



**Miller Creek School District**

Office of the Superintendent  
380 Nova Albion Way  
San Rafael, CA 94903

August 9, 2024

The Honorable Judge Mark Talamantes  
Marin County Superior Court  
P.O. Box 4988 3501  
San Rafael, CA 94913-4988

Rod Kerr, Foreperson  
Marin County Civil Grand Jury  
Civic Center Drive, Room #275  
San Rafael, CA 94903

**Re: Response to the Marin County Civil Grand Jury Report: To Learn or Not to Learn: Are Children with Learning Differences Set Up for Success?**

Dear Judge Talamantes and Foreperson Kerr,

The Miller Creek School District has received the Marin County Civil Grand Jury Report To Learn or Not to Learn: Are Children with Learning Differences Set Up for Success? dated June 6, 2024. The Marin County Civil Grand Jury has requested a response to Findings 1-7 (F1-F7) and Recommendations 1-4 (R1-R4). Attached please find the provided Response Form and a detailed summary of the Miller Creek School District's responses.

Thank you for your interest in and support of the effective delivery of special education services in our public schools.

Sincerely,

A handwritten signature in blue ink, appearing to read "Becky Rosales", with a long horizontal flourish extending to the right.

Becky Rosales  
Superintendent

PDF file sent to [CourtroomL@marin.courts.ca.gov](mailto:CourtroomL@marin.courts.ca.gov) and  
[foreperson@MarinCivilGrandJury.org](mailto:foreperson@MarinCivilGrandJury.org)

# RESPONSE FORM: 2023-2024 Marin Civil Grand Jury Report

Report Title:

**To Learn or Not to Learn: Are Children with Learning Differences Set Up for Success?**

Respondent/Agency Name:

**Miller Creek School District**

Submitter Name: **Becky Rosales**

Title: **Superintendent**

## FINDINGS

- Agree with the findings numbered: **F5**
- Disagree *partially* with the findings numbered: **F1, F2, F3, F4, F6 & F7**

## RECOMMENDATIONS

- Recommendations numbered **R1- R3** have been implemented.
- Recommendations numbered **R4** will not be implemented because they are not warranted or are not reasonable.

Date: **August 9, 2024**

Signed: \_\_\_\_\_

Number of pages attached: \_\_\_\_\_

## Miller Creek School District Response

### FINDINGS

- F1:** Communication with parents and guardians regarding special education services and resources at every child's development stage is critical to identifying whether children have learning differences.

**Response: Partially Agree**

The Miller Creek School District agrees that communication with parents regarding the provision of special education services is critical; however, the initial communication with Miller Creek School District parents/guardians regarding special education services takes place when all general education interventions have been exhausted or the student is demonstrating acute educational needs that likely could not be addressed without the provision of special education support and services - and not before. The Miller Creek School District's communications with parents/guardians typically center on a child's present levels when compared to developmental milestones or age/grade level behavioral/academic expectations, not the provision of special education services -unless such discussions are warranted. The Miller Creek School District's approach is driven by Education Code section 56303, which states that "a pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate utilized."

To ensure that all parents and guardians are made aware of the availability of special education services, the Miller Creek School District provides annual notice regarding special education and the Child Find process to all families of children enrolled within the district (see the 2024-2025 Miller Creek School District's Annual Notice driven by California Education Code 56301 attached). Additionally, when general education supports are not successful in addressing a student's needs, and again consistent with California Education Code 56301, all children within the Miller Creek School District who are *or* may be in need of special education and related services, are identified, located, and assessed. It is at this time, when the "Child Find" process has been initiated and a student is suspected of having a disability, that specific communication related to special education services takes place.

Once the Child Find process is activated, Miller Creek School District parents/guardians receive a more explicit and lengthy communication that provides a full explanation of parent's special education rights within thirteen identified categories. That statement of rights, commonly referred to as "Procedural Safeguards," is provided to Miller Creek School District parents upon initial referral for special education services and at least annually thereafter if the child is receiving special education services (see sample Procedural Safeguards attached).

All of the activities above permit the Miller Creek School District to meet or exceed their Child Find obligations under state and federal law.

## Miller Creek School District Response

- F2:** Many school districts do not have sufficient information on their website to inform parents and guardians of their rights under federal and state laws to have their children assessed to determine whether they are entitled to special education services.

**Response: Partially Agree**

At the time the Grand Jury Report, *To Learn or Not to Learn: Are Children with Learning Differences Set Up for Success?*, was released, the Miller Creek School District did have information about special education available on their website. With that said, there are currently no statutes, federal or state, that require school districts to post information on their website to inform parents/guardians of their rights under federal and/or state laws related to having their children assessed to determine special education eligibility. Although the Miller Creek School District website does serve an important function related to generalized one-way communication with our school community, the Miller Creek School District elects to communicate with families regarding the federal and state laws concerning special education in many other ways, such as in-person meetings, phone calls, student study teams meetings, and Individualized Education Program (IEP) meetings, etc.

- F3:** Each school district should have information on its website describing the services available for students with learning differences.

**Response: Partially Agree**

All parents/guardians should know what services are available to students with disabilities under the Individuals with Disabilities Education Act (IDEA). This is first accomplished by the Marin County Special Education Local Plan Area (SELPA) developing and adopting an annual special education service plan consistent with California Education Code 56205(b)(2). The plan (see attached Marin County SELPA 2024-2025 Service Plan) includes a description of special education services to be provided by the Miller Creek School District, including the nature of the services and the physical location at which the services will be provided. Additionally, the Marin County SELPA has a description of special education programming available within Marin County school districts consistent with the California Education Code 56361 requirement for a continuum of special education programming options to be available within each SELPA. This information is updated on an annual basis and can be accessed on the Marin County SELPA website (see <https://selpa.marinschools.org/about-selpa>).

It would be misleading to attempt to describe the specific special education services available under the IDEA on the Miller Creek School District's website. Every student with an Individualized Education Program (IEP) is unique and the range of services available to a student is dependent on the identified needs of the student and the recommendation(s) of the IEP team. By design, IEP service delivery is something that cannot be meaningfully prepackaged into a list or description. More importantly, posting a listing of possible IEP services available to students removes the "Individualized" from the IEP.

## Miller Creek School District Response

- F4:** The Special Education Information System is a valuable tool that, when used consistently, will increase the likelihood that students with learning differences will have their Individualized Education Programs effectively administered, thereby increasing the chances of success for those students.

**Response: Partially Agree**

The Special Education Information System (SEIS) is a valuable tool that supports the Miller Creek School District with online access to develop Individualized Education Programs (IEPs), manage special education data, submit California Longitudinal Pupil Achievement Data System (CALPADS) reports, and track Individualized Education Program (IEP) service delivery. However, there are no findings in the report that suggest that the use of SEIS specifically or exclusively is connected to an increase in the effective administration of IEPs, or in student success.

- F5:** Many school districts do not use the Special Education Information System to track whether the district has provided the service hours required by Individualized Education Programs.

**Response: Agree**

- F6:** Data is not available electronically in Marin school districts to ascertain whether the districts are providing the service hours required by their students' Individualized Education Programs.

**Response: Partially Agree**

While digital Individualized Education Program (IEP) service delivery data may not be available across all school districts in Marin County, the Miller Creek School District is recording and tracking IEP service delivery on an individual student level. If a parent/guardian has a question regarding the delivery of services to their student, the parent/guardian may request records from the Miller Creek School District to help determine if special education services are being delivered at the frequency and duration indicated in the last agreed upon IEP. The Miller Creek School District will provide the requested information to the parent/guardian (electronically or otherwise) and work to address any reported discrepancies in service delivery, if needed.

- F7:** The co-teaching method can reduce the negative connotations of a special education class by including the resource specialist in the general education classroom to assist students with learning differences.

**Response: Partially Agree**

Co-teaching is one method of instruction to assist students with learning differences in the general education classroom that may work to reduce any negative connotations associated with special education service delivery.

## RECOMMENDATIONS

- R1:** Each school district should inform parents and guardians at least annually about special

## Miller Creek School District Response

education services and resources available to their students, such as Matrix and the Special Education Local Plan Area.

**Response: The recommendation has been implemented**

This recommendation has been implemented. The Miller Creek School District is currently providing notice to families annually about special education, including the facilitation of an annual Individualized Education Program (IEP) meeting with parents/guardians to discuss special education services.

- R2:** Each school district should develop and implement targeted communication strategies tailored to all parents and guardians regarding their student's rights concerning learning differences.

**Response: The recommendation has been implemented**

This recommendation has been implemented. The Miller Creek School District is currently using a variety of targeted communication methods with parents/guardians, including emails, website postings, phone calls, and in-person conferences.

- R3:** Each school district should use the Special Education Information System service tracking module to track every student's Individualized Education Programs allocated service hours and the hours provided to each student.

**Response: The recommendation has been implemented**

The Miller Creek School District is using the Special Education Information System (SEIS) service tracking module and has effectively maintained the necessary information to track Individualized Education Program (IEP) service delivery. The Miller Creek School District has ensured all service providers understand their obligation to deliver services in accordance with each student's agreed upon IEP.

- R4:** The Marin County Office of Education should analyze each school district's Individualized Education Programs compliance data and make the results available to the public in its annual report.

**Response: The recommendation will not be implemented**

As noted in this report on page 12, the California Department of Education is required to establish a rigorous data collection process and evaluation program for monitoring the delivery of special education services to students with Individualized Education Programs (IEPs). The responsibility for monitoring and analyzing service delivery rests with the California Department of Education.

**ANNUAL NOTICE TO PARENTS  
2024-2025**

DEAR PARENT/GUARDIAN:

Section 48980 of the Education Code of California requires that notice be given at the beginning of the first semester or quarter of the regular school term to the parent or guardian of the minor pupils in the school district regarding the rights of the parent or guardian under sections 35291, 46014, 46015, 48205, 48207, 48208, 49403, 49423, 49451, 49472, 51938, Chapter 2.3 (commencing with section 32255) of Part 19, and notice of the availability of the program prescribed by Article 9 (commencing with section 49510) of Chapter 9 and of the availability of individualized instruction under section 48206.3. Section 48982 requires that this Notice be signed and returned by the parent or guardian to the school. Signature and return of the attached form is acknowledgement by the parent or guardian that he or she has been informed of his or her rights but does not indicate that consent to participate in any particular program has either been given or withheld. Pursuant to parent request, the annual notification may be provided to the parent or guardian in electronic format by providing access to the notice electronically. If the notice is provided in electronic format, the parent or guardian must submit to the school a signed acknowledgment of receipt of this notice.

Some legislation requires additional notification to the parents or guardians during the school term or at least 15 days prior to a specific activity. (A separate letter will be sent to parents or guardians prior to any of these specified activities or classes, and the student will be excused whenever the parents or guardians file with the principal of the school a statement in writing requesting that their child not participate.) Other legislation grants certain rights that are spelled out in this form.

Accordingly, you are hereby notified as follows (when used in this notification "parent" includes a parent or legal guardian):

**STUDENT DISCIPLINE**

**RULES AND PROCEDURES ON SCHOOL DISCIPLINE (EC §35291):**

Rules pertaining to student discipline, including those that govern suspension or expulsion, are set forth in Education Code Sections 48900 and following, and are available upon request from the school. In addition, the following disciplinary information is provided to parents:

**DUTY CONCERNING CONDUCT OF PUPILS (EC §44807):** Every teacher shall hold pupils accountable for their conduct on the way to and from school, and on the playground.

**DUTIES OF PUPILS (5 CCR §300):** Pupils must conform to school regulations, obey all directions, be diligent in study, be respectful of teachers/others in authority, and refrain from profane/vulgar language.

**HAZING PROHIBITION (EC §48900(q)):** Pupils and other persons in attendance are prohibited from engaging or attempting to engage in hazing.

**DRESS CODE/GANG APPAREL (EC §35183):** The district is authorized to adopt a reasonable dress code.

**ATTENDANCE OF SUSPENDED PUPIL'S PARENT (EC §48900.1; LC §230.7):** If a teacher suspends a student, the teacher may require the child's parent to attend a portion of the school day in his or her child's class. Employers may not discriminate against parents who are required to comply with this requirement.

**SCHOOL ACCOUNTABILITY REPORT CARD (EC §35256, 35258):** Districts are to make a concerted effort to notify parents of the purpose of school accountability report cards, and ensure that all parents have access to a copy.

**SAFE PLACE TO LEARN ACT (EC §234.1):** The district is committed to maintaining a learning and working environment that is free from bullying, as defined in EC §48900(r). Any student who engages in bullying of anyone in or from the district may be subject to disciplinary action up to and including expulsion. The district's policies and process for filing a complaint should be publicized to pupils, parents, employees and agents of the governing board. The notice shall be in English and in the primary language of the recipient. For a copy of the district's anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies or to report incidences of bullying please contact the district office. These policies shall be posted in schools and offices.

**SCHOOL RECORDS AND ACHIEVEMENT**

**PUPIL RECORDS/NOTICE OF PRIVACY RIGHTS OF PARENTS AND STUDENTS (EC §49063 et seq., §49069.7, §49073, 34 CFR 99.30, 34 CFR 99.34, and the federal Family Educational Rights and Privacy Act):** Federal and state laws concerning student records grant certain rights of privacy and right of access to students and to their parents. Full access to

all personally identifiable written records maintained by the school district must be granted to: (1) Parents of students 17 and younger; (2) Parents of students age 18 and older if the student is a dependent for tax purposes and the records are needed for a legitimate educational purpose; (3) Students age 18 and older, or students who are enrolled in an institution of postsecondary instruction (called "eligible students"); (4) Pupils age 14 and over who are identified as both homeless and an unaccompanied youth; (5) Individuals who have completed and signed a Caregiver's Authorization Affidavit.

Parents, or an eligible student, may review individual records by making a request to the principal. Districts must respond to a pupil record request by providing access no later than five business days following the date of the request. The principal will see that explanation and interpretations are provided if requested. Information that is alleged to be inaccurate or inappropriate may be removed upon request. In addition, parents or eligible students may receive a copy of any information in the records at reasonable cost per page. District policies and procedures relating to: location of, and types of records; kinds of information retained; availability of certificated personnel to interpret records if requested; persons responsible for records; directory information; access by other persons; review and challenge of records are available through the principal at each school. When a student moves to a new district, records will be forwarded upon the request of the new school district within ten school days. At the time of transfer, the parent or eligible student may review, receive a copy (at a reasonable fee), and/or challenge the records.

If you believe the district is not in compliance with federal regulations regarding privacy, you may file a complaint with the United States Department of Education (20 USC §1232g).

You have the right to inspect all instructional materials which will be used in connection with any survey, analysis, or evaluation as part of any applicable program.

**RELEASE OF PUPIL DIRECTORY INFORMATION (EC §49073, 34 CFR 99.37):** The district also makes student directory information available in accordance with state and federal laws. This means that each student's name, birth date, address, telephone number, email address, major course of study, participation in officially recognized school activities, dates of attendance, degrees and awards received, and most recent previous public or private school attendance may be released in accordance with board policy. In addition, height and weight of athletes may be made available. Appropriate directory information may be provided to any agency or person except private, profit-making organizations (other than employers, potential employers or the news media). Directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin (except where the district receives consent as required under state law). Names and addresses of seniors or terminating students may be given to public or private schools and colleges. Parents and eligible students will be notified prior to the destruction of any special education records. You have the right to inspect a survey or other instrument

to be administered or distributed to your child that either collects personal information for marketing or sale or requests information about beliefs and practices and any instructional material to be used as part of your child's educational curriculum. Please contact your child's school if you wish to inspect such a survey or other instrument.

*Upon written request from the parent of a student age 17 or younger, the district will withhold directory information about the student. If the student is 18 or older or enrolled in an institution of postsecondary instruction and makes a written request, the student's request to deny access to directory information will be honored. Requests must be submitted within 30 calendar days of the receipt of this notification. (See attached form.) Additionally, directory information related to homeless or unaccompanied youths will not be released without the express written consent for its release by the eligible pupil or guardian.*

**RELEASE OF INFO TO MILITARY SERVICES REPS / RELEASE OF TELEPHONE NUMBERS (EC §49073.5; 20 USC §7908):** Parents of secondary students may request in writing that the student's name, address, and telephone listing not be released to armed forces recruiters without prior written parental consent.

**PARTICIPATION IN STATE ASSESSMENTS AND OPTION TO REQUEST EXEMPTION (EC § 60615, 5 CCR § 852):** Pupils in applicable grade levels will participate in the California Assessment of Student Performance and Progress (CAASPP) except as exempted by law. Each year, a parent may submit a written request to excuse his or her child from any or all parts of the CAASPP assessments for that school year. If the parent submits the exemption request after testing begins, any test(s) completed before the request is submitted will be scored; the results will be included in the pupil's records and reported to the parent. School district employees will not solicit or encourage any exemption request on behalf of a pupil or group of pupils.

**HIGH SCHOOL CURRICULUM: NOTIFICATION REGARDING COLLEGE PREPARATORY COURSES (EC §51229):** Districts are required to provide parents of each minor pupil enrolled in grades 9 to 12 written notice of college admission requirements and career technical education courses.

**ADVANCED PLACEMENT EXAMINATION FEES (EC §48980(j), EC §52242):** State funds are available to cover the costs of advanced placement examination fees.

**RELEASE OF STUDENT RECORDS/COMPLIANCE WITH SUBPOENA OR COURT ORDER (EC §§49076 and 49077):** Districts are required to make a reasonable effort to notify parents in advance of disclosing student information pursuant to a subpoena or court order.

**RELEASE OF STUDENT RECORDS TO SCHOOL OFFICIALS AND EMPLOYEES OF THE DISTRICT (EC §§49076(a)(1) and 49064(d)):** Districts may release educational records, without obtaining prior written parental consent, to any school official or employee, which would include accountants, consultants, contractors, or other service providers, who have a legitimate educational interest in the educational record.

## HEALTH SERVICES

**SAFE STORAGE OF FIREARMS (EC § 49392):** A local educational agency serving pupils in kindergarten or any of grades 1 to 12, inclusive, shall, based upon model content from the California Department of Education, inform parents or guardians of California's child access prevention laws and laws relating to the safe storage of firearms. The required notice must include the following information related to the safe storage of firearms: Incidents of children bringing firearms to school can be reduced by storing firearms in a safe and secure manner, including keeping them in a locked container or secured with a locking device that renders the firearm inoperable and storing firearms separately from ammunition.

**PHYSICAL EXAMINATION; PARENT REFUSAL TO CONSENT (EC §49451):** A child may be exempt from physical examination whenever the parents file, annually, a written statement with the school principal stating that they will not consent to routine physical exam of their child. Whenever there is good reason to believe the child is suffering from a recognized contagious disease, the child will be excluded from school attendance.

**VISION APPRAISAL (EC §49455):** The district is required to appraise each student's vision during kindergarten, upon initial enrollment, and in grades 2, 5, and 8. Appraisal in the year immediately following a student's first enrollment in grades 4 or 7 shall not be required. The vision appraisal shall include tests for near vision, far vision, and color vision; however, color vision shall be appraised once and only on male students. The evaluation may be waived upon presentation of a certificate from a physician, surgeon, physician's assistant, or optometrist setting out the results of a determination of the student's vision, including visual acuity and color vision. This appraisal is not required if a parent files a written objection based on a religious belief with the principal.

**SCOLIOSIS SCREENING NOTICE (EC §§49451 and 49452.5):** In addition to the physical examinations required pursuant to Section 100275 of the Health and Safety Code, the district may provide for the screening of every female student in grade 7 and every male student in grade 8 for the condition known as scoliosis.

**DENTAL FLUORIDE TREATMENT (H&SC §104830 et seq.):** Pupils will be provided the opportunity to receive the topical application of fluoride or other decay-inhibiting agent to each pupil's teeth if the parent, or eligible pupil submits a letter stating that the treatment is desired.

**PUPIL NUTRITION/NOTICE OF FREE AND REDUCED PRICE MEALS (EC §§48980(b), 49510, 49520 and 49558):** Needy children may be eligible for free or reduced price meals. Details, eligibility criteria, and applications to participate in a free or reduced price meal program if it is available are available at your child's school. Individual records pertaining to student participation in any free or reduced-price meal program may, under appropriate circumstances, be used by school district employees to identify students eligible for public school choice and services pursuant to the federal Every Student Succeeds Act. When a household is selected for verification of eligibility for free and reduced meals, the District must notify the parent that their child(ren)'s eligibility is being verified.

**COMMUNICABLE DISEASES (EC §48216 and 49403):** The district is authorized to administer immunizing agents to pupils whose parents have consented in writing to the administration of such immunizing agent. The district is required to exclude pupils who have not been properly immunized pursuant to Health and Safety Code 120325 and 120335. The district must notify parents that they have two weeks to supply evidence either that the pupil has been properly immunized or is exempted from the requirement. All students entering kindergarten, advancing from sixth to seventh grade in the district, or prior to his or her first admission to the district, will be required to comply with the immunization requirements of Health and Safety Code section 120335, unless the student provides the district with a valid exemption from a licensed physician. No new personal belief exemptions will be accepted. Students with personal-belief exemptions on file with the district as of January 1, 2016, shall be allowed to continue enrollment until entering the next grade span in the district. Grade spans are defined as birth through preschool, K-6, including transitional kindergarten, and 7-12. Students qualified for an individualized education program may access special education and related services as required by his or her individualized educational program.

**MEDICATION (EC §49423, §49423.1):** Any student who must take prescribed medication at school and who desires assistance of school personnel must submit a written statement of instructions from the physician and a parental request for assistance in administering the medication. Students may also carry and self-administer prescription auto-injectable epinephrine and prescription inhaled asthma medication upon the school's receipt of specified written confirmation with instructions for self-administration and authorization from the student's parent and physician or

surgeon. The parent must release the school district and personnel from liability for any harm resulting from the self-administered medication, and provide a release for authorized school personnel to consult with the physician or surgeon.

**MEDICAL AND HOSPITAL SERVICES FOR PUPILS (EC §§49471 and 49472):** The district is required to notify parents in writing if it does not provide or make available medical and hospital services for students injured while participating in athletic activities. The district is also authorized to provide medical or hospital services through non-profit membership corporations or insurance policies for student injuries arising out of school-related activities.

**AVAILABILITY OF INDIVIDUALIZED INSTRUCTION/PRESENCE OF PUPIL WITH TEMPORARY DISABILITY IN HOSPITAL (EC §§48206.3, 48207-48208):** Individualized instruction is available to students with temporary disabilities whose disability makes attendance in the regular day classes or alternative education program in which the student is enrolled impossible or inadvisable. Parents of students hospitalized or with a temporary disability shall notify the school district(s) where the student attends, resides and/or where the student receives care if an individualized instruction program is desired.

**CONTINUING MEDICATION REGIMEN (EC §49480):** Parents of any student on a continuing medication regimen for a non-episodic condition shall inform the school nurse or other designated certificated school employee of the medication(s) being taken, the current dosage, and the name of the supervising physician. (*See attached form.*) With the consent of the parent, the school nurse may communicate with the physician and may counsel with school personnel regarding the possible effects of the drug on the child's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

**SUN PROTECTIVE CLOTHING/USE OF SUNSCREEN (EC §35183.5):** School sites must allow for outdoor use of sun-protective clothing and must allow students to use sunscreen, without a prescription or physician's note, during the school day.

**ASBESTOS (40 CFR 763.84, 40 CFR 763.93):** The district has a plan for eliminating health risks that are created by the presence of asbestos in school buildings. It may be reviewed at the district office. At least once each year, the district will notify parents of inspections, response actions, and post-response action activities that are planned or in progress.

**USE OF PESTICIDES (EC §§17611.5, 17612 and 48980.3):** School districts are required to inform parents about the use of pesticides on school grounds and provide access to the integrated pest management plan when certain pesticides are used. (*See attached.*)

**COMPREHENSIVE SCHOOL SAFETY PLAN (EC §§32280 et seq.):** Each school is required to report on the status of its school safety plan, including a description of its key elements, in the annual school accountability report card (SARC). The planning committee is required to hold a public meeting to allow members of the public the opportunity to express an opinion about the school plan. The planning committee shall notify specified persons and entities in writing.

**NOTICE OF COMPLIANCE (EC §32289):** A complaint of noncompliance with the school safety planning requirements may be filed with the State Department of Education under the Uniform Complaint Procedures (5 CCR 4600 et seq.).

**TOBACCO FREE SCHOOLS (HS §104420):** Use of tobacco products at any time by students, staff, parents, or visitors, is strictly prohibited in district-owned or leased buildings, on district property, and in district vehicles. This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Prohibited products include any product containing tobacco or nicotine, including, but not limited to, smokeless tobacco, snuff, chew,

clove cigarettes, and electronic cigarettes that can deliver nicotine and nonnicotine vaporized solutions. Exceptions may be made for the use or possession of prescription nicotine products. Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

## STUDENT SERVICES

**MINIMUM AGE OF ADMISSION TO KINDERGARTEN (EC §48000):** A child shall be eligible for enrollment in kindergarten at the beginning of the school year or at a later time in the same year, if the child has their fifth birthday, respectively, on or before September 1. For the 2024-25 school year, any child who will have their fifth birthday between September 2 and June 2 shall be admitted to a transitional kindergarten program in accordance with law and district policy. On a case-by-case basis, a child who has reached age five after the date listed above but before the end of the applicable school year, may be admitted to transitional kindergarten with the approval of the child's parent and subject to board approval in accordance with EC §48000. A school district may place a child who will have their fourth birthday on or before December 1 and is enrolled in a California state preschool program into a transitional kindergarten program classroom in accordance with EC §48000.

**PREGNANT AND PARENTING PUPILS (EC §§ 221.51, 222, 222.5, 46015):** Districts may not exclude nor deny any pupil from any educational program or activity on the basis of the pupil's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, and shall treat these conditions in the same manner and under the same policies as any other temporary disabling condition. A pregnant or parenting pupil is entitled to 8 weeks of parental leave, or additional leave if deemed medically necessary by the pupil's physician. During parental leave, absences shall be excused and the pupil shall not be required to complete academic work or other school requirements. After return from parental leave, a pupil may resume the course of study in which he/she was previously enrolled, is entitled to make up work missed, and to take a fifth year of high school instruction if necessary to complete graduation requirements. A pupil may elect to attend an alternative education option instead of returning to the school in which he or she was enrolled prior to parental leave. Schools shall provide reasonable accommodations to a lactating pupil on a school campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding. A pupil shall not incur an academic penalty as a result of his or her use of these accommodations.

**PROSPECTUS OF SCHOOL CURRICULUM (EC §49091.14):** The curriculum of every course offered by the schools of the district is compiled annually by each school in a prospectus. Each school prospectus is available for review upon request at each school site. Copies are available upon request for a fee not to exceed the actual copying cost.

**MULTILINGUAL EDUCATION (EC §310):** If the district implements a language acquisition program pursuant to EC §310, information on the types of language programs available and a description of each program will be made available with this notice or upon enrollment.

**SPECIAL EDUCATION (IDEA):** State and federal law requires that a free appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. More information concerning student eligibility, parental rights and procedural safeguards are available upon request.

**SPECIAL EDUCATION; CHILD FIND SYSTEM (EC §56301):** Any parent suspecting that a child has exceptional needs may request an assessment for eligibility for special education services through the school principal. Policy and procedures shall include written notification to all parents of their rights pursuant to EC §56300.

**SPECIAL EDUCATION COMPLAINTS (5 CCR §3080):** State regulations require the district to establish procedures to deal with complaints regarding

special education. If you believe that the district is in violation of federal or state law governing the identification or placement of a special education student, or similar issues, you may file a written complaint with the district. State regulations require the district to forward your complaint to the State Superintendent of Public Instruction. Procedures are available from your school principal.

**SECTION 504/DISABLED PUPILS (Section 504 of the Rehabilitation Act of 1973):** Federal law requires the district to annually notify disabled pupils and their parents of the district's non-discriminatory policy and duty under Section 504 of the Rehabilitation Act.

**STATEMENT OF NONDISCRIMINATION (Title VI of the Civil Rights Act of 1964; Title IX of the U.S. Education Amendments of 1972; Americans with Disabilities Act; Section 504 of the Vocational Rehabilitation Act of 1973; EC §200 et seq.):** The district does not discriminate on the basis of gender, gender identity, gender expression, sex, race, color, religion, national origin, ethnic group identification, age, genetic information, mental or physical disability, sexual orientation, immigration status, or the perception of one or more of such characteristics. The district's policy of nondiscrimination requires notification in native language if the district's service area contains a community of minority persons with limited English language skills. Notification must state that the district will take steps to assure that the lack of English will not be a barrier to admission and participation in district programs. This policy applies to all students insofar as participation in programs and activities is concerned, with few exceptions such as contact sports. In accordance with federal law, complaints alleging noncompliance with this policy should be directed to the school principal. Appeals may be made to the district superintendent. A copy of the district's nondiscrimination policy is available upon request.

**EDUCATIONAL EQUITY REGARDLESS OF IMMIGRATION STATUS, CITIZENSHIP, OR RELIGION (EC §234.7):** Children have a right to a free public education, regardless of immigration status, citizenship status, or religious beliefs. When enrolling a child, schools must accept a variety of documents from the student's parent to demonstrate proof of child's age or residency. No information about citizenship/immigration status or Social Security number is required to enroll in school. Parents have the option to provide a school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for a minor student in the event the parent is detained or deported. Parents have the option to complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for a minor student. Students have the right to report a hate crime or file a complaint to the school district if they are discriminated against, harassed, intimidated, or bullied on the basis of actual or perceived nationality, ethnicity, or immigration status. The district will not release information to third parties for immigration-enforcement purposes, except as required by law or court order. The California Attorney General's website provides "know your rights" resources for immigrant students and family members online at <https://oag.ca.gov/immigrant/rights>.

**FINGERPRINTING PROGRAM (EC §32390):** Districts are authorized to offer fingerprinting programs for children enrolled in kindergarten or newly enrolled in the district. If the district has adopted such a program, you will be notified of procedures, applicable fee and your right to decline your child's participation upon your child's initial enrollment.

**CHILDREN IN HOMELESS SITUATIONS (42 USC §11431-11435):** Each local district shall appoint a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations.

### SEX / HIV EDUCATION

**INSTRUCTION IN COMPREHENSIVE SEXUAL HEALTH EDUCATION AND HIV PREVENTION (EC §51938):** The district shall annually notify parents about instruction in comprehensive sexual health education and HIV

prevention education and research on student health behaviors and risks planned for the school year. Written and audiovisual educational materials used in such education are available for inspection. If arrangement for the instruction is made after the beginning of the school year, parents will be notified no fewer than 14 days prior to the commencement of any such instruction if the district elects to provide the instruction by outside consultants in class or during an assembly. The notice must include the date of instruction, the name of the organization or affiliation of each guest speaker and information stating that the parent has the right to request a copy of the law pertaining to such instruction. Parents have the right to excuse his or her child from all or part of the comprehensive sexual health and HIV prevention education by submitting a written request to the district. Those students whose parents do not submit a written request to excuse them will receive such instruction. The law also authorizes the district, without prior parental consent, to use anonymous, voluntary and confidential research and evaluation tools to measure student's health behaviors and risks, including tests, questionnaires, and surveys containing age appropriate questions in grades 7 to 12 about the student's attitudes concerning or practices relating to sex. The district must notify parents in writing before any such test, questionnaire, or survey is administered and provide them with an opportunity to review the materials. Parents have the right to excuse his or her child from such participation by submitting a written request to the school district.

**HEALTH INSTRUCTION/CONFLICTS WITH RELIGIOUS TRAINING AND BELIEFS (EC §51240):** Upon written request of a parent, students shall be excused from part of any school instruction in health if it conflicts with the religious training and beliefs of a parent.

### SCHOOL ATTENDANCE/ATTENDANCE ALTERNATIVES

California law (EC §48980(g)) requires all school boards to inform each student's parent at the beginning of the school year of the various ways in which they may choose schools for their children to attend other than the ones assigned by school districts. Students who attend schools other than those assigned by the districts are referred to as "transfer students" throughout this notification. There is one process for choosing a school within the district which the parent lives (intradistrict transfer), and potentially three separate processes for selecting schools in other districts (interdistrict transfer). The general requirements and limitations of each process are described as follows:

#### **Choosing a School Within District in Which Parent Lives:**

The law (EC §35160.5(b)) requires the school board of each district to establish a policy that allows parents to choose the schools their children will attend, regardless of where the parent lives in the district. The law limits choice within a school district as follows:

- Students who live in the attendance area of a school must be given priority to attend that school over students who do not live in the school's attendance area.
- In cases in which there are more requests to attend a school than there are openings, the selection process must be "random and unbiased," which generally means students must be selected through a lottery process rather than on a first-come, first-served basis. A district cannot use a student's academic or athletic performance as a reason to accept or reject a transfer.
- Each district must decide the number of openings at each school which can be filled by transfer students. Each district also has the authority to keep appropriate racial and ethnic balances among its schools, meaning that a district can deny a transfer request if it would upset this balance or would leave the district out of compliance with a court-ordered or voluntary desegregation program.
- Each district may adopt a school selection policy that takes into consideration special circumstances that might be harmful or dangerous to a particular pupil, whether the sibling of the pupil is

already in attendance at the school, and/or whether the pupil's parent is employed at the school.

- If a transfer is denied, a parent does not have an automatic right to appeal the decision. A district may, however, voluntarily decide to put in place a process for parents to appeal a decision.

### Choosing a School Outside District in Which Parent Lives:

Parents have three different options for choosing a school outside the district in which they live. The three options are:

**Option 1: Districts of Choice (EC §§48300 through 48315):** The law allows, but does not require, each school district to become a "district of choice" – that is, a district that accepts transfer students from outside the district under the terms of the referenced Education Code sections. If the school board of a district decides to become a "district of choice" it must determine the number of students it is willing to accept in this category each year and accept all pupils who apply to transfer until the school district is at maximum capacity. The school district of choice shall ensure that pupils admitted under this article are selected through an unbiased process that prohibits consideration of factors such as academic or athletic performance, physical conditions, or proficiency in English. If the district chooses not to become a "district of choice," a parent may not request a transfer under these provisions. Other provisions of the "district of choice" option include:

- Either the district a student would transfer to or the district a student would transfer from may deny a transfer if it will negatively affect the racial and ethnic balance of the district, or a court-ordered or voluntary desegregation plan. A district of choice cannot deny a transfer request on the basis that the costs to provide services exceeds the revenue received, but it may reject a request if doing so would require the creation of a new program. However, the district of choice may not deny the transfer of any special needs student, including an individual with exceptional needs, or an English Learner student even if the cost to educate the student exceeds the revenue received or the creation of a new program is required. The district a student would be leaving may also limit the total number of students transferring out of the district each year to a specified percentage of its total enrollment, depending on the size of the district.
- Communications to parents by a school district of choice shall be factually accurate and shall not target students based upon academic ability, athletic performance, or other personal characteristics.
- The district of choice must post transfer application information on its website, including any applicable forms, the timeline for a transfer, and an explanation of the selection process.
- All communications from a school district of choice regarding transfer opportunities must be available in all languages for which translations are required in the school district of residence under EC §48985.
- No student who currently attends a school or lives within the attendance area of a school can be forced out of that school to make room for a student transferring under these provisions.
- Entrance priority must be given as follows:
  - Siblings of students already attending school in the "district of choice" must be given first priority.
  - Pupils eligible for free or reduced-price meals must be given second priority.
  - Children of military personnel must be given third priority.
- A parent may request transportation assistance within the boundaries of the "district of choice." The district is required to provide transportation only to the extent it already does so.
- A school district in which an active military duty parent of a student resides shall not deny the transfer of that student to a school in any district, if the school district to which the parent of the student applies approves the application for transfer.

**Option 2: Other Interdistrict Transfers (EC §46600 et seq.):** The law allows two or more districts to enter into an agreement for the transfer of one or more students for a period of up to five years. New agreements may be entered into for additional periods of up to five years each. The agreement must specify the terms and conditions under which transfers are permitted. Districts of residence may not deny a transfer of a student whose parent is active duty military where the district of proposed enrollment approves the application, or for students who are the victim of an act of bullying unless the requested school is at maximum capacity. The law on interdistrict transfers also provides for the following:

- If either district denies a transfer request, a parent may appeal that decision to the county board of education. There are specified timelines in the law for filing an appeal and for the county board of education to make a decision.

**Option 3: Parental Employment in Lieu of Residency Transfers (EC §48204(b)):** If at least one parent of a student is physically employed in the boundaries of a school district other than the one in which they live for a minimum of 10 hours during the school week, the student may be considered a resident of the school district in which their parents work. This code section does not require that a school district accept a student requesting a transfer on this basis, but a student may not be rejected on the basis of race, ethnicity, sex, parental income, academic achievement, or any other "arbitrary" consideration. Other provisions of EC §48204(b) include:

- Either the district in which the parent lives or the district in which the parent works may prohibit the student's transfer if it negatively impacts a desegregation plan.
- The district in which the parent works may reject a transfer if it determines that the cost of educating the student would be more than the amount of government funds the district would receive for educating the student.
- There are set limits (based on total enrollment) on the net numbers of students that may transfer out of a district under this law, unless the district approves a greater number of transfers.
- There is no required appeal process for a transfer that is denied. However, the district that declines to admit a student must provide in writing to the parent the specific reasons for denying the transfer.

### Open Enrollment Act (EC §48350 et seq.)

Whenever a student is attending a district school on the Open Enrollment List, as identified by the Superintendent of Public Instruction, the student may apply to transfer to another school within or outside of the district, if the school to which they are transferring has a higher Academic Performance Index. Districts with a school on the List must notify the parents at that school on or before the first day of the school year of their option to transfer to another public school. Information regarding the application process and applicable deadlines can be obtained from the district office.

*This summary provides an overview of the laws applicable to school attendance for each alternative. Additional information is available upon request.*

**NOTICE OF ALTERNATIVE SCHOOLS (EC §58501):** State law authorizes all school districts to provide for alternative schools. Education Code section 58500 defines an alternative school as a school or separate class group within a school that is operated in a manner designed to:

- (1) Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
- (2) Recognize that the best learning takes place when the student learns because of his/her desire to learn.
- (3) Maintain a learning situation maximizing student self-motivation and encouraging the student in his/her own time to follow his/her own interests. These interests may result in whole or in part from a presentation by his/her teachers of choices of learning projects.

(4) Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.

(5) Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located.

In the event any parent, student, or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of this district, and the principal's office in each attendance area shall have copies of the law available for your information. This law particularly authorizes interested persons to request that the governing board of the district to establish alternative school programs.

**GRADE REDUCTION/LOSS OF ACADEMIC CREDIT (EC §48980(i)):** No student shall have his/her grade reduced or lose academic credit for any excused absence pursuant to EC §48205 if missed assignments/tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

**ABSENCES FOR CONFIDENTIAL MEDICAL SERVICES (EC §46010.1):** Students in grades 7-12 and their parents are notified that the law permits schools to excuse students for the purpose of obtaining confidential medical services without parental consent. District policy regarding excusing such absences is available upon request.

**ABSENCE FOR RELIGIOUS INSTRUCTION (EC §46014):** Districts may allow pupils with parent consent to be excused to participate in religious exercises/instruction.

**NOTICE OF MINIMUM DAYS AND PUPIL-FREE STAFF DEVELOPMENT DAYS (EC §48980(c)):** The district is required to annually notify parents of its schedule(s) of minimum days and student-free staff development days at the beginning of the year or as early as possible, but no later than one month prior to the scheduled minimum or student-free day. (*See attached.*)

## MISCELLANEOUS

**NON-MANDATORY PROGRAMS FOR PARENTAL/PUPIL PARTICIPATION (EC §49091.18):** Schools may not require a student or student's family to submit to or participate in any assessment, analysis, evaluation, or monitoring of the quality or character of student home life, parental screening or testing, nonacademic home-based counseling program, parent training, or prescribed family educational service plan.

**SEX EQUITY IN CAREER PLANNING (EC §221.5(d)):** Parents shall be notified in advance of career counseling and course selection commencing with course selection in Grade 7, to promote sex equity and allow parents to participate in counseling sessions and decisions.

**SEXUAL HARASSMENT POLICY (EC §231.5; 5 CCR §4917):** Each district is required to have adopted a written policy on sexual harassment, and shall provide a copy of such policy, as it pertains to students, with the annual notification. (*See attached.*) Districts are also required to display such policies in a prominent location and include it in orientation for employees and students, and provide a copy of such policy to new and continuing students as part of any orientation program held on a quarterly, semester or summer session basis.

**DRUG FREE CAMPUS (Alcohol and Other Drug Use Prevention Education):** Possession, use or sale of narcotics, alcohol, or other controlled substances is prohibited and strictly enforced at all school activities. Records will be forwarded to local law enforcement, and district sanctions will result from violations.

**RIGHT TO REFRAIN FROM HARMFUL USE OF ANIMALS (EC §32255 et seq.):** Pupils may choose to refrain from participating in educational projects involving the dissection or otherwise harmful or destructive use of animals in accordance with the procedures set forth in EC § 32255.1,

**EVERY STUDENT SUCCEEDS ACT (20 USC §6301 et seq.):** Under ESSA, parents have the following rights:

- **Information Regarding Professional Qualifications of Teachers, Paraprofessionals, and Aides:** Upon request, parents have a right to information regarding the professional qualifications of their student's classroom teachers, paraprofessionals, and aides. This includes whether the teacher meets the state qualifications and licensing criteria for the grades and subjects she/he teaches, whether the teacher is teaching under an emergency permit or other provisional status because of special circumstances, the teacher's college major, whether she/he has any advanced degrees and the subject(s) of those degrees, and whether any instructional aides or paraprofessionals provide services to your child and, if so, their qualifications. The district shall also notify parents if their child has been assigned to or has been taught for 4 or more consecutive weeks by a teacher who does not meet applicable certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.
- **Information Regarding Individual Student Reports on Statewide Assessments:** Upon request, parents have a right to information regarding any State or local policy mandating pupil assessments and the level of achievement of their student on every State and districtwide academic assessment administered to the student.
- **Limited English Proficient Students:** The Act requires prior notice be given to parents of English learners regarding limited English proficiency programs, including the reasons for the identification of the student as an English learner, the need of placement in a language instruction educational program, the student's level of English proficiency, how such level was assessed, the methods of instruction used in the programs available, how the recommended program will meet the student's needs, program performance, parent options to remove a student from a program and/or to decline initial enrollment, and expected rate of transition into classrooms not tailored for English learners.

*The information provided above is available upon request from your child's school or the district office. Additional notices that may be required under the Every Student Succeeds Act shall be sent separately.*

**UNIFORM COMPLAINT PROCEDURES (5 CCR §4622):** The district is required to annually notify parents, pupils, employees, district and school advisory committees and other interested parties in writing of its required Uniform Complaint Procedures. (*See attached.*)

**SCHOOL BUSES/PASSENGER SAFETY (EC §39831.5):** Districts are required to provide safety regulations to all new students and students who have not previously been transported by school bus.

**MEGAN'S LAW NOTIFICATION (PENAL CODE §290.4):** Parents and members of the public have the right to review information regarding registered sex offenders at the main office of the local law enforcement agency for this school district.

## **EXCUSED ABSENCES (EC §48205)**

(a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

- (1) Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.
- (2) Due to quarantine under the direction of a county/city health officer.
- (3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
- (4) For the purpose of attending the funeral services or grieving the death of either a member of the pupil's immediate family, or of a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, so long as the absence is not more than five days per incident.

(5) For the purpose of jury duty in the manner provided for by law.

(6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child for which the school shall not require a note from a doctor.

(7) For justifiable personal reasons, including, but not limited to, an attendance or appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at a religious retreat, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent and approved by the principal or a designated representative pursuant to uniform standards established by the governing board of the school district.

(8) For the purpose of serving as a member of a precinct board for an election pursuant to section 12302 of the Elections Code.

(9) For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.

(10) For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.

(11) For the purpose of participating in a cultural ceremony or event.

(12)(A) For the purpose of a middle school or high school pupil engaging in a civic or political event, as provided in subparagraph (B), provided that the pupil notifies the school ahead of the absence.

(12)(B)(i) A middle school or high school pupil who is absent pursuant to subparagraph (A) is required to be excused for only one schoolday-long absence per school year.

(12)(B)(ii) A middle school or high school pupil who is absent pursuant to subparagraph (A) may be permitted additional excused absences in the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(13)(A) For any of the purposes described in clauses (i) to (iii), inclusive, if an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, has died, so long as the absence is not more than three days per incident.

(i) To access services from a victim services organization or agency.

(ii) To access grief support services.

(iii) To participate in safety planning or to take other actions to increase the safety of the pupil or an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, including, but not limited to, temporary or permanent relocation.

(B) Any absences beyond three days for the reasons described in subparagraph (A) shall be subject to the discretion of the school administrator, or their designee, pursuant to Section 48260.

(14) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(b) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefor. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

(c) For purposes of this section, attendance at religious retreats shall not exceed one schoolday per semester.

(d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

(e) For purposes of this section, the following definitions apply:

(1) A "civic or political event" includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.

(2) "Cultural" means relating to the practices, habits, beliefs, and traditions of a certain group of people.

(3) "Immediate family," as used in this section, means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

(4) "Victim services organization or agency" has the same meaning as defined in paragraph (7) of subdivision (g) of Section 230.1 of the Labor Code.

#### **INVESTING FOR FUTURE EDUCATION (EC §48980(d)):**

Parents are advised of the importance of investing for higher education for their children and of considering appropriate investment options, including, but not limited to, United States savings bonds.

**COMPLAINTS CONCERNING DEFICIENCIES RELATED TO INSTRUCTIONAL MATERIALS, ETC. (EC §35186):** A Uniform Complaint process is available to help identify and resolve deficiencies related to instructional materials, emergency or urgent facility conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment. Notice of the complaint process and location at which to obtain a complaint form should be posted in the classrooms.

**SCHOOL ACCREDITATION (EC §35178.4):** Districts are required to notify each parent of a pupil in a school that has lost its accreditation status and the potential consequences of the school's loss of status, in writing or by posting the information on the school district's or school's Internet Website, or by any combination of these methods.

**PUPIL FEES (EC §49010 et seq.):** The district is required to establish policies concerning the provision of a free education to pupils. The district is also required to establish policies for filing a complaint of noncompliance under this section using the Uniform Complaint Procedures. Notice of the district's fee policies and complaint process shall be provided to pupils, parents, and employees on an annual basis.

**LOCAL CONTROL AND ACCOUNTABILITY PLAN (EC §§52059.5-52077):** The district is required to adopt a three-year Local Control and Accountability Plan (LCAP) and to update the LCAP on or before July 1 of each subsequent year. The LCAP is required to identify annual goals, specific actions geared toward implementing those goals, and must measure progress for student subgroups across multiple performance indicators based on eight priorities set by the State. The priorities must be aligned to the district's spending plan. The LCAP must be approved before the annual district budget can be adopted. Once the budget and LCAP are adopted at the local level, the plan will be reviewed by the county superintendent to ensure alignment of projected spending toward goals and services. The following are the State priorities:

1. Providing all students access to fully credentialed teachers, instructional materials that align with state standards, and safe facilities;
2. Implementation of and student access to state academic content and performance standards;
3. Parent involvement and participation and family engagement;
4. Improving student achievement and outcomes along multiple measures;
5. Supporting student engagement;
6. Highlighting school climate and connectedness;
7. Ensuring all students have access to a broad course of study;

8. Measuring other important student outcomes related to required areas of study;
9. Coordinating instruction for expelled students; and
10. Coordinating services for foster children.

The Board of Education is required to establish a parent advisory committee (PAC) and English learner parent advisory committee (ELPAC) to provide advice to the Board of Education and the superintendent regarding the LCAP. (ELPACs are required if enrollment in the school district includes at least 15% English learners and the district enrolls at least 50 pupils who are English learners. Districts are not required to establish a new ELPAC if an English learner parent committee has already been established).

Each district is required to consult with its teachers, principals, administrators, other school personnel, local bargaining units, parents, its special education local plan area administrator(s), and pupils in developing the LCAP. As part of this consultation process, districts must present their proposed plans to the PAC and ELPAC. The advisory committees can review and comment on the proposed plan. Districts must respond in writing to the comments of the PAC and ELPAC. Districts are also required to notify members of the public that they may submit written comments regarding the specific actions and expenditures proposed in the LCAP.

Districts must hold at least two public hearings to discuss and adopt (or update) their LCAPs. The district must first hold at least one hearing to solicit recommendations and comments from the public regarding expenditures proposed in the plan, and then adopt (or officially update) the LCAP at a subsequent hearing.

Districts are required to post prominently on the homepage of the school district's website the LCAP approved by the Board of Education and any updates, revisions or addenda to the LCAP as well as post or link to the LCAP submitted by any charter school authorized by the district, and establish policies for filing a complaint of noncompliance under EC §52075 using the Uniform Complaint Procedures. Information regarding the requirements for a Local Control and Accountability Plan and the complaint process shall be provided to pupils, parents, and employees on an annual basis.

**The Age Discrimination Act (42 USC § 6101 et seq.):** The Age Discrimination Act prohibits discrimination in programs or activities receiving federal and/or state financial assistance.

**The Boy Scouts of America Equal Access Act (34 CFR § 108.6):** The Boy Scouts of America Equal Access Act requires public schools to provide equal access to the use of school property to the Boy Scouts and other designated youth groups.

**ACKNOWLEDGEMENT OF PARENT OR GUARDIAN OF ANNUAL RIGHTS NOTIFICATION**

***Detach, sign, and return this page to your child's school indicating that you have been notified of the specified activities and whether you have a child on continuing medication.***

This annual notification is also available in an electronic format and can be provided to you upon request. If the notice is provided in an electronic format, the parent or guardian shall submit to the school this signed acknowledgement of receipt of the notice.

Student's Name: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

I hereby acknowledge receipt of information regarding my rights, responsibilities, and protections.

Signature of Parent or Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

**PLEASE COMPLETE THE FOLLOWING IF APPLICABLE:**

1. Student is on a continuing medication program as prescribed by a physician: (Please check one) YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, you have my permission to contact student's physician:

Physician's Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Medication: \_\_\_\_\_ Dosage: \_\_\_\_\_

Medication: \_\_\_\_\_ Dosage: \_\_\_\_\_

2. If you do not wish directory information released, please sign where indicated below and ensure receipt of this form by the school office **within the next 30 days**. Note that this will prohibit the district from providing the student's name and other information to the news media, interested schools, parent-teacher associations, interested employers, and similar parties.

Do NOT release directory information regarding \_\_\_\_\_ (Pupil's Name) \_\_\_\_\_ (Date of Birth)

School: \_\_\_\_\_ Grade: \_\_\_\_\_

Check if an exception may be made to include student information and photos in the yearbook.

Signature of Parent or Guardian: \_\_\_\_\_ (Date)

3. By signing below, you give the district **permission to have photographs of your student in the yearbook** and other school related publications.

Student's Name: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

Signature of Parent or Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

## **Notice of Procedural Safeguards**

Special Education Rights of Parents and Children Under the Individuals with Disabilities Education Act, Part B, and the California Education Code.

**Revised June 2022**

Note: The term school district is used throughout this document to describe any public education agency responsible for providing your child’s special education program. The term assessment is used to mean evaluation or testing. Federal and state laws are cited throughout this notice using English abbreviations, which are explained in a glossary at the end of this notification.

### **What is the Notice of Procedural Safeguards?**

This information provides you as parents, legal guardians, and surrogate parents of children with disabilities from 3 years of age through age 21 and students who have reached age 18, the age of majority, with an overview of your educational rights or procedural safeguards.

The Notice of Procedural Safeguards is required under the Individuals with Disabilities Education Act (IDEA) and must be provided to you:

- When you ask for a copy
- The first time your child is referred for a special education assessment
- Each time you are given an assessment plan to evaluate your child
- Upon receipt of the first state or due process complaint in a school year, and
- When the decision is made to make a removal that constitutes a change of placement

(20 *United States Code [USC]* Section 1415[d]; 34 *Code of Federal Regulations [CFR]* Section 300.504; California *Education Code [EC]* Section 56301[d] [2], *EC* Section 56321, and *EC* Section 56341.1[g] [1])

### **What is the IDEA?**

IDEA is a federal law that requires school districts to provide a “free appropriate public education” (FAPE) to eligible children with disabilities. A free appropriate public

education means that special education and related services are to be provided as described in an individualized education program (IEP) and under public supervision to your child at no cost to you.

### **May I participate in decisions about my child's education?**

You must be given the opportunity to participate in any decision-making meeting regarding your child's special education program. You have the right to participate in IEP team meetings about the identification (eligibility), assessment, or educational placement of your child and other matters relating to your child's FAPE. (20 USC Section 1414[d] [1]B–[d][1][D]; 34 CFR Section 300.321; EC Section 56341[b], and EC Section 56343[c])

The parent or guardian, and the local educational agency (LEA), has the right to participate in the development of the IEP and to initiate their intent to electronically audiotape the proceedings of the IEP team meetings. At least 24 hours prior to the meeting, the parent or guardian shall notify the members of the IEP team of their intent to record a meeting. If the parent or guardian does not consent to the LEA audiotape recording an IEP meeting, the meeting shall not be recorded on an audiotape recorder.

Your rights include information about the availability of FAPE, including all program options, and all available alternative programs, both public and nonpublic. (20 USC sections 1401[3], and 1412[a][3]; 34 CFR Section 300.111; EC sections 56301, 56341.1[g][1], and 56506)

### **Where can I get more help?**

When you have a concern about your child's education, it is important that you contact your child's teacher or administrator to talk about your child and any problems you see. Staff in your school district or special education local plan area (SELPA) may answer questions about your child's education, your rights, and procedural safeguards. Also, when you have a concern, this informal conversation often solves the problem and helps to maintain open communication.

You may also want to contact one of the California parent organizations such as the Family Empowerment Centers on Disability (FECs) or the Parent Training and Information Centers (PTICs) located across the state. These organizations were established to increase collaboration between parents and educators to improve the educational system and provide information, training, and additional resources for families of students and young adults with disabilities. Contact information for these organizations is found on the California Department of Education (CDE) Special

Education California Parent Organizations web page at  
<https://www.cde.ca.gov/sp/se/qa/caprntorg.asp>.

Additional resources are listed at the end of this document to help you understand the procedural safeguards.

### **What if my child is deaf, hard of hearing, blind, visually impaired, or deaf-blind?**

The State Special Schools provide services to students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind at each of its three facilities: the California Schools for the Deaf in Fremont and Riverside and at the California School for the Blind in Fremont. Residential and day school programs are offered to students from infancy to age 21 at both State Schools for the Deaf. Such programs are offered to students aged 5 through 21 at the California School for the Blind. The State Special Schools also offer assessment services and technical assistance. For more information about the State Special Schools, please visit the CDE, State Special Schools web page at <https://www.cde.ca.gov/sp/ss/index.asp>, or ask for more information from the members of your child's IEP team.

## **Notice, Consent, Assessment, Surrogate Parent Appointment, and Access to Records**

### **Prior Written Notice**

#### **When is a notice needed?**

This notice must be given when the school district proposes or refuses to initiate a change in the identification, assessment, or educational placement of your child with special needs or the provision of a FAPE. (20 *USC* sections 1415[b][3] and (4), 1415[c][1], and 1414[b][1]; 34 *CFR* Section 300.503; *EC* sections 56329 and 56506[a])

The school district must inform you about proposed evaluations of your child in a written notice or an assessment plan within 15 days of your written request for evaluation. The notice must be understandable and in your native language or other mode of communication, unless it is clearly not feasible to do so. (34 *CFR* Section 300.304; *EC* Section 56321)

## **What will the notice tell me?**

The prior written notice must include the following:

1. A description of the actions proposed or refused by the school district
2. An explanation of why the action was proposed or refused
3. A description of each assessment procedure, record, or report the agency used as a basis for the action proposed or refused
4. A statement that parents of a child with a disability have protection under the procedural safeguards
5. Sources for parents to contact to obtain assistance in understanding the provisions of this part
6. A description of other options that the IEP team considered and the reasons those options were rejected; and
7. A description of any other factors relevant to the action proposed or refused. (20 *USC* sections 1415[b][3] and [4], 1415[c][1], and 1414[b][1]; 34 *CFR* Section 300.503)

## **Parental Consent**

### **When is my approval required for assessment?**

You have the right to refer your child for special education services. You must give informed, written consent before your child's first special education assessment can proceed. The parent has at least 15 days from the receipt of the proposed assessment plan to arrive at a decision. The assessment may begin immediately upon receipt of the consent and must be completed and an IEP developed within 60 days of your consent.

### **When is my approval required for services?**

You must give informed, written consent before your school district can provide your child with special education and related services.

### **What are the procedures when a parent does not provide consent?**

If you do not provide consent for an initial assessment or fail to respond to a request to provide the consent, the school district may pursue the initial assessment by utilizing due process procedures.

If you refuse to consent to the initiation of services, the school district must not provide special education and related services and shall not seek to provide services through due process procedures.

If you consent in writing to the special education and related services for your child but do not consent to all of the components of the IEP, those components of the program to which you have consented must be implemented without delay.

If the school district determines that the proposed special education program component to which you do not consent is necessary to provide a FAPE to your child, a due process hearing must be initiated. If a due process hearing is held, the hearing decision shall be final and binding.

In the case of reevaluations, the school district must document reasonable measures to obtain your consent. If you fail to respond, the school district may proceed with the reevaluation without your consent. (20 *USC* sections 1414[a][1][D] and 1414[c]; 34 *CFR* Section 300.300; *EC* sections 56506[e], 56321[c] and [d], and 56346).

### **When may I revoke consent?**

If at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency:

1. May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with 34 *CFR* Section 300.503 before ceasing such services
2. May not use the procedures in subpart E of Part 300 34 *CFR* (including the mediation procedures under 34 *CFR* Section 300.506 or the due process procedures under 34 *CFR* Sections 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child
3. Will not be considered to be in violation of the requirement to make a FAPE available to the child because of the failure to provide the child with further special education and related services

4. Is not required to convene an IEP team meeting or develop an IEP under 34 *CFR* sections 300.320 and 300.324 for the child for further provision of special education and related services

Please note, in accordance with 34 *CFR* Section 300.9 (c)(3), that if the parents revoke consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

## **Surrogate Parent Appointment**

### **What if a parent cannot be identified or located?**

School districts must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a disability when a parent cannot be identified and the school district cannot discover the whereabouts of a parent.

A surrogate parent may also be appointed if the child is an unaccompanied homeless youth, an adjudicated dependent or ward of the court under the state Welfare and Institution Code, and is referred to special education or already has an IEP. (20 *USC* Section 1415[b][2]; 34 *CFR* Section 300.519; *EC* Section 56050; *Government Code* Section 7579.5 and 7579.6)

## **Nondiscriminatory Assessment**

### **How is my child assessed for special education services?**

You have the right to have your child assessed in all areas of suspected disability. Materials and procedures used for assessment and placement must not be racially, culturally, or sexually discriminatory.

Assessment materials must be provided and the test administered in your child's native language or mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer.

No single procedure can be the sole criterion for determining eligibility and developing FAPE for your child. (20 *USC* sections 1414[b][1]–[3], 1412[a][6][B]; 34 *CFR* Section 300.304; *EC* sections 56001[j] and 56320)

## **Independent Educational Assessments**

### **May my child be tested independently at the district's expense?**

If you disagree with the results of the assessment conducted by the school district, you have the right to ask for and obtain an independent educational assessment for your child from a person qualified to conduct the assessment at public expense.

The parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

The school district must respond to your request for an independent educational assessment and provide you information about where to obtain an independent educational assessment.

If the school district believes that the district's assessment is appropriate and disagrees that an independent assessment is necessary, the school district must request a due process hearing to prove that its assessment was appropriate. If the district prevails, you still have the right to an independent assessment but not at public expense. The IEP team must consider independent assessments.

District assessment procedures allow in-class observation of students. If the school district observes your child in his or her classroom during an assessment, or if the school district would have been allowed to observe your child, an individual conducting an independent educational assessment must also be allowed to observe your child in the classroom.

If the school district proposes a new school setting for your child and an independent educational assessment is being conducted, the independent assessor must be allowed to first observe the proposed new setting. (20 *USC* sections 1415[b][1] and [d][2][A]; 34 *CFR* Section 300.502; *EC* Section 56329[b] and [c])

## **Access to Educational Records**

### **May I examine my child's educational records?**

You have a right to inspect and review all of your child's education records without unnecessary delay, including prior to a meeting about your child's IEP or before a due process hearing. The school district must provide you access to records and copies, if requested, within five **business** days after the request has been made orally or in writing. (*EC* sections 49060, 56043[n], 56501[b][3], and 56504)

## **How Disputes Are Resolved**

### **Due Process Hearing**

#### **When is a due process hearing available?**

You have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of FAPE. The request for a due process hearing must be filed within two years from the date you knew or should have known about the alleged action that forms the basis of the due process complaint. (20 *USC* Section 1415[b][6]; 34 *CFR* Section 300.507; *EC* sections 56501 and 56505[1])

### **Mediation and Alternative Dispute Resolution**

#### **May I request mediation or an alternative way to resolve the dispute?**

A request for mediation may be made either before or after a request for a due process hearing is made.

You may ask the school district to resolve disputes through mediation or alternative dispute resolution (ADR), which is less adversarial than a due process hearing. The ADR and mediation are voluntary methods of resolving a dispute and may not be used to delay your right to a due process hearing.

#### **What is a pre-hearing mediation conference?**

You may seek resolution through mediation prior to filing a request for a due process hearing. The conference is an informal proceeding conducted in a nonadversarial manner to resolve issues relating to the identification, assessment, or educational placement of a child or to a FAPE.

At the prehearing mediation conference, the parent or the school district may be accompanied and advised by nonattorney representatives and may consult with an attorney prior to or following the conference. However, requesting or participating in a prehearing mediation conference is not a prerequisite to requesting a due process hearing.

All requests for a prehearing mediation conference shall be filed with the Superintendent of the Office of Administrative Hearings (OAH). The party initiating a

prehearing mediation conference by filing a written request with the Superintendent of the OAH shall provide the other party to the mediation with a copy of the request at the same time the request is filed.

The prehearing mediation conference shall be scheduled within 15 days of receipt by the Superintendent of the OAH of the request for mediation and shall be completed within 30 days after receipt of the request for mediation unless both parties agree to extend the time. If a resolution is reached, the parties shall execute a legally binding written agreement that sets forth the resolution. All discussions during the mediation process shall be confidential. All prehearing mediation conferences shall be scheduled in a timely manner and held at a time and place reasonably convenient to the parties. If the issues fail to be resolved to the satisfaction of all parties, the party who requested the mediation conference has the option of filing for a due process hearing. (*EC* sections 56500.3 and 56503)

## **Due Process Rights**

### **What are my due process rights?**

You have a right to:

1. Have a fair and impartial administrative hearing at the state level before a person who is knowledgeable of the laws governing special education and administrative hearings (20 *USC* sections 1415[f][1][A], and 1415[f][3][A]-[D]; 34 *CFR* Section 300.511; *EC* Section 56501[b][4])
2. Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities (*EC* Section 56505 [e][1])
3. Present evidence, written arguments, and oral arguments (*EC* Section 56505[e][2])
4. Confront, cross-examine, and require witnesses to be present (*EC* Section 56505[e][3])
5. Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions (*EC* Section 56505[e][4])
6. Have your child present at the hearing (*EC* Section 56501[c][1])
7. Have the hearing be open or closed to the public (*EC* Section 56501[c][2])
8. Receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony

within five (5) business days before a hearing (*EC* sections 56505[e][7] and 56043[v])

9. Be informed by the other parties of the issues and their proposed resolution of the issues at least ten (10) calendar days prior to the hearing (*EC* Section 56505[e][6])
10. Have an interpreter provided (*California Code of Regulations*, Title 5 (5 *CCR*) Section 3082[d])
11. Request an extension of the hearing timeline (*EC* Section 56505[f][3])
12. Have a mediation conference at any point during the due process hearing (*EC* Section 56501[b][2]), and
13. Receive notice from the other party at least ten days prior to the hearing that the other party intends to be represented by an attorney (*EC* Section 56507[a]). (20 *USC* Section 1415[e]; 34 *CFR* sections 300.506, 300.508, 300.512 and 300.515)

## **Filing a Written Due Process Complaint**

### **How do I request a due process hearing?**

You need to file a written request for a due process hearing. You or your representative needs to submit the following information in your request:

1. Name of the child
2. Address of the residence of the child
3. Name of the school the child is attending
4. In the case of a homeless child, available contact information for the child and the name of the school the child is attending, and
5. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s)

Federal and state laws require that either party filing for a due process hearing must provide a copy of the written request to the other party. (20 *USC* sections 1415[b][7], and 1415[c][2]; 34 *CFR* Section 300.508; *EC* Section 56502[c][1])

Prior to filing for a due process hearing, the school district shall be provided the opportunity to resolve the matter by convening a resolution session, which is a meeting between the parents and the relevant members of the IEP team who have specific

knowledge of the facts identified in the due process hearing request. (20 *USC* Section 1415[f][1][B]; 34 *CFR* Section 300.510)

### **What does a resolution session include?**

Resolution sessions shall be convened within 15 days of receiving notice of the parents' due process hearing request. The sessions shall include a representative of the school district who has decision-making authority and not include an attorney of the school district unless the parent is accompanied by an attorney. The parent of the child may discuss the due process hearing issue and the facts that form the basis of the due process hearing request.

The resolution session is not required if the parent and the school district agree in writing to waive the meeting. If the school district has not resolved the due process hearing issue within 30 days, the due process hearing may occur. If a resolution is reached, the parties shall execute a legally binding agreement. (20 *USC* Section 1415[f][1][B]; 34 *CFR* Section 300.510)

### **Does my child's placement change during the proceedings?**

The child involved in any administrative or judicial proceeding must remain in the current educational placement unless you and the school district agree on another arrangement. If you are applying for initial admission of your child to a public school, your child will be placed in a public school program with your consent until all proceedings are completed. (20 *USC* Section 1415[j]; 34 *CFR* Section 300.518; *EC* Section 56505[d])

### **May the decision be appealed?**

The hearing decision is final and binding on both parties. Either party may appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision. (20 *USC* sections 1415[i][2] and [3][A], and 1415[l]; 34 *CFR* Section 300.516; *EC* Section 56505[h] and [k], *EC* Section 56043[w])

### **Who pays for my attorneys' fees?**

In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you as parent of a child with a disability if you are the prevailing party in the hearing. Reasonable attorneys' fees may also be made following the conclusion of the administrative hearing,

with the agreement of the parties. (20 *USC* Section 1415[i][3][B]–[G]; 34 *CFR* Section 300.517; *EC* Section 56507[b])

Fees may be reduced if any of the following conditions prevail:

1. The court finds that you unreasonably delayed the final resolution of the controversy
2. The attorneys' hourly fees exceed the prevailing rate in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience
3. The time spent and legal services provided were excessive, or
4. Your attorney did not provide to the school district the appropriate information in the due process request notice.

Attorneys' fees will not be reduced, however, if the court finds that the State or the school district unreasonably delayed the final resolution of the action or proceeding or that there was a violation of this section of law. (20 *USC* Section 1415[i][3][B]–[G]; 34 *CFR* Section 300.517)

Attorneys' fees relating to any meeting of the IEP team may not be awarded unless an IEP team meeting is convened as a result of a due process hearing proceeding or judicial action. Attorneys' fees may also be denied if you reject a reasonable settlement offer made by the district/public agency 10 days before the hearing begins and the hearing decision is not more favorable than the offer of settlement. (20 *USC* Section 1415[i][3][B]–[G]; 34 *CFR* Section 300.517)

**To obtain more information or to file for mediation or a due process hearing, contact:**

[Office of Administrative Hearings  
Attention: Special Education Division  
2349 Gateway Oaks Drive, Suite 200  
Sacramento, CA 95833-4231  
Phone: 916-263-0880  
Fax: 916-263-0890]

The OAH can also be contacted by email using the Secure e-File Transmission (SFT) system. The SFT may be found on OAH's website at <https://www.applications.dgs.ca.gov/OAH/oahSFTWeb>

School Discipline and Placement Procedures for Students with Disabilities

## **School Discipline and Alternative Interim Educational Settings**

### **May my child be suspended or expelled?**

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of student conduct from his or her setting to:

- An appropriate interim alternative education setting, another setting, or suspension for not more than 10 consecutive school days
- Additional removals of not more than 10 consecutive school days in the same school year for separate incidents of misconduct

### **What occurs after a removal of more than 10 days?**

After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to enable the child to continue to participate in the general education curriculum and progress toward meeting the goals set out in the child's IEP. Also, a child will receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur.

If a child exceeds 10 days in such a placement, an IEP team meeting must be held to determine whether the child's misconduct is caused by the disability. This IEP team meeting must take place immediately, if possible, or within 10 days of the school district's decision to take this type of disciplinary action.

As a parent you will be invited to participate as a member of this IEP team. The school district may be required to develop an assessment plan to address the misconduct or, if your child has a behavior intervention plan, review and modify the plan as necessary.

### **What happens if the IEP team determines that the misconduct is not caused by the disability?**

If the IEP team concludes that the misconduct was not a manifestation of the child's disability, the school district may take disciplinary action, such as expulsion, in the same manner as it would for a child without a disability. (20 USC Section 1415[k][1] and [7]; 34 CFR Section 300.530)

If you disagree with the IEP team's decision, you may request an expedited due process hearing, which must occur within 20 school days of the date on which you requested the hearing. (20 *USC* Section 1415[k][2]; 34 *CFR* Section 300.531[c])

Regardless of the setting the school district must continue to provide FAPE for your child. Alternative educational settings must allow the child to continue to participate in the general curriculum and ensure continuation of services and modifications detailed in the IEP. (34 *CFR* Section 300.530; *EC* Section 48915.5[b])

## **Children Attending Private School**

### **May students who are parentally placed in private schools participate in publicly funded special education programs?**

Children who are enrolled by their parents in private schools may participate in publicly funded special education programs. The school district must consult with private schools and with parents to determine the services that will be offered to private school students. Although school districts have a clear responsibility to offer FAPE to students with disabilities, those children, when placed by their parent in private schools, do not have the right to receive some or all of the special education and related services necessary to provide FAPE. (20 *USC* Section 1415[a][10][A]; 34 *CFR* sections 300.137 and 300.138; *EC* Section 56173)

If a parent of an individual with exceptional needs who previously received special education and related services under the authority of the school district enrolls the child in a private elementary school or secondary school without the consent of or referral by the local educational agency, the school district is not required to provide special education if the district has made FAPE available. A court or a due process hearing officer may require the school district to reimburse the parent or guardian for the cost of special education and the private school only if the court or due process hearing officer finds that the school district had not made FAPE available to the child in a timely manner prior to that enrollment in the private elementary school or secondary school and that the private placement is appropriate. (20 *USC* Section 1412[a][10][C]; 34 *CFR* Section 300.148; *EC* Section 56175)

### **When may reimbursement be reduced or denied?**

The court or hearing officer may reduce or deny reimbursement if you did not make your child available for an assessment upon notice from the school district before removing your child from public school. You may also be denied reimbursement if you did not inform the school district that you were rejecting the special education placement

proposed by the school district, including stating your concerns and intent to enroll your child in a private school at public expense.

Your notice to the school district must be given either:

- At the most recent IEP team meeting you attended before removing your child from the public school, or
- In writing to the school district at least 10 business days (including holidays) before removing your child from the public school. (20 USC Section 1412[a][10][C]; 34 CFR Section 300.148; EC Section 56176)

### **When may reimbursement not be reduced or denied?**

A court or hearing officer must not reduce or deny reimbursement to you if you failed to provide written notice to the school district for any of the following reasons:

- The school prevented you from providing notice
- You had not received a copy of this Notice of Procedural Safeguards or otherwise been informed of the requirement to notify the district
- Providing notice would likely have resulted in physical harm to your child
- Illiteracy and inability to write in English prevented you from providing notice, or
- Providing notice would likely have resulted in serious emotional harm to your child

(20 USC Section 1412[a] [10] [C]; 34 CFR Section 300.148; EC Section 56177)

### **State Complaint Procedures**

#### **When may I file a state compliance complaint?**

You may file a state compliance complaint when you believe that a school district has violated federal or state special education laws or regulations. Your written complaint must specify at least one alleged violation of federal and state special education laws. The violation must have occurred not more than one year prior to the date the complaint is received by the CDE. When filing a complaint, you must forward a copy of the complaint to the school district at the same time you file a state compliance complaint with the CDE. (34 CFR Section 300.151–153; 5 CCR Section 4600)

Complaints alleging violations of federal and state special education laws or regulations may be mailed to:

[California Department of Education  
Special Education Division  
Complaint Support Unit  
1430 N Street, Suite 2401  
Sacramento, CA 95814]

You may also email your complaint to [speceducation@cde.ca.gov](mailto:speceducation@cde.ca.gov)

For complaints involving issues not covered by federal or state special education laws or regulations, consult your district's uniform complaint procedures.

To obtain more information about dispute resolution, including how to file a complaint, contact the CDE, Special Education Division, Complaint Support Unit, by telephone at 800-926-0648; by fax at 916-327-3704; or by visiting the CDE, Special Education web page at <https://www.cde.ca.gov/sp/se/index.asp>.

## Senate Bill 511, Family Empowerment Centers

### Background

The Family Empowerment Centers (FECs) were established in 2001 by enactment of Chapter 690 of the Statutes of 2001 (Senate Bill 511, Alpert), enacted as *Education Code (EC)* 56400-56415. The FECs provide services to families with children with disabilities ages three to twenty-two. The intent of the legislature is to ensure that parents, guardians, and families of children and young adults with disabilities have access to accurate information, specialized training, and peer-to-peer support.

### FEC Contact and Service Information

| Organization  | Counties Served | Website   |
|---|-----------------|---|
| Ability Path's Family Resource Center of San Mateo County | San Mateo       | <a href="https://www.smcfrc.org/">https://www.smcfrc.org/</a> |

| <b>Organization</b>   | <b>Counties Served</b>   | <b>Website</b>  |
|---|--|---|
| Alpha Family Resource Center  | Santa Barbara  | <a href="https://alphasb.org/">https://alphasb.org/</a>   |
| Exceptional Family Resource Center (EFRC)                             | Imperial, San Diego  | <a href="https://efrconline.org/">https://efrconline.org/</a>   |
| Exceptional Parents Unlimited (EPU)                                   | Fresno, Kings  | <a href="https://www.epuchildren.org/">https://www.epuchildren.org/</a>   |
| Exceptional Parents Unlimited (EPU)                                   | Madera   | <a href="https://www.epuchildren.org/">https://www.epuchildren.org/</a>   |
| Family Focus Resource and Empowerment Center                          | North Los Angeles (San Fernando, Santa Clarita, Antelope Valley)   | <a href="https://csun.edu/family-focus-resource-center">https://csun.edu/family-focus-resource-center</a>   |
| Family Resource Navigators  | Alameda  | <a href="https://familyresourcenavigators.org/">https://familyresourcenavigators.org/</a>   |
| Family SOUP   | Colusa, Sutter, Yuba   | <a href="http://www.familysoup.org/">http://www.familysoup.org/</a>   |
| H.E.A.R.T.S. Connection Family Resource Center and Empowerment Center | Kern   | <a href="http://www.heartsfrc.org/">http://www.heartsfrc.org/</a>   |
| Heluna Health/Eastern Los Angeles Family Resource Center              | Los Angeles (Alhambra, Arcadia, Boyle Heights, City Terrace, Commerce, East Los Angeles, East Pasadena, El Sereno, Eagle Rock/Highland Park, La Habra Heights, La Mirada, Lincoln Heights, Montebello, Monterey Park, Mount Washington, Pico Rivera, Rosemead, San Gabriel, San Marino, South Pasadena, Santa Fe Springs, Temple City, Whittier) | <a href="https://www.helunahealth.org/partners/eastern-los-angeles-regional-family-resource-center/">https://www.helunahealth.org/partners/eastern-los-angeles-regional-family-resource-center/</a> |
| Matrix Parent Network & Resource Center                               | Napa, Solano, Sonoma   | <a href="https://www.matrixparents.org/">https://www.matrixparents.org/</a>   |
| Matrix Parent Network   | Marin  | <a href="https://www.matrixparents.org/">https://www.matrixparents.org/</a>   |
| Parents Helping Parents, Inc.   | Santa Clara  | <a href="https://www.php.com/">https://www.php.com/</a>   |
| Parents Helping Parents San Luis Obispo                               | San Luis Obispo  | <a href="http://www.php slo.org/">http://www.php slo.org/</a>   |

| Organization  | Counties Served  | Website   |
|---|--|---|
| The Parents' Place Family Resource Center                                   | Los Angeles (San Gabriel Valley, Pomona)   | <a href="http://www.parentsplacefrc.com/">http://www.parentsplacefrc.com/</a>           |
| Plumas Rural Services, Inc.   | Lassen, Modoc, Plumas, Sierra  | <a href="https://www.plumasruralservices.org/">https://www.plumasruralservices.org/</a> |
| Rowell Family Empowerment of Northern California (RFENC)                    | Butte, Glenn, Shasta, Siskiyou, Tehama, Trinity  | <a href="https://rfenc.org/Home/">https://rfenc.org/Home/</a>                           |
| South Central Los Angeles Regional Center (McClaney Family Resource Center) | Los Angeles (South Los Angeles including: Watts, Leimert Park, Florence/Firestone, West Adams, Bell, Bell Gardens, Compton, Cudahy, Downey, Huntington Park, Lynwood, Maywood, Vernon, South Gate, North Carson, Gardena, Paramount)   | <a href="https://sclarc.org/">https://sclarc.org/</a>                                   |
| Special Kids Connect  | Monterey   | <a href="https://specialkidsconnect.org/">https://specialkidsconnect.org/</a>           |
| Special Parents Information Network (SPIN)                                  | San Benito, Santa Cruz   | <a href="https://www.spin.org/">https://www.spin.org/</a>                               |
| Support for Families of Children with Disabilities                          | San Francisco  | <a href="https://www.supportforfamilies.org/">https://www.supportforfamilies.org/</a>   |
| Team of Advocates for Special Kids, Inc. (TASK)                             | Orange   | <a href="https://taskca.org/">https://taskca.org/</a>                                   |
| Team of Advocates for Special Kids, Inc. (TASK)                             | Los Angeles (Artesia, Avalon, Bellflower, Carson, Cerritos, Harbor City, Harbor Gateway, Hawaiian Gardens, Hermosa Beach, Lakewood, Lomita, Long Beach, Manhattan Beach, Norwalk, Palos Verdes Estates, Rancho, Palos Verdes, Rolling Hills, San Pedro, Signal Hill, Torrance, Wilmington) | <a href="https://taskca.org/">https://taskca.org/</a>                                   |

| Organization                                    | Counties Served   | Website   |
|---|---|---|
| Team of Advocates for Special Kids, Inc. (TASK) | Los Angeles (Signal Hill, Long Beach, Catalina Island)  | <a href="https://taskca.org/">https://taskca.org/</a>                 |
| Team of Advocates for Special Kids, Inc. (TASK) | Los Angeles (Lakewood, East Lakewood, Hawaiian Gardens, Bellflower, Norwalk/Little Lake, Artesia, Cerritos) | <a href="https://taskca.org/">https://taskca.org/</a>                 |
| Warmline Family Resource Center                 | Alpine, El Dorado, Nevada, Placer, Sacramento, Yolo   | <a href="http://www.warmlinefrc.org/">http://www.warmlinefrc.org/</a> |
| Westside Family Resource Center                 | West Los Angeles  | <a href="http://wfrec.org/">http://wfrec.org/</a>                     |

## Glossary of Abbreviations Used in This Notification

ADR: Alternative Dispute Resolution

*CFR: Code of Federal Regulations*

*EC: California Education Code*

FAPE: Free Appropriate Public Education

FEC: Family Empowerment Center on Disability

IDEA: Individuals with Disabilities Education Act

IEP: Individualized Education Program

PTIC: Parent Training and Information Center

OAH: Office of Administrative Hearings

SELPA: Special Education Local Plan Area

*USC: United States Code*

Special Education Local Plan Area (SELPA) Local Plan

SELPA

Fiscal Year

**LOCAL PLAN**  
**Section E: Annual Service Plan**  
**SPECIAL EDUCATION LOCAL PLAN AREA**



California Department of Education

Special Education Division

Local Plan Annual Submission

SELPA:

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## Local Plan Section E: Annual Service Plan

California *Education Code (EC)* sections 56205(b)(2) and (d); 56001; and 56195.9

The Local Plan Section E: Annual Service Plan must be adopted at a public hearing held by the SELPA. Notice of this hearing shall be posted in each school in the SELPA at least 15 days before the hearing. Local Plan Section E: Annual Service Plan may be revised during any fiscal year according to the SELPA's process as established and specified in Section B: Governance and Administration portion of the Local Plan consistent with *EC* sections 56001(f) and 56195.9. Local Plan Section E: Annual Service Plan must include a description of services to be provided by each local educational agency (LEA), including the nature of the services and the physical location where the services are provided (Attachment VI), regardless of whether the LEA is participating in the Local Plan.

### Services Included in the Local Plan Section E: Annual Service Plan

All entities and individuals providing related services shall meet the qualifications found in Title 34 of the *Code of Federal Regulations (34 CFR)* Section 300.156(b), Title 5 of the *California Code of Regulations (5 CCR)* 3001(r) and the applicable portions 3051 et. seq.; and shall be either employees of an LEA or county office of education (COE), employed under contract pursuant to *EC* sections 56365-56366, or employees, vendors or contractors of the State Departments of Health Care Services or State Hospitals, or any designated local public health or mental health agency. Services provided by individual LEAs and school sites are to be included in **Attachment VI**.

**Include a description each service provided. If a service is not currently provided, please explain why it is not provided and how the SELPA will ensure students with disabilities will have access to the service should a need arise.**

- 330–Specialized Academic Instruction/  
Specially Designed Instruction

Provide a detailed description of the services to be provided under this code.

Adapting, as appropriate, to the needs of the child with a disability the content, methodology, or delivery of instruction to ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children. (34 CFR 300.39 (b) (3))

*Service is Not Currently Provided*

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- 210–Family Training, Counseling, Home Visits (Ages 0-2 only)  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

This service includes: services provided by social workers, psychologists, or other qualified personnel to assist the family in understanding the special needs of the child and enhancing the child's development.

- 220–Medical (Ages 0-2 only)  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Medical services (for evaluation only) (ages 0-2 only): Services provided by a licensed physician to determine a child's developmental status and need for early intervention services.

- 230–Nutrition (Ages 0-2 only)  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

These services include conducting assessments in: nutritional history and dietary intake; anthropometric, biochemical, and clinical variables; feeding skills and feeding problems; and food habits and food preferences.

- 240–Service Coordination (Ages 0-2 only)  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

The coordination of service delivery, distribution of reports, and IFSP meeting facilitation.

- 250–Special Instruction (Ages 0-2 only)  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Special instruction includes: the design of learning environments and activities that promote the child's acquisition of skills in a variety of developmental areas, including cognitive processes and social interaction; curriculum planning, including the planned interaction of personnel, materials, and time and space, that leads to achieving the outcomes in the child's IFSP; providing families with information, skills, and support related to enhancing the skill development of the child; and working with the child to enhance the child's development.

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260–Special Education Aide (Ages 0-2 only)       *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

270–Respite Care (Ages 0-2 only)       *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

340–Intensive Individual Instruction

Provide a detailed description of the services to be provided under this code.

*Service is Not Currently Provided*

350–Individual and Small Group Instruction

Provide a detailed description of the services to be provided under this code.

*Service is Not Currently Provided*

415–Speech and Language       *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

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articulation (excluding abnormal swallowing patterns, if that is the sole assessed disability); abnormal voice quality, pitch, or loudness; fluency; hearing loss; or the acquisition, comprehension, or expression of spoken language. Language deficits or speech patterns resulting from unfamiliarity with the English language and from environmental, economic, or cultural factors are not included. Services include: specialized instruction and services, monitoring, reviewing, and consultation. Services may be direct or indirect including the use of a speech consultant.

425–Adapted Physical Education

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Direct physical education services provided by an adapted physical education specialist to pupils who have needs that cannot be adequately satisfied in other physical education programs as indicated by assessment and evaluation of motor skills performance and other areas of need. It may include individually designed developmental activities, games, sports and rhythms, for strength development and fitness suited to the capabilities, limitations, and interests of individual students with disabilities who may not safely, successfully, or meaningfully engage in unrestricted participation in the vigorous activities of the general or modified by physical education program.

435–Health and Nursing: Specialized Physical Health Care

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Specialized physical health care services means those health services prescribed by the child's licensed physician and/or surgeon, requiring medically related training of the individual who performs the services and which are necessary during the school day to enable the child to attend school (CCR §3051.12(b)(10(A))). Specialized physical health care services include but are not limited to suctioning, oxygen administration, catheterization, nebulizer treatments, insulin administration and glucose testing (CEC 49423.5 (d)).

436–Health and Nursing: Other

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

This includes service that are provided to individuals with exceptional needs by a qualified individual pursuant to an IEP when a student has health problems which require nursing intervention beyond basic school health services. Services include managing the health problem, consulting with staff, group and individual counseling, making appropriate referrals, and maintaining communication with agencies and health care providers. These services do

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not include any physician-supervised or specialized health care service. IEP-required health and nursing services are expected to supplement the regular health services program. (34 CFR 300.34; CCR Title 5 §3051.12 (a)).

445–Assistive Technology  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Any specialized training or technical support for the incorporation of assistive devices, adapted computer technology, or specialized media with the educational programs to improve access for students. The term includes a functional analysis of the student's needs for assistive technology; selecting, designing, fitting, customizing, or repairing appropriate devices; coordinating services with assistive technology devices; training or technical assistance for students with a disability, the student's family, individuals providing education or rehabilitation services, and employers. (34 CFR Part 300.6).

450–Occupational Therapy  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Occupational Therapy (OT) includes services to improve student's educational performance, postural stability, self-help abilities, sensory processing and organization, environmental adaptation and use of assistive devices, motor planning and coordination, visual perception and integration, social and play abilities, and fine motor abilities. Both direct and indirect services may be provided within the classroom, other educational settings or the home; in a group or on an individual basis; and may include therapeutic techniques to develop abilities; adaptations to the student's environment or curriculum; and consultation and collaboration with other staff and parents. Service are provided, pursuant to an IEP, by a qualified occupational therapist registered with American Occupational Therapy Certification Board. (CCR Title 5 §.3051.6, EC Part 30 §56363).

460–Physical Therapy  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

These services are provided, pursuant to an IEP, by a registered physical therapist, or physical therapist assistant, when assessment shows a discrepancy between gross motor performance and other educational skills. Physical therapy includes, but is not limited to, motor control and coordination, posture and balance, self-help, functional mobility, accessibility and use of assistive devices. Services may be provided within the classroom, other educational settings or in the home; and may occur in groups or individually. These services may include

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adaptations to the student's environment and curriculum, selected therapeutic techniques and activities, and consultation and collaborative interventions with staff and parents. (B&PC Ch. 5.7, CCR Title 5 §3051.6 EC Part 30 §56363, GC-Interagency Agreements Ch. 26.5 §7575(a) (2))

510–Individual Counseling

Provide a detailed description of the services to be provided under this code.

One-to-one counseling, provided by a qualified individual pursuant to an IEP. Counseling may focus on aspects, such as educational, career, personal; or be with parents or staff members on learning problems or guidance programs for students. Individual counseling is expected to supplement the regular guidance and counseling program. (34 CFR § 300.24 (b) (2), (CCR Title 5 §3051.9).

*Service is Not Currently Provided*

515–Counseling and Guidance

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

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

520–Parent Counseling

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Individual or group counseling provided by a qualified individual pursuant to an IEP to assist the parent(s) of special education students in better understanding and meeting their child's needs; may include parenting skills or other pertinent issues. IEP-required parent counseling

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is expected to supplement the regular guidance and counseling program. 34 CFR §300.31 (b) (7); CCR Title 5 §3051.11).

525–Social Worker

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Social Work services, provided pursuant to an IEP by a qualified individual, includes, but are not limited to, preparing a social or developmental history of a child with a disability; group and individual counseling with the child and family; working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; and mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program. Social work services are expected to supplement the regular guidance and counseling program. (34 CFR §300.24(b)(13); CCR Title 5 §3051.13).

530–Psychological

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

These services, provided by a credentialed or licensed psychologist pursuant to an IEP, include interpreting assessment results to parents and staff in implementing the IEP; obtaining and interpreting information about child behavior and conditions related to learning; planning programs of individual and group counseling and guidance services for children and parents. These services may include consulting with other staff in planning school programs to meet the special needs of children as indicated in the IEP. (CFR Part 300 §300.24). IEP-required psychological service are expected to supplement the regular guidance and counseling program. (34 CFR §300.2; CCR Title 5 §3051.10).

535–Behavior Intervention

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

A systematic implementation of procedures designed to promote lasting, positive changes in the student's behavior resulting in greater access to variety of community setting, social contacts, public events, and placement in the least restrictive environment. (CCR Title 5 §3001 (d)).

540–Day Treatment

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Provide a detailed description of the services to be provided under this code.

Structured education, training and support services to address the student's mental health needs (Health & Safety Code, Div.2, Chap.3, Article 1, 1502 (a)(3)).

*Service is Not Currently Provided*

545–Residential Treatment

Provide a detailed description of the services to be provided under this code.

A 24-hour out-of-home placement that provides intensive therapeutic services to support the educational program (Welfare and Institutions Code, Part 2, Chapter 2.5, Art. 1, §5671)).

*Service is Not Currently Provided*

610–Specialized Service for Low Incidence Disabilities

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Low incidence services are defined as those provided to the student population of orthopedically impaired (01), visually impaired (VI), deaf, hard of hearing/hearing impairment (HH/HI), or deaf-blind (DB). Typically, services are provided in education setting by an itinerant teacher or the the itinerant teacher/specialist. Consultation is provided to the teacher, staff and parents as needed. These services must be clearly written in the student's IEP, including frequency and duration of the service to the student. (CCR Title 5 §3051.16 & 3051.18).

710–Specialized Deaf and Hard of Hearing

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

These services include speech therapy, speech reading, auditory training and/or instruction in the student's mode of communication. Rehabilitative and education services; adapting curricula, methods, and the learning environment; and special consultation to students, parents, teachers, and other school personnel may also be included. (CCR Title 5 § 3051.16 and 3051.18).

715–Interpreter

*Service is Not Currently Provided*

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Provide a detailed description of the services to be provided under this code.

Sign language interpretation of spoken language to individuals, whose communication is normally sign language, by a qualified sign language interpreter. This includes conveying information through the sign system of the student or consumer and tutoring students regarding class content through the sign system of the student.

720–Audiological

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

These services include measurements of acuity, monitoring amplification, and frequency modulation system use. Consultation services with teacher, parents or speech pathologists must be identified in the IEP as to reason, frequency and duration of contract; infrequent contact is considered assistance and would not be included. (CCR Title 5 §3051.2).

725–Specialized Vision

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

This is a board category of service provided to student with visual impairments. It includes assessment of functional vision; curriculum modifications necessary to meet the student's education needs, including Braille, large type, and aural media; instruction in areas of need; concept development and academic skills; communication skills (including alternative modes of reading and writing); social, emotional, career, vocational, and independent living skills. It may include coordination of other personnel providing services to the students (such as transcribers, readers, counselors, orientation and mobility specialists, career/vocational staff, and others) and collaboration with the student's classroom teacher. (CAC Title 5 §3030(d), EC 56364.1)

730–Orientation and Mobility

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Students with identified visual impairments are trained in body awareness and to understand how to move. Students are trained to develop skills to enable them to travel safely and independently around the school and in the community. It may include consultation service to parents regarding their children requiring such services according to an IEP.

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735–Braille Transcription

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Any transcription services to convert materials from print Braille. It may include textbooks, tests, worksheets, or anything necessary for instruction. The transcriber should be qualified in English Braille as well as Nemeth Code (mathematics) and be certified by appropriate agency.

740–Specialized Orthopedic

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Specially designed instruction related to the unique needs of students with orthopedic disabilities, including specialized materials and equipment (CAC Title 5, §3030(e) & 3051.16)

745–Reading

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Any specialized assistance provided for students who are print-impaired, whether the impairment is the result of a visual disability, other physical disability, or reading disability. This may include but limited to, reader provided for examination, textbooks, and other course related reading assignments and may also include recorded materials.

750–Note Taking

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Any specialized assistance given to the student for the purpose of taking notes when the student is unable to do so independently. This may include, but is not limited to, copies of notes taken by another student or transcription of tape-recorded information from a class or aide designated to take notes. This does not include instruction in the process of learning how to take notes.

755–Transcription

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Any transcription service to convert materials from print to a mode of communication suitable

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for the student. This may also include dictation services as it may pertain to textbooks, tests, worksheets, or anything necessary for instruction.

- 760–Recreation Service, Including Therapeutic Recreation  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Therapeutic recreation and specialized instructional programs designed to assist pupils to become as independent as possible in leisure activities, and when possible and appropriate, facilitate the pupil's integration into general recreation programs; (CAC Title 5, §3051.15; 20 USC 1401 (26(A)(1)) (34 CFR 300.24).

- 820–College Awareness  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

College awareness is the result of acts that promote and increase student learning about higher education opportunities, information and options that are available including, but not limited to, career planning, course prerequisites, admission eligibility and financial aid.

- 830–Vocational Assessment, Counseling, Guidance, and Career Assessment  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment and may include provision for work experience, job coaching, development and/or placement, and situational assessment. This includes career counseling to assist student in assessing his/her aptitudes, abilities, and interests in order to make realistic career decisions. (Title 5 §3051.14)

- 840–Career Awareness  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Transition services include a provision in paragraph (1) (c) (vi), self-advocacy, career planning, and career guidance. This comment also emphasized the need for coordination between this provision and the Perkins Act to ensure that students with disabilities in middle schools will be able to access vocational education funds. (34 CFR§300.29).

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850–Work Experience Education

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Work experience education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advance degree. (34 CFR 300.26)

855–Job Coaching

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Job coaching is a service that provides assistance and guidance to an employee who may be experiencing difficulty with one or more aspects of the daily job tasks and functions. This service is provided by a job coach who is highly successful, skilled, and trained on the job who can determine how the employee that is experiencing difficulty learns best and formulate a training plan to improve job performance.

860–Mentoring

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Mentoring is a sustained coaching relationship between a student and teacher through ongoing involvement and offers support, guidance, encouragement, and assistance as the learner encounters challenges with respect to a particular area such as acquisition of job skill. Mentoring can be either formal as in planned, structured instruction or informal that occurs naturally through friendship, counseling and collegiality in a casual, unplanned way.

865–Agency Linkages (referral and placement)

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Service coordination and case management that facilitates the linkage of individualized education programs under this part and individualized family service plans under part C with individualized service plans under multiple Federal and State programs, such as Title I of the Rehabilitation Act of 1973 (vocational rehabilitation), Title XIX of the Social Security Act (Medicaid), and Title XVI of the Social Security Act (supplemental security income). (34 CFR §613).

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870–Travel and Mobility Training

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Orientation and mobility services--(i) Means services provided to blind or visually impaired children by qualified personnel to enable those students to attain systematic orientation to and safe movement with their environments in school, home and community.

890–Other Transition Services

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

These services may include program coordination, case management and meetings, and crafting linkages between schools and postsecondary agencies.

900–Other Related Service

*Service is Not Currently Provided*

Description of the “Other Related Service”

Qualifications of the Provider Delivering “Other Related Service”















# IEP Implementation Data Collection

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Special Education Division  
California Department of Education



TONY THURMOND  
State Superintendent of Public Instruction

# Meeting Materials

- CDE Box Link: <https://cde.box.com/v/iepimplementation2024>
  - Power Point Slides
  - Technical Assistance Guide (TAG)
  - Frequently Asked Questions (FAQ)

# Agenda/Topics

- Description/Requirements
- Timeline
- Procedure/Methodology
- Data Collection Website
- Data Validation Requirements

# Description/Requirements

## Objectives

- To fulfill its monitoring and enforcement responsibilities under the federal IDEA in 34 *Code of Federal Regulations sections* 300.600 and 300.323.
- **Identify systemic issues** with LEAs, and help the State identify LEAs that are not providing the services promised in Individualized Education Programs (IEPs).
- Identify and categorize IEPs surveyed by three designated percentage of completion ranges.

# Timeline



# Procedure/Methodology

- On May 1, 2024 CDE will provide a random sample of SWDs to each LEA based upon the following criteria:

| <b>Number of SWD</b> | <b>Number of IEPs LEA Must Review</b> | <b>Percentage of IEPs Required for Review</b> |
|----------------------|---------------------------------------|---|
| <b>1 – 100</b>       | <b>All/Max of 20</b>                  | <b>20% - 100%</b>                             |
| <b>101 – 199</b>     | <b>20</b>                             | <b>10.05% - 19.8%</b>                         |
| <b>200 – 4,999</b>   | <b>20 – 500</b>                       | <b>10%</b>                                    |
| <b>5,000 +</b>       | <b>500</b>                            | <b>0.74% - 9.97%</b>                          |

**NOTE: Small LEAs (LEAs with 100 or fewer SWDs) that were selected for monitoring in Cycles A, B, or C will only be required to submit IEP Implementation data during their next monitoring cycle, beginning with Cycle B in 2025. The random sample generated for large LEAs will EXCLUDE SSIDs from any charters identified for monitoring in Cycles A, B, or C.**

# Student Sample

- Should not include any students from charter schools identified as “small LEAs” being monitored in Cycles A, B, or C
  - This WILL include any charters not selected in those monitoring cycles
- Should only include students enrolled for the entire duration of the evaluation period (March 1, 2024 through April 29, 2024)
- Students on Individualized Education Programs (IEPs) only, including any students enrolled in Nonpublic Nonsectarian Certified schools (NPS)
- If LEAs receive an SSID for a student that transferred out of the LEA prior to or during the evaluation period, the LEA should:
  - Ensure the student’s exit is updated in CALPADS
  - Ensure that the reason for not providing results for that student in the IEP Implementation Data Collection is documented and shared with the SELPA

# Procedure/Methodology (2)

- LEAs will collect and analyze local-level service implementation data.
- Measurements will be based upon total number of service minutes provided for all services in the IEP (numerator), and the total number of service minutes prescribed (denominator). Each IEP ratio will then be summarized into one of three categories:

**A. 100 to 95% of IEP services implemented**

**B. 94.9 to 90% of IEP services implemented**

**C. Less than 90% of IEP services implemented**

# Procedure/Methodology (3)

- **Numerator should include:**

- The total count of **actual** service minutes received for all services provided during the evaluation period

- **Denominator should:**

- **Include:**

- Total count of **prescribed** service minutes included in the special education plan to which the parent/guardian has agreed/signed, including:
  - Service minutes the student received
  - Student absences due to illness (familial or student), truancy, or other excused or unexcused absences
  - Staff absences due to illness or staff shortages

- **Exclude service minutes prescribed during:**

- Field trips
- Scheduled school breaks such as intersession or --Spring Break
- Statewide testing periods
- Student benchmark testing
- Special programming at the school site (e.g., school assemblies)
- School-related emergencies

# Why must student absences be included in the denominator calculation?

- Although student absences may have an impact on a particular student's implementation percentage, when evaluating IEP Implementation at a local educational agency-level, the **CDE is examining the overall percentage of students in the randomly selected sample that are falling into the 90% and below range.**
- A **significant percentage** of students falling into the 90% and below range may identify systemic issues that may offer an opportunity for CDE to provide programmatic and technical assistance to LEAs.

# Procedure/Methodology (4)

## Example

- Sample LEA ABCUSD
  - Large LEA, **5000+** SWDs, n size of sample: **500** IEPs
- Calculation for single student IEP:
  - Time Period for analysis: March 1, 2024 - April 29, 2024
  - 2000 service minutes provided/2160 service minutes prescribed = **93% implementation**. This student is added to the bucket for **category B**
  - 94.9 to 90% of IEP services implemented
- Summary Data by ABCUSD for submission:

| Category                                     | Total | Percentage |
|--|-------|------------|
| A. 100 to 95% of IEP services implemented    | 410   | 82%        |
| B. 94.9 to 90% of IEP services implemented   | 70    | 14%        |
| C. Less than 90% of IEP services implemented | 20    | 4%         |

# Things to consider when evaluating IEP Implementation...

- LEAs should:
  - Have a clear, documented process for tracking the implementation of IEP services throughout the year in preparation for any audits
  - Have a clear understanding of how your special education data system tracks services
  - Ensure all service providers are clear on their obligation to provide services consistent with the IEP
- When determining IEP implementation rates, staff should consider the following:
  - Electronic or paper service logs
  - Transition Services prescribed and received
  - Push-in or pull-out aide services and who documents those services
  - Specialized Academic Instruction (SAI)
  - Student absences
  - Service provider/staff absences

# How are Specialized Academic Instruction Minutes Calculated?

- If a student is in attendance, specialized academic instruction (SAI) minutes may be counted as received.
- This includes days when an appropriately authorized (certificated or licensed) staff member or contracted provider is substituting for the teacher or staff person of record.

# Compensatory Services

- Students may, but are not required to receive compensatory services
- If provided, the compensatory service minutes provided must fall within the prescribed evaluation period (March 1, 2024 through April 29, 2024)

# IEP Implementation Follow-Up Survey

- CDE must then assess the validity and reliability of data submitted regarding an LEA's implementation of IEP services.
  - State will randomly select 10% of those LEAs and audit the data submitted by those LEAs regarding the LEA's implementation of IEP services.

# IEP Implementation and Annual Determinations

- Annual Determination letters for the 2023–24 academic year included the count of students who fell in category C: Less than 90% of services implemented
- CDE is still in discussions how IEP Implementation data will be factored into the Annual Determination process for the 2024–25 academic year

# Data Collection Website

## User Logon

The Individual Education Plan (IEP) Service Implementation Data Collection is aimed towards continuous improvement of educational services through collecting and understanding critical data. In order to complete this data collection, all questions require a response.

Please complete the following data collection survey based on data you have collected, analyzed, and reviewed on the students selected for this process via random selection of Statewide Student Identifiers (SSIDs).

Please log in using the Access Code issued for your LEA or SELPA.

**Access Code**

Logon

IEP Implementation Website:

<https://www3.cde.ca.gov/iepimpsys/>

IEP Implementation Data Collection 2024

# How do I get my access code for the website?

- SELPA access
  - On May 1, 2024, CDE will email access codes to SELPA level users.
- LEA access
  - Once SELPA level users log into the system, they are expected to download access codes for their LEA-level users (available in the application), and then distribute these access codes to their respective LEA representatives.

# Data Collection Website (SELPA View 1)

DEPARTMENT OF EDUCATION **California** DEPARTMENT OF EDUCATION

Logoff

IEP Implementation System

Dashboard

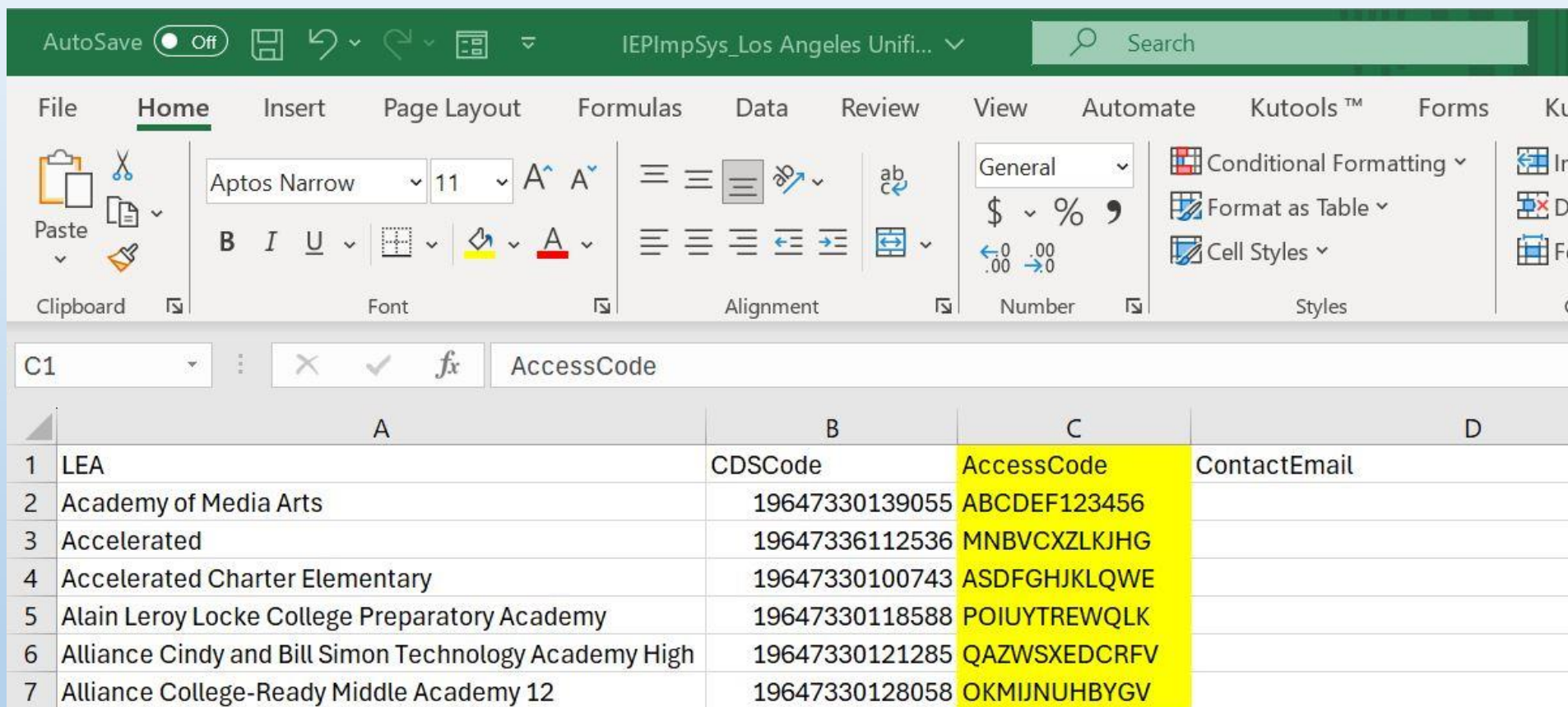
## Los Angeles Unified

| 2023 Overview |                            |
|---------------|----------------------------|
| SELPA Name    | <b>Los Angeles Unified</b> |
| SELPA Code    | <b>1914</b>                |
| LEA Status    |                            |

### User Actions

- [Download LEA Records](#)

# SELPA View of LEA Access Codes



The screenshot shows the Microsoft Excel interface with the following data table:

|   | A   | B              | C            | D            |
|---|---|----------------|--------------|--------------|
| 1 | LEA   | CDSCCode       | AccessCode   | ContactEmail |
| 2 | Academy of Media Arts                                 | 19647330139055 | ABCDEF123456 |              |
| 3 | Accelerated   | 19647336112536 | MNBVCXZLKJHG |              |
| 4 | Accelerated Charter Elementary                        | 19647330100743 | ASDFGHJKLQWE |              |
| 5 | Alain Leroy Locke College Preparatory Academy         | 19647330118588 | POIUYTREWQLK |              |
| 6 | Alliance Cindy and Bill Simon Technology Academy High | 19647330121285 | QAZWSXEDCRFV |              |
| 7 | Alliance College-Ready Middle Academy 12              | 19647330128058 | OKMIJNUHBYGV |              |

It will be the responsibility of each SELPA director to distribute the LEA access codes to the associated and responsible LEA representatives.

# Data Collection Website (LEA View)

Palmdale Elementary | Logoff

DEPARTMENT OF EDUCATION  
California DEPARTMENT OF EDUCATION

Overview Settings

## Palmdale Elementary

### 2022 Overview

LEA Name: Palmdale Elementary  
CDS Code: 1964857000000  
SELPA Name: Antelope Valley  
LEA Due Date: September 9, 2022  
Submission Status: Past Due Date  
Please submit as soon as possible

### User Actions

- Download Student Records
- Submit IEP Data

### Sampled Students

Filter by Name or SSID (partial OK)

Showing 1 - 10 of 500 Students

| Student Name (Last, First) | Statewide Student Identifier (SSID) |
|----------------------------|-------------------------------------|
|                            |                                     |
|                            |                                     |
|                            |                                     |
|                            |                                     |
|                            |                                     |
|                            |                                     |
|                            |                                     |
|                            |                                     |
|                            |                                     |
|                            |                                     |

### SWD IEP Implementation Success Rates

95-100%

90-94.9%

Less Than 90%

Total Students: 500 of 500 Sampled

**Note:** After you have confirmed and saved the final numbers for each percentage category (by clicking the "Save Data" button), you must click the "Submit IEP Data" button to finalize your submission.

AutoSave Off

File Home Insert Page Layout Formulas

Clipboard Font

C1 SSID

|    | A        | B                | C          | D |
|----|----------|------------------|------------|---|
| 1  | LastName | FirstName        | SSID       |   |
| 2  | A        | Christopher Kyle | 1234567890 |   |
| 3  | A        | Jesse            | 9876543211 |   |
| 4  | A        | Jessica          | 5432198765 |   |
| 5  | B        | Ava              | 6789012345 |   |
| 6  | B        | Bailey           | 1029384756 |   |
| 7  | B        | Romi             | 5647382910 |   |
| 8  | C        | Emily            | 1092387456 |   |
| 9  | C        | Faith            | 1122334455 |   |
| 10 | C        | Isabella         | 9988776655 |   |
| 11 | C        | Katelynn         | 5556667778 |   |
| 12 | C        | Nicholas         | 3334445556 |   |

# Data Collection Website (LEA Certification Page)

Palmdale Elementary | [Logoff](#)

California DEPARTMENT OF EDUCATION

IEP Implementation System

Overview Settings

## IEP Implementation Submission


[← Return to Overview](#)

### Confirm and Submit

Please review and confirm the following information before submission (use the "Return to Overview" link to edit your responses before submitting if needed):

|                      |                                       |
|----------------------|---------------------------------------|
| LEA Name             | Palmdale Elementary                   |
| CDS Code             | 19648570000000                        |
| SELPA Name           | Antelope Valley                       |
| Submitter Name       | <input type="text"/>                  |
| Submitter Title      | <input type="text"/>                  |
| Submitter Email      | <input type="text"/>                  |
| Submitter Phone      | <input type="text"/>                  |
| Submitter Phone Ext. | <input type="text" value="Optional"/> |

*On behalf of the Superintendent of the district and/or Principal, I certify that the data submitted is true and accurate to the best of my knowledge.*



**Note:** Once submitted, no changes may be made and the data will be submitted to SELPA for review.

# Data Collection Website (LEA, Confirmation)

Palmdale Elementary | [Logoff](#)

California DEPARTMENT OF EDUCATION

IEP Implementation System

Overview Settings

## Palmdale Elementary

### 2022 Overview

|                   |                       |
|-------------------|-----------------------|
| LEA Name          | Palmdale Elementary   |
| CDS Code          | 19648570000000        |
| SELPA Name        | Antelope Valley       |
| LEA Due Date      | September 9, 2022     |
| Submission Status | Awaiting SELPA Review |

### User Actions

- [Download Student Records](#)

### Sampled Students

Filter by Name or SSID (partial OK) [Filter](#)


Showing 1 - 10 of 500 Students [→](#)

| Student Name (Last, First) ↑↓ | Statewide Student Identifier (SSID) |
|-------------------------------|-------------------------------------|
|                               |                                     |
|                               |                                     |

### SWD IEP Implementation Success Rates

|                 |                    |
|-----------------|--------------------|
| 95-100% ⓘ       | 350                |
| 90-94.9% ⓘ      | 100                |
| Less Than 90% ⓘ | 50                 |
| Total Students  | 500 of 500 Sampled |

# Data Collection Website (SELPA View 2)



Antelope Valley | [Logoff](#)

IEP Implementation System

[Overview](#) [Settings](#)

## Antelope Valley

### 2022 Overview

|            |                                 |
|------------|---------------------------------|
| SELPA Name | <b>Antelope Valley</b>          |
| SELPA Code | <b>1911</b>                     |
| LEA Status | <b>0 of 1</b> LEAs are Approved |

### User Actions

- [Download LEA Records](#)

### LEA Submission(s)

| LEA Name<br>CDS Code                  | Submission Status   | Contact Email | Action                            |
|---------------------------------------|---|---------------|-----------------------------------|
| Palmdale Elementary<br>19648570000000 | <b>Awaiting Review</b><br>Submitted on <b>November 23, 2022</b> |               | <a href="#">Review Submission</a> |

# Data Collection Website (SELPA Review, Approval)

The screenshot shows the IEP Implementation System interface for Palmdale Elementary. At the top, it displays the California Department of Education logo and the user's location (Antelope Valley) with a 'Logout' link. The page title is 'Palmdale Elementary' and it includes navigation links for 'Overview' and 'Settings'. A '2022 Overview' section provides key information: LEA Name (Palmdale Elementary), CDS Code (1964857000000), SELPA Name (Antelope Valley), LEA Due Date (September 9, 2022), and Submission Status (Awaiting SELPA Review). A 'User Actions' section contains a 'Download Student Records' link. The 'Sampled Students' section features a filter box and a table with columns for 'Student Name (Last, First)' and 'Statewide Student Identifier (SSID)'. The 'SWD IEP Implementation Success Rates' section shows three categories: 95-100% (350), 90-94.9% (100), and Less Than 90% (50), with a total of 500 students sampled. The 'SELPA Review' section is highlighted with a green border and contains two radio button options: 'Approve Submission' and 'Reject Submission'. The 'Reject Submission' option is further highlighted with a red border and includes a text input field for providing feedback to the LEA. A green arrow points from the 'Save Data And Go To Overview' button at the bottom to the 'Approve Submission' option.

Antelope Valley | Logout  
IEP Implementation System

Overview Settings

### Palmdale Elementary

[Return to SELPA Overview](#)

#### 2022 Overview

LEA Name: Palmdale Elementary  
CDS Code: 1964857000000  
SELPA Name: Antelope Valley  
LEA Due Date: September 9, 2022  
Submission Status: Awaiting SELPA Review

#### User Actions

- [Download Student Records](#)

#### Sampled Students

Filter by Name or SSID (partial OK) [Filter](#)

Showing 1 - 10 of 500 Students [→](#)

| Student Name (Last, First) ↑ | Statewide Student Identifier (SSID) |
|------------------------------|-------------------------------------|
|                              |                                     |
|                              |                                     |
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|                              |                                     |
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|                              |                                     |
|                              |                                     |
|                              |                                     |

#### SWD IEP Implementation Success Rates

95-100% ⓘ 350  
90-94.9% ⓘ 100  
Less Than 90% ⓘ 50  
Total Students: 500 of 500 Sampled

#### SELPA Review

Approve Submission

Reject Submission  
Provide actionable feedback to the LEA:  
[Enter Reason For Rejection]

[Save Data And Go To Overview](#)

# Data Collection Website (SELPA, Confirmation)

Antelope Valley | [Logoff](#)

California DEPARTMENT OF EDUCATION

IEP Implementation System

Overview Settings

## Antelope Valley

### 2022 Overview

|            |                          |
|------------|--------------------------|
| SELPA Name | <b>Antelope Valley</b>   |
| SELPA Code | <b>1911</b>              |
| LEA Status | 1 of 1 LEAs are Approved |

### User Actions

- [Download LEA Records](#)

### LEA Submission(s)

| LEA Name<br>CDS Code                  | Submission Status                                | Contact Email | Action                          |
|---------------------------------------|--|---------------|---------------------------------|
| Palmdale Elementary<br>19648570000000 | <b>Approved</b><br>Approved on November 23, 2022 |               | <a href="#">View Submission</a> |

# Data Validation Requirements

- CDE will require that each **Superintendent** (or designee) of each **LEA certify** to the State that the data submitted regarding an LEA's implementation of IEP services are accurate and that school principals have certified to the LEA's Superintendent that such submitted data are accurate; and
- To assess the validity and reliability of data submitted in response to the State's annual statewide data collection regarding an LEA's implementation of IEP services, for those LEAs who submit such data, the State will randomly select 10% of those LEAs and audit the data submitted by those LEAs regarding the LEA's implementation of IEP services
- If selected for review, the follow up survey response by LEAs is mandatory

# Goals/Summary

- Statewide data collection to help the State identify LEAs that are not implementing the services promised in Individualized Education Programs (IEPs)
- Help improve LEA's program efficiency and effectiveness through monitoring special education services to students across California.
- Questions? Please send an email to [IEPimplementation@cde.ca.gov](mailto:IEPimplementation@cde.ca.gov)