

**Amador County Office of
Education
Special Education Local Plan Area
Local Education Agency (LEA)**

Local Plan

Approved by the ACOE SELPA Board on November 20, 2019

Amador County Office of Education
217 Rex Avenue
Jackson, California 95642

Table of Contents

GOVERNANCE.....	4
LOCAL EDUCATION AGENCY (LEA) ASSURANCES	5
RESPONSIBILITES OF LOCAL EDUCATION AGENCY ADMINISTRATORS	8
PROGRAM TRANSFER POLICY	14
DISTRIBUTION OF FEDERAL AND STATE FUNDS	17
COMMUNITY ADVISORY COMMITTEE.....	18
AMENDAMENTS TO THE PERMANENT SECTIONS OF THE LOCAL PLAN	18
SELPA CHARTER SCHOOL POLICY	19
PUBLIC PARTICIPATION POLICY	21

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**AMADOR COUNTY OFFICE OF EDUCATION SPECIAL EDUCATION LOCAL PLAN
AREA LOCAL
EDUCATION AGENCY (LEA)**

GOVERNANCE

Amador County Office of Education SELPA is designated as a necessary small SELPA, since it's total reported units of average daily attendance in kindergarten and grades 1 to 12, inclusive, is less than 15,000, and that total includes all of the school districts located in the county. EC 56212 and EC 56195

Each special education local plan area, as defined in subdivision (d) of Section 56195.1, shall administer local plans submitted pursuant to Chapter 3 (commencing with Section 56200) and shall administer the allocation of funds pursuant to Chapter 7.2 (commencing with Section 56836).

EC 56195.1 The governing board of a district shall elect to do one of the following:

(a)(12)(D) If a sufficient size and scope, under standards adopted by the board, submit to the superintendent a local plan for the education of all individuals with exceptional needs residing in the district in accordance with Chapter 3 (commencing with Section 56205 (a)).

(b)(12)(0) A description of the governance and administration of the plan, including identification of the governing body of a multidistrict plan or the individual responsible for administration in a single district plan, and the elected officials to whom the governing body or individual is responsible EC 56205(a)(12)(A).

GOVERNING BODY 20 USC§ 1412 (a) (13)

Amador County Office of Education meets the criteria of 56195.1 (a)(12)(d) in that its size and scope allows it to be considered its own Special Education Local Plan Agency. The Amador County Office of Education, Special Education Local Plan Areas (ACOE SELPA) shall submit to the Superintendent and to its governing body, a local plan for the education of all individuals with exceptional needs. The governing body ACOE SELPA shall be comprised of the Amador County Office of Education Board of Trustees.

RESPONSIBILITIES OF ACOE SELPA GOVERNING BOARD MEMBERS

The Amador County Office of Education SELPA Governing Board shall:

1. Exercise authority over, assume responsibility for, and be fiscally accountable for special education programs operated by the SELPA.
2. By approving the Local Plan, enter into an agreement with other agencies participating in the plan, for purpose and delivery of services and programs.
3. Review and approve revisions of the ACOE SELPA Local Plan for Special Education.
4. Participate in the governance of the ACOE SELPA through its designated representative, the ACOE SELPA Director. The ACOE SELPA Director has the authority to act as the Board designee to approve and amend procedures as necessary.
5. Appoint/approve the election of members of the Community Advisory Committee (CAC).

GOVERNANCE, STRUCTURE, AND ADMINISTRATIVE SUPPORT 56205 (a)(12)(A)

A description of the governance and administration of the plan, including identification of the governing

body of a multi-district plan or the individual responsible for administration in a single district plan. and of the elected officials to whom the governing body or individual is responsible.

The ACOE SELPA, pursuant to EC 56195, has the responsibility to adopt a plan in EC 56200 to assure to special education and services for all eligible individuals with disabilities residing in the geographic area served by ACOE SELPA.

IMPLEMENTATION OF ADMINISTRATIVE FUNCTIONS 56205 (a) (12) (D) (ii) and 56205(a)(12)(A)

ACOE is designated as the Administrative Unit (AU) for the ACOE SELPA. It shall be responsible for functions such as, but not limited to:

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

The ACOE Special Education Department, under the direction of the SELPA Director, is designated as the entity responsible for the administration of the Local Plan and assuring that the SELPA is in compliance with all applicable laws and regulations.

LOCAL EDUCATION AGENCY (LEA) ASSURANCES

These are the 28 assurances by law that the Local Educational Agency shall adhere to as a member of the Amador SELPA:

1. **FREE APPROPRIATE PUBLIC EDUCATION (FAPE) 20 United States Code (USC) § 1412 (a) (1)**
It shall be the policy of this LEA that a free appropriate public education is available to all children residing in this LEA between the ages of three and twenty-one inclusive, including children with disabilities who have been suspended or expelled from school.
2. **FULL EDUCATIONAL OPPORTUNITY 20 USC § 1412 (a) (2)**
It shall be the policy of this LEA that all pupils with disabilities have access to educational programs, nonacademic programs and services available to non-disabled pupils.
3. **CHILD FIND 20 USC § 1412 (a) (3)**
It shall be the policy of the LEA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located and evaluated, a practical method is developed and implemented to determine which students with disabilities are currently receiving needed special education and related services.
4. **INDIVIDUALIZED EDUCATIONAL PROGRAM (IEP) AND INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP) 20 § 1412 (a) (4)**
It shall be the policy of this LEA that an Individualized Educational Program (IEP) or an

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

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

It shall be the policy of this LEA that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the educational environment, occurs only when the nature or severity of the disability of the child is such that education in regular classes with the use of supplemental aids and services cannot be achieved satisfactorily.

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

It shall be the policy of this LEA that children with disabilities and their parents shall be provided with safeguards, throughout the identification, evaluation, placement process, and the provision of a free appropriate public education to the child EC 56205(b)(5) (see appendix A for Procedural Safeguards).

7. EVALUATIONS 20 USC§ 1412 (a) (7)

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

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

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

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

It shall be the policy of this LEA that a transition process for a child who is participating in Early Intervention Programs (IDEA, Part C) with an IFSP is begun prior to a toddler's third birthday. The transition process shall be smooth, timely and effective for the child and the family EC 56205(b)(3).

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

It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private school shall receive special education and related services in accordance with local procedures. The required proportion of federal funds received will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents.

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

It shall be the policy of this LEA I)the that the local plan shall be adopted by the appropriate local district boards and is the basis for the operation and administration of special education programs: and 2) that the agency herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with

Disabilities Education Act (IDEA), the Federal Rehabilitation Act of 1973, Section 504 of Public Law, and the provisions of the California Education Code, Part 30.

12. INTERAGENCY 20 USC§ 1412 (a) (12)

It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for FAPE are provided, including the continuation of services during an interagency dispute resolution process EC 56205(a)(13).

13. GOVERNANCE 20 USC§ 1412 (a) (13)

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

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

Personnel providing special education related services meet requirements as defined under federal and state law, including those personnel have the content knowledge and skills to serve children with disabilities. This assurance 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 qualified to prevent a parent from filing a State complaint with the California Department of Education (CDE) about staff qualifications.

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

Comply with the requirement of the performance goals and indicators developed by the CDE and provide data as required by the CDE.

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

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

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

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

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

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

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

It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities are held prior to the adoption of any

policies and/or regulations needed to comply with Part B of IDEA

20. **RULES OF CONSTRUCTION 20 USC § 1412 (a) (20)**
(Federal requirement for State Education Agency only)
21. **STATE ADVISORY PANEL 20 USC§ 1412 (a) (21)**
(Federal requirement for State Education Agency only)
22. **SUSPENSION/EXPULSION 20 USC§ 1412 (a) (22)**
The LRE assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies, procedures and practices related to the development and implementation of the IEPs will be revised.
23. **ACCESS TO INSTRUCTIONAL MATERIALS 20 USC§ 1412 (a) (23)**
It shall be the policy of the LEA instructional materials for students who are blind, visually impaired or who have other print disabilities will be provided in a timely manner according to the state adopted National Instructional Materials Accessibility Standard.
24. **OVER IDENTIFICATION AND DISPROPORTIONALITY 20 USC § 1412 (a) (24)**
It shall be the policy of the LEA to prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities. It shall be the policy of the LEA to address and reduce over identification of students receiving special education services.
25. **PROHIBITION ON MANDATORY MEDICATION 20 USC§ 1412 (a) (25)**
It shall be the policy of this LEA that school personnel are prohibited from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services.
26. **DISTRIBUTION OF FUNDS 20 USC§ 1411 (E) (F) (1-3)**
(Federal Requirement of State Agency only)
27. **DATA 20 USC§ 1418 (a-d)**
It shall be the policy of this LEA to provide data or information to the CDE as required by regulations.
28. **READING LITERACY** (State Board requirement, 2/99) It shall be the policy of this LEA that in order to improve the educational results for students with disabilities, SELPA Local Plans shall include specific information to ensure that all students who require special education will participate in the California Reading Initiative.
29. **CHARTER SCHOOLS E.C.56207.5 (a-c)**
It shall be the policy of this LEA that Request by a charter school to participate as a local educational agency in a special education local plan area may not be treated differently from a similar request made by a school district.

RESPONSIBILITIES OF LOCAL EDUCATION AGENCY ADMINISTRATORS
E.C. 56205 (a) (12) (D) (i)

SELPA STAFF 56205 (a)(I2)(D)(i), 56205(a)(I2)(0)(ii)(I)

The ACUSD School Board assures that the SELPA shall identify the needs of the designated positions necessary for the operation of the SELPA functions according to this policy. In reviewing and approving the SELPA Budget and Service Delivery Plan on an annual basis, the ACOE Governing Board approves the staffing recommendations of the SELPA.

The SELPA Director, in conjunction with the ACUSD Personnel Director, shall use a consistent selection process for hiring and staffing. The candidate selected in the final interview shall be recommended to the County Superintendent for consideration and approval.

SUPERINTENDENT

The Superintendent of the LEA shall be responsible for special education programs operated by the SELPA and for implementing all requirements of the Local Plan.

ASSISTANT SUPERINTENDENT, SPECIAL EDUCATION/SELPA

The Assistant Superintendent, Special Education/SELPA (SELPA Director), under the supervision of the County Superintendent, is responsible for the coordination of special education services and programs within ACOE and for the implementation of the Local Plan. The SELPA Director is subject to the Administrative Unit's (AU) policies and procedures for day to day operations. The Superintendent and the SELPA Director are given authority to implement policies and procedures.

The SELPA Director shall plan, organize, control and direct the regionalized services through the development and implementation of education programs that prevent academic failure of students at risk through specific intervention models; plan organize and administrate a Special Education Local Plan Area (SELPA) functions in accordance with applicable laws and regulations; supervise and evaluate and/or assign a designee to evaluate the performance of assigned personnel to include the Program Coordinator(s) of Special Education, School Psychologists, Teachers, Designated Instructional Service Personnel, Instructional Assistants, and Secretaries.

The SELPA Director shall serve on behalf of the LEA and implement the Local Plan including the essential functions:

A) Leadership and Management

1. Provides overall management direction in the planning of the Special Education Services program objectives and implementation of general guidelines for individuals responsible for special education and related psychological services.
2. Submits grant applications, forms for funding and reimbursements, as well as respond to state and federal surveys and required data compilation reports.
3. Develops and maintain overall supervision of the program components of the budget.
4. Reviews program, budget, and staffing plans to assure conformance with the local, State and federal objectives.
5. Develops, implements and evaluates the policies and procedures related to Special Education Services.
6. Administers and implements the ACOE Local Plan.
7. Develop and monitor regional interagency agreements.
8. Negotiates and implements contract with Non-Public Schools and Agencies where appropriate.
9. Plans for continuous evaluation and improvement of the curriculum and instructional program services provided by special education.

10. Supervises the Special Education Self Review (SESR) process related to special education services.
11. Supervises Community Advisory Committee activities with parent groups, and provides recommendations for membership.
12. Represents and/or advises the District in mediation/due process hearings, complaints and 504 investigations. Assumes statewide liaison with the California Department of Education and professional organizations.
13. Develops the Annual Service Plan for approval by the ACOE Superintendent and School Board.

B) Personnel Administration and Management

1. Work with the Personnel Office to organize the screening selection process for certificated and classified personnel.
2. Supervise and delegate responsibilities for the evaluation of employees, per contract.
3. Directly evaluate performance of Program Specialist(s) of Special Education, Psychologists and DIS staff.
4. Serve as a member of the Amador Leadership Team.
5. Serve as a member of the Superintendent's Cabinet.

C) Public Relations and Communication

1. Complies and disseminates information on all programs to parents, public and private agencies as needed.
2. Is highly visible throughout the educational community of Amador County.
3. Keeps the Amador County Office of Education Superintendent informed and up-to- date on respective county matters.
4. Provides effective communication with all staff members, as well as district administrators in regard role/responsibilities in Special Education.
6. Assumes ongoing liaison responsibilities between California Children's Services, Amador County Behavioral Health, Amador County Social Services, Amador County Public Health Department, Amador County Probation, Department of Rehabilitation, Valley Mountain Regional Center, Head Start and other appropriate agencies.

SPECIAL EDUCATION DIRECTOR/ASSISTANT SUPERINTENDENT

The Director of Special Education or designee provides leadership, coordination, and oversight to special education programs under his/her jurisdiction. The Director is responsible to the Amador County Office of Education Assistant Superintendent Special Education/SELPA. The Director exercises direct supervision over personnel assigned to his/her agency. The primary responsibilities for the Director of Special Education are:

1. Assisting in providing overall management direction in the planning of the Special Education Services program objectives and general guidelines for individuals responsible for special education services.
2. Facilitating IEP meetings or appointing administrative designee when necessary.
3. Developing and maintaining overall supervision of the special education budget.
4. Responding to specific emergencies involving transportation, student discipline, etc.
5. Establishing and/or monitoring class lists including ongoing inter and intra-county placements, as well as students exited from programs.
6. Facilitating implementation of services for students placed within programs outside of Amador County, i.e. Non-Public Schools and Licensed Children 's Institutions.

7. Directing the Psychologists and assessment staff in terms of assessments, curriculum, teaching strategies, and behavioral management systems utilized in the classroom.
8. Establishing regular special education staff meeting; provides assistance with ordering supplies; arranges for staff development; and handles individual problems as they occur.
9. Providing mentoring and support that procedures, rules and regulations of state and federal mandates are being followed and communicates areas of non-compliance with appropriate staff, the Superintendent, and the SELPA Director.
10. Assuring that confidential records of students with exceptional needs are maintained.
11. Directing the Special Education Nurses in implementing mandated services to special education students. Monitoring completion of necessary reports and implementation of procedures. Promoting the utilization of the Nurse as a health consultant.
12. Serving on the Compliance Coordinated Review Team.
13. Serving as staff to the governing body of the county and district.
14. Assisting in the establishment and implementation of uniform standards and procedures for organization, clerical practices, and performance of functions of the staff assigned to the Department, including all special education programs.
15. Review and evaluate expulsion cases involving students with special education needs for due process prior to Board review and action.
16. Assuming ongoing liaison responsibilities between California Children's Services, Amador County Mental Health, Amador County Social Services, Amador County Public Health Department, Amador County Probation, Department of Rehabilitation, Valley Mountain Regional Center, Head Start, and other appropriate agencies.
17. Participating in the screening and selection process for certificated and classified personnel.
18. Supervising employees as assigned. Directly evaluating performance of administrative, assessment, support and classroom staff as assigned.
19. Keeping the governing body informed on matters of importance.
20. Communicating with principals and vice-principals on matters of program and compliance.

REGIONALIZED OPERATIONS AND PROGRAM SPECIALIST SUPPORT EC 56205(a)(12)(B), 56205(b)(I)(F)

A description of the regionalized operations and services listed in Section EC 56836.23 and the direct instructional support provided through the plan.

Participating agencies may enter into additional contractual arrangements with the ACOE SELPA to meet the requirement of applicable federal and state law. In adopting the Local Plan, each participating agency agrees to carry out the duties and responsibilities assigned to it within the plan. Each agency shall provide special education and services to all eligible students, including students attending charter schools where ACOE SELPA has granted that charter. In addition, each agency shall cooperate to the maximum extent possible with other agencies to serve individuals with disabilities.

SELPA Local Plan provides assurances for special education instructional personnel to participate in staff development in-service opportunities in the area of literacy to include current literary research, state adopted standards and framework, increased participation of students with disabilities in state wide assessment and research based reading strategies. Further, students with disabilities will have access to all core curriculum.

EC 56205 (b)(2) A description of the regionalized operations and services listed in Section and the direct instructional support provided by program specialists in accordance with Section 56368 to be provided through the plan.

Program Specialists are employed by ACOE, and serve under the direction of the ACOE Assistant Superintendent, Special Education/SELPA and Special Education Director.

The ACOE Superintendent approves the employment of program specialists following the procedures outlined in Ed. Code Section 56780. Safeguards for the assurance of appropriate use of program specialist funds are the responsibility of the employer as detailed in Ed. Code Sections 56220(c) (1), 56368, 56780.

PROGRAM SPECIALIST-BEHAVIOR INTERVENTION

Under the direction of the Director and Coordinator of Special Education, will plan, organize, coordinate and participate directly in special education services, plan and coordinated staff development programs for special education and general education staff and provide consultation to specialized instructors.

The Program Specialist-Behavior Intervention will provide unique and necessary services to pupils in the ACOE SELPA. To Include:

1. Provide assistance to the Special Education Director and Coordinator, and support to special education staff in implementing, evaluating and revising behavior intervention plans; conducting behavior analysis and develops positive behavior interventions and intervention plans for students receiving special education services.
2. Serve as administrator at IEPs as follows:
 - a. 30 days Special Day Class placements;
 - b. Change of placement;
 - c. Triennials and annual IEPs for Special Day Class students; and
 - d. IEPs held for special purposed for learning disabled or Resource students where teacher or site administrators request support/assistance.
3. Provide classroom support to new teachers, including the following: IEP process, developing daily schedules, utilizing appropriate curriculum and instructional materials and methodology, and following SELPA and ACOE policies and procedures.
4. Observe, consult and assist Special Day Class teachers, Designated Instructional Service personnel and other specialists.
5. Participate in meetings and conferences as the program representative or designee as assigned by the Special Education Director or Coordinator.
6. Generate and return phone calls regarding student issues.
7. Provides to district staff, parents and others: consultation, resource information, training and materials regarding positive behavior intervention and implementation behavior management procedures, including demonstration of on-physical, non-aversive interventions.
8. Coordinate full inclusion students/aides.
9. Keep the SELPA and Special Education Director informed and up to date on respective county matters.
10. Evaluate classified personnel.
11. Work closely with Psychologists regarding referral process, assessments and behavior planning and management systems.
12. Participate in screening and selection process for certificated and classified personnel.
13. Act as a behavior intervention case manager:
 - a. Participates in IEP meetings for students who have had a functional analysis assessment or a functional behavioral assessment;
 - b. Makes recommendations for the development of a positive behavioral intervention plan;
 - c. Demonstrates and performs appropriate interventions with individual students as needed;
 - d. Assists and supervises the implementation, evaluation and revisions of behavioral intervention plans;

- e. Assist in reviewing and/or modifying a students' program, placement or services;
- f. Monitors students' behavior progress on a regular basis;
- g. Shares and demonstrates knowledge of behavior intervention, positive discipline techniques and effective practices with parents and school personnel;
- h. Reviews with others program effectiveness and consults and assists in the revision of programs when changes are necessary;
- i. Works cooperatively with psychologists, program specialists, and others to ensure that functional analysis assessments and functional behavioral assessments are completed and used in developing behavior intervention plans;
- j. Prepares written reports and maintains appropriate files and records on each student;
- k. Services as a liaison and consultant to other professionals, appropriate agencies and the community;
- l. Collects and analyzes data and designs and monitors programs;
- m. Provides training to support staff in implementation of behavior support plans and data collection; and
- n. Develops materials and data collection sheets needed by support staff to implement students' programs and monitors progress.

PROGRAM SPECIALIST- SCHOOL PSYCHOLOGIST

Under the direction of the Director and Coordinator of Special Education, will plan, organize, coordinate and participate directly in special education services, plan and coordinated staff development programs for special education and general education staff and provide consultation to specialized instructors.

The Program Specialist(s) will provide unique and necessary services to pupils in the ACOE SELPA. To Include:

1. Provide assistance to the Special Education Director and Coordinator, and support to special education staff.
2. Serve as administrative at IEPs as follows:
 - a. 30 days Special Day Class placements;
 - b. Change of placement;
 - c. Triennials and annual IEPs for Special Day Class students; and
 - d. IEPs held for special purposed for learning disabled or Resource students where teacher or site administrators request support/assistance.
3. Provide classroom support to new teachers, including the following: IEP process, developing daily schedules, utilizing appropriate curriculum and instructional materials and methodology, and following SELPA and ACOE policies and procedures.
4. Observe, consult and assist Special Day Class teachers, Designated Instructional Service personnel and other specialists.
5. Participate in meetings and conferences as the program representative or designee as assigned by the Special Education Director or Coordinator.
6. Generate and return phone calls regarding student issues.
7. Provides to district staff, parents and others: consultation, resource information, training and materials regarding positive behavior intervention and implementation behavior management procedures, including demonstration of on-physical, non- aversive interventions.
8. Coordinate full inclusion students/aides.
9. Keep the SELPA and Special Education Director informed and up to date on respective county maters.
10. Evaluate classified personnel.
11. Work closely with Psychologists regarding referral process, assessments and behavior planning

- and management systems.
12. Participate in screening and selection process for certificated and classified personnel.

PROGRAM TRANSFER POLICY

Pursuant to EC 56207, special education programs may be transferred from one service provider LEA to a receiving LEA, ACOE to school districts and from school districts to ACOE.

I. Definition of a Formal Program Transfer

A program change is presumptively considered a program transfer if the circumstances in either A or B exist:

A. Transfer of Students from a Single Class

1. The proposed change involves the movement of students from the one service provider LEA to another when the LEA is expanding its service to replicate a program;
2. The change involves the movement of funding locally from one service provider LEA to another; and
3. The change involves one or more employees who would be affected by the provisions of EC 44903.7. (Section 44903.7 establishes the right of certificated and classified employees to retain employment if their assignment moves to another local educational agency.)

B. Transfer of Students from Multiple Classes

The transfer of students from several classes combined to form an intact, identifiable class or an itinerant caseload which involves one or more employees who would be affected by the provisions of EC 44903.7. If one or more employees will be laid off due to a program transfer of students from multiple classes, the employment rights specified in Section 11.5 of the ACTA and SEAC contracts shall be offered to employees based upon seniority. A program transfer is not required when students who are served in a program matriculate and return to their home districts via the IEP process. However, the home district's employees shall have rights to employment in the district in accordance with EC 44903.7 provided that a reorganization of special education programs has occurred.

II. Time Lines and Approval Process

Pursuant to EC 56207(b) requests may be implemented as early as the first day of the first fiscal year following the fiscal year in which the request is filed (i.e., a request made in September 2017, if approved, would take effect on July 1, 2018), provided that the request is approved by a unanimous vote of the SELPA Governing Board. If the request is not approved by a unanimous vote of the SELPA Governing Board, it may not be implemented any earlier than the first day of the second fiscal year beginning after the date upon which the sending or receiving LEA has informed the other LEA and the SELPA Governing Board of the intended program transfer. Requests to transfer a program, to withdraw a request for a transfer, or any other request made pursuant to this policy will be denied if submitted untimely unless, in the sole discretion and judgment of the Program Transfer Committee, extraordinary circumstances on a case-by-case basis warrant consideration of an untimely submission.

Program Transfer Timeline/and Procedure

The proposed receiving LEA shall submit a letter to the sending LEA and the SELPA Administrative Unit ("AU") prior to September 1. The receiving LEA shall also submit a plan to the SELPA AU prior to September 1 addressing all of the required program transfer plan components set forth in section EC 5620. All proposed program transfers shall be considered by a Program Transfer Committee comprised of representatives from LEAs and the SELPA Governance Board. The SELPA Governing Board shall appoint, by majority vote, members of the Program Transfer Committee. At a meeting which shall occur on or before during each school year, the Program Transfer Committee will review each proposed program

transfer and consider whether each proposed program transfer meets the Transfer Guideline criteria set forth in Section III, below. On the basis of this review, the Program Transfer Committee shall formulate a recommendation as to each proposed program transfer for the SELPA Governing Board. Recommendations shall be by majority vote of the Program Transfer Committee. Members of the Committee who disagree with the majority recommendation on a proposed program transfer may state, for the record, the basis of their disagreement.

III. Transfer Guidelines/Factors

Pursuant to section EC 56207(a), in order for a proposed program transfer to be approved, the factors set forth below must be considered. Further, prior to transferring special education programs from one LEA provider to the receiving LEA provider, the receiving LEA must implement the plan described in the preceding section, which plan must address all of the factors described below:

1. Is the program transfer consistent with pupil needs?
2. Will the program transfer ensure the availability of a full continuum of services to affected pupils?
3. Will the program transfer impact the functional continuation of the current IEPs of all affected pupils?
4. Will the program transfer allow the provision of services in the least restrictive environment from which affected pupils can benefit?
5. Will the program transfer affect the maintenance of all appropriate services?
6. The assurance that there will be compliance with all federal and state laws and regulations and
7. special education local plan areas policies.
8. The means through which parents and staff were represented in the planning process.

IV. Individualized Education Program

It is recommended that the Program Transfer IEP be completed by March 1st.

V. Funding

SELPA member districts will be informed in a timely manner of any fiscal implications of the resulting program transfer.

VI. Facilities

Transfer of facilities, when appropriate, will be negotiated on a case-by-case basis by the sending LEA and the receiving LEA.

VII. Materials and Equipment

Materials and equipment will remain with sending LEA unless otherwise agreed upon. Any material or equipment purchased with Low Incidence funds is the property of the California Department of Education ("CDE") and will remain with the student. Specialized equipment purchased by the sending LEA for particular student will follow the student with the program transfer. However, the equipment will remain the property of the sending district.

VIII. Student Records

When the transfer of a program is completed, the sending LEA and receiving LEA will develop a plan for the transfer of all student records to the receiving LEA.

IX. Certificated/Classified Employee Transfers

Pursuant to EC 44903.7 and EC 45120.2, employee's rights when transferred, terminated, or reassigned as a result of a program transfer will be retained, and negotiated as needed, with the associations to be affected. Employees' rights include, seniority, layoff, salary, health and welfare and rights after assignment/transfer.

A. Procedures

When a program is being transferred from one LEA to another, the receiving LEA will observe the following procedures:

1. By the end of the third full week in January, positions will be offered to permanent employees who is are currently assigned to the program being transferred, provided in the case of a certificated employee that s/he is credentialed to hold that position.
2. This offer must be accepted or declined by the beginning of the first week in February. If the permanent employee chooses to accept the position in the receiving LEA, then the governing board of the receiving LEA shall, at its first Board meeting in February, approve an offer of employment, effective July 1st of the same year. If the permanent employee chooses not to accept the position in the receiving LEA then the employee shall tender his or her resignation with the sending LEA no later than March 1st to be effective June 30th.
3. If the permanent employee designated in IX (A) (1) above declines the position in the receiving LEA, the receiving LEA will post the position internally by end of the first week in February. If the receiving LEA does not hire from within, the LEA shall so notify the sending LEA by the end of the third week in February. The sending LEA shall then notify their candidates of vacancies and the receiving LEA's application process. If the receiving LEA hires from sending LEA's eligible candidates, such hired employee shall have the rights set forth in this Section 11.5 of the ACTA and SEAC contracts.
4. By the end of the fourth full week in March, positions may be offered to probationary employees, excluding employees who are non-reelected, who are currently assigned to the program being transferred, provided in the case of a certificated employee that s/he is credentialed to hold that position.
5. This offer must be accepted or declined by the beginning of the first week in April. If the probationary employee chooses to accept the position in the receiving LEA, the governing board of the receiving LEA shall, at its second Board meeting in April, approve an offer of employment, effective July 1st of the same year. If the probationary employee chooses not to accept the position in the receiving LEA, then the employee shall tender his or her resignation with the sending LEA no later than April 10th to be effective June 30th.
6. If the probationary employee designated in IX (A) (4) above declines the position in the receiving LEA, the receiving LEA will post the position internally by April 17th. If the receiving LEA does not hire from within, the LEA shall so notify the sending LEA by the end of the second week in May. The sending LEA shall then notify their candidates of vacancies and the receiving LEA's application process. If the receiving LEA hires from sending LEA's eligible candidates, such hired employee shall have the rights set forth in this Section 11.5 of the ACTA and SEAC contracts.

B. Seniority for transferred or reassigned employees:

If an employee accepts employment with the receiving LEA, such employee shall retain the same seniority date that the employee held with the sending LEA.

C. Layoff by Receiving LEA:

1. Certificated Employees: in the event of a layoff by the receiving LEA subsequent to a transfer, the transferred certificated employee shall retain the right, for 24 months, for

probationary certificated employees, and 39 months, for permanent certificated employees, in being informed and filling vacant positions in special education for which the employee is certificated and was employed in the receiving LEA that provides the same type of special education program and services for the pupils previously served by the terminated employee.

2. Classified Employees: In the event of a layoff by the receiving LEA subsequent to transfer, a transferred classified employee shall have first priority, for 24 months for probationary classified employees and 39 months for permanent classified employees, in being informed of and filling vacant positions for which the classified employee is qualified or was employed in the receiving LEA that operates the transferred special education program.

D. Salary placement:

Transferred employees shall receive credit for each year of service at the sending LEA for purposes of placement on salary schedule in the receiving LEA (as per section IX).

E. Rights after Assignment or Transfer

1. Certificated Employees: Subsequent to the transfer of any certificated employee, that employee shall, for a 24-month period, have priority in being informed of and in filling certificated positions in special education in the areas in which the employee is certificated within the receiving LEA by which the certificated employee is then currently employed.
2. Classified Employees: A classified employee who is transferred has priority, for a 24-month period, in being informed of and in filling classified positions in the classification in which the employee was employed before the transfer.

DISTRIBUTION OF FEDERAL AND STATE FUNDS

All federal and state special education funds shall be allocated to LEA for use of supporting special education programs and services.

Responsibilities for distribution of federal and state funds EC 56205 (a)(12)(D)(ii)(II)

The governing board of the LEA agrees that students with disabilities will be provided with appropriate special education services. The LEA SELPA shall be responsible for the distribution of the funds according to an approved Special Education Budget Plan. The Assistant Superintendent of Business is responsible to ensure that the funds are distributed in accordance with the Budget Plan.

A. Monitoring the use of special education funds EC 56205(a)(12)(D)(ii)(II), 56205(a)(12)(D)(ii)(IV), and 56205(b)(1)(G)

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

1. For the costs of special education and related services and supplementary aids and services provided in a regular class or the education-related setting to a child with a disability in accordance with the IEP for the child, even if one or more nondisabled children benefit from these services.
2. To develop and implement a fully integrated and coordinated services system.

The Assistant Superintendent, Business Services shall be responsible to monitor on an annual basis the appropriate use of all funds allocated for special education programs EC 56205(a)(12)(D)(ii)(III). Final determination and action regarding the appropriate use of special education funds shall be made through the Annual Budget Plan process which includes conducting a public hearing.

B. Preparation of program and fiscal reports EC 56205(a)(d)(ii)(V)

The Assistant Superintendent of Business shall be responsible to prepare all program and fiscal reports required of the SELPA by the state.

C. Amendments to the annual service and budget plans

The ACOE Board of Education agrees to review and approve the SELPA-wide annual service and budget plans and any subsequent modifications.

COMMUNITY ADVISORY COMMITTEE

Verification that a community advisory committee has been established pursuant to EC 56190- 56194 [56205 (a) (12) (C)], EC 56205(a)(12)(C).

The Community Advisory Committee (CAC) for Amador County Office of Education is comprised of parents of persons with disabilities enrolled in public or non-public schools within Amador County and may include pupils and adults with disabilities, general education teachers, special education providers, and other school personnel; representatives of other public and non-public agencies, and persons concerned with the education of persons with disabilities. CAC members are nominated by peers and the ACOE and ACUSD Board may appoint two members through a Board approval process to the CAC. The Governance Council shall establish policies for the operation of the CAC and the state regulations for CAC responsibilities.

LOCAL PLAN DEVELOPMENT

The Local Plan, including the approval process of the Annual Service Plan and any modifications to them, shall be developed and updated cooperatively by a committee of representatives of special and regular teachers and administrators and parent members of the community advisory committee, or parents selected by the community advisory committee to ensure adequate and effective participation.

AMENDMENTS TO THE PERMANENT SECTIONS OF THE LOCAL PLAN

Local Plans submitted to be approved by the CDE need to be amended when there is a change in the federal or state laws or regulations, there is a new interpretation by the courts, there is an official finding of noncompliance with federal or state law or regulations or there is a change in the governance structure. membership policy making process of the SELPA. However, the SELPA may choose to amend the local plan any time a change is deemed necessary.

Changes or amendments to the permanent portion of the local plan may be considered during the annual service and budget plan process. ACOE shall adopt a policy specifying that the Governance Council may adopt changes or amendments to the permanent portion of the Local Plan on an "interim bases," not to exceed a year. Amendments approved in this manner shall become permanent upon subsequent approval by the ACOE Board of Education and the State Board of Education.

PUBLIC PARTICIPATION EC 56205 (a) (20), 56205 (b) (4)

Members of the public, including parents and guardians of students with disabilities, may address questions or concerns to the ACOE Board of Trustees.

PROVISIONS OF SPECIAL EDUCATION SERVICES TO STUDENTS WITH DISABILITIES EC 56205 (b) (1)

EC 56303 A pupil shall be referred to special educational instruction and services only after the resources of general education programs have been considered and, and where appropriate, utilized.

It is the intention of the SELPA to provide a full continuum of services to student with disabilities enrolled in the LEA within the governing SELPA. The referral, assessment and IEP process is utilized to identify the needs of each individual student with disabilities. Amador SELPA has committed to policies and procedures to assure that students will have their rights to appropriate services provided in the least restrictive environment.

The SELPA Director shall develop the Annual Service Plan and Budget for approval by the ACOE and submitted to the CAC for review. The Annual Service Plan and Budget shall be adopted at a public hearing held by the ACOE Board. Notice of this hearing shall be posted in the District at least 15 days prior to the hearing. The Annual Service Plan and Budget may be revised during any fiscal year according to the policy making process established by the ACOE in keeping with laws and regulations and shall include administrative costs, services for pupils with severe disabilities and low incidence disabilities, nonservice disabilities and supplemental aides and services need of pupils placed in the general education environment EC 56205(b)(1)(A-E), 56205(b)(2). This description shall demonstrate that all individuals with exceptional needs shall have access to services and instruction appropriate to meet their needs as specified in their individualized educational plans.

To assure a full continuum of program options are available in ACOE SELPA, to the maximum extent possible, will work toward achievement of the following goals:

1. Programs options in the general education environment are available at local neighborhood schools;
2. Special education programs are housed on school campuses and available throughout the SELPA;
3. The physical location of the program facilitates continue social interaction with non-disabled students;
4. Individuals with exceptional needs have access to general education activities, programs and facilities on the school campus and participate in those activities as appropriate to their needs; and
5. Placement outside these guidelines is justified and documented.

SELPA CHARTER SCHOOL POLICY

CHARTER SCHOOLS

EC 56207.5 and 56203 (a), (b),(c) A request by a charter school to participate as a local education agency in a special education local plan area may not be treated differently from a similar request made by a school district. In reviewing and approving a request by a charter school to participate as a local educational agency in a special education local plan area, the following requirements shall apply:

EC 56207.5 (a) The special education local plan area shall comply with E.C. 56140.

EC 56207.5 (b) The charter school shall participate in state and federal funding for special education and the allocation plan developed pursuant to subdivision (1) of §56195.7 or Section 56936.05 in the same manner as other local educational agencies of the special education local plan area. E.C. 56207.5 (c) The charter school shall participate in governance of the special education local plan area in the same manner as other local educational agencies of the special education local plan area.

Special Education Service to Students Voluntarily Enrolled in Charter Schools

This policy applies to all charter schools that are chartered by the District. This policy also applies to any

charter school petition granted by the State Board of Education (SBE) in which oversight responsibilities have been assigned to the District/S ELPA EC 47605.5 (k)(1). As students enrolled in charter schools are entitled to special education services provided by state and federal funding, charter schools will comply with all requirements of state and federal law regarding provision of special education services (EC 56000 et seq., Individuals with Disabilities Education Act (IDEA)[20 U.S.C. Chapter 33], Americans with Disabilities Act.) Children with disabilities and their parents shall retain all rights under the IDEA. Each charter petition must contain a comprehensive description of the charter schools educational program, including identification, assessment and provision of special education services as identified in the District/SELPA Local Plan. This description is to include, but is not limited to, the following:

1. Specialized instruction and services available at the charter school;
2. Assurances that staff members providing special education services are appropriately credentialed;
3. Assurances that the facility used by the charter school does not present architectural barriers that would limit an eligible student's full participation in the educational and extracurricular program
4. Disenrollment, suspension and expulsion policies and procedures must ensure that the protections of Federal and State law are afforded to *Special Education and Rehabilitation Act of 1973, Section 504 eligible students*; and
5. Dispute resolution procedures that will apply to any disputes regarding the provision of special education services in the charter school.

Policy Statement

Special education and related services shall be provided to all eligible individuals within the jurisdiction of the District/SELPA in accordance with the Local Plan. Students enrolled in schools chartered by the District shall receive services in a manner similar to other students. The SELPA Director shall request representatives for involvement in the development of the Local Plan from the following groups: Community Advisory Committee (CAC), regular education teachers, special education teachers, administrators, and any charter schools.

SELPA Involvement with Approval and Renewal of Charters

Prior to approval of a new charter, or renewal of an existing charter, the District Superintendent or designee shall consult with the SELPA Director regarding the provision of special education services to students enrolled by the charter school. The petitioner must provide adequate assurances that all eligible students enrolled in the charter school will receive appropriate special education services in accordance with the District/SELPA Local Plan. The charter must provide assurances that no student will be denied enrollment in the charter school due to a disability or the charter school's inability to serve the student.

A charter petition must delineate the entity responsible for providing special education instruction and services, any anticipated transfer of special education funds between the District/SELPA and charter school, and any provisions for sharing funding deficits and encroachment. These provisions may be included in a Memorandum of Understanding.

Categories of Charter Schools

Charter schools may be deemed either a Local Education Agency (LEA) or a public school within a chartering District EC 56195.1

1. Charter School as a LEA

If a charter school wished to be a LEA, the SELPA will treat the application in the same manner that the SELPA treats applications by other districts and LEAs and may refer such applications to neighboring multi-district SELPA.

2. Charter School as Public School within the District/SELPA

A charter school that is deemed to be a public school of the local educational agency that granted the charter for the purposes of special education shall participate in state and federal funding for special education in the same manner as any other public school of that local educational agency. A child with disabilities attending the charter school shall receive special education instruction and services, or both, in the same manner as a child with disabilities who attends another public school of that local educational agency. The agency that granted the charter school shall ensure that all children with disabilities enrolled in the charter school receive special education and designated instruction and services in a manner that is consistent with their individualized education program and is in compliance with the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et. seq.) and implementing regulations.

PUBLIC PARTICIPATION POLICY

20 USC §1412 (A) (20); E.C. 56205 (a)

Policy

It shall be the policy of Amador County Office of Education SELPA that prior to its adoption of policies and procedures, the ACOE shall make the policies and procedures available to general public, hold public hearing and provide an opportunity for comments by the general public.

Procedures EC 56205(b)(4)

Members of the public, including parents or guardians of students with disabilities and students with disabilities having reached the age of majority, may address questions or concerns to the County Superintendent or the Assistant Superintendent, Special Education/SELPA.