. goals b. program c. mainstreaming 	11/01/19	11/22/19		12/23/19	01/02/20	Resolution rescheduled; settlement agreement 12/16/19; CLOSED
35. VVUHSD Case #2019110840	1. Denial of Free and Appropriate Public Education (FAPE) <ul style="list-style-type: none"> a. student placement b. Least Restrictive Environment 2. Goals not reasonably calculated <ul style="list-style-type: none"> a. reading b. writing c. math 3. Lack of remedial reading	11/14/19	12/10/19		12/30/20	01/07- 01/09/20	Not settled – continuing discussion about placement;

**Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2019 – January 17, 2020**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
36. Apple Valley USD Case #2019110949	Denial of Free and Appropriate Public Education (FAPE) a. failure to provide transportation b. pre-determination of transportation need c. no progress report d. no permission to mainstream	11/19/19	12/02/19				Advocate only; settled at resolution; CLOSED
37. Apple Valley USD Case #2019110805	1. Failure to assess in all areas 2. Failure to implement all areas of IEP 3. Failure to offer appropriate occupational therapy services 4. Failure to offer goals in all areas of need	11/21/19	12/02/19 12/10/19		01/13/20	01/22- 01/23/20	Settlement agreement 12/19/19; CLOSED
38. Snowline JUSD Case #2019120105	Denial of Free and Appropriate Public Education (FAPE) a. augmentative and alternative communication (AAC) b. occupational therapy services c. inaccurate functional behavior assessment (FBA) d. placement e. denied orientation and mobility services f. one-to-one aide	01/27/2020	12/11/19 12/17/19 Resolution waived		01/17/20	01/28- 01/30/20	Waived resolution; second filing this year on same issue;

**Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2019 – January 17, 2020**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
39. Victor Elem SD Case #2019111084	1. Manifestation Determination <ul style="list-style-type: none"> a. inaccurate conclusion b. incomplete team 2. Denial of Free and Appropriate Public Education (FAPE) <ul style="list-style-type: none"> a. exclusion on extended expulsion b. services 3. Failure to assess <ul style="list-style-type: none"> a. Functional Behavior Assessment (FBA) 4. Inadequately assessed <ul style="list-style-type: none"> a) psychoeducation 	11/27/19	Waived	Expedited 12/12/19	Expedited: 12/20/19 Regular: 01/13/20 03/02/20	Expedited: 01/07-01/09/20 Regular: 01/22-01/23/20 03/10-03/12/20	A. Expedited claims: resolution waived; mediation held; settled on expedited claims; B. Regular claims: no agreement reached;
40. Hesperia USD & Encore Junior/Senior High School Case #2019120062	Free and Appropriate Public Education (FAPE) <ul style="list-style-type: none"> 1. Goals not reasonably calculated to ensure education benefit <ul style="list-style-type: none"> a. reading b. writing c. math 2. Failure to conduct psycho-educational assessment 	12/03/19	12/17/19 Waived	02/12/20	03/20/20	04/07-04/09/20	
41. Adelanto SD Case #2019120364	Free and Appropriate Public Education (FAPE) <ul style="list-style-type: none"> 1. Failure to assess in all areas <ul style="list-style-type: none"> a. psycho-educational assessment b. occupational therapy 	12/09/19	12/20/19 Waived		01/24/20	02/04-02/06/20	

**Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2019 – January 17, 2020**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
	<ul style="list-style-type: none"> c. adapted physical education d. Language, speech and hearing (LSH) e. Augmentative and alternative communication (AAC) f. Special circumstances Instructional Assistance (SCIA) g. Functional behavior assessment (FBA) 2. Failure to facilitate parent participation 3. Incomplete Individualized Education Program (IEP) 						
42. Victor Elem SD Case #2019120236	Free and Appropriate Public Education (FAPE) 1. Change of placement without assessment 2. Failed to provide appropriate placement	12/06/19	01/06/20		01/17/20	01/28-01/30/20	Settlement agreement at resolution - CLOSED
43. High Tech High Media Arts Case #2019120545	Free and Appropriate Public Education (FAPE) 1. Failure to assess in all areas 2. Failure to provide measurable goals 3. Unclear offer of services and placement	12/16/19	01/10/20		1/27/20	02/04-02/06/20	

**Desert/Mountain SELPA
Due Process Activity Summary
July 1, 2019 – January 17, 2020**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
44. Apple Valley USD Case #2019120678	Child Find	12/17/19	01/09/20		01/31/20	02/11- 02/13/20	
45. Apple Valley USD Case TBD	Child Find	01/06/20	01/09/20		02/10/20	02/19- 02/20/20	

Desert /Mountain SELPA
Legal Expense Summary
As of January 17, 2020

2000-2001	\$39,301.51
2001-2002	\$97,094.90
2002-2003	\$37,695.13
2003-2004	\$100,013.02
2004-2005	\$136,514.09
2005-2006	\$191,605.08
2006-2007	\$140,793.00
2007-2008	\$171,614.04
2008-2009	\$263,390.71
2009-2010	\$114,076.96
2010-2011	\$293,578.50
2011-2012	\$567,958.10
2012-2013	\$321,646.04
2013-2014	\$250,372.65
2014-2015	\$297,277.76
2015-2016	\$204,756.26
2016-2017	\$233,130.03
2017-2018	\$247,459.52
2018-2019	\$314,479.71
2019-2020	\$236,735.42

**Desert/Mountain Charter SELPA
Due Process Summary
July 1, 2019 - January 16, 2020**

D = Complaint Dismissed W = Complaint Withdrawn

DISTRICT										CASE ACTIVITY FOR CURRENT YEAR				
	13/14	14/15	15/16	16/17	17/18	18/19	19/20		Total	D/W	Resolution	Mediation	Settled	Hearing
Allegiance STEAM Acad - Thrive	N/A	N/A	N/A	N/A	N/A	0	0		0	0	0	0	0	0
Aveson Global Leadership Acad	N/A	N/A	2	1	5	1.5	2		11.5	2	0	0	0	0
Aveson School of Leaders	N/A	N/A	0	3	1	1.5	0		5.5	0	0	0	0	0
Ballington Acad for Arts & Sci	N/A	N/A	N/A	N/A	0	2	0		0	0	0	0	0	0
Desert Trails Prep Academy	0	0	0	0	0	0	0		0	0	0	0	0	0
Encore Junior/Senior High School	0	0	0	0	0	0	0		0	0	0	0	0	0
Encore High School, Riverside	N/A	N/A	0	0	0	1	1		2	0	0	0	1	0
Julia Lee Performing Arts Acad	N/A	N/A	N/A	N/A	N/A	0	0		0	0	0	0	0	0
LaVerne Elem Preparatory	0	0	0	0	0	0.5	0		0.5	0	0	0	0	0
Leonardo da Vinci Health Sci	0	0	0	0	0	0	0		0	0	0	0	0	0
Odyssey Charter School	N/A	N/A	0	0	0	0	0		0	0	0	0	0	0
Odyssey Charter School - South	N/A	N/A	N/A	N/A	N/A	0	0		0	0	0	0	0	0
Pasadena Rosebud Academy	N/A	N/A	N/A	N/A	N/A	1	0		1	0	0	0	0	0
Pathways to College	0	0	0	0	0	0	0		0	0	0	0	0	0
Taylison High Desert Academy	0	0	0	0	0	0	0		0	0	0	0	0	0
5														
SELPA-WIDE TOTALS	0	0	2	4	6	7.5	3		20.5	2	0	0	1	0

**Desert/Mountain Charter SELPA
Due Process Activity Summary
July 1, 2019 – January 16, 2020**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
1. Encore HS Case No. 2019061207	1. Vision Therapy 2. Compensatory education local education agency (LEA): 1. Lack of parent consent to speech 2. Lack of parent consent to specialized academic instruction (SAI)	07/09/19	0	08/23/19			Settled; agreed to compensatory education at school site; agreed to provide Independent Educational Evaluation (IEE); agreed to omit speech from the Individualized Education Plan (IEP); CLOSED 8/23/19
2. Aveson Global Case No. 2019100871	1. Enrollment 2. NPS placement	10/23/19	10/28/19		11/22/19	12/03- 12/05/19	Insufficient filing. Dates vacated. Order of insufficiency; dismissed/CLOSED
3. Aveson Global Case No. 2019120202	1. Enrollment	12/03/19	12/16/19		01/17/20	01/28- 01/30/20	Claims outside jurisdiction of OAH. Vacated for insufficiency. CLOSED

Desert /Mountain Charter SELPA
Legal Expense Summary
As of January 16, 2020

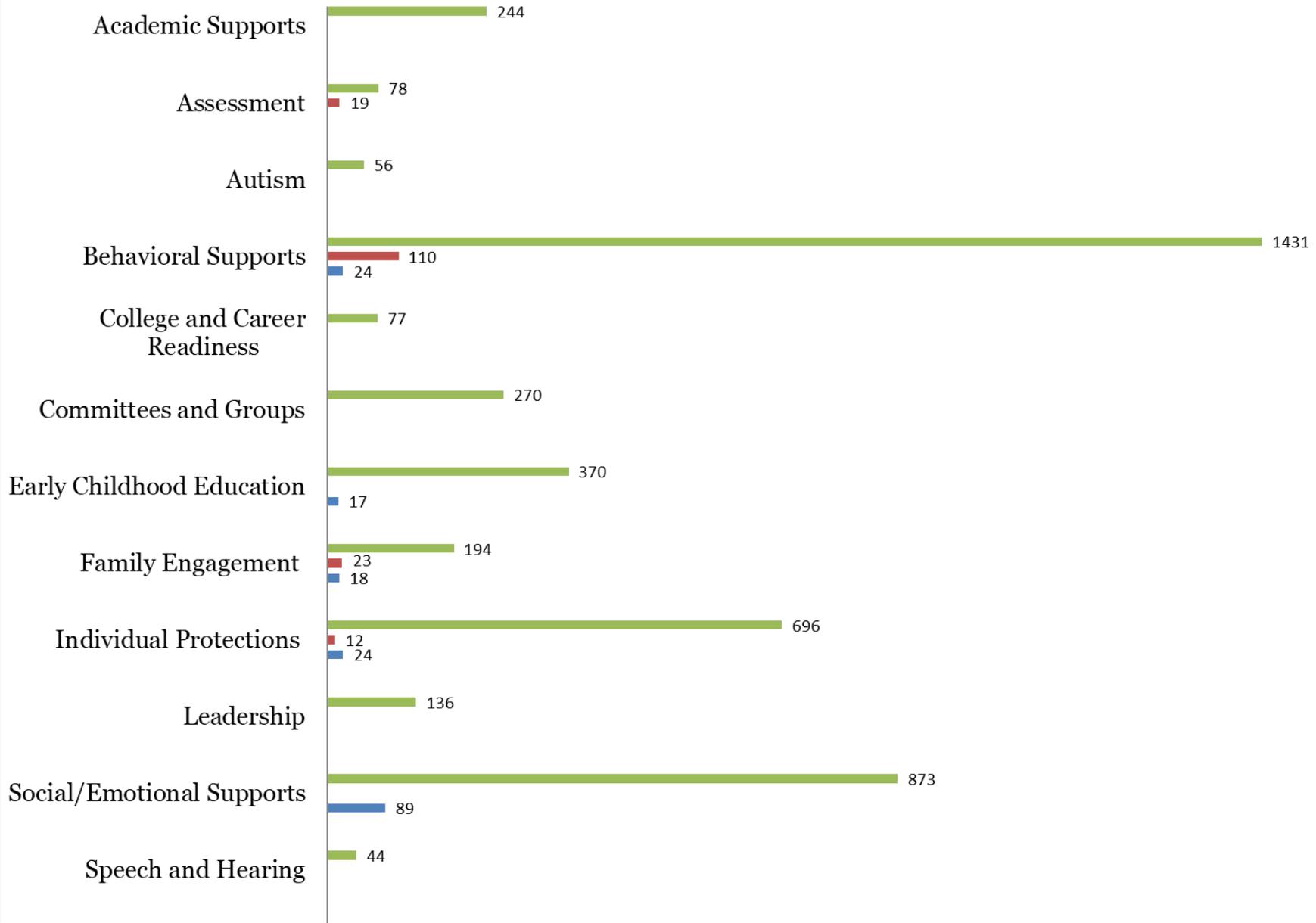
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2011-2012	
2012-2013	
2013-2014	
2014-2015	
2015-2016	\$ 7,378.00
2016-2017	\$ 33,886.61
2017-2018	\$ 70,994.67
2018-2019	\$ 113,834.81
2019-2020	\$ 39,884.35

D/M SELPA PROFESSIONAL LEARNING PARTICIPATION SUMMARY

DECEMBER 2019 - 336 PARTICIPANTS

4469 YEAR-TO-DATE PARTICIPANTS

■ Total Participants YTD by Content Area ■ On-Site Trainings ■ Regional Trainings

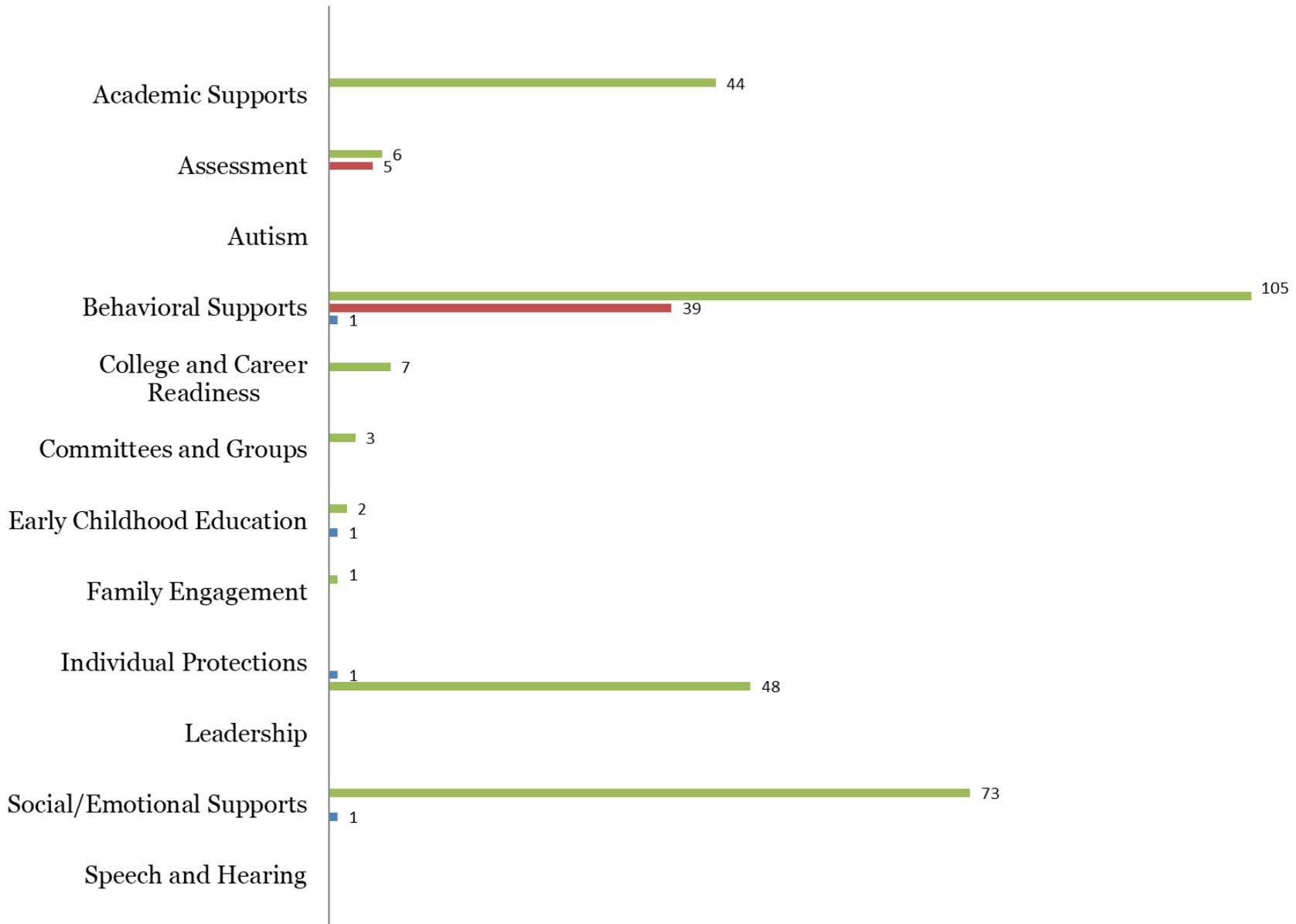


D/M CHARTER SELPA PROFESSIONAL LEARNING PARTICIPATION SUMMARY

DECEMBER 2019 - 48 PARTICIPANTS

289 YEAR-TO-DATE-PARTICIPANTS

■ Total Participants YTD by Content Area ■ On-Site Trainings ■ Regional Trainings



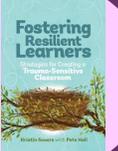
Fostering Resilient Learners: Creating a Safety Nest to **THRIVE AND SOAR**



Dave Pelzer
Keynote Speaker



Kristin Souers
Event Speaker



As the opening keynote speaker, Dave Pelzer brings a rare heartfelt message about a man whose life was saved by a system that many have ridiculed as being useless and incompetent. This highly emotional presentation pays tribute to those who have dedicated their lives to making a difference in the life of a child, while at the same time educating the general public of the challenges faced by those in their chosen field.

Following Dave Pelzer's powerful keynote, Kristin Souers, an expert in the field of childhood trauma, will present an engaging, relevant, and practical session with proven strategies on Fostering Resilient Learners. Through her session, Kristin will bring an understanding of what trauma is and how it hinders the learning environment. She will help create a safe space for students to learn at high levels while using a strength-based approach to help educators of all settings work with children of trauma. Kristin Souers is the lead author of the best-selling book *Fostering Resilient Learners: Strategies for Creating a Trauma-Sensitive Classroom*.

Date

February 26, 2020

Time

Registration begins at 7:30 a.m.
Training time is from 8:00 a.m. – 4:00 p.m.

Location

National Orange Show Events Center
689 South E Street
San Bernardino, CA 92408

Cost

\$200.00

Registration fee includes continental breakfast, lunch, and a book from one of the speakers.

Registration

Please register on-line at:
<https://sbcss.k12oms.org/52-179313>

Special Accommodations

Please submit accommodation request at least fifteen (15) working days prior to the training by notating your request when registering.

**SPACE IS LIMITED!
SIGN UP EARLY!**

#TRAUMAINVESTED

