



**SELPA**

**POLICIES**

**AND**

**PROCEDURES**

**Revision 2021**

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**Policy No: 1**

**APPROVED: 3/25/2021**

**SUBJECT: FREE APPROPRIATE PUBLIC EDUCATION**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) that a free appropriate public education is available to all children with disabilities residing in the LEAs between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.

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**Legal Reference:** *California Education Code U.S.C.] § 1412 [a][1])*

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**POLICY No: 2**

**APPROVED: 3/25/2021**

**SUBJECT: FULL EDUCATIONAL OPPORTUNITY**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) that all children with disabilities have access to educational programs, non-academic programs, and services available to non-disabled children.

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**Legal Reference: (20 U.S.C. § 1412 [a][2])**

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**Policy No: 3**

**APPROVED:**  
**3/25/2021**

**SUBJECT: CHILD FIND**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, who are in need of special education and related services, are identified, located, and evaluated. A practical method has been developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

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**Legal Reference:** *United States Code: 20 US 1412(a)(3), California Education Code: 56205(a) (3)*

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**Policy No: 4**

**APPROVED: 3/25/2021**

**SUBJECT: INDIVIDUALIZED EDUCATION PROGRAM (IEP) AND INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP)**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) that an IEP, or an IFSP that meets the requirements of 20 U.S.C. § 1436 (d) is developed, implemented, reviewed, and revised for each child with a disability who requires special education and related services in accordance with 20 U.S.C. § 1414 (d). It shall be the policy of the LEAs 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.

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**Legal Reference: (20 U.S.C. § 1412 [a][4])**

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**Policy No.: 5**

**APPROVED: 3/25/2021**

**SUBJECT: LEAST RESTRICTIVE ENVIRONMENT**

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**Policy:**

It shall be the policy of this the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the general educational environment, occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.



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**Policy No.: 6**

**APPROVED: 3/25/2021**

**SUBJECT: PROCEDURAL SAFEGUARDS**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) that children with disabilities and their parents shall be afforded all procedural safeguards according to state and federal laws and regulations.

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**Legal Reference: (20 U.S.C. § 1412 [a][6])**

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**Policy No.: 7**

**APPROVED: 3/25/2021**

**SUBJECT: EVALUATION**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) that a reassessment of a child with a disability shall be conducted at least once every three years or more frequently, if appropriate.

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**Legal Reference: (20 U.S.C. § 1412 [a][7])**

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**Policy No.: 8**

**APPROVED: 3/25/2021**

**SUBJECT: CONFIDENTIALITY**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) that the confidentiality of personally identifiable data, information, and records maintained by the LEAs relating to children with disabilities and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act, non-academic programs, and services available to non-disabled children.

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**Legal Reference: (20 U.S.C. § 1412 [a][8])**

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**Policy No.: 9**

**APPROVED: 3/25/2021**

**SUBJECT: Part C to Part B Transition**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) that children participating in early intervention programs under the Individuals with Disabilities Education Act (IDEA), Part C, and who will participate in preschool programs, experience a smooth and effective transition to preschool programs in a manner consistent with 20 USC Section 1437(a)(9). The transition process shall begin prior to the child's third birthday.

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**Legal Reference: (20 U.S.C. § 1412 [a][9])**

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**Policy No.: 10**

**APPROVED: 3/25/2021**

**SUBJECT: PRIVATE SCHOOLS**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) to assure that children with disabilities voluntarily enrolled by their parents in private schools shall receive appropriate special education and related services pursuant to LEAs 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.

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**Legal Reference: (20 U.S.C. § 1412 [a][10])**

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**Policy No.: 11**

**APPROVED: 3/25/2021**

**SUBJECT: LOCAL COMPLIANCE ASSURANCES**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) that the Local Plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs, and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the IDEA; the Federal Rehabilitation Act of 1973, Section 504 of Public Law; and the provisions of the California Education Code, Part 30.

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**Legal Reference: (20 U.S.C. § 1412 [a][11])**

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**Policy No.: 12**

**APPROVED: 3/25/2021**

**SUBJECT: INTERAGENCY**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for free appropriate public education are provided, including the continuation of services during an interagency dispute resolution process.

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**Legal Reference: (20 U.S.C. § 1412 [a][12])**

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**Policy No.: 13**

**APPROVED: 3/25/2021**

**SUBJECT: GOVERNANCE**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) 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.

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**Legal Reference: (20 U.S.C. § 1412 [a][13])**



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**Policy No.: 14**

**APPROVED: 3/25/2021**

**SUBJECT: PERSONNEL QUALIFICATIONS**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) to ensure that personnel providing special education related services are appropriately and adequately prepared and trained, and that those personnel have the content knowledge and skills to serve children with disabilities. This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the California Department of Education (CDE) about staff qualifications.

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**Legal Reference:**

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**Policy No.: 15**

**APPROVED: 3/25/2021**

**SUBJECT: PERFORMANCE GOALS AND INDICATORS**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) to comply with the requirements of the performance goals and indicators developed by the CDE and provide data as required by the CDE.

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**Legal Reference: (20 U.S.C. § 1412 [a][15])**

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**Policy No.: 16**

**APPROVED: 3/25/2021**

**SUBJECT: PARTICIPATION IN ASSESSMENTS**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) that all students with disabilities shall participate in state and district-wide assessment programs described in 20 USC Subsection 6311. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments where necessary and as indicated in their respective Reps.

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**Legal Reference: (20 U.S.C. § 1412 [a][16])**

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**Policy No.: 17**

**APPROVED: 3/25/2021**

**SUBJECT: SUPPLEMENTATION OF STATE, LOCAL AND FEDERAL FUNDS**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA, and will be used to supplement and not to supplant state, local, and other federal funds.

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**Legal Reference: (20 U.S.C. § 1412 [a][17])**

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**Policy No.: 18**

**APPROVED: 3/25/2021**

**SUBJECT: MAINTENANCE OF EFFORT**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in federal laws and regulations

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**Legal Reference: (20 U.S.C. § 1412 [a][18])**

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**Policy No.: 19**

**APPROVED: 3/25/2021**

**SUBJECT: PUBLIC PARTICIPATION**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) that public hearings, adequate notice of the hearings, and an opportunity for comments are available to the general public, including individuals with disabilities and parents of children with disabilities, and are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA.

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**Legal Reference: (20 U.S.C. § 1412 [a][19])**

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**Policy No.: 20**

**APPROVED: 3/25/2021**

**SUBJECT: SUSPENSION AND EXPULSION**

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**Policy:**

The local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) 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.

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**Legal Reference: (20 U.S.C. § 1412 [a][22])**

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**Policy No.: 21**

**APPROVED: 3/25/2021**

**SUBJECT: ACCESS TO INSTRUCTIONAL MATERIALS**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) 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.

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**Legal Reference: (20 U.S.C. § 1412 [a][23])**



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**Policy No.: 22**

**APPROVED: 3/25/2021**

**SUBJECT: OVER-IDENTIFICATION AND DISPROPORTIONALITY**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities.

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**Legal Reference: (20 U.S.C. § 1412 [a][24])**

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**Policy No.: 23**

**APPROVED: 3/25/2021**

**SUBJECT: PROHIBITION ON MANDATORY MEDICINE**

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**Policy:**

It shall be the policy of the local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) 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

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**Legal Reference: (20 U.S.C. § 1412 [a][25])**

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**Policy No.: 24**

**APPROVED: 3/25/2021**

**SUBJECT: BEHAVIORAL INTERVENTIONS FOR STUDENTS IN SPECIAL EDUCATION**

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**Policy:**

The local educational agencies (LEAs) in the LAC Charter Special Education Local Plan Area (SELPA) must provide appropriate, positive behavioral interventions, strategies and supports for special education students when their behavior impedes learning, and/or the learning of others. Such interventions may include, among others: classroom-based behavioral management systems; behavioral contracts; development of Individualized Education Program (IEP) goals/benchmarks; and/or adjustment to a student's schedule or program.

When a student exhibits serious behavior problems that cannot be effectively managed through positive behavioral interventions such as those listed above, the IEP team may refer the student for Functional Behavioral Assessment (FBA) of the behavior(s) to develop a Behavior Intervention Plan (BIPs), where appropriate. Such intervention plans become part of the student's IEP and are modified, as necessary. "Serious behavior problems" refer to behaviors that are self-injurious, assaultive, or cause serious property damage, or any other severe behaviors that are pervasive and maladaptive notwithstanding the use of interventions specified in the IEP.

Emergency interventions may only be used to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the student or others, which cannot be immediately prevented by a less restrictive intervention. Emergency interventions may not be used in lieu of planned, systematic behavioral interventions. Any use of emergency interventions must be documented in a Behavioral Emergency Report.

The Program Council of the LAC Charter SELPA shall approve procedures and guidelines for the implementation of this policy.

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**Legal Reference:** *California Education Code 56520-56525*

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**Policy No.: 25**

**APPROVED: 3/25/2021**

**SUBJECT: DATA**

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**Policy:**

It shall be the policy of the local educational agencies (LEA) in the LAC Charter Special Education Local Plan Area (SELPA) to provide data for information to the California Department of Education (CDE) that may be required by regulations. Such data shall include rates on suspension and expulsion in a manner prescribed by the CDE.

It shall be the policy of the LEAs in the LAC Charter SELPA to comply with the requirements of the performance goals and indicators developed by the CDE and provide data as required by the CDE.

When indicated by data analysis, the LEAs further assure that policies, procedures and practices related to the development and implementation of Individualized Education Programs (IEPs) will be revised.

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**Legal Reference:**

Federal Requirements: 20 USC Section 1418a-d; 1412 (a) (22)  
California Requirements: EC 56205; 48900 et.seq.

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**Policy No. 26**

**APPROVED: 3/25/2021**

**SUBJECT: INDEPENDENT EDUCATIONAL EVALUATION**

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**Policy:**

The Individuals with Disabilities Education Act (IDEA), at Title 34 CFR §300.502, specifies that the parents/guardians of a child with a disability have the right under this provision to obtain an Independent Educational Evaluation of their child at public expense, subject to certain provisions.

**Definitions**

A. "Independent Educational Evaluation (IEE)" means an evaluation conducted by a qualified evaluator who is not employed by the LEA.

B. "Public expense" means that the LEA either pays for the full cost of the IEE within the established guidelines set out in the Special Education Local Plan Area (SELPA) policy or ensures that the IEE is provided at no cost to the parent/guardian.

**Notification to LEA**

A. A parent/guardian must notify the LEA in writing that they disagree with a school's evaluation and that they are requesting an IEE at public expense. If a parent/guardian makes an oral request for an IEE, the LEA shall offer to assist the parent/guardian in putting the request in writing.

B. A parent/guardian desiring an IEE at public expense must submit their written notice within two (2) years from the date of the LEA assessment to which they disagree. (20 U.S.C. 1415(b)(6)(B); Education Code 56505(l); Placentia- Yorba Linda USD, (2012) OAH Case No. 2012051153.)

**LEA Response to Parent/Guardian Request for an IEE**

A. Following receipt of a request for an IEE at public expense from a parent/guardian, the LEA shall, without unnecessary delay:

- 1) ensure that the evaluation is provided at public expense; or
- 2) request a due process hearing for a determination as to whether the LEA's evaluation is appropriate. (34 C.F.R. 300.502(b)(2)(i)-(ii).)

B. If the LEA initiates a due process hearing and the final decision is that the LEA's evaluation is appropriate, the parent/guardian is not entitled to an IEE at public expense; however, the parent/guardian still has the right to obtain an IEE at private expense. (34 C.F.R. 300.502(b)(3).)

C. The LEA may ask a parent/guardian why he or she disagrees with school's evaluation, but may not require the parent/guardian to provide an explanation and may not unreasonably delay either providing the IEE at public expense or filing a request for due process to request a hearing to defend LEA's evaluation. (34 C.F.R. 300.502(b)(4).)

### Information Provided to a Parent/Guardian

Upon receipt of a written request for an IEE, the LEA will provide the parent/guardian with information regarding where to obtain an IEE and LACOE SELPA criteria applicable to IEEs. (34 C.F.R. 300.502(a)(2).)

### LEA Criteria

A. The IEE must be in an area of suspected disability and must be conducted for the purposes of determining a student's special education needs.

B. The evaluator shall follow all guidelines for LEA evaluations which include, but are not limited to, observing the student in an appropriate setting, classroom visitation(s), and interview(s) with parent/guardian and staff.

C. It is the intent of the LEA and LAC Charter SELPA that IEEs be focused on student need and avoid any possible conflict of interest. Therefore, any evaluator who provides an IEE shall not be used as a provider for any services offered in a resultant individualized education program (IEP). It is acknowledged, however, that a student may have a need for which no other qualified provider may be available. Under this circumstance and in its discretion, the LEA may certify that no other qualified provider can be identified and may authorize an exception to this provision.

D. As part of an LEA contracted IEE, evaluators must:

- 1) provide the LEA with original protocols of all the assessments;
  - 2) provide a written report at least five (5) days prior to the IEP team meeting;
- and
- 3) participate in the resultant IEP team meeting(s).

E. If an IEE is at public expense, then the criteria under which the evaluation is obtained, including the cost of the evaluator, geographic location of the evaluator, and the qualifications of the evaluator, must be the same as the criteria the LEA uses when it initiates an evaluation to the extent those criteria are consistent with the parent's/guardian's right to an IEE. (34 C.F.R. 300.502(e).)

#### 1) Cost-Containment Criteria

- a) The cost of the IEE must not exceed reasonable rates prevailing in the LEA's geographical area. See Attachment A to this policy for the current list of reasonable rates.
- b) Costs may include observations, administration and scoring of tests, report writing, and participation at an IEP team meeting.

#### 2) Geographic Location Limitations

- a) Evaluators will be located within Los Angeles and Adjacent Counties.
- b) Any expenses beyond the evaluation (i.e., lodging, transportation, mileage, etc.) are not covered in the cost of the IEE.

#### 3) Minimum Qualifications of Evaluators

- a) All evaluators must have a minimum of two (2) years of experience working with children and young adults ages three (3) to twenty-two (22).
- b) Psychological assessments must be completed by School Psychologists, Licensed Education Psychologists, or Clinical Psychologists with previous experience administering psychoeducational measures and development of IEPs.
  - i. An updated copy of a resume, Curriculum Vitae, and Assessment report example may be requested of assessors that are not on the list of LEA approved assessors.
  - ii. After a review of the above documentation, the LEA reserves the right to deny the recommendation of an assessor that is not on the list of LEA approved assessors.
- c) Speech/language assessments must be completed by Licensed Speech- Language Pathologists who currently possess a valid license issued by the California Speech-Language Pathology.
- d) Physical Therapists must currently possess a valid license issued by the Board of Medical Quality Assurance.
- e) Occupational Therapists must currently possess a valid license with the California Board of Occupational Therapy.
- f) All other evaluators must meet minimum requirements as set forth in LEA criteria. See Attachment B to this policy.
- g) Evaluators with credentials other than those identified will not be approved unless the parent/guardian can demonstrate the appropriateness of using an evaluator meeting other qualifications.

#### 4) Timeline for IEEs

- a) In the interest of consistency between LEA evaluations and IEEs, parents/guardians are encouraged to choose an option for IEE evaluators within 15 calendar days of receiving LEA agreement to fund an IEE.
- b) After the parent/guardian selects an IEE evaluator that meets LEA criteria, the school will initiate a contract with the evaluator. If the selected evaluator indicates that he/she cannot complete the evaluation and provide a written report within 60 school days, the LEA will inform the parent/guardian and request selection of another evaluator.
- c) Once a contract for completion of an IEE is signed, the IEE must be completed by that evaluator absent extraordinary circumstances and exceptions authorized at the LEA's discretion.
- d) Once an IEE at public expense has been authorized and the LEA has completed required notices or contracts, parent/guardian is responsible for ensuring that the IEE is completed in a timely manner including, but not limited to, scheduling any assessment appointments, completion of written assessment reports, or submission of required documentation. (Mangum v. Renton School District, (2014 9th Cir.) 63 IDELR 277.)

F. Exceptions to any of the LEA's criteria applied to IEEs may be approved only on an individual basis, provided parents/guardians can demonstrate necessity based on the student's unique needs. (Letter to Parker, (2004 OSEP) 41 IDELR 155.)

### Consideration of IEE

A. IEEs are designed to determine the educational needs of a student with a disability or a suspected disability. The IEP team is responsible for determining services and placement. While the LEA will consider IEEs, the LEA is not obligated to adopt the recommendations set out in any IEE.

B. If a parent/guardian obtains an IEE at public expense, or shares an evaluation obtained at private expense with the LEA, the results of the evaluation:

- 1) must, if the evaluation meets LEA criteria, be considered by the LEA in any decision made with respect to the provision of a free appropriate public education (FAPE) to the student; and
- 2) may be presented by any party as evidence at a due process hearing regarding the student. (34 C.F.R. 300.502(c)(1)-(2).)

### IEE Reimbursement

A. The LEA is not obligated to reimburse the parent/guardian for any private evaluation:

- 1) that does not meet all LEA criteria for evaluation;
- 2) that was completed prior to the date the LEA's evaluation was completed; or
- 3) was completed without written notice to the LEA that parent/guardian was seeking a publicly funded IEE.

B. Unless otherwise agreed to by the LEA, reimbursement for the costs of an IEE funded at private expense shall not be made by the LEA until parent/guardian has provided the LEA with a full and complete copy of the IEE report and the evaluation's original protocols.

### Limitation on Number of IEEs

A parent/guardian is entitled to only one IEE at public expense each time the LEA conducts an evaluation with which the parent/guardian disagrees. (Education Code 56329(b); 34 C.F.R. 300.502(b)(5).)

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Los Angeles County Charter SELPA  
Cost Table for Independent Educational Evaluations (IEEs)

Evaluation	Cost Maximum
Academics	\$ 2,200.00
Augmentative Alternate Communication	\$ 950.00
Adapted Physical Education	\$ 950.00
Adaptive Functioning	\$ 2,200.00
Assistive Technology	\$ 950.00
Auditory Acuity, Auditory Perception, Central Auditory Processing	\$ 1,200.00
Behavioral/Functional Behavior Assessment	\$ 2,000.00
Functional Vision, Including Reading Materials Assessment for the Blind	\$ 950.00
Health	\$ 950.00
Language and Speech Therapy	\$ 950.00
Language and Speech Therapy (including Augmentative Alternate Communication)	\$ 1,200.00
Occupational Therapy	\$ 950.00
Orientation and Mobility for the Blind	\$ 950.00
Physical Therapy	\$ 950.00
Psycho-Educational Assessment (may include academic, adaptive functioning, cognition, psychological processing [auditory, visual, phonological processing], social emotional functioning, neuro-psychological)	\$ 5,000.00
Psycho-Educational Assessment and Functional Behavior Assessment	\$ 6,000.00
Recreation Therapy	\$ 950.00
Vision Therapy	\$ 400.00
Vocational	\$ 2,950.00

Evaluation	Minimal Requirements (At least one from each requested evaluation category)
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Academics	(1) Credential issued by the California Commission on Teacher Credentialing (CTC) that authorizes service as a special education teacher; (2) Pupil Personnel Services Credential that authorizes School Psychology; (3) License as an Educational Psychologist; or (4) License as a Psychologist.
Adapted Physical Education	Credential issued by the California CTC that authorizes service in adapted physical education.
Adaptive Functioning	(1) Credential issued by the California CTC that authorizes service as a special education teacher; (2) Pupil Personnel Services Credential that authorizes School Psychology; (3) License as an Educational Psychologist; or (4) License as a Psychologist.
Assistive Technology	(1) License in Physical Therapy issued by a licensing agency within the Department of Consumer Affairs, where the utilization of assistive technology services falls within the scope of practice of physical therapy as defined in Business and Professions Code section 2620 and implementing regulations; (2) License in Occupational Therapy issued by a licensing agency within the Department of Consumer Affairs; (3) License in Speech-Language Pathology issued by a licensing agency within the Department of Consumer Affairs or a valid document, issued by the California CTC, where the function of the assistive technology service is augmentative communication; (4) Baccalaureate degree in engineering with emphasis in assistive technology; (5) Baccalaureate degree in a related field of engineering with a graduate certificate in rehabilitation technology or assistive technology; (6) Certification from the Rehabilitation Engineering and Assistive Technology Society of North America and Assistive Technology Provider (RESNA/ATP); (7) Certificate in assistive technology applications issued by a regionally accredited post-secondary institution; or (8) Credential that authorizes special education of physically impaired, orthopedically impaired, or severely impaired pupils.
Auditory Acuity, Auditory Perception, Central Auditory Processing	(1) License in Audiology issued by a licensing agency within the Department of Consumer Affairs; or (2) Credential authorizing audiology services in the state of California.

Evaluation	Minimal Requirements (At least one from each requested evaluation category)
Auditory Acuity, Auditory Perception, Central Auditory Processing	(1) License in Audiology issued by a licensing agency within the Department of Consumer Affairs; or (2) Credential authorizing audiology services in the state of California.
Behavioral/Functional Behavior Assessment	(1) Pupil Personnel Services Credential that authorizes school counseling or school psychology; (2) Credential authorizing the holder to deliver special education instruction; (3) License as a Marriage and Family Therapist certified by the Board of Behavioral Sciences, within the Department of Consumer Affairs; (4) License as a Clinical Social Worker by the Board of Behavioral Sciences, within the Department of Consumer Affairs; (5) License as an Educational Psychologist issued by a licensing agency within the Department of Consumer Affairs; (6) License as a Psychologist regulated by the Board of Psychology, within the Department of Consumer Affairs; or (7) Master's degree issued by a regionally accredited post-secondary institution in education, psychology, counseling, behavior analysis, behavior science, human development, social work, rehabilitation, or in a related field.
Functional Vision, Including Reading Materials Assessment for the Blind	(1) License as an Optometrist, Ophthalmologist, Physician or Surgeon, issued by a licensing agency within the Department of Consumer Affairs and authorizing the licensee to provide the services rendered; or (2) Credential authorizing vision instruction or services.
Health	Licensed Physician.
Language and Speech Therapy/Augmentative Alternate Communication	License issued by the California Speech-Language Pathology, and Audiology and Hearing Aid Dispensers Board.
Occupational Therapy	License issued by the California Board of Occupational Therapy.
Orientation and Mobility for the Blind	Credential that authorizes services in orientation and mobility instruction in the state of California.
Physical Therapy	Physical Therapist license issued by the California Board of Medical Quality Assurance.

Evaluation	Minimal Requirements (At least one from each requested evaluation category)
Psycho-Educational Assessment (may include academic, adaptive functioning, cognition, psychological processing [auditory, visual, phonological processing], social emotional functioning, neuro-psychological)	(1) Pupil Personnel Services Credential that authorizes School Psychology; (2) License as an Educational Psychologist; or (3) License as a Psychologist with previous experience administering psychoeducational measures and development of IEPs.
Recreation Therapy	(1) Certificate issued by the California Board of Recreation and Park Certification; (2) Certificate issued by the National Council for Therapeutic Recreation; or (3) Certificate issued by the National Recreation and Park Association, authorizing services in recreation or therapeutic recreation.
Vision Therapy	(1) Licensed as an Optometrist; or (2) Licensed as an Ophthalmologist.
Vocational	(1) Adult education credential with a career development authorization; (2) Credential that authorizes instruction in special education or vocational education; or (3) Pupil Personnel Services Credential that authorizes school counseling.

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**Policy No. 27**

**APPROVED: 3/25/2021**

**SUBJECT: LITERACY**

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**Policy:**

In order to improve the education results for students with disabilities, the local educational agencies (LEA) in the LAC Charter Special Education Local Plan Area (SELPA) shall ensure that all students who require special education participate to the extent appropriate in state-approved reading curriculum. The core curriculum, alternative curriculum and supplemental curriculum will be provided to students based on their unique educational needs. In order that teachers may implement these programs with fidelity, special education instructional personnel will participate in staff development in-service opportunities in the areas of English Language Arts, including but not limited to:

- Information about current literacy and learning research that aligns with the state-adopted standards and framework.
- Research-based instructional strategies for teaching language arts to a wide range of diverse learners.
- State-adopted standards.

Examples of staff development opportunities may include, but are not limited to, phonemic awareness, phonics instruction, fluency, comprehension, vocabulary development, multi-modality instruction, reading fluency, and writing. Training opportunities are offered at both the local level and others may be offered outside the LEA. The specific needs of special education personnel are identified and personnel participate in staff development activities based on their individual needs for continued professional development.

**Goals:**

To help obtain higher standards in reading, special education students shall have full access to:

- All required core curriculum, including state-adopted core curriculum and textbooks.
- Alternative curriculum and textbooks, and supplementary curriculum and textbooks.
- Instructional materials to blind students or other students with print disabilities in a timely manner according to state-adopted National Instructional Materials Accessibility Standard.
- Other state, county or LEA instructional materials and support services.

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**Policy No.: 28**

**APPROVED: 3/25/2021**

**SUBJECT: LOW INCIDENCE FUNDS**

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**Policy:**

The local educational agencies (LEAs) of the LAC Charter Special Education Local Plan Area (SELPA) shall use low incidence funds to provide services or equipment as required under the Individual Education Program (IEP) for each pupil with low incidence disabilities. Education Code Section 56026.5 defines low incidence disabilities to include hearing impairments, vision impairments, severe orthopedic impairments or any combination thereof. The low incidence funds shall be allocated to the LEAs according to the SELPA's Funding Allocation Plan.

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**Policy No.: 29**

**APPROVED: 3/25/2021**

**SUBJECT: TRANSPORTATION OF STUDENTS WITH SPECIAL NEEDS**

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**Policy:**

The Special Education Local Plan Area (SELPA) shall ensure that the concept of "Least Restrictive Environment" (LRE) applies to the transportation of students with special needs as operationalized by its member local educational agencies (LEAs). When an Individualized Education Program (IEP) team determines that transportation is not a necessary related service, the child's parent/guardian shall choose the mode of travel to and from school from the options available to general education students. When addressing transportation as a related service, there are two categories of students with special needs to be considered:

- Those for whom transportation is a related service, but delivering that service does not require any accommodation. These students can ride with their peers with no special needs.
- Those for whom transportation is a related service and accommodation is necessary to ensure they can access educational services.

**LEA Services:**

The SELPA's LEAs shall ensure through their policies and procedures that appropriate transportation services are provided for students with special needs as specified in their IEP.

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**Legal References:** *Education Code, 41850 - Definition of Special Education Transportation*



# PROCEDURES

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**PROCEDURE NO. 1**

**APPROVED: 3/25/2021**

**SUBJECT: BEHAVIORAL INTERVENTION FOR STUDENTS IN SPECIAL EDUCATION**

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The Law

A.B. 2586, California Education Code, Part 30, Chapter 5.5 Title 5, and California Code of Regulations Section 3001 and 3052 provide(d) the description of procedures for implementing the Hughes Bill. Assembly Bill 86 (“AB 86”) was passed, resulting in the repeal of the Hughes Bill as of July 1, 2013. AB 86 amends Education Code Sections 56520-56525 and repeals Sections 3052 and 3001(d)-(g) and (ab) of Title 5 of the California Regulations with respect to Behavior Intervention Plans for special education students. It aligns state law with federal law and adds restrictions on the use of emergency behavior interventions.

**PROCEDURES FOR SYSTEMATIC USE OF POSITIVE BEHAVIORAL INTERVENTIONS AND EMERGENCY**

Positive Behavioral Interventions Definition:

Behavioral intervention: is the systematic implementation of procedures that result in lasting positive changes in the individual's behavior. They are designed to provide:

- Greater access to a variety of community settings;
- Greater access to social contacts and public events;
- Ensure the individual's rights to placement in the least restrictive environment; and
- An educational environment as outlined in the individual's IEP.

Such interventions shall only be used to replace specified maladaptive behavior(s) with alternative appropriate adaptive behavior(s) and shall never be used solely to eliminate maladaptive behaviors.

**A referral for a Functional Behavior Assessment (FBA) and subsequent IEP team meeting at which a Behavior Intervention Plan may be written is mandated whenever:**

1. The IEP team finds that instructional/behavioral approaches specified in the student's IEP have been ineffective, or
2. The IEP Team determines at an IEP meeting the necessity for a FBA after any Behavioral Emergency Report has been written regarding an individual who does not have a Behavior

Intervention Plan. Nothing in this section shall preclude a parent or legal guardian from requesting an FBA pursuant to provisions of Education Code Sections 56330, et. seq.

**The criteria to be used to determine the possible need for special behavioral interventions include the following:**

1. A pupil demonstrates a continuous serious behavior problem, which poses a threat of injury to self, other pupils, and/or staff, AND/OR
2. A pupil demonstrates continuous serious property damage, AND/OR
3. A pupil demonstrates a severe behavior problem that is pervasive and maladaptive which requires the systematic and frequent application of behavioral intervention including special behavioral interventions, AND
4. The severe behavior significantly interferes with implementation of the pupil's IEP goals and objectives, AND
5. A behavioral program involving positive-only behavioral interventions has been unsuccessful in reducing the pupil's behavior to a safe level, OR
6. The IEP team determines that it would be unsafe to provide a trial of positive-only behavioral programming for a pupil based on research suggesting that the use of special behavioral interventions (along with positive behavioral interventions) is more effective in quickly reducing dangerous behaviors (particularly self-injurious behaviors).

**NOTE**

*It is to be expected that in a significant majority of the cases where individuals with exceptional needs are exhibiting inappropriate behavior, the behavior problem can be addressed appropriately through the development of a Behavior Intervention Plan. The IEP form, Behavior Intervention Plan should be used for this purpose. The IEP Team will record on this form the function of the student's behavior (i.e. what is the student attempting to achieve through his/her behavior), the replacement behavior that the Team has identified for the student to use instead, and the instructional approaches and interventions that will be used to assist the student to learn to utilize the more positive behavior.*

**EMERGENCY INTERVENTIONS**

**Education Code section 56521.1** states that emergency interventions may only be used to control unpredictable, spontaneous behavior which:

1. Poses clear and present danger of serious physical harm to the individual with exceptional needs, or others AND
2. Cannot be immediately prevented by a response less restrictive than temporary application of a technique used to contain the behavior.

**Section 56521.1** further states emergency intervention(s) shall not be used to substitute for the systematic Behavior Intervention Plan that is designed to change, replace, modify, or eliminate a targeted behavior. Whenever a behavior emergency occurs, only behavioral emergency interventions approved by the SELPA may be used. Staff utilizing these procedures must be certified according to SELPA approved training programs which are Non Violent Crisis Prevention Intervention (CPI) or ProAct. No emergency intervention shall be employed for longer than necessary to contain the behavior. Any situation which, requires prolonged use of an emergency intervention, shall require staff to seek assistance of the school site administrator for further guidance.

**Emergency interventions MAY NOT include:**

1. Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
2. Restrictive interventions which employ a device, material or objects that simultaneously immobilize all four extremities, except techniques such as prone containment may be used by staff trained in those procedures as a limited emergency intervention.
3. An amount of force that exceeds that which is reasonable and necessary under the circumstances.

## **PROHIBITED BEHAVIORAL INTERVENTIONS**

The legislation states that a local educational agency or nonpublic, nonsectarian school or agency serving individuals with exceptional needs shall not authorize, order, consent to, or pay for the following interventions, or any other interventions similar to or like the following:

1. Any intervention that is designed to, or likely to cause physical pain, including, but not limited to electric shock.
2. An intervention that involves the release of noxious, toxic or otherwise unpleasant sprays, mists, or substances in proximity to the individual's face.
3. Any intervention which denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities.
4. Any intervention which is designed to subject, or likely to subject, the individual to verbal abuse, ridicule or humiliation, or which can be expected to cause excessive emotional trauma.
5. Restrictive interventions which employ a device, or material or objects that simultaneously immobilize all four extremities, including the procedure known as prone containment, except that techniques such as prone containment or similar techniques may be used by trained personnel in those procedures as a limited emergency intervention.
6. Locked seclusion, unless it is a facility otherwise licensed by state law to use a locked room.
7. Any intervention that precludes adequate supervision of the individual.
8. Any intervention which deprives the individual of one or more of his or her senses.

**When writing a Functional Behavior Assessment (FBA)/Behavior Intervention Plan (BIP) please review the SELPA revised FBA/BIP Manual.**

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**PROCEDURE NO. 2**

**APPROVED: 3/25/2021**

**SUBJECT: CHILD FIND**

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Procedure:

Child Find activities may include, but are not limited to:

- Legal notices, in a variety of languages, in Los Angeles County newspapers.
- Coordination of activities with other agencies, such as Regional Center for the Developmentally Disabled, Head Start, Early Head Start, California Children Services, and local medical centers.
- Training local educational agency (LEA) and Special Education Local Plan Area (SELPA) employees in the Child Find process.
- Presentations, brochures and other outreach activities for school groups and community organizations.
- Establishing and maintaining contact with parents and community members through groups such as the Community Advisory Committee, as well as other activities.
- Establishing liaisons with agencies, such as the Exceptional Family Resource Center that provide services to individuals with disabilities.
- Annual notices to private schools.

Child Find identification, referral, and activities may include, but are not limited to:

- Parental/Guardian Request: Request for identification from a parent/guardian or from a student 18 years or older shall be processed following mandated timelines. If the request is verbal, the requestor shall be informed of the need for a written request. If the requestor needs assistance writing the request, the LEA representative shall provide assistance. If the parent/guardian or student 18 years or older, speaks a language other than English, the LEA employee shall provide the parent with assistance, as needed, in the individual's primary language.
- Any individual suspected of having a disability, and not previously identified by child-find procedures, shall be referred to the LEA of residence. Referral information shall also be provided to agencies, physicians, private preschools, Head Start preschool providers and caregivers, as needed

- School Age: All LEAs in the SELPA have trained staff on referral procedures and eligibility. Most schools utilize Student Study Teams (SSTs) That convene to discuss areas of concern and refer to special education as appropriate
- Post-Secondary: LEAs with post-secondary students shall participate in regularly scheduled meetings with California Children Services, County Regional Centers, and other private agencies. Referrals shall be processed through the local high school or the LEA's special education office.

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**Legal References:** *United States Code: 20 US 1412(a)(3), California Education Code: 56205(a)*

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**PROCEDURE NO. 3**

**APPROVED: 3/25/2021**

**SUBJECT: STUDENTS IN HOSPITALS, LICENSED CHILDREN'S INSTITUTIONS (LCIs), AND FOSTER HOMES**

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**Procedure:**

**Public Hospitals, Proprietary Hospitals and Other Residential Medical Facilities:**

Students with Individualized Education Programs (IEPs): The local educational agency (LEA) where the facility is located provides educational services for individuals who are residents of hospitals or other residential medical facilities. This is the process for both short and long-term placements.

Students without IEPs: If the need for special education is suspected, the LEA where the facility is located is responsible for completing the Child Find activities. The LEA, where the student's parent resides, and the parent may be involved in the process, when appropriate.

Placements outside the Special Education Local Plan Area (SELPA): If a student who is a resident of an LEA is placed in a public hospital, proprietary hospital, or other residential medical facility located in another SELPA by a parent, Regional Center, court, or other public agency, it becomes the responsibility of the LEA, county office of education or SELPA where the facility is located to provide special education programs and services.

If an LEA of the LAC Charter SELPA elects to place a student in a state-certified nonpublic school operated by a proprietary hospital or residential medical facility in another SELPA, the LEA developing the IEP is responsible for the educational costs.

**Licensed Children's Institutions (LCIs) and Foster Homes:**

Each LEA shall be responsible for the provision of special education programs and services to students with IEPs living in licensed children's institutions (LCIs) and foster homes located within the geographic boundaries of the LEA. The special education programs and services may be provided by a public education agency or by contract with a California-certified, non-public, non-sectarian school.

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**Legal References:** *California Education Code 56195.7 (d-e), 56167*

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**PROCEDURE NO. 4**

**APPROVED: 3/25/2021**

**SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS (IEEs)**

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**Procedure:**

If the parents request an independent educational evaluation at public expense, the parents may be asked the reason why they object to the evaluation conducted by the LEA. The LEA may not, however, require the parents to explain their reasons and may not unreasonably delay either providing an independent educational evaluation at public expense or initiating a due process hearing to defend its evaluation. If the LEA initiates a hearing and the final decision is that the evaluation conducted by the LEA was appropriate, the parent/guardian still has the right to an IEE, but not at public expense.

**Procedures for Parents When Requesting an IEE at Public Expense:**

Parents must indicate in writing to the LEA or inform the LEA at an IEP meeting that they disagree with an evaluation conducted by the LEA and that they are requesting an independent educational evaluation at public expense. If the parent makes an oral request for an IEE, LEA staff shall offer to assist the parent in putting the request in writing and shall assist the parent if the parent so requests. The following information should be included in the request:

- a. Specific area(s) of disagreement or disputed in the LEA's assessment
- b. Requested area(s) of assessment
- c. Questions or issues with the LEA's assessment that would be addressed by the IEE; and
- d. If a specific IEE evaluator is desired, the name must be provided so that the LEA may consider the background, qualifications, and fees charged by the assessor.

**Procedures for LEA's when Parents Request an IEE at Public Expense:**

Once the parent communicates his/her disagreement with the evaluation(s) completed by the LEA and requests an IEE at public expense, the following procedures will be followed:

1. The parent will receive a copy of the IEE policy, which includes the agency criteria for independent educational evaluations.
2. The LEA will consider the request, without unnecessary delay, and provide a Prior Written Notice stating whether the LEA is providing or denying the publicly funded IEE assessment. If the LEA agrees to provide the IEE at public expense, the LEA will seek additional information:

- a. Assessor qualification, credentials, and/or licensure (if the assessor is not identified on the IEE Assessors list)
  - b. Assessor geographic location; and
  - c. Assessor fees.<sup>1,2</sup>
3. The parent will be provided with a list of potential evaluators and how these evaluators may be contacted. The list is not intended to be exhaustive and is not intended to limit a parent's options in obtaining an IEE from other qualified professionals who meet the agency criteria outlined in this policy.
4. In the event that a parent/guardian requests to utilize an evaluator who does not meet agency criteria, including cost limitations, the LEA shall provide the parent the opportunity to demonstrate that there are unique circumstances to justify their selection of such an evaluator. The LEA will then make a determination if the use of the requested evaluator that does not meet agency criteria is warranted, and respond to the parent with a prior written notice.
5. The completed assessment must comply with the location limitations for the evaluation, the minimum qualifications for the examiner, cost limits, and use of approved instruments.

<sup>2</sup>The proposed fees must be both reasonable and customary, similar to those performed by qualified professionals in the local area.

6. Parents will be required to sign a release and exchange of information between the IEE evaluator(s) and the LEA.
7. Independent education evaluators will be requested to write reports focusing on the "unique needs" of the child. Independent education evaluators will be requested not to identify specific providers of special education programs and services as to avoid any possible "conflict of interest" situations. Evaluators must be knowledgeable of and agree to comply with all provisions of the Federal Code of Regulations (IDEA) and California Education Codes governing special education, to include the criteria required to make recommendations for eligibility.
8. If the parent is seeking reimbursement for the IEE assessment, the parent is responsible to ensure that the IEE provider comports with the LAC Charter SELPA's Independent Educational Evaluation Policy prior to the LEA funding the IEE. If the LEA does not agree to provide the IEE at public expense, the LEA must file for due process, without unnecessary delay, to demonstrate that its assessment was appropriate.

If the parent obtains an IEE at private expense, the results of the evaluation (if the evaluation meets the agency criteria) must be considered by the LEA in making educational decisions as required by the Individuals with Disabilities Education Act. The evaluation may also be presented as evidence at a due process hearing regarding the child.

#### Reimbursement for Completed Independent Educational Evaluations:

If parents/guardians request reimbursement for a completed IEE, the evaluation must meet the agency criteria as defined in the IEE policy. It is the responsibility of the special education administrator of the LEA to determine whether the completed IEE meets the agency criteria. Once the LEA receives a request for reimbursement, the special education administrator shall respond to the parent/guardian in a timely manner.

The parents will be promptly reimbursed for the costs of the previously obtained IEE if it meets the agency criteria as determined by the special education administrator for the LEA and the LEA does not elect to request a due process hearing. Reimbursement for IEE assessments shall be limited to the cost limitations set forth in this policy. If the LEA files for a due process



hearing, the parents will not be reimbursed for the cost of the evaluation unless the LEA is ordered to reimburse the parents pursuant to a due process hearing decision.

The criteria, under which an IEE is obtained at public expense, including the location limitations for the evaluation, minimum qualifications of the examiner, cost limits, and use of approved instruments, must be consistent with the criteria set forth in the policy. In the event that the parent believes that due to the unique needs of their particular child it is necessary to select an assessor who does not meet agency criteria, Parent will be given an opportunity to explain factors that make such a selection necessary.

Parents will be required to sign releases to exchange information between the independent educational evaluator and the LEA as a prerequisite to the payment or provision of an IEE.

Independent evaluators must agree to release their assessment information, original testing protocols, report, and results to the LEA prior to receipt of payment for services. The results of the IEE will be considered in the eligibility determination, program decisions, and placement of the child with disabilities as required by the Individuals with Disabilities Education Act.

If the LEA observed the child in conducting the evaluation with which the parents disagree or if its assessment procedures allow in-class observations, the independent examiner will be provided with an equivalent opportunity to observe the child in the current educational setting and to observe the LEA's proposed setting, if any. This opportunity shall also be provided if the parents obtain an evaluation at private expense.

The LEA shall define the nature and scope of an independent examiner's in-class observations consistent with the right to an equivalent opportunity to observe, but also consistent with its obligations to prevent unnecessary disruption in the class and to protect the privacy interests of other students. These parameters may include, but are not limited to, identifying the time constraints of such observation, LEA personnel who will participate in the observation and restrictions on student/teacher interactions.

To prevent unnecessary disruption in the classroom, and to protect the privacy interests of other students, but provide an independent examiner an equivalent opportunity to observe the student, observations are subject to reasonable restrictions outlined in LEA policy or practice. Reasonable restrictions include, but are not limited to, the following: 1) scheduling the observations per Board policy; (2) identifying reasonable time limitations; (3) identifying LEA personnel to accompany the independent evaluator during the observations; and (4) outlining reasonable restrictions on interacting with the student and teacher during classroom instruction.

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**Legal References:** *California Education Code 56329; 56506; California Code of Regulations 3022; Government Code 7572*

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**PROCEDURE NO. 5**

**APPROVED: 3/25/2021**

**SUBJECT: LOW INCIDENCE FUNDS**

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**Procedure:**

The SELPA shall maintain an accounting of low incidence funds for each local educational agency (LEA). Low incidence funds, received annually, shall be distributed among the LEAs based on each LEA's Fall 1 count as specified in the LAC Charter SELPA's Funding Allocation Plan. As a condition for receiving these funds, LEAs provide assurances that are being used for services or equipment within the IEP of a student with low incidence disabilities. The LEA shall calculate necessary costs to purchase consumable supplies used for all deaf and hard of hearing (DHH) students; e.g., ear mold impression material and hearing aid batteries. When an LEA purchases low incidence equipment for a student that moves within the SELPA, the LEA may send the equipment to the receiving LEA. The LEA's may agree between themselves that the purchasing LEA may loan or sell the equipment to the new LEA. If equipment is loaned, a form may be completed to track the equipment for inventory purposes.

**Equipment Purchases for Low Incidence Disabilities:**

Each LEA will purchase any equipment needed for students with a low incidence disability. Requests for reimbursement must be documented on the Low Incidence Equipment/Materials Reimbursement Form and submitted to the SELPA Director or designee for approval.

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**PROCEDURE NO. 6**

**APPROVED: 3/25/2021**

**SUBJECT: PARENTALLY-PLACED, PRIVATE SCHOOL STUDENTS**

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**Definitions:**

District of Residence (DOR): *As used in this document, the DOR refers to the school district within which boundaries the child with a disability resides.*

District of Private School (DOPS): *As used in this document, DOPS refers to the school district where the private school or facility is located.*

Private School Children with Disabilities: *As used in this document, “private school children with disabilities” means children with disabilities who have been deemed eligible for special education services in a public school but whose parents have enrolled them in private schools or facilities.*

Private School or In California, this includes students in kindergarten through 12<sup>th</sup> grade and excludes preschoolers: *As used in this document, “private school or facility” means: (1) private, full-time day school pursuant to California Education Code Section 56170 (including religious schools); (2) private tutor pursuant to California Education Code Section 48224; and/or (3) any other California Department of Education (CDE)-identified educational institution, program, arrangement, or facility not sponsored, maintained, or managed by the school district and for which the school district does not collect average daily attendance funds; (4) CDE-authorized private school affidavit. This does not include for-profit schools.*

**Consultation:**

The DOPS or their designee, shall consult with private school representatives and parents of parentally-placed, private school children with disabilities during the design and development of special education and related services for the children, regarding:

- The Child Find process and how parentally-placed, private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process.
- The determination of the proportionate amount of federal funds available to serve parentally-placed, private school children with disabilities under this subparagraph, including the determination of how the amount was calculated.
- The consultation process among the local educational agency (LEA), private school officials, and representatives of parents of parentally-placed, private school children with disabilities, including how such process will operate throughout the school year to ensure that parentally-placed, private school children with disabilities identified through the Child Find process can meaningfully participate in special education and related services.

- How, where, and by whom special education and related services will be provided for parentally-placed, private school children with disabilities, including a discussion of types of services, including direct services and alternate service delivery mechanisms, how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made.

Following the consultation process, the DOPS will notify the respective private schools indicating what the DOPS determined regarding services to private school children with disabilities ages five (5) to twenty-two (22) who are determined to be eligible for special education services.

If the LEA disagrees with the views of the private school officials on the provision of services or the types of services, either provided directly or through a contract, the LEA shall provide to the private school officials a written explanation of the reasons why the LEA chose not to provide services directly or through a contract.

When timely and meaningful consultation as described above has occurred, the DOPS shall obtain a written affirmation signed by the representatives of participating private schools and, if such representatives do not provide such affirmation within a reasonable period of time, the DOPS shall forward the documentation of the consultation process to the State Educational Agency.

#### **Funding for Private School Services:**

- One time, each year, based on the unduplicated special education pupil count on December 1, each DOPS will calculate the proportionate share of the federal dollars that must be spent on parentally-placed students in private schools.
- A count of private school students that have been evaluated and are deemed eligible for special education services, shall be conducted, based on the number of students with disabilities, including students in private schools.
- Based on the calculation of the total number of children with disabilities attending private schools in its jurisdiction, each DOPS must spend the proportionate share of its federal grant under Part B on providing special education and related services for parentally-placed, private school children with disabilities.

#### **Private School Complaint Procedure:**

A private school official has the right to submit a complaint to the California Department of Education (CDE) if:

- The DOPS's consultation was not meaningful and timely, or
- The DOPS did not give due consideration to the views of the private school official.

#### If a complaint is filed:

- The private school official must provide the basis of the complaint of noncompliance, and
- The DOPS must forward the appropriate documentation to the CDE.

If the private school official is dissatisfied with the decision of the CDE, he/she may appeal the decision to the U.S. Department of Education.

#### **Child Find:**

The DOPS, unless the private school is for profit, shall undertake the following Child Find activities with regard to private school children in kindergarten to age twenty-two (22):

- Consult with representatives of private school children with disabilities regarding the Child Find process, including, but not limited to, criteria for special education eligibility and special education referral procedures under federal and state laws and regulations.
- Distribute materials to representatives of private school children with disabilities regarding issues including, but not limited to, criteria for special education eligibility and special education referral procedures under federal and state laws and regulations.
- The proportionate share of federal funds described in this document shall not be used for Child Find activities.

The DOPS shall ensure Child Find activities undertaken for private school students are comparable to activities undertaken for children with disabilities in kindergarten to age twenty-one (21) in public schools. Child Find activities shall include consultation with representatives of private school children regarding how to conduct Child Find activities.

### **Special Education Referral:**

- Students shall be referred for special education instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized.
- If after considering and, where appropriate, utilizing general education resources, representatives of private school children with disabilities (including private school administrators, teachers, and parents) determine that a private school child may be eligible for special education services, a referral shall be directed to the DOPS representative. In the case that the private school is for profit, the referral shall be made directly to the DOR.
- The DOPS shall notify the DOR of referral. It is the responsibility of the DOR to establish residence.
- The DOPS, in consultation with the DOR, will develop an evaluation plan clearly indicating which district will conduct each part of the evaluation, if appropriate. The DOPS is ultimately responsible for the evaluation.
- The DOPS shall report the student in California Special Education Management Information System (CASEMIS).

### **Procedures Determining Eligibility for Special Education Services:**

- Upon completion of the evaluation, the DOPS shall schedule an Individualized Educational Program (IEP) meeting to review the assessments and determine eligibility for special education services.
- The DOPS shall invite representatives of both the DOR and the private school (including the teacher) to the IEP meeting. If the private school representative cannot attend, the DOPS shall use other methods to ensure participation by the private school, including individual or conference telephone calls.
- The IEP team, including DOR and/or DOPS representatives, shall document the eligibility decision in accordance with applicable state and federal laws and regulations.
- If the child is eligible for an area in accordance with service plan option(s) determined after collaboration with the private school representatives, the District of Private School shall develop a service plan.
- If the parents of a private school child with a disability are interested in enrolling their child in public school, or are unsure of their intentions, the DOR will convene an IEP team at the DOR within 30 days to establish either of the following:
  - ✓ If the parents of a private school child with a disability agree with and consent to the IEP developed by the IEP team, the parent shall enroll the child in the DOR public school and the IEP shall be implemented without undue delay.

- ✓ If the parents of a private school child with a disability agree with, but decline the IEP developed by the IEP team, the IEP team shall ask the parents to indicate their agreement with the following statement on the student's IEP form: "I agree that the District of Residence has offered to my child a free appropriate public education, including appropriate services in special education. However, I am voluntarily placing my child in a private school."

### **IEP Meetings after the Initial IEP Team Meeting:**

All children with disabilities eligible for special education are entitled to receive a Free, appropriate Public Education (FAPE) from their DOR if they are enrolled in public school. One year after an eligible private school child's initial IEP team meeting, and annually thereafter, the DOR shall notify the child's parents in writing that the DOR:

- Continues to offer FAPE in accordance with federal and state laws and regulations:
- Is ready, willing and able to schedule an IEP team meeting for their child in order to offer the child FAPE, subject to assessment and if appropriate, if the parents express an interest in enrolling their child in public school.

The parents shall be requested to send the document back to the district of residence and indicate their preference with one or more of the following statements:

- The District of Residence continues to offer a free, appropriate public education (including appropriate special education and related services) if a student is enrolled in public school, however, they are continuing to unilaterally place the student in a private school; and:
- \_\_\_ The parents want to continue to receive services pursuant to his/her Service Plan (SP) and not interested in enrolling their child in public school.  
(In this case, the District of Residence will forward within 3 business days a copy of this document to the DOPS.)

Or

- \_\_\_ If the parents want to enroll their child in public school and schedule an IEP meeting.
- If the parent does not respond to the notification, it shall be assumed that the parent is not interested in enrolling the child in the public school.

The District of Residence shall, at least every three years, determine continuing eligibility for special education. Districts would offer an evaluation plan to conduct a triennial assessment. If the parent consents to the assessment, an IEP meeting would be convened to determine eligibility and make an offer of FAPE, if appropriate.

### **Dispute Resolution:**

- When FAPE is not at issue, special education due process procedures are not available to parents for resolving disagreements about the services provided to private school children unilaterally placed by their parents.
- Neither the DOPS nor the DOR are required to pay for the cost of educating a child with a disability at a private school (including special education and related services if: (1) the DOR made a FAPE available to the child, and (2) the parents voluntarily elected to place their child in a private school.
- Disputes regarding whether the DOR made a FAPE available to the child may be resolved pursuant to local policies and procedures and/or by filing a request for a due process hearing with the Office of Administrative Hearings.

### **Service Plan:**

After consultation with representatives of private school children with disabilities, the LAC Charter SELPA LEA's developed the following plan for the provision of services through the SP:

For students deemed eligible for speech/language services, such services will be provided to students in grades K through 12 attending a private school within the boundaries of the SELPA in the following manner (unless otherwise determined by the annual consultation:

- For students in grades K through 5 deemed eligible for speech/language services, direct therapy may be provided in individual or small groups at a location selected by the providing LEA. Duration of sessions may be up to one-half (1/2) hour and may be as frequent as two (2) times per month during the regular school year, following the LEA school calendar. Therapy will be provided per specified SP by Speech/Language Pathologists or trained speech assistants within the limits of federal funding.
- For students in grades 6 through 12 deemed eligible for speech/language services, consultation to the private school staff and parents and monitoring of student progress on specified SPs by a Speech/Language Pathologist (SLP) and/or trained speech assistants within the limits of federal funding. Services will be provided at a location to be determined by the LEA.

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**PROCEDURE NO. 7**

**APPROVED: 3/25/2021**

**SUBJECT: PROGRAM COMPLIANCE MONITORING AND SUPPORT**

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**Procedure:**

**Local Educational Area (LEA) Responsibilities:**

LEAs of the LAC Charter Special Education Local Plan Area (SELPA) shall monitor all special education students who are legal educational residents in the LEA. Procedures to monitor compliance may include, but not be limited to:

- Staff meetings with special education staff
- Training for administrators and other school staff/employees
- School site and classroom visits
- Review of Individualized Education Programs (IEPs)
- Review of parental input
- Review of LEA's Annual Performance Reports (APRs)
- Review of LEA's California Special Education Management Information System CASEMIS data/reports
- Results of state compliance reviews

**SELPA Responsibilities:**

The SELPA shall monitor the LEAs of the LAC Charter SELPA for compliance with state and federal laws and implementation of the Local Plan. The procedures utilized may include, but not be limited to:

- Review of the Annual Budget Plan
- Review of the Annual Service Plan
- Review of the SELPA LEA's APRs
- Review of pertinent CALPADS data/reports
- Review of the Funding Allocation Plan
- Evaluation of services offered by the SELPA Office by LEA Directors
- SELPA-Wide Needs Survey to determine training needs
- Results of state Compliance Reviews



The SELPA shall conduct pro-active activities to achieve and maintain ongoing compliance with state and federal special education laws. These activities may include, but are not limited to:

- Meetings held by the SELPA Director for the LEA Directors of Special Education
- At least four meetings a year with the SELPA Director and LEA Superintendents
- Meetings, as necessary, with the SELPA Director and the Financial Advisory Committee (FAC)
- SELPA-sponsored trainings for staff members at all levels on related topics
- Technical assistance to LEAs from the SELPA Director and/or the SELPA Program Specialists

In cases of substantial or prolonged noncompliance by an LEA, and with the understanding that problems will be solved at the lowest possible level, the SELPA Director may, but is not limited to:

- Conferences with the LEA's Director of Special Education and the Superintendent
- Notification of the Governance Council
- Notification of the LEA's Board of Education concerning the extent of the problem and recommended steps to resolve the problems
- Withholding of special education funding, if approved by the Governance Council
- Use of funds withheld to assist the LEA in attaining program compliance

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**PROCEDURE NO. 8**

**APPROVED: 3/25/2021**

**SUBJECT: CHARTER SCHOOLS**

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**Procedure:**

**SELPA Involvement with Approval and Renewal of Charters:**

Prior to approval or renewal of a charter, the Superintendent or designee of the chartering entity should consult with the SELPA administrator regarding the sufficiency of assurances in the petition related to the provision of special education services. The petition must provide assurances that all eligible students enrolled in the charter school shall receive appropriate special education services in accordance with applicable state and federal laws and regulations as well as the Local Plan. The petition must provide that no student otherwise eligible to enroll in the charter school shall be denied enrollment due to a disability or to the charter school's inability to provide necessary services, and that students shall only be questioned about disability and/or special education services once they are admitted, and not prior on application forms, interviews or otherwise. Each charter petition must contain a reasonably comprehensive description of the charter school's educational program, as it relates to the provision of special education services, including the following:

- The specialized instruction and services available at the charter school
- The procedures for ensuring that students are referred, assessed and served in a timely manner
- Assurances that staff members providing special education services are appropriately credentialed
- 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 program
- Disenrollment, suspension and expulsion policies and procedures must ensure that the protections of federal and state law are afforded to special education and 504 eligible students
- Dispute resolution procedures that shall apply to any disputes between educational entities, including the SELPA, regarding the provision of special education services in the charter school.

**Categories of Charter Schools:**

For the purpose of complying with the Individuals with Disabilities Education Act (IDEA); charter schools are either a public school of the chartering LEA or an LEA member of the SELPA. All

approved charter schools shall be deemed public schools of the authorizing LEA unless the charter school has provided written verifiable assurances of LEA membership in a SELPA.

#### Public School within an LEA or COE

Charter Schools that operate as public schools within the chartering entity for purposes of special education compliance shall participate in state and federal funding in the same manner as other schools or programs within the chartering LEA. The chartering LEA shall be responsible for ensuring that all children with disabilities enrolled in the charter school receive special education and related services in a manner that is consistent with state and federal law, no matter where the student may reside or otherwise be entitled to enroll.

The chartering LEA shall:

- Include the charter schools in state and federal funding for special education in the same manner as any other public school in the LEA.
- Represent the needs of the charter school in the SELPA governance structure
- Be responsible for ensuring that all eligible students enrolled in the charter school are appropriately referred, assessed and provided FAPE in the same manner as students with disabilities attending other public schools of the LEA
- Ensure the charter school receives an equitable share of special education funding and services, or any combination thereof, to including administrative and support services and itinerant services.
- Ensure that each charter school that is a deemed a public school for purposes of special education also contributes an equitable share, pro-rata per ADA, of its charter school regular program funding to support district wide special education instruction and services for pupils with disabilities enrolled in the charter school.

The charter school must comply with LEA directives, including coordination and collaboration in searching and serving students with disabilities enrolled in the charter school. The LEA and charter school must enter into a memorandum of understanding (MOU) to specify their compliance with these requirements.

#### Charter School as LEA

A charter school may alternatively comply with the IDEA by providing verifiable, written assurances that the charter school will participate as an LEA in a SELPA.

A charter school may apply to become a member LEA of the SELPA. Application must be made to the LAC Charter SELPA in accordance with the following application timeline and procedures. Upon receipt of a charter school's application to become an LEA, the LAC Charter SELPA Governance Council shall review and determine whether the charter school has met requirements to become an LEA member. These include<sup>1</sup>:

- Location within the geographic boundaries of the LAC Charter SELPA;
- Capacity to administer its special education program and serve its special education students as an LEA;
- Complete the LAC Charter SELPA LEA application and submit it to the SELPA along with the following documents:

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<sup>1</sup> These requirements apply only to charter schools that apply to become an LEA of the SELPA subsequent to July 1, 2010 and not to charter schools that were already deemed an LEA of the SELPA prior to July 1, 2010.

1. Most recently approved charter petition
2. Copy of board resolution from its chartering authority approving the charter school's application to become an LEA of the SELPA;
3. Copy of fiscal and program audit reports up to past three years, along with evidence of corrective actions, if any;
4. Income/expense reports for special education for the past three years, if any;
5. Copy of the School Accountability Report Card (SARC), if any;
6. Copies of credentials, certifications, licenses for all certificated staff;
7. Signed copy of SELPA assurances;
8. Proof of liability insurance;
9. Copy of notice of withdrawal from current SELPA, if applicable;
10. Documentation of student enrollment for past three years, or projected enrollment.

An application to become an LEA of the SELPA must contain the following assurances:

1. That all eligible individuals with exceptional needs shall have access to appropriate special education programs and services;
2. That the charter school shall provide sufficient staff or contract with public or private agencies, as necessary, to meet federal and state special education mandates;
3. That the charter school shall follow all SELPA policies and procedures;
4. That the charter school shall utilize all SELPA approved forms
5. That the charter school shall provide placement and services, including transportation, in accordance with each student's IEP;
6. That the charter school shall indemnify and hold harmless the SELPA and each of its member entities against any act or acts committed by the charter school, its agents, or its employees.

Completed applications are subject to the following timelines:

- September 1: Application must be submitted to the SELPA on or before September 1 of the school year preceding the school year in which the charter school anticipates operating as an LEA within the SELPA;
- February 1: Completion of review of application by SELPA Director, including site visitation and written recommendations to Superintendents' Council regarding the application;
- April 1: SELPA Governance Council vote on approval or disapproval of charter school application to become an LEA of the SELPA.
- If approved, LEA status shall become effective on July 1 of the fiscal year following the charter school's application to become an LEA of the SELPA.

Prior to becoming an LEA, and at all the times the charter school does not have LEA status, the charter school shall continue to be deemed a public school of the chartering LEA. If disapproved, the SELPA Director shall provide the applicant with a written finding that delineates the reason(s) for disapproval.

Once deemed an LEA, the charter school, like other member LEAs shall:

- Fully participate in governance of the SELPA in the manner outlined in the Local Plan.
- Contribute to, participate in, and receive the benefits of Regionalized Services.
- Receive state and federal funding for special education in accordance with the SELPA Funding Allocation Plan.
- Receive any available federal funds one year in arrears and calculated based on applicable special education counts.

- Be responsible for all costs incurred in the provision of special education services, without regard for the location in which the student may reside. These costs may include, but are not limited to instruction, services, transportation, nonpublic school/agency placements, inter/intra-SELPA placements, Due Process proceedings, complaints and attorney fees.
- Document that all state and federal special education funds apportioned to the charter school are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities.
- Meet the annual maintenance of effort obligation.
- Return any special education apportionment not used solely for the purpose of providing special education instruction and/or services to identified students with disabilities.

If approval of a charter school requires a change in the SELPA Funding Allocation Plan, such change shall be adopted pursuant to the policy-making process outlined in the Local Plan.

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Legal References: United States Code, Title 20: 1400 et seq.; Code of Federal Regulation, Title 34: 300 et seq.  
California Education Code: 47641, 47646, 56145, 56195.1 (f), 56203 (a-c), 56207.5 (a-c)

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**PROCEDURE NO. 9**

**APPROVED: 3/25/2021**

**SUBJECT: LEAST RESTRICTIVE ENVIRONMENT**

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Procedure:

The local educational agencies LEAs in LAC Charter Special Education Local Plan Area (SELPA) believe that special education students can best be educated when they have opportunities to interact with same-age, non-disabled peers in the community school where they reside. The special education teacher at each school site provides services to students within the general education classroom whenever possible through collaboration and consultation with general education teachers. Opportunities for interaction may also occur in a variety of settings, including but not limited to: the general education classroom, special day classes, resource specialist program, lunch, recess, assemblies, appropriate extracurricular activities, etc. Students are educated at neighborhood schools whenever possible. District decisions regarding location of new special education programs will consider the impact of providing the least restrictive environment for students.

Therefore, in the LAC Charter SELPA, placement in an educational environment other than a general education class is considered only when the Individualized Education Program (IEP) team determines that the general education class environment, services, and/or curriculum cannot be modified effectively to meet the needs of the students as specified in his/her IEP. A general education teacher shall attend all IEP meetings, including preschool students' IEPs, if the child is, or may be, participating in the regular education environment. The IEP team, with the assistance of the general education teacher, shall determine what activities children, including preschool children, shall have in the general education program.

Students referred to special education, when appropriate, shall have experienced modification of the general education program. Modifications to the general education program, when appropriate, may include, but are not limited to, modifications of curriculum and/or environment, remedial instruction, and other support services recommended by the Student Study Team or the 504 Support Team.

To ensure that a full continuum of programs is available, all LEAs will insure that:

1. Program options in general education environments, when feasible, are available at the student's neighborhood school.

2. Special education programs, to the maximum extent possible, are housed on, or adjacent to, general education school sites.
3. Administrative policies and procedures and the physical location of the program fosters continuing social interaction with non-disabled peers, to the maximum extent possible.
4. Individuals with exceptional needs have equal access to all general education and extra-curricular activities, programs, and facilities on the school site and participate in those activities as appropriate to their abilities and needs.
5. Administrative policies and procedures encourage the close cooperation of all school personnel to facilitate opportunities for social interaction between individuals with exceptional needs and general education students.
6. Administrative policies and procedures allow individuals with exceptional needs maximum access to appropriate general education academic programs, and school personnel are given necessary support to ensure the student's success. There is coordination of instruction and curriculum between special education and general education staff. All students will have access to the general education curriculum.
7. Long-range plans and commitments for facilities on general school campuses are encouraged in order to avoid frequent and disruptive program relocations.
8. Students with low incidence disabilities are provided instruction that is consistent with state guidelines.
9. Students of diverse ethnic backgrounds will not be disproportionately represented in special education programs.
10. Administrative policies and procedures of the LEAs are consistent with the state facilities allocation plan for new construction and follow guidelines for special education needs. Existing facilities must be commensurate to those provided to general education.

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**PROCEDURE NO. 10**

**Approved: 3/25/2021**

**SUBJECT: OVERREPRESENTATION AND DISPROPORTIONALITY**

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**Procedure:**

**Child Find:**

LEAs shall ensure that prior to children being referred for an evaluation to determine eligibility for special education services, all general education program options and services have been considered and where appropriate utilized. General education programs and services include structured, research-based intervention programs for both academics and behavior.

**Evaluation:**

In accordance with California Education Code Sections 56320 (a) and 56324 (a) all evaluation materials and procedures are selected and administered so as not to be racially, culturally, or sexually discriminatory and are administered by qualified staff who have been trained in cultural and ethnic factors appropriate to the pupil being assessed.

**Eligibility:**

As Individualized Education Program (IEP) teams review evaluation results and determine eligibility for special education services utilizing all state-developed criteria for each handicapping condition, the effect of cultural, ethnic, language and socio-economic factors shall be considered in determining the student's need for special education services and the determination of least restrictive environment. Such factors may include the child's learning style, preferences for mode of instruction, level of English proficiency, and behavioral issues.

**Monitoring:**

Each LEA shall conduct internal monitoring activities. These activities may include, but not limited to; periodic review of IEP documents developed by LEA IEP teams, analysis of LEA State Performance Plan (SPP) data, review and analysis of LEA's special education data reported to the California Department of Education (CDE), participation in the CDE's monitoring activities (i.e. Verifications Reviews, and follow-up corrective action activities), participation in selected LEA IEP team meetings, and review of selected LEA assessment reports.