



Local Plan

Long Beach Unified School District

**OFFICE OF SCHOOL SUPPORT SERVICES
DIVISION OF SPECIAL EDUCATION**

Winter 2013

The Long Beach Unified School District Local Plan

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Board Approval



In accordance with Federal and State laws and regulations, Long Beach Unified School District certifies that this plan has been adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency herein represented will meet all applicable requirements of state and federal laws, regulations and state policies and procedures, including compliance with the Individuals with Disabilities Education Act, 20 USC 1400 et.seq, and implementing regulations under 34 *CFR*, Parts 300 and 303, 29 *USC* 794, 705 (20), 794- 794b, the Federal Rehabilitation Act of 1973, as amended, and the provisions of the California *Education Code*, Part 30 and Chapter 3, Division 1 of Title V of the California *Code of Regulations*.

Be it further resolved, the LEA superintendent shall administer the local implementation of procedures, in accordance with state and federal laws, rules, and regulations, which will ensure full compliance.

Furthermore, the LEA superintendent ensures that policies and procedures covered by this assurance statement are on file at the Local Education Agency and the SELPA office.

Adopted this _____ day of _____, 20 _____.

Yeas: _____ Nays: _____

Signed: _____

Title: _____,

Superintendent, Secretary to the Board of Education (or use appropriate titles)

Certifications

**CERTIFICATION OF PARTICIPATION, COMPATIBILITY,
AND COMPLIANCE ASSURANCES**

SED-LP-1

1. Check one, as applicable: **Single District** **Multiple District** **District/County**

CDS Code / SELPA Code 1913	SELPA Name Long Beach Unified School District	Application Date
SELPA Address 1515 Hughes Way	SELPA City Long Beach	SELPA Zip 90810
Name SELPA Director (Print) Parisima Shahidi, Ed.D.		SELPA Director's Telephone Number (562) 997-8051

2. CERTIFICATION BY AGENCY DESIGNATED AS ADMINISTRATIVE AND FISCAL AGENCY FOR THIS PROGRAM
(Responsible Local Agency (RLA) or Administrative Unit (AU))

RLA/AU Name Long Beach Unified School District	Name/Title of RLA Superintendent (Type) Christopher Steinhauser	Telephone Number (562) 997-8242
RLA/AU Street Address 1515 Hughes Way	RLA/AU City Long Beach	RLA/AU Zip 90810
Date of Governing Board Approval		

3. CERTIFICATION OF ASSURANCES

I certify that this plan has been adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws, regulations and state policies and procedures, including compliance with the Individuals with Disabilities Education Act, 20 USC 1400 et.seq, and implementing regulations under 34 CFR, Parts 300 and 303, 29 USC 705 (20), 794-794b, the Federal Rehabilitation Act of 1973, as amended, and the provisions of the California *Education Code (EC)*, Part 30 and Chapter 3, Division 1 of Title V of the California *Code of Regulations*.

Signature of RLA Superintendent

Date

4. CERTIFICATION OF COMPATIBILITY BY THE COUNTY SUPERINTENDENT OF SCHOOLS

Pursuant to *Education Code* Section 56140, this plan ensures that all individuals with exceptional needs residing within the county, including those enrolled in alternative education programs, including but not limited to, alternative schools, charter schools, opportunity schools and classes, community day schools operated by school districts, community schools operated by the county office of education, and juvenile court schools, will have access to appropriate special education programs and related services.

County Office Name	Name of County Superintendent or Authorized Representative	Title
Street Address	Signature of County Superintendent or Authorized Representative	Date
City	Zip	Telephone Number ()

5. CERTIFICATION OF COMMUNITY ADVISORY COMMITTEE

(See attached)

FOR DEPARTMENT OF EDUCATION USE ONLY

Recommended for Approval by the Superintendent of Public Instruction:

Date: _____ By: _____ Date of Approval: _____

SED-LP-2

COMMUNITY ADVISORY COMMITTEE (CAC) CERTIFICATION		
CAC signature and verification:	YES	NO
I certify :		
1. that the Community Advisory Committee (CAC) has advised the policy and administrative agency during the development of the local plan pursuant to <i>Education Code (EC) Section 56194</i> ;	X	
2. that to ensure adequate and effective participation and communication pursuant to <i>EC 56195.9</i> , parent members of the CAC, or parents selected by the CAC, participated in the development and update of the plan for special education;	X	
3. that the plan has been reviewed by the CAC and that the committee had at least 30 days to conduct this review prior to submission of the plan to the Superintendent pursuant to <i>EC 56205 (b)(6)</i> ;	X	
4. that the CAC has reviewed any revisions made to the local plan as a result of recommendations or requirements from the California Department of Education.	X	
CERTIFICATION OF COMMUNITY ADVISORY COMMITTEE		
Signature of CAC Chairperson	Date	
Name of Chairperson (print)	Telephone Number	
Tom Soto		

If you checked [✓] NO for any of the above certifications, you may submit specific information, in writing, as to why you did not certify that the SELPA met the requirement. (Attach separate sheet, if necessary.) The Department will take this into consideration in its review of this local plan application.

Federal Requirements

**SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)
LOCAL EDUCATION AGENCY (LEA) ASSURANCES**

1. FREE APPROPRIATE PUBLIC EDUCATION 20 USC Section (§) 1412 (a)(1)

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

2. FULL EDUCATIONAL OPPORTUNITY 20 USC § 1412 (a)(2)

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

3. CHILD FIND 20 USC § 1412 (a)(3)

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

4. INDIVIDUALIZED EDUCATION PROGRAM (IEP) AND INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP) 20 USC § 1412 (a)(4)

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

5. LEAST RESTRICTIVE ENVIRONMENT 20 USC § 1412 (a)(5)

It shall be the policy of this LEA that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special class, separate schooling, or other removal

of a student with disabilities from the general educational environment, occurs only when the nature or severity of the disability of the student is such that education in general classes with the use of supplemental aids and services cannot be achieved satisfactorily.

6. PROCEDURAL SAFEGUARDS 20 USC § 1412 (a)(6)

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

7. EVALUATION 20 USC § 1412 (a)(7)

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

8. CONFIDENTIALITY 20 USC § 1412 (a)(8)

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

9. PART C, TRANSITION 20 USC § 1412 (a)(9)

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

10. PRIVATE SCHOOLS 20 USC § 1412 (a)(10)

It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private schools shall receive appropriate special education and related services pursuant to LEA coordinated procedures. The proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents.

11. LOCAL COMPLIANCE ASSURANCES 20 USC § 1412 (a)(11)

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

12. INTERAGENCY 20 USC § 1412 (a)(12)

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

13. GOVERNANCE 20 USC § 1412 (a)(13)

It shall be the policy of this LEA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the Local Plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Educational Agency.

14. PERSONNEL QUALIFICATIONS 20 USC § 1412 (a)(14)

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

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

15. PERFORMANCE GOALS & INDICATORS 20 USC § 1412 (a)(15)

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

16. PARTICIPATION IN ASSESSMENTS 20 USC § 1412 (a)(16)

It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments, consistent with state standards governing such determinations.

17. SUPPLEMENTATION OF STATE/FEDERAL FUNDS 20 USC § 1412 (a)(17)

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

18. MAINTENANCE OF EFFORT 20 USC § 1412 (a)(18)

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

19. PUBLIC PARTICIPATION 20 USC § 1412 (a)(19)

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

20. RULE OF CONSTRUCTION 20 USC § 1412 (a)(20)

(Federal requirement for State Education Agency only)

21. STATE ADVISORY PANEL 20 USC § 1412 (a)(21)

(Federal requirement for State Education Agency only)

22. SUSPENSION/EXPULSION (20 USC § 1412 (a)(22))

The LEA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies, procedures and practices related to the development and implementation of the IEPs will be revised.

23. ACCESS TO INSTRUCTIONAL MATERIALS 20 USC § 1412 (a)(23)

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

24. OVERIDENTIFICATION AND DISPROPORTIONALITY 20 USC § 1412 (a)(24)

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

25. PROHIBITION ON MANDATORY MEDICINE 20 USC § 1412 (a)(25)

It shall be the policy of this LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services.

26. DISTRIBUTION OF FUNDS 20 USC § 1411(e),(f)(1-3)

(Federal requirement for State Education Agency only)

27. DATA 20 USC § 1418 a-d

It shall be the policy of this LEA to provide data or information to the California Department of Education that may be required by regulations.

28. READING LITERACY (State Board requirement, 2/99)

It shall be the policy of this LEA that in order to improve the educational results for students with disabilities, SELPA Local Plans shall include specific information to ensure that all students who require special education will participate in the California Reading Initiative.

29. CHARTER SCHOOLS *EC 56207.5 (a-c)*

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

State Requirements

Governance

Description of Governance Structure 56205 (a)(12)(A)

The Governing Board desires to provide a free appropriate public education to all individuals with disabilities, aged 3 through 21 years, who reside in the district, including children who have been suspended or expelled or placed by the district in a nonpublic, nonsectarian school. Furthermore, the district shall be responsible for administering services and programs for infants with solely visual, hearing, and severe orthopedic impairments and any combination thereof, who meet the criteria of Education Code § 56026 and §56026.5.

Students shall be referred for special education instruction and services only after the resources of the regular education program have been considered, and where appropriate, utilized.
(Education Code 56303)

In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the district shall serve as a special education local plan area (SELPA).

The Superintendent or designee shall develop a local plan for the education of individuals with disabilities residing in the district. The plan shall be approved by the Board.

The LBUSD SELPA shall administer a local plan and administer the allocation of funds.
(Education Code 56195)

Legal Reference:

EDUCATION CODE

- 56000-56001 Education for individuals with exceptional needs
- 56020-56035 Definitions
- 56040-56046 General provisions
- 56048-56050 Surrogate parents
- 56055 Foster parents
- 56060-56063 Substitute teachers
- 56170-56177 Children enrolled in private schools
- 56190-56194 Community advisory committees
- 56195-56195.10 Local plans
- 56205-56208 Local plan requirements
- 56213 Special education local plan areas with small or sparse populations
- 56240-56245 Staff development

56300-56385 Identification and referral, assessment, instructional planning

56440-56447.1 Programs for individuals between the ages of three and five years

56500-56508 Procedural safeguards, including due process rights

56520-56524 Behavioral interventions

56600-56606 Evaluation, audits and information

56836-56836.05 Administration of local plan

GOVERNMENT CODE

7579.5 Surrogate parent, appointment, qualifications, liability

95000-95029 California Early Intervention Services Act

WELFARE AND INSTITUTIONS CODE

361 Limitations on parental control

726 Limitations on parental control

CODE OF REGULATIONS, TITLE 5

3000-3089 Regulations governing special education

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 Inspection, review and procedures for amending education records

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

300.1-300.818 Assistance to states for the education of children with disabilities, including:

300.500-300.520 Due process procedures for parents and children

303.1-303.654 Early intervention program for infants and toddlers with disabilities

Responsibilities of the Local Governing Body

The SELPA is governed by the Board of Education of the Long Beach Unified School District. The Board is comprised of five voting members.

The Governing Board is responsible for the special Education Programs operated within its jurisdiction. The Long Beach Unified School District/SELPA Board of Education shall:

1. Exercise authority over, assume responsibility for, and be fiscally accountable for special education programs operated by the SELPA.
2. Review and approve revisions of the SELPA Local Plan for Special Education.
3. By approving the Local Plan, as applicable, enter into an agreement with other agencies participating in the Plan, for purpose of delivery of regional services and programs.
4. Participate in the governance of the SELPA through its designated representative, the Assistant Superintendent, Office of School Support Services.
5. Approve all policies related to special education necessary to implement Education Code (EC) Part 30, Sections 56000 through 56885, special education programs, et al., and EC selection provisions not included in Part 30 and governing specific areas of special education.

Responsibilities of Participating Agencies

Participating agencies may enter into additional contractual agreements with LBUSD to meet the requirements of applicable federal and state law. Each participating agency agrees to carry out the duties and responsibilities stated in the memorandum of understanding (MOU).

Responsibilities of Local Education Agency (LEA) Administrators

Superintendent of Schools

The Superintendent shall be responsible for special education programs operated by the SELPA and for implementing all requirements of the Local Plan. The Superintendent or designee (e.g. Assistant Superintendent of School Support Services) shall ensure the District's compliance with federal and state laws and regulations, as they pertain to individuals with exceptional needs, and the provision of due process.

With the approval of the Superintendent, or designee, the following job descriptions may change at any time according to the needs of the students and the District without a Board action.

Assistant Superintendent, Office of School Support Services

The Assistant Superintendent, Office of School Support Services is responsible for the coordination of special education services and programs within LBUSD. She/he serves on behalf of the District's Board of Education and Superintendent of Schools and is given authority for the development and implementation of practices and procedures for day to day operations. The Assistant Superintendent, Office of School Support Services is also responsible for implementation of the Local Plan.

Implementation of the Local Plan includes, but is not limited to the following services and operations:

- Coordination of a system of Identification and assessment.
- Coordination of a system of procedural safeguards.

- Coordination of a system of staff development and parent education.
- Coordination of a system of curriculum development and alignment with the core curriculum.
- Coordination of a system of data collection and management.
- Coordination of interagency agreements.
- Coordination of services to medical facilities.
- Coordination of services to licensed children's facilities and foster family homes.
- Coordination of services to the incarcerated youth.
- Coordination of transportation services for students with disabilities.
- Coordination of career and vocational transition services.
- Assurance of full educational opportunity.
- Collaboration with the business office regarding fiscal administration and the allocation of state and federal funds.
- Coordination of a system of internal program review.
- Coordination of communication and collaboration between the Governing Board and the Community Advisory Committee (CAC).
- Provide recommendations to the Board of Education for membership for the CAC.
- Assist as a liaison to various community agencies such as County Mental Health, Department of Human Services, the Harbor Regional Center, California Children's Services, and the Probation Department.
- Negotiate rates with nonpublic schools and agencies.

Director of Special Education

The Director of Special Education serves under the direction of the Assistant Superintendent, Office of School Support Services. She/he shall be responsible for providing overall coordination and implementation of the Local Plan. Additionally, the Director will implement the regionalized services of the SELPA, including:

- Administer staff development programs.
- Supervise data collection information management and reporting.
- Coordinate curriculum and program development.
- Coordinate on-going monitoring of Local Plan implementation through program review.
- Assist in mediation, due process hearings and compliance proceedings by providing expertise in knowledge of special education law and regulations as well as programs and appropriate interventions available throughout the SELPA.
- Hire, assign, supervise and evaluate special education staff, as needed.
- Designate appropriate personnel to participate in IEP team meetings for students.
- Designate appropriate personnel to represent the District in due process and complaint procedures.
- Provide leadership for District Special Education staff.
- Provide for periodic program monitoring to assure compliance with State and Federal laws and regulations and on-going monitoring of quality indicators.
- Implement procedural safeguards and complaints policies and procedures.
- Assist in the identification of Special Education program and service needs.
- Assist in the development and coordinate the implementation of agreements and contracts with other agencies.
- Negotiate rates with nonpublic schools and agencies.

SELPA Director

The SELPA Director serves under the direction of the Assistant Superintendent, Office of School Support Services. He/she represents the District at state level SELPA meetings and conferences. Other responsibilities include:

- Monitor appropriate use of Federal, State and Local funds allocated for Special Education programs.
- Prepare and submit to the California Department of Education all reports required for the SELPA.
- Assist in mediation, due process hearings and compliance proceedings by providing expertise in knowledge of special education law and regulations as well as programs and appropriate interventions available throughout the SELPA.
- Assist in the development and coordinate the implementation of agreements with other SELPAs and agencies.
- Act as a liaison between and among the SELPAs, the California Department of Education, School Board, Greater Los Angeles Area SELPAs (GLAAS), the Community Advisory Committee's Local Plan Committee, U.S. Department of Education, Office of Special Education Programs, and elected government officials.
- Update the School Board, Superintendent of Schools, and the Budget Department on legislative changes, proposals, trends, and related concerns, as requested.
- Develop the Annual Services Plan and the Annual Budget Plan (in collaboration with the budget department) for approval by the LBUSD Superintendent of Schools and LBUSD School Board.
- Negotiate rates with nonpublic schools and agencies.

Director, Coordinated Student Services

The Director of Coordinated Student Services serves under the direction of the Assistant Superintendent, Office of School Support Services. His/her duties include:

- Assist in the development and coordinate the implementation of agreements and contracts with residential treatment centers, non-public schools and non-public agencies providing services to LBUSD students with exceptional needs.
- Assist as a liaison to various community agencies such as County Mental Health, Department of Human Services, and the California Children's Services.
- Negotiate rates with nonpublic schools and agencies, and residential treatment centers.
- Supervise, and evaluate school psychologists, and social workers funded through special education.
- Provide coordination, consultation, and staff development for school psychologists.
- Assist in mediation, due process hearings and compliance proceedings by providing expertise in knowledge of special education law and regulations as well as programs and appropriate interventions available throughout the SELPA.
- Assist with LBUSD staff development, program development and innovation of special methods and approaches.
- Oversight of the Student Placement Office including expulsions.
- Supervision of related services staff such as Occupational and Physical Therapists, and Intensive Behavioral Intervention Manager, and Supervisors.

- Management of mental health referrals and service recommendations.
- Monitoring services provided at non-public schools/agencies, and residential treatment centers.

Special Education Administrators (SEAs)

The SEAs serve the Division of Special Education under the direction of the Assistant Superintendent of the Office of School Support Services and the Director of Special Education. The SEAs shall provide the following services;

- Assist site principals with the implementation of quality special education programs.
- Observe, consult with, and assist special education teachers and support staff, in accordance with LBUSD procedures.
- Assist with LBUSD staff development, program development and innovation of special methods and approaches.
- Provide coordination, consultation and program development in one or more specialized areas of expertise.
- Upon request, participate in and /or conduct IEP team meetings where technical assistance is needed.
- Assist in mediation, due process hearings and compliance proceedings by providing expertise in knowledge of special education law and regulations as well as programs and appropriate interventions available throughout the SELPA.
- Assist in developing trainings for parents and members of the Community Advisory Committee.
- Provide in-service training and technical assistance for general and special education teachers, administrators, support staff and parents.
- Assist with implementation of corrective actions.
- Assist with ongoing program reviews.
- Train and support staff in using Synergy SE (online IEPs).

Managers/Teachers on Special Assignment

This team serves under the direction of the Assistant Superintendent, Office of School Support Services, Director of Special Education and Director of Coordinated Student Services and is comprised of classified and certificated staff.

This leadership team makes recommendations regarding procedures and practices related to the District's Special Education Local Plan Area. Each member of this leadership team is assigned specific areas of responsibility. Their duties include but are not limited to the following:

- Assist in developing and implementing procedures for the identification, referral, assessment, IEP development and placement of individuals with disabilities as established by the Local Plan.
- Provide training and monitor compliance data. Assist in developing forms, procedures and recommendations for programs and services.
- Recommend and develop in-service/staff development programs in coordination with the Office of Curriculum, Instruction and Professional Development, when appropriate.

- Provide recommendations or assistance in other areas as needed.
- Gather data as it relates to area of responsibility.
- Assist with ongoing program reviews.
- Assist with implementing corrective actions.
- Serve as a resource to site administration and special education staff.

Regionalized Services and Operations

LBUSD is designated as the Administrative Unit (AU) for the Long Beach Unified School District SELPA. It shall be responsible for functions such as, but not limited to:

1. Receipt and distribution of special education funds to district accounts for the operation of special education programs and services.
2. Receipt and distribution of special education funds to accounts exclusively designated for SELPA use.
3. The employment of staff to support SELPA functions.

The LBUSD Office of Special Education is designated as the entity responsible for the administration of the Local Plan and assuring the SELPA is in compliance with all applicable laws and regulations.

Public Participation

Members of the public, including parents or guardians of students with disabilities, may address questions or concerns to the LBUSD Board of Education. The District/SELPA shall hold at least 8 meetings a year (e.g. Community Advisory Committee meetings) according to the Brown Act requirements to receive and take action on information or business related to special education and the administration of the SELPA. EC §56205 (b)(4)

Community Advisory Committee

56205(a)(12)(c)

The SELPA has established a Community Advisory Committee (CAC) for special education. Applications for membership are submitted to the Assistant Superintendent, Office of School Support Services, for approval by the Board of Education. The majority of CAC voting members shall be parents. The term of office shall be for a minimum of two years.

The Assistant Superintendent, Office of School Support Services will appoint a District representative liaison to the CAC. The District liaison will serve as a voting member.

The responsibilities of the CAC shall include, but not be limited to:

- Advise in the development and review of the Local Plan. The CAC shall have thirty days to review the Local Plan prior to submission to the State Board of Education. EC § 56205 (b)(6)

- Assist in parent and public education.
- Act in a support role to individuals and parents of individuals with exceptional needs.
- Assist in recruiting volunteers who may contribute to parent activities and training.
- Develop and present an annual report to the Board of Education, including recommendations for the next school year.

CAC procedures are outlined in the Community Advisory Committee By-Laws (see Appendix A).

Maintenance of Financial Effort

The Assistant Superintendent, Office of School Support Services, or designee shall ensure that the funds received from part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA; will be used to supplement state, local, and other Federal funds and not to supplant those funds; and will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in Federal law and regulations. This information will be included in the Annual Budget Plan.

Annual Service Plan

Pursuant to Educational Code §56205 (b) (2), LBUSD Board of Education shall adopt an annual service plan at a public hearing. Notice of this hearing shall be posted in each school in LBUSD at least 15 days prior to the meeting. This plan describes the full continuum of options/services offered to all students with disabilities from birth to age 21. The plan demonstrates that all individuals with exceptional needs have access to services and instruction appropriate to meet their needs as specified in their Individualized Education Programs (IEPs). The annual service plan may be revised during any fiscal year according to the district's policy making process.

Annual Budget Plan

Pursuant to Educational Code 56205 (b) (1), LBUSD Board of Education shall adopt an annual budget plan at a public hearing. Notice of this hearing shall be posted in each school in LBUSD at least 15 days prior to the meeting. The plan shall identify expected expenditures for all items required, including, but not limited to, the following:

- Funds received in accordance with Chapter 7.2
- Administrative costs
- Services to pupils with severe disabilities and low-incidence disabilities
- Services to students with non-severe disabilities
- Supplemental aids and services to meet the individual needs of pupils placed in regular education classrooms and environments
- Regionalized operations and services
- Direct instructional support by program specialists in accordance with Article 6

- Use of property tax allocated to the Special Education Local Plan pursuant to Section 2572

The annual budget plan may be revised during any fiscal year according to the district's policy making process.

Charter Schools

The Governing Board believes that charter schools provide one opportunity to implement school-level reform and to support innovations which improve student learning. These schools shall operate under the provisions of their charters, federal laws, specified state laws, and general oversight of the Board.

The following policy applies to all charter school petitions granted by the State Board of Education (SBE) in which oversight responsibilities have been assigned to the LBUSD.

Approval of a new charter school, or renewal of an existing charter school is the responsibility of the Governing Board of the District. The Governing Board of the District, or designee, ensures that the charter school responds to District and SELPA guidelines and timelines as they relate to special education. The Assistant Superintendent, Office of School Support Services, or designee, shall review all proposed charter petitions, including petitions for renewal, and advise the Governing Board on whether the petition contains reasonable assurances that all eligible students enrolled in the charter school will receive appropriate special education services in accordance with state and federal law and the SELPA Local Plan for Special Education.

All students enrolled in charter schools are entitled to special education services provided in a similar manner to students enrolled in other public schools. The charter schools will comply with all requirements of state and federal law regarding provision of special education services (EC 56000 et seq., Individuals with Disabilities Education Act (IDEA) [20 U.S.C. Chapter 331] Americans with Disabilities Act). Charter schools within the SELPA shall not discriminate against any pupil in its admission criteria on the basis of disability.

Charter petitioners must delineate in their petition or in a memorandum of understanding (MOU), the entity responsible for providing special education instruction and services. This document must reference any anticipated sharing of deficits in funding. This document must affirm, in writing, that the district where the students reside, if different from the chartering entity, is not responsible for providing special services to students that are enrolled in the charter schools.

Per EC § 56146 LBUSD SELPA shall make funds available to serve the special education needs of students with disabilities enrolled in a member charter. Depending on student needs, the services may be provided at the charter or an LBUSD school.

Required Contents of Charter Petitions

Petitions must provide that no student otherwise eligible to enroll in the charter school

will be denied enrollment due to a disability or to the charter school’s inability to provide necessary services. Each charter petition must also contain a reasonably comprehensive description of the charter school’s educational program, as it relates to the provision of special education services, including but not limited to (a):

1. Specialized instruction and services available at the charter school.
2. Procedures for ensuring that students are referred, assessed, and served in a timely manner in compliance with all applicable state and federal laws.
3. Assurances that the facility used by the charter school does not present physical barriers that would limit an eligible student’s full participation in the educational and extracurricular programs and that the school will comply with Section 504 of the Rehabilitation Act of 1973 (34 CFR 104) (hereinafter “Section 504”).
4. Assurances that disenrollment, suspension and expulsion procedures comply with the protections of federal and state law afforded to students with special needs.
6. Dispute resolutions procedures that will apply to any disputes between educational entities, including the SELPA, regarding the provision of special education services in the charter school.

Charter schools that are deemed to be public schools within the chartering entity will participate in state and federal funding according to the allocations stated in the adopted MOU between the chartering entity and LBUSD. Pursuant to Part 26.8 (commencing with Section 47600) the chartering entity will be responsible for ensuring that all children with disabilities enrolled in the charter school shall be served in the same manner as individuals with exceptional needs are served in other public schools (EC §56145). It is the responsibility of the charter schools to ensure that all eligible students enrolled in charter schools are appropriately referred, assessed, and served in a timely manner.

Charter school representatives shall participate in the development of the Local Plan by providing input/recommendations.

The charter schools shall participate in governance of the special education local plan area in the same manner as other District Schools (EC §56207.5 [c]).

Legal Reference:

EDUCATION CODE

47640-47647 Special educations funding for charter schools

56026 Special education

56145-56146 Special education services in charter schools

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

54950-54963 The Ralph M. Brown Act

PENAL CODE

CODE OF REGULATIONS, TITLE 5

11700.1-11705 Independent study

11960-11969 Charter schools

CODE OF REGULATIONS, TITLE 24

101 et seq. California Building Standards Code

UNITED STATES CODE, TITLE 20

6311 Adequate yearly progress

6319 Qualifications of teachers and paraprofessionals

7223-7225 Charter schools

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.78 Accountability

300.18 Highly qualified special education teachers

Early Childhood Education Part C-Early Intervention Services

Early Start

LBUSD serves infants from birth to age three (3), with low incidence disabilities. Per section 56026.5 low incidence disabilities “means a severe disabling condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade 12.” This category covers visual impairment, hearing impairment, and severe orthopedic impairment, or any combination thereof.

The Early Start services will be provided by a multidisciplinary team, to the infants and their families, in accordance with the infants’ Individualized Family Service Plan (IFSP). An IFSP is held within 45 calendar days from the time of referral.

Pursuant to Section 52107(g) of the California Code of Regulations, Title 17, Division 2, Article 2, an interim IFSP may be created for an infant or toddler who “has been determined eligible when exceptional circumstances prevent the completion of assessment within 45 days.

The IFSP shall be reviewed every six months, or earlier if needed or requested by parent.

The SELPA shall make families, schools and agencies aware of available special education services and criteria for eligibility (Child Find). The Child Find information may be disseminated through letters, emailed program brochures, presentations and workshops.

Interagency collaboration: The SELPA will refer infants who demonstrate a significant cognitive, communication, social-emotional, and/or adaptive development to Harbor Regional Center. The SELPA shall collaborate closely with California Children's Services (CCS) to meet the medically necessary occupational therapy and physical therapy needs of infants.

Part C, Transition to Pre-School

The District shall ensure a smooth transition to the district's preschool program for the infants who remain eligible for the special education services,

The LBUSD Board recognizes that high-quality preschool experiences for special needs children ages 3-4 years help them develop knowledge, skills, and attributes necessary to be successful in school and provide for a smooth transition into the elementary education program. Such programs should provide developmentally appropriate activities in a safe, well-supervised, cognitively rich environment.

It shall be the policy of the Long Beach Unified School District (LBUSD) SELPA that children participating in Early Intervention Programs (IDEA, Part C) and who will participate in preschool programs (IDEA, Part B) experience a smooth and effective transition between these programs.

When eligible under Part B, an IEP shall be written and implemented by the toddler's third birthday.

Preschool

LBUSD provides assessment services for preschool children (ages 3-5). Pursuant to Education Code §56441.11(I), a preschooler qualifies for special education services if she/he is identified as having one or more of the following disabilities:

- Autism
- Deaf-blindness
- Deafness
- Hearing impairment
- Mental retardation
- Multiple disabilities
- Orthopedic impairment
- Other health impairment
- Serious emotional disturbance
- Specific learning disability
- Speech or language impairment in one or more of voice, fluency, language and articulation

- Traumatic brain injury
- Visual impairment
- Established medical disability

LBUSD offers a continuum of Special Education placement options and related services to preschool children.

Reading Literacy

California Reading Initiative

The Governing Board recognizes that reading and other language arts constitute the basic foundation for learning in other areas of study. Students should develop an appreciation for literature and for reading as a means to acquire knowledge. They also should develop oral and written language skills that enable them to effectively communicate with others.

The Board desires to offer a comprehensive, balanced reading/language arts program that ensures all students have the skills necessary to read fluently and for meaning. The program shall integrate reading, writing, speaking, and listening activities in order to build effective communication skills.

For each grade level, the Board shall adopt academic standards in reading, speaking, and writing, including spelling and grammar that meet or exceed state standards. The district's program also shall be aligned with the state framework for reading/language arts instruction.

All students who require special education will participate in the California Reading Initiative. All students with special needs will have the opportunity to participate in the general education curriculum as developed by the IEP team.

Teachers are encouraged to use a variety of instructional strategies to accommodate the needs of beginning readers and the varying abilities of more advanced readers.

The Superintendent or designee shall provide professional development opportunities that are designed to provide instructional staff with knowledge about how students develop language skills, the ability to analyze students' developing literacy, and the ability to draw from a variety of instructional strategies and materials. All special education teachers will participate in staff development opportunities in the area of literacy which includes:

- Information about current literacy and learning research that aligns with state adopted standards and frameworks;
- Increased participation of students with disabilities in statewide student assessments with and without accommodations as monitored by the IEP process; and
- Research based instructional strategies for teaching reading to a wide range of diverse learners in order to increase the percentage of students with disabilities who are literate.

(cf. 4131 - Staff Development)

(cf. 4222 - Teacher Aides/Paraprofessionals)

(cf. 4231 - Staff Development)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers) Legal Reference:

EDUCATION CODE

44755-44757.5 Teacher Reading Instruction Development Program, K-3

51210 Areas of study, grades 1-6

51220 Areas of study, grades 7-12

51700-51702 Reading First

53000-53006 Comprehensive Reading Leadership Program

60119 Sufficiency of textbooks and instructional materials

60200.4 Fundamental skills

60350-60352 Core reading program instructional materials

60605 State-adopted content and performance standards in core curricular areas

99220-99221 California Reading Professional Development Institutes

99230-99242 Mathematics and Reading Professional Development Program (AB 466 trainings)

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

53025-53032 Intensive reading program for grades K-4

CODE OF REGULATIONS, TITLE 5

9535 Purchase of nonadopted core reading program instructional materials

11980-11985 Mathematics and Reading Professional Development Program (AB 466 trainings)

11991-11991.2 Reading First achievement index

UNITED STATES CODE, TITLE 20

6361-6368 Reading First Program

6371-6376 Early Reading First Program

6381-6381k Even Start Family Literacy Program

6383 Improving literacy through school libraries

Local Requirements

Local Plan Development

The description of the governance and administration of the Local Plan and the policymaking process shall be consistent with subdivision (f) of Section 56001, Section 56195.3 and Section 56195.9 of the Education Code (EC), and shall reflect a schedule of regular consultations regarding the Local Plan development with representatives of special education and regular education teachers and administrators and parent/community members of the community advisory committee (CAC) established pursuant to EC Article 7 (commencing with Section 56190) of Chapter 2.

This Local Plan has been developed by the CAC Local Plan Committee, with input from the Charter Schools, CAC parents and community members, special education teachers, administrators, and general education teachers. This document is approved by the LBUSD Board of Education, reviewed by the County Office of Education, for compatibility with other local plans and approved by the State Board of Education.

This Local Plan shall remain in effect until changes in state and/or Federal laws occur, thus requiring an update, or until the LBUSD SELPA elects to make locally determined changes.

Changes or amendments to the permanent portion of the Local Plan may be considered at any time. Amendments approved in this manner shall become permanent upon subsequent approval by the LBUSD Board of Education and the State Board of Education.

Scope and Size/SELPA Definition

Pursuant to EC §56195, Long Beach Unified School District (LBUSD) meets size and scope requirements to operate as a single district special education local plan area (SELPA). The SELPA serves students residing in Long Beach, Lakewood, Signal Hill, and Avalon. In December 2012, the total student population was 81,977, with 8,880 students receiving special education services.

The LBUSD Board of Education elects to operate as a single district SELPA, and as such, it is the governing body of this Plan, and is solely responsible for the development and adoption of policies governing this Local Plan for Special Education.

Pursuant to EC 56195.3(c)(d), the SELPA shall submit the local plan to the Los Angeles County of Education (LACOE), and shall cooperate with LACOE to ensure that the Local Plan is compatible with other local plans in the county and any county plan of a contiguous county.

The LBUSD Board of Education has authority over the programs it directly maintains. (EC Section 56195.5)

Contractual Agreements

LBUSD may enter into contractual agreements for services relating to the education of individuals with exceptional needs. [EC §56195.1(e)]

Monitoring the Appropriate Use of Special Education Funds

The Assistant Superintendent, Office of School Support Services or designee shall be responsible to monitor on an annual basis the appropriate use of all funds allocated for special education programs. Final determinations and action regarding the appropriate use of special education funds shall be made through the Annual Budget Plan process.

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

- A. For the costs of special education, related services, supplementary aides and services provided in a general education class or other education-related setting, to a child with a disability in accordance with the IEP for the child, even if one or more non-disabled children benefit from these services.
- B. To develop and implement a fully integrated and coordinated services system.

Supplementation of State/Federal Funds

The Assistant Superintendent, Office of School Support Services, or designee shall ensure that the IDEA Part B funds received shall be expended according to the state and federal guidelines. Such funds will be used to supplement and not to supplant state, local and other federal funds.

Review of Programs

Pursuant to Education Codes Section 56195.7 (c)(6), and Section 56195.7(j)(1), and Section 1413 of Title 20 of the United States Code, the Assistant Superintendent, Office of School Support Services, or designee shall conduct an ongoing review of special education programs, by periodically making site visits, conducting walk throughs, reviewing files, and getting feedback from parents and the field (e.g., surveys, training evaluations). The leadership team shall meet on regular basis to discuss data/observations, identify gaps or problems related to student evaluation, placement, and/or achievement/progress. Using this information the team shall plan and implement the needed changes. Fiscal reviews shall be conducted periodically.

In addition to ongoing review of the programs, upon receiving from California Department of Education, a *Compliance Determination on State Performance Plan Indicators*, or a request to perform a *Special Education Self Review*, or other similar requests, the SELPA Director shall form a team to gather data and correct non-compliant findings.

Program Transfer Plan

Special education programs which are already in operation may not be transferred to/from another district or a county office, unless the District has developed a plan for the transfer which considers all of the requirements stated in Section 56207(a)(b)(c)(d).

Coordination with other agencies

Pursuant to EC Section 56195.7(d)(e)(f)(g), LBUSD Board of Education shall enter into contractual arrangements with participating agencies (e.g., Harbor Regional Center) that are funded to serve individuals with special needs. Such collaboration shall ensure that a range of program options are available to meet LBUSD students' special needs. The rights and responsibilities of each agency shall be delineated in a memorandum of understanding.

The SELPA shall also cooperate with the staff at public hospitals, other residential facilities, and licensed children's institutions in the LBUSD boundaries to meet the needs of individuals with special needs.

The SELPA shall collaborate with local educational entities to provide the required special education and related services to all eligible students aged 18-22 years old, incarcerated in a Los Angeles County Jail during their incarceration, until another educational entity assumes this responsibility.

The LBUSD Board of Education recognizes that foster youth may be at greater risk for poor academic performance due to their family circumstances, disruption of their educational program, and emotional, social, and other health needs. The District shall provide such students with full access to the district's educational program and other support services necessary to assist them in achieving state and district academic standards.

To address the needs of foster youth and help ensure the maximum utilization of available funds, the Superintendent or designee shall collaborate as necessary, with local agencies including, but not limited to, the county placing agency, social services, probation officers, juvenile court officers, nonprofit organizations, and advocates.

Distribution of Specialized Equipment and Services

Specialized equipment and services will be distributed in such a manner that maximizes pupils' opportunity to be educated in the least restrictive environment. (EC 56206)

Student needs are discussed at each IEP and the equipment/services are assigned based on student needs.

Procedural Safeguards and Complaints for Special Education

Education Code 56195.8(b)(3) mandates all entities providing special education to adopt policy on procedural safeguards and Education Code 56500.1 requires entities providing special education to establish and maintain all procedural safeguards granted by federal law. For California law related to due process rights and due process hearing rights and procedures, see Education Code 56501-56509 and 5 CCR 3082. For federal due process procedure requirements, see 34 CFR 300.500-300.520.

The LBUSD Board of Education protects the rights of students with disabilities in accordance with the procedural safeguards set forth in state and federal law. Parents/guardians shall receive

written notice of their rights in accordance with law, Board policy, and administrative regulation. Parent Rights and Procedural Safeguards shall be posted on the District web site in English, Spanish and Khmer.

The Superintendent or designee shall represent the district in any due process hearing conducted with regard to district students and shall inform the Board about the result of the hearing as needed.

The Superintendent or designee shall address a complaint concerning compliance with state or federal law regarding special education in accordance with the district's uniform complaint procedures.

Parent/guardian wishing to resolve disputes related to the identification, assessment, or educational placement of the child or the provision of a FAPE to the child through a less adversarial process shall be encouraged to request an Alternative Dispute Resolution (“ADR”). This process is provided pursuant to Education Code 56508, and does not prevent use of the due process system.

Identification, Referral, and Evaluation of Individuals for Special Education

The LBUSD Board recognizes the need to actively seek out and evaluate district residents from birth to age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

The District has established a comprehensive system that includes procedures for the identification, screening, referral, and regular and triennial assessment of individuals eligible for special education, as well as procedures for the planning, implementation, and review of the education and related services provided to such individuals. (Education Code 56301)

The District's identification procedures include methods for utilizing referrals from parents/guardians, teachers, appropriate professionals, and others, and is coordinated with school site procedures for referral of students whose needs cannot be met with modifications to the regular instructional program. (Education Code 56302)

cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 6164.41 - Children with Disabilities Enrolled by Their Parents in Private School)

(cf. 6164.6 - Identification and Education Under Section 504)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4112.23 - Special Education Staff)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 5145.6 - Parental Notifications)

(cf. 6159 - Individualized Education Program)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

Legal Reference:

EDUCATION CODE

44265.5 Professional preparation for teachers of impaired students

56000-56885 Special education programs, especially:

56195.8 Adoption of policies

56300-56304 Identification of individuals with disabilities

56320-56331 Assessment

56333-56338 Eligibility criteria for specific learning disabilities

56340-56347 Instructional planning and individualized education program

56381 Reassessment of students

56425-56432 Early education for individuals with disabilities

56441.11 Eligibility criteria, children ages 3-5

56445 Transition to grade school; reassessment

56500-56509 Procedural safeguards

GOVERNMENT CODE

95000-95029.5 California Early Intervention Services Act

CODE OF REGULATIONS, TITLE 5

3021-3029 Identification, referral and assessment

3030-3031 Eligibility criteria

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1412 State eligibility

1415 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.301-300.306 Evaluations and reevaluations

Special Education Staff

Qualifications/Assignment of Special Education Teachers

Any teacher assigned to serve students with disabilities shall possess an appropriate credential or other authorization that specifically authorizes him/her to teach students with that primary disability within the program placement recommended in the students' individualized education programs (IEP). (5 CCR 80046.5, 80048.7)

Special education teachers who teach core academic subjects shall possess the qualifications required by the No Child Left Behind Act. (5 CCR 6100-6126; 20 USC 1401, 6319, 7801; 34 CFR 200.55-200.57, 300.18)

Under the guidelines of 5 CCR 80026, and 80027.1, the Superintendent or designee may request the Commission on Teacher Credentialing (CTC) to issue a special education limited assignment teaching permit to authorize a qualified special education teacher, with his/her written consent, to serve outside the specialty area of his/her credential.

The district may employ a person with an appropriate district internship credential to provide classroom instruction to students with disabilities, provided he/she has met the subject matter requirement specified in Education Code 44325 and receives guidance, supervision, and professional development through an established district internship program. (Education Code 44325, 44326, 44830.3)

The SELPA recognizes that in some cases, the Least Restrictive Environment for a student per his or her IEP may require placement in a class or a program where the teacher does not hold the appropriate special education credential or the added authorization. In accordance with the Administrator's Assignment Manual (Section F-1) of the California Commission on Teacher Credentialing:

An "IEP team may determine that, based on assessments and the goals in the IEP, an alternate placement may be appropriate. It is the employing agency's responsibility to determine how the special education services will be delivered. The IEP determines the student's needs and the rationale for the particular placement of the student. Various alternative placements are sometimes required to the extent necessary to implement the IEP for each child with a disability."

cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

(cf. 4112.21 - Interns)

Resource Specialists

The district's resource specialist program shall provide, but not be limited to: (Education Code 56362)

1. Resource specialist(s) to provide instruction and services for students whose needs have been identified in their IEPs and who are assigned to regular classroom teachers for a majority of the school day.
2. Information and assistance for students with disabilities and their parents/guardians.
3. Provision of consultation, resource information, and material regarding students with disabilities to their parents/guardians and regular education staff members.
4. Coordination of special education services with the regular school program for each student with disabilities enrolled in the resource specialist program.
5. Monitoring of student progress on a regular basis, participation in the review and revision of IEPs as appropriate, and referral of students who do not demonstrate sufficient progress to the IEP team.
6. At the secondary school level, emphasis on academic achievement, career and vocational development, and preparation for adult life.

Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes. [Education Code 56362(d)]

Pursuant to Education Code 56362(f), at least 80 percent of the resource specialists shall be provided with an instructional aide.

Caseloads

The Assistant Superintendent, Office of School Support Services or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, the collective bargaining agreement, and/or the comprehensive plan of the Special Education Local Plan Area (SELPA) in which the district participates.

No resource specialist shall have a caseload which exceeds 28 students. [EC §56302(c)]

The average caseload for language, speech, and hearing specialists shall not exceed 55 cases unless otherwise specified and reasons stated in the SELPA plan. (Education Code §56363.3)

The maximum caseload for speech and language specialists exclusively serving children with disabilities age 3-5 shall not exceed 40. (Education Code §56441.7)

Review of Class Assignment at Teacher's Request

Pursuant to EC Section 56195.8 (2), given a request by a general education or a special education teacher, the District shall review the class placement of a student with exceptional needs, and hold a mandatory IEP meeting if a change in placement is warranted. The Special Education Administrator assigned to the school of attendance shall be responsible for a timely review of the request.

In reviewing class placement of fully included special needs students, the reviewers may apply the following factors created by the Holland court case (Sacramento City Unified School District v. Holland):

1. Educational benefits of general education with supplemental aids/services v. more restrictive setting?
2. Nonacademic benefits of the general education classroom v. more restrictive setting?
3. What effect does the student's presence have on others in the general education classroom?
4. Cost of providing instruction/services in the general education classroom?

Suspension and Expulsion/Due Process

(Students with Disabilities)

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds for suspension and expulsion which apply to students without disabilities.

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Suspension

The superintendent or designee may suspend a student with a disability from school, for any of the reasons enumerated in EC Section 48900, and pursuant to §48900.5 for up to five (5) consecutive school days (EC § 48911), and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (34 CFR 300.530; Education Code 48903)

Services during Suspension

Any student suspended for more than 10 school days in the same school year shall continue to receive services during the term of the suspension. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed as provided in 34 CFR 300.101(a), so as to enable the student to continue to participate in the general education curriculum in another setting and to progress toward meeting the goals as set out in his/her IEP. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

Interim Alternative Educational Placement Due to Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team. (20 USC 1415(k)(1)(G); 34 CFR 300.531)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP.

Expulsion

Pursuant to EC § 48915 (c), the superintendent or designee shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a student when it has been determined that a student has committed one or more of the following acts:

- (1) Possessing, selling, or otherwise furnishing a firearm.
- (2) Brandishing a knife at another person.
- (3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
- (4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
- (5) Possession of an explosive.

Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened.

Suspension of Expulsion

The LBUSD Board of Education's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)

Behavior Intervention Plans

A special education student's behavior shall be subject to the disciplinary measures applicable to all students for such infractions unless it is a serious behavior problem as defined below.

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

More serious behavioral problems shall be addressed through the systematic use of behavioral and emergency interventions as provided below.

Definitions

Serious behavioral problems are behaviors which are self-injurious, assaultive or cause property damage, and other severe behavior problems that are pervasive and maladaptive for which instructional/behavioral approaches specified in the student's individualized education program (IEP) are found to be ineffective. (5 CCR 3001)

Behavioral intervention is a systematic implementation of procedures that result in lasting positive changes in the individual's behavior. "Behavioral intervention" means the design, implementation and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in human behavior through skill acquisition and the reduction of problematic behavior. Behavioral interventions are designed to provide the individual greater access to a variety of community settings, social contacts and public events and ensure the individual's right to placement in the least restrictive environment, pursuant to the student's IEP. The use of behavioral interventions shall not cause pain or trauma, shall respect the individual's human dignity and personal privacy, and shall assure his/her physical freedom, social interaction and individual choice. (5 CCR 3001)

Behavior intervention plan is a written document which is developed when the student exhibits a serious behavior problem that significantly interferes with the implementation of the student's IEP.

Behavioral intervention case manager is a designated certificated school/ district/county staff member or other qualified personnel contracted by the district or county office, and trained in behavior analysis with emphasis on positive behavioral interventions. (5 CCR 3001)

Behavioral emergency is the demonstration of a serious behavior problem which has not previously been observed and for which a behavioral intervention plan has not been developed, or for which a previously designed behavioral intervention is not effective. (5 CCR 3001)

Training of Staff

The training required of staff who will participate in the implementation of the behavioral intervention plan shall include training in and use of positive behavioral interventions, and use of approved behavioral emergency procedures.

Functional Analysis Assessment

When a special education student's serious behavioral problem significantly interferes with implementing the goals and objectives of his/her IEP, the student's IEP team shall determine whether the instructional/behavioral approaches specified in the student's IEP have proven ineffective. If the IEP team finds that these approaches have been ineffective, a functional analysis assessment shall be conducted. (5 CCR 3052)

(cf. 6159 - Individualized Education Program)

Before a functional analysis assessment begins, parents/guardians shall be notified and consent obtained pursuant to Education Code 56321.

The functional analysis assessment shall be conducted by, or be under the supervision of, a person with documented training in behavior analysis with an emphasis on positive behavioral interventions.

Behavioral Intervention Plan

Based on the functional assessment, the IEP team shall meet to determine whether a behavioral intervention plan is needed. This team shall develop a written behavioral intervention plan: (5 CCR 3001)

The behavioral intervention plan shall become a part of the student's IEP and shall be sufficiently detailed so as to direct the plan's implementation. (5 CCR 3052)

A copy of the behavioral intervention plan shall be provided to the person or agency responsible for implementation in noneducational settings. (5 CCR 3001)

At intervals scheduled by the IEP team, the behavioral intervention case manager, parent/guardian and others as appropriate shall evaluate the effectiveness of the behavioral intervention plan in accordance with law. This review may be conducted in meetings, by telephone conference, or by other means, as agreed upon by the IEP team. (5 CCR 3052)

Emergency Interventions

Emergency interventions not specified in a student's behavioral intervention plan shall be used only when necessary to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the student or others and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for systematic behavioral intervention plans. (5 CCR 3052)

Only emergency interventions approved by the SELPA may be used. No emergency intervention shall be used for longer than is necessary to contain the behavior. (5 CCR 3052)

Parents/guardians shall be notified within one school day whenever emergency intervention is used or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Superintendent or designee for review.

If the behavior emergency report is for a student who does not have a behavioral intervention plan, the Superintendent or designee shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for a functional analysis assessment, and determine the necessity for an interim behavioral intervention plan. The IEP team shall document the reasons for not conducting an assessment and/or not developing an interim plan. (5 CCR 3052)

If the behavior emergency report is for a student who has a behavioral intervention plan, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective shall be referred to the IEP team. The IEP team shall review the incident and determine whether the student's plan needs to be modified. (5 CCR 3052)

Prohibited Interventions

The district prohibits any use of the following: (5 CCR 3052)

1. Any intervention designed or likely to cause physical pain
2. Releasing noxious, toxic or otherwise unpleasant sprays, mists or substances near the student's face
3. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort or access to the bathroom
4. Any intervention that subjects the student to verbal abuse, ridicule, humiliation or excessive emotional trauma
5. Use of any material or objects which simultaneously immobilize all hands and feet, except that prone containment or similar techniques may be used by trained staff as a limited emergency intervention
6. Locked seclusion, unless in a facility otherwise licensed or permitted by law to use a locked room
7. Any intervention that precludes adequate supervision of the student

8. Any intervention that deprives the student of one or more of his/her senses

9. Force exceeding what is reasonable and necessary under the circumstances

Legal Reference:

EDUCATION CODE

49001 Prohibition of corporal punishment

56321 Notice of parental rights; consent of parents

56500-56508 Procedural safeguards, including due process rights

56520-56524 Behavioral Interventions

CODE OF REGULATIONS, TITLE 5

3001 Definitions

3052 Designated positive behavioral interventions

UNITED STATES CODE, TITLE 20

1412 State eligibility

1415 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Assistance to states for the education of students with disabilities

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

(6/94 10/96) 6/99

Transportation for Students with Disabilities

The LBUSD Board shall ensure that appropriate transportation services are provided for students with disabilities as specified in their individualized education program (IEP) or accommodation plan. The district shall make home-to-school transportation available for students at no cost to parents/guardians as specified in the student's IEP.

The Assistant Superintendent, Office of School Support Services or designee, and the Director of Transportation or designee, shall establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs as determined in the IEP or accommodation plan.

The Director of Transportation or designee shall establish procedures to ensure compatibility between mobile seating devices and bus securement systems.

Students transported in a school bus or in a student activity bus shall be under the authority of, and responsible directly to, the driver of the bus. The driver shall be held responsible for the orderly conduct of the students while they are on the bus or being escorted across a street, highway or road. (5 CCR 14103)

A bus driver shall have the authority to discontinue the operation of a school bus whenever he/she determines that it is unsafe to continue.

The Superintendent or designee shall ensure that the contracted/district school bus drivers receive training which includes:

1. First aid practices (Vehicle Code 12522)
2. The proper actions to be taken in the event that a school bus is hijacked (Education Code 39831)
3. The proper installation of mobile seating devices in the bus securement systems (Education Code 56195.8)

The driver also shall report the following to the Transportation Department:

1. Recurring and serious student misbehavior
2. Parental and student complaints
3. Traffic violations
4. Consistently late school dismissals which cause transportation delays
5. Overload runs
6. Mechanical or other problems with buses and equipment

Serving Adult Students Placed in County Jails

The Long Beach Unified School District SELPA will collaborate with local educational entities to provide the required special education and related services to all eligible students aged 18-21 years old, incarcerated in a Los Angeles County Jail during their incarceration, until another educational entity assumes this responsibility.

Interdistrict Attendance Agreements

The LBUSD Board of Education recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons.

Upon request by special needs students' parents/guardians, the Superintendent or designee may approve interdistrict attendance permits with other districts on a case-by-case basis to meet individual student needs.

The Superintendent or designee may deny the granting of an interdistrict attendance permit because of overcrowding within district schools, and/or within the special education program(s).

LBUSD will not provide transportation for students residing outside the LBUSD boundaries.

Individualized Education Program

The LBUSD Board desires to provide educational alternatives that afford students with disabilities full educational opportunities. Students with disabilities shall receive a free appropriate public education and be placed in the least restrictive environment which meets their needs to the extent provided by law.

Per EC Section 56363, related services may be offered to “enable an individual with exceptional needs to receive a free and appropriate public education as described in the individualized education program” of the student. To the extent practicable, related services offered must be supported by peer-reviewed research.

- (cf. 0430 - Comprehensive Local Plan for Special Education)
- (cf. 1312.3 - Uniform Complaint Procedures)
- (cf. 3541.2 - Transportation for Students with Disabilities)
- (cf. 4112.23 - Special Education Staff)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
- (cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
- (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
- (cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)
- (cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)
- (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
- (cf. 6164.6 - Identification and Education Under Section 504)

Legal Reference:

EDUCATION CODE

- 51225.3 Requirements for high school graduation and diploma
- 56055 Rights of foster parents pertaining to foster child's education
- 56136 Guidelines for low incidence disabilities areas
- 56195.8 Adoption of policies
- 56321 Development or revision of IEP
- 56321.5 Notice to include right to electronically record
- 56340.1-56347 Instructional planning and individualized education program
- 56350-56352 IEP for visually impaired students
- 56380 IEP reviews; notice of right to request
- 56390-56392 Certificate of completion, special education
- 56500-56509 Procedural safeguards
- 60640-60649 Standardized Testing and Reporting Program

60850 High school exit examination, students with disabilities

60852.3 High school exit examination, exemption for the class of 2006

FAMILY CODE

6500-6502 Age of majority

GOVERNMENT CODE

7572.5 Seriously emotionally disturbed child, expanded IEP team

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

601 Minors habitually disobedient

602 Minors violating law defined as crime

CODE OF REGULATIONS, TITLE 5

853-853.5 Standardized Testing and Reporting Program, accommodations

1215.5-1218 High School Exit Examination, accommodations for students with disabilities

3021-3029 Identification, referral and assessment

3040-3043 Instructional planning and the individualized education program

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Individuals with Disabilities Education Act

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 157 (2002)

Residential Treatment Center, Nonpublic, Nonsectarian School and Agency Services

The Board of Education may contract with state-certified nonpublic, nonsectarian schools (including residential treatment centers outside of California) or agencies to provide special education services when an appropriate public education program is not available.

- (cf. 0430 - Comprehensive Local Plan for Special Education)
- (cf. 1312.3 - Uniform Complaint Procedures)
- (cf. 3541.2 - Transportation for Students with Disabilities)
- (cf. 4112.23 - Special Education Staff)
- (cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
- (cf. 6159 - Individualized Education Program)
- (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
- (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

When entering into agreements with nonpublic, nonsectarian schools or agencies, the Board shall consider the needs of the individual student and the recommendations of the individualized education program (IEP) team. The District shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.

Legal References:

EDUCATION CODE

- 56034-56035 Definitions of nonpublic, nonsectarian school and agency
- 56042 Placement not to be recommended by attorney with conflict of interest
- 56101 Waivers
- 56163 Certification
- 56168 Responsibility for education of student in hospital or health facility school
- 56195.8 Adoption of policies
- 56360-56369 Implementation of special education
- 56711 Computation of state aid
- 56740-56743 Apportionments and reports
- 56760 Annual budget plan; service proportions
- 56775.5 Reimbursement of assessment and identification costs

GOVERNMENT CODE

- 7570-7588 Interagency responsibilities for providing services to children with disabilities, especially:

7572.55 Seriously emotionally disturbed child; out-of-state placement

FAMILY CODE

7911-7912 Interstate compact on placement of children

WELFARE AND INSTITUTIONS CODE

362.2 Out-of-home placement for IEP

727.1 Out-of-state placement of wards of court

CODE OF REGULATIONS, TITLE 5

3001 Definitions

3061-3069 Nonpublic, nonsectarian school and agency services

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.129-300.148 Children with disabilities in private schools

Children with Disabilities Enrolled by their Parents in Private Schools

Definitions

Parentally placed private school children with disabilities means children with disabilities who are voluntarily enrolled by their parents/guardians in a private school or facility within district boundaries, including children who are attending a private school or facility within district boundaries but who reside in another district or state. (34 CFR 300.131)

Private school or facility means a private full-time day school, including a religious school, located within district boundaries, that has filed an affidavit with the California Department of Education pursuant to Education Code §33190 and is registered in the California Private School Directory.

Provision of Services

The Assistant Superintendent, Office of School Support Services, or designee shall ensure that activities to locate, identify, and evaluate children with disabilities enrolled by their parents/guardians in private schools within the district are comparable to activities undertaken for individuals with disabilities aged three to 21 in public schools within the district. (34 CFR 300.131; Education Code 56171)

Pursuant to 20 USC 1412(a)(3), and Education Code §56171, the District, as appropriate, shall locate, identify, and evaluate all children with disabilities enrolled by their parents/guardians in private schools, including religious schools. After a timely and meaningful consultation with private schools located in the District boundaries, the District shall conduct a thorough "child find" process to determine the number of parentally placed children with disabilities attending private schools located in the district, including those residing outside of the district. (71 Fed. Reg. 156, 34 CFR 300.131)

The Governing Board recognizes its obligations under federal and state law to identify and offer equitable services to children voluntarily enrolled by their parents/guardians in private schools located within the district boundaries. The District shall make an offer of a Free and Appropriate Public Education (FAPE) to resident students with special needs who attend a private school inside or outside of the District boundaries.

For qualified students with disabilities who choose to remain at a private school within the LBUSD boundaries, the district shall develop and implement an individual services plan (ISP) that describes the equitable services that the district will provide, as agreed to by the district and private school representatives during the consultation process. (34 CFR 300.138)

A child with a disability parentally placed in a private school has no individual right to receive some or all of the special education and related services that he/she would receive if enrolled in public school. Such a child may receive a different amount of services than students with disabilities in public schools. (34 CFR 300.137, 300.138)

The district shall spend a "proportionate share" of federal funds on parentally placed private school children with disabilities (34 CFR 300.132 and 300.133) based on the proportionate share of federal funds received and the number of eligible children, including the possibility of mid-year enrollees. However, the District's obligation to provide services to such children terminates once the district's proportionate share of federal funds has been expended before the end of the school year or if an identified student's needs do not fall within the types of services agreed to in the consultation process with private school representatives.

Electronic Mail

Pursuant to 34 CFR 300.505, a parent/guardian or an adult student with a disability may elect to receive documents required by Prior Notice by the Public Agency (§300.503), Procedural Safeguards Notice (§ 300.504), and Due Process Complaint (§300.508) via an electronic mail communication. The case carriers may elect to post documents such as progress reports and IEP invitations on *School Loop* for parents/guardians and adult students who choose to use this system. LBUSD shall ensure confidentiality by requesting parent/guardian or the adult student to update the needed contact information at least yearly and as needed.

Appendix A

CAC By-Laws

**Long Beach Unified School District
Community Advisory Committee for Special Education
By-Laws
Amended September 2010**

Article I

Name of the Committee

The name of this committee shall be the Long Beach Unified School District Community Advisory Committee (CAC).

Article II

Mission, Purpose, and Responsibilities

Section 2.1-Mission Statement

The Mission of the Long Beach Unified School District (LBUSD) Community Advisory Committee for Special Education, referred to as CAC; which is mandated by the State of California, Department of Education, Education Code, Special Education Programs, Article VII, Section 56190; is to help ensure that Long Beach Unified School District ("the District") delivers quality special education services, in compliance with federal and state laws, to all children with disabilities.

Section 2.2-Purpose

- (a). The CAC shall advise the Superintendent of LBUSD, the Board of Education and the Assistant Superintendent, Office of School Support Services on concerns, needs and issues of special education within the District boundaries (Long Beach, Signal Hill, part of the city of Lakewood, Catalina Island, and LBUSD chartering entities).
- (b). The CAC shall act in support of students with disabilities by promoting maximum interaction of parents and community members with the Division of Special Education and the School District.
- (c). The CAC shall assist in providing support for the successful inclusion of students with disabilities in the general education environment.
- (d). The CAC shall support activities, trainings and workshops to promote the success of students with disabilities in all areas of the educational process including independent life skills and socialization.
- (e). The CAC shall advise the Division of Special Education on issues related to students with disabilities who are Limited English Proficient (LEP).
- (f). The CAC shall establish activities to inform and train families of diverse language and culture on issues relating to special education.

Section 2.3-Responsibilities

- (a). The responsibilities of the Community Advisory Committee shall be as outlined in the State California Education Code, Article VII, Section 56194.
 1. Review the major components of the Local Plan and advise the Superintendent of LBUSD, the Board of Education and the Assistant Superintendent, Office of School Support Services regarding the development and review of the plan.

2. Make recommendations on annual priorities to be addressed by the Local Plan.
 3. Assist in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan.
 4. Encourage community involvement in the development and review of the Local Plan.
 5. Support activities on behalf of students with disabilities and their families.
 6. Assist in parent awareness of the importance of regular school attendance and their rights and responsibilities as parents/guardians of disabled students.
 7. Use information regarding the participants and/or members (e.g., email addresses, telephone numbers), for CAC and related services only.
 8. Keep confidential any personal information parents share at the meetings.
- (b). The additional responsibilities of the Community Advisory Committee may be, but are not limited to:
1. Mobilize public and legislative support for educational programs for students with disabilities:
 - Select member(s) for CAC representation in the Annual SELPA Legislative Day in Sacramento.
 - Prepare templates and tool kits and write letters as necessary to government representatives regarding education legislation that impacts students with disabilities.
 2. Continue communication on a regular basis between the CAC and the Board of Education and the CAC and the Superintendent of LBUSD.
 3. Develop and prioritize recommendations to be presented to the LBUSD Board of Education.

Article III Membership

Section 3.1-Number of Voting Members

The CAC shall consist of no more than 30 voting members.

Section 3.2-Definitions

- (a). The **participant** is defined as an individual who attends the meetings. He/she may or may not have a vote.
- (b). A **Voting Member** is a participant with the authority to vote.

Section 3.3-Who May Participate

- (a). All regular meetings shall be open to the public.

Section 3.4-Composition of Voting Membership

- (a). The CAC shall be composed of parents of individuals with exceptional needs enrolled in public or private schools, parents of other pupils enrolled in school, pupils and adults with disabilities, regular education teachers, special education teachers and other school personnel, representatives of other public and private

agencies, and persons concerned with the needs of individuals with exceptional needs.

- (b). A majority of the CAC membership shall be parents of students enrolled in schools within the LBUSD. The majority of these parents shall be parents of students with IEPs.
- (c). To the greatest extent possible CAC membership shall be representative of the ethnic, socioeconomic and geographic composition of LBUSD as well as all age groups and disabilities it serves.
- (d). All voting members must submit a membership application to the Assistant Superintendent of School Support Services. Applications must be approved by the Assistant Superintendent of School Support Services and the LBUSD Board of Education prior to members exercising their rights and responsibilities.
- (e). The Assistant Superintendent Office of School Support Services shall appoint a District Liaison to the CAC. This liaison will serve as a voting member.

Section 3.5-Term of Membership

- (a). Term of voting membership shall be for twenty-four (24) months from the month of appointment. The terms of voting membership of all voting members shall be annually staggered to ensure that no more than one-half (1/2) of the membership serves the first year of the term in any year.
- (b). No person shall serve more than two (2) consecutive terms of voting membership.
- (c). An exception to the limitations stated in item (b) may be made in cases where the positions cannot be filled.

Section 3.6-Application for Voting Membership

All individuals who wish to apply as members, renew expiring memberships, or rejoin after periods of absence shall complete an application for CAC membership and submit it to the Chair of CAC.

Section 3.7-Acceptance of Membership

The Executive Committee will work to ensure that the composition of the voting membership reflects the diversity of the community in LBUSD. Upon acceptance, the proposed slate of members shall be forwarded to the Assistant Superintendent, Office of School Support Services who shall forward the slate to the Board of Education for Approval. The Board of Education shall approve a slate of members annually or as deemed necessary in the event of vacancies.

Section 3.8-Leave of Absence

A voting member may request a leave of absence by filing a written request with the chairperson of the CAC.

Section 3.9-Forfeiture of Membership

Membership shall terminate, upon vote of the CAC, for any member who has more than three (3) unexcused absences a year.

Section 3.10-Resignation

Any member may resign by filing a written resignation with the chairperson of the CAC, in care of the Office of the Assistant Superintendent of School Support Services.

Section 3.11-Termination of Service

Any elected or appointed officer may be removed by a two-thirds vote of the voting members.

Section 3.12-CAC Member Duties and Privileges upon Board Approval

1. shall attend a training session provided by the CAC Chairperson on the following topics:
 - i. Attendance
 - ii. By-Laws
 - iii. Goals
2. shall be responsible for attendance at all monthly meetings.
3. shall support the activities of the CAC on behalf of special education student and programs.
4. shall be entitled to one (1) vote on each matter that is submitted to a vote of the CAC. Members must be present to vote.

Article IV Meetings

Section 4.1-Meeting Frequency

The CAC shall meet as frequently as deemed necessary by the majority of the CAC voting members.

Section 4.2-Meeting Notice

Each meeting shall have prior notice and shall be open to the public. Notice shall be accomplished by a posting in the LBUSD Administration Building at least seventy-two (72) hours prior to regular meetings.

Section 4.3-Meeting Place and Time

The Executive Committee shall decide on the location and times for the upcoming school year.

Section 4.4-Public Comment

Up to one half (1/2) hour shall be provided during each regular meeting for the public to make comments. Each person making a comment shall be allowed no more than three (3) minutes, unless such time is extended at the Chair's discretion for no more than an additional two minutes.

Section 4.5-Order

Robert's Rules of Order shall be used to conduct the business of all meetings of the CAC and all committees, subject to the provisions of California Government Code Sections 54950 through 54962 (also known as the "Brown Act").

Section 4.6-Action

In order for any action to be taken at any meeting of the CAC, a quorum must be present. A Quorum is defined as a majority (more than half) of the CAC voting members. When action is taken (i.e., when at least one more than half of the voting members are present and an agenda item requires action), such decision made shall be considered to be an act of the CAC when a majority of the voting members have voted for the decision. At the beginning of each meeting, the chairperson shall declare the quorum by stating:

- (1) the total number of voting members on the CAC at the time of that meeting
- (2) the number of voting members present at that meeting
- (3) whether this number constitutes a quorum
- (4) if a quorum is declared, the subsequent number of votes required for action

No officer or committee shall commit the CAC to any action without it being approved by a majority vote of the members. The voting will be by paper ballots. Votes shall be counted by the District Liaison or designee, and two parents/community voting members.

Article V Officers

Section 5.1-Type of positions

The following positions are held: Chairperson/Co-Chair, Vice Chairperson, Secretary and such other officers as the CAC may deem necessary. An officer may not be an employee of the Long Beach Unified School District.

Section 5.2-Terms

The term of office shall be for a minimum of one (1) year.

Section 5.3-Duties

The major duties of the officers are as follows:

(a). The chairperson shall:

1. Preside at CAC meetings. In the absence of the chair, the co-chair will preside.
2. Serve as spokesperson for the CAC and a liaison to the District. The chair can designate an alternate when necessary for special circumstances.
3. Appoint committees of the CAC as necessary and serve as an ex-officio member of all committees.
4. Act as the tie breaking vote.
5. Upon CAC participation in development, the chairperson shall sign the Local Plan on behalf of the CAC.
6. Sign and/or approve all letters, reports and other communications of the CAC.
7. Present to the Board of Education information about activities and priorities of the CAC on a yearly basis.
8. Keep the attendees focused on the goals and the mission of CAC.

(b). The co-chairperson shall:

1. Assist the chairperson.

2. Preside at CAC meetings and other related chair duties in the absence of the chair.

(c). The secretary shall:

1. Record and maintain minutes of all CAC meetings;
2. Present minutes of prior meetings for approval by the voting membership;
3. Record the information provided by the chairperson in declaring a quorum and the number of votes required for action;
4. Keep committee and subcommittee reports;
5. Maintain all membership lists and minutes;
6. Take attendance and maintain all attendance lists;
7. Prepare meeting notices;
8. Post meeting notices at least seventy-two (72) hours prior to the meeting;
9. Submit mailing list for members to receive CAC information;
10. Distribute CAC applications as needed;
11. Collect and submit CAC applications to the CAC chairperson, and the Assistant Superintendent.

Section 5.4- Nominations

Nominations shall be made from the floor by voting members of the CAC.

Section 5.5-Schedule of Elections

At the regular meeting of the CAC no later than June, the CAC shall elect officers for the next year. The newly elected officers shall assume their offices in September.

Section 5.6-Election of Officers

Voting members shall each cast one vote. Proxy voting and absentee ballots shall not be permitted.

Section 5.7-Method of Voting

Voting shall be by show of hands, unless there is only one (1) candidate for each office, in which case there may be a voice vote.

Section 5.8-Vacancies

Any vacancy in an office shall be filled at the next regular CAC meeting.

Article VI Committees

Section 6.1-Types

(a). Executive Committee:

1. Shall consist of the officers of the CAC.
2. Shall prepare agendas, meeting dates and presentations.
3. Shall review and revise, if necessary, the by-laws on an annual basis.
4. May make formal recommendations and carry out projects with CAC membership.
5. Shall participate in preparation and review of the Local Plan and report to the CAC membership before the public Board Meeting presentation.
6. The chair may invite other individuals to Executive Committee Meetings.

(b). Standing Committees:

The needs, mission, objectives and responsibilities of the CAC will be implemented by the following committees composed of Executive Committee Members and other interested community members.

1. Communication & Publicity Committee:

- Build and maintain school site liaison program
- Interact with service providers and other groups
- Communicate meetings, events, fairs, etc.

2. Parent & Community Education Committee:

- Assist with in-service activities, parent education and encourage parent awareness
- Assist in organizing and developing newsletters, CAC parent handbook, CAC needs assessments, etc.
- Gather information on programs and the needs of students, parents, teachers and school staff etc.

3. Recommendation & Local Plan Committee:

- Evaluate programs, review Local Plan, and keep the CAC community informed regarding pertinent legislation
- Responsible for gathering, analyzing information from parents, teachers, school staff and preparing annual recommendations to the school board

(c). Ad Hoc Committees:

Ad hoc committees may be formed for special purposes. The authority and duties of any ad hoc committee shall be delegated and approved by the CAC. The activities of this committee shall be written and reported to the CAC. Ad Hoc Committee chairperson shall be appointed by the CAC chairperson.

Section 6.2-Required Participation

Voting members and participants are highly encouraged to attend all meetings.

Section 6.3-Appointment to Committees

Committees shall be appointed by the CAC Executive Committee when deemed necessary to complete a given project.

Section 6.4-Attendance by Public

Although attendance by the public is highly encouraged, CAC meetings shall not be used to promote for profit businesses.

Section 6.5-Reports

CAC Chairperson may ask committee chairs to report on their activities. Such reporting may be given orally or in writing.

Article VII Adoption and Amendments

Section 7.1-Adoption of By-Laws

These by-laws shall become effective upon their approval by a majority the CAC membership.

Section 7.2-Interpretation of By-laws

These by-laws shall be interpreted in accordance with California Government Code, Section 54950 through 54962 (also known as the "Brown Act").

Section 7.3-Amendments to By-Laws

The by-laws may be amended at any regular CAC meeting provided written notice to amend the by-laws, including the complete text of the proposed amendment, has been presented at the previous meeting. The notice to amend the By-Laws shall accompany the notice of any monthly CAC meeting at which such proposed amendment shall be voted upon. The amendments shall:

- (a). be consistent with the state and federal legislation.
- (b). be reviewed and revised if necessary by the Executive Committee on an annual basis, or as deemed necessary.
- (c). require a majority vote of the CAC membership.

Appendix B

Interagency Agreement Between
LBUSD and Harbor Regional Center

