



TAMALPAIS UNION HIGH SCHOOL DISTRICT

August 21, 2024

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

Rod Kerr, Foreperson
Marin County Civil Grand Jury
3501 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 Tamalpais Union High 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 Tamalpais Union High 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 cursive script, appearing to read "Tara Taupier".

Dr. Tara Taupier
Superintendent

PDF file sent to CourtroomL@marin.courts.ca.gov and foreperson@MarinCivilGrandJury.org

Attachments: Response Form_TUHSD; Detailed Summary of Responses_TUHSD; IEP Implementation Guide, Data Collection_CDE; 2024-25 Annual Service Plan_SELPA; Procedural Safeguards; 2024-25 Parent Annual Notice_TUHSD

Tamalpais Union High 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 Tamalpais Union High School District (TUHSD) agrees that communication with parents regarding the provision of special education services is critical; however, the initial communication with TUHSD's 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. TUHSD'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. TUHSD'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, TUHSD provides annual notice regarding special education and the Child Find process to all families of children enrolled within the district (see the 2024-2025 TUHSD'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 TUHSD 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, TUHSD's 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 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 TUHSD to meet or exceed their Child Find obligations under state and federal law.

- 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 Tamalpais Union High School District did have information about special education available on our website (see <https://www.tamdistrict.org/academics/special-education>). 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 TUHSD's website does serve an important function related to generalized one-way communication with our school community, TUHSD 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 team 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 Tamalpais Union High 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 TUHSD 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.

- 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 TUHSD 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 TUHSD 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 TUHSD to help determine if special education services are being delivered at the frequency and duration indicated in the last agreed upon IEP. The TUHSD 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 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 TUHSD 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 TUHSD 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 will not be implemented

The TUHSD is currently utilizing a system to effectively maintain the necessary information to track IEP service delivery at no additional cost to the district. TUHSD has ensured all service providers understand their obligation to deliver services in accordance with each student's agreed-upon IEP. The service tracking system is actively and effectively working to meet all the current service tracking requirements identified by the California Department of Education (see attached). Additionally, the service tracking system is directly connected to other unique school district data management operations. Transferring to another system would be an unnecessary hardship to the TUHSD, and conflict with current student data management and intervention tracking systems, and change does not appear warranted at this time.

- 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.

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

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	https://www.smcfrc.org/

Organization	Counties Served	Website
Alpha Family Resource Center	Santa Barbara	https://alphasb.org/
Exceptional Family Resource Center (EFRC)	Imperial, San Diego	https://efrconline.org/
Exceptional Parents Unlimited (EPU)	Fresno, Kings	https://www.epuchildren.org/
Exceptional Parents Unlimited (EPU)	Madera	https://www.epuchildren.org/
Family Focus Resource and Empowerment Center	North Los Angeles (San Fernando, Santa Clarita, Antelope Valley)	https://csun.edu/family-focus-resource-center
Family Resource Navigators	Alameda	https://familyresourcenavigators.org/
Family SOUP	Colusa, Sutter, Yuba	http://www.familysoup.org/
H.E.A.R.T.S. Connection Family Resource Center and Empowerment Center	Kern	http://www.heartsfrc.org/
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)	https://www.helunahealth.org/partners/eastern-los-angeles-regional-family-resource-center/
Matrix Parent Network & Resource Center	Napa, Solano, Sonoma	https://www.matrixparents.org/
Matrix Parent Network	Marin	https://www.matrixparents.org/
Parents Helping Parents, Inc.	Santa Clara	https://www.php.com/
Parents Helping Parents San Luis Obispo	San Luis Obispo	http://www.phpso.org/

Organization	Counties Served	Website
The Parents' Place Family Resource Center	Los Angeles (San Gabriel Valley, Pomona)	http://www.parentsplacefrc.com/
Plumas Rural Services, Inc.	Lassen, Modoc, Plumas, Sierra	https://www.plumasruralservices.org/
Rowell Family Empowerment of Northern California (RFENC)	Butte, Glenn, Shasta, Siskiyou, Tehama, Trinity	https://rfenc.org/Home/
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)	https://sclarc.org/
Special Kids Connect	Monterey	https://specialkidsconnect.org/
Special Parents Information Network (SPIN)	San Benito, Santa Cruz	https://www.spin.org/
Support for Families of Children with Disabilities	San Francisco	https://www.supportforfamilies.org/
Team of Advocates for Special Kids, Inc. (TASK)	Orange	https://taskca.org/
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)	https://taskca.org/

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

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).

Section E: Annual Service Plan

SELPA:

Fiscal Year:

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

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:

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

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

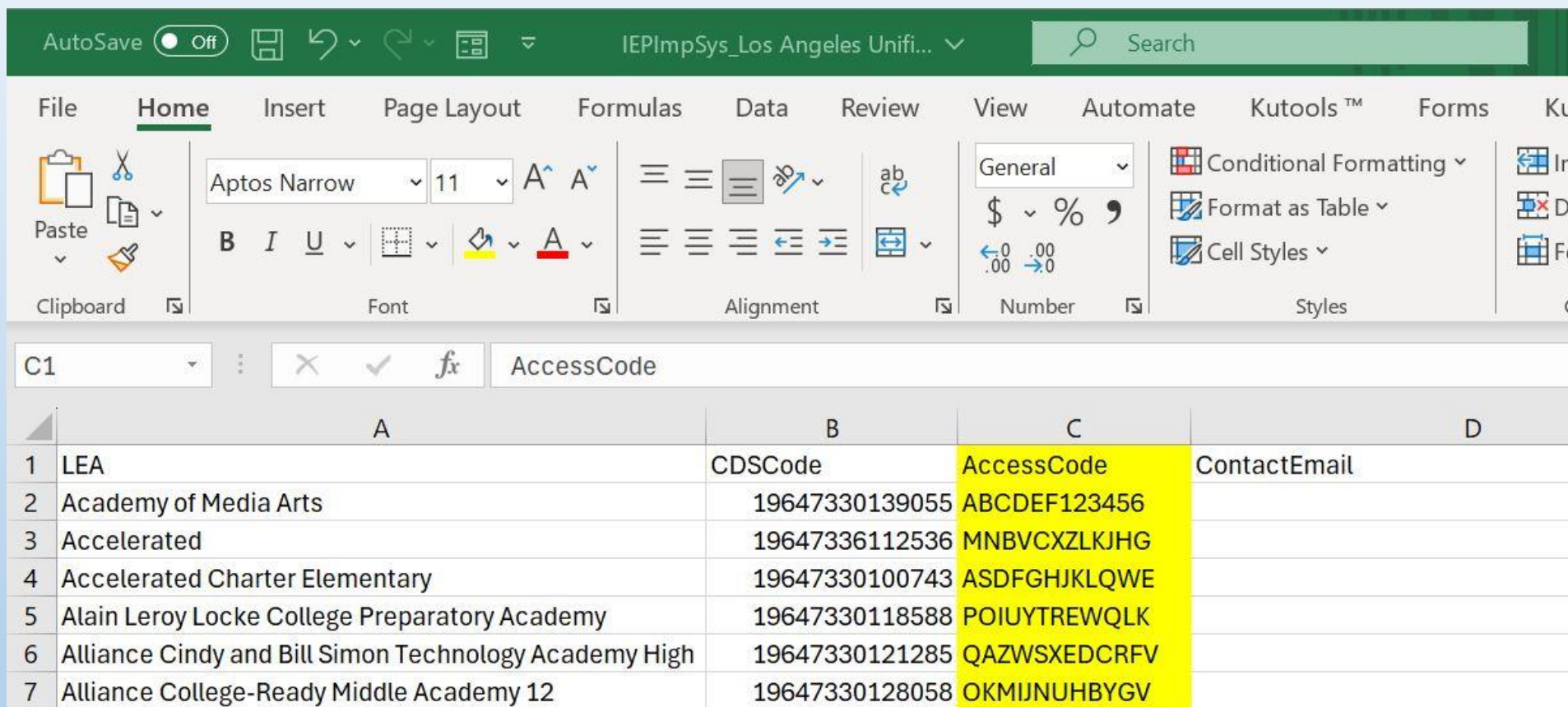
2023 Overview

SELPA Name	Los Angeles Unified
SELPA Code	1914
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
IEP Implementation System

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) [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

[Save Data]

[Submit IEP Data]

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: **Antelope Valley**

SELPA Code: **1911**

LEA Status: **0 of 1 LEAs are Approved**

User Actions

- [Download LEA Records](#)

LEA Submission(s)

LEA Name CDS Code	Submission Status	Contact Email	Action
Palmdale Elementary 19648570000000	Awaiting Review Submitted on November 23, 2022		Review Submission

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 system name. The page is titled "Palmdale Elementary" and 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 link to "Download Student Records". 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 "Provide actionable feedback to the LEA:" with a placeholder "[Enter Reason For Rejection]". A green arrow points from the "Reject Submission" section to a "Save Data And Go To Overview" button at the bottom.

Data Collection Website (SELPA, Confirmation)

California DEPARTMENT OF EDUCATION

Antelope Valley | [Logoff](#)

IEP Implementation System

Overview Settings

Antelope Valley

2022 Overview

SELPA Name	Antelope Valley
SELPA Code	1911
LEA Status	1 of 1 LEAs are Approved

User Actions

- [Download LEA Records](#)

LEA Submission(s)

LEA Name CDS Code	Submission Status	Contact Email	Action
Palmdale Elementary 19648570000000	Approved Approved on November 23, 2022		View Submission

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