

# **DM SELPA Local Plan**

Desert/Mountain Special Education Local Plan Area

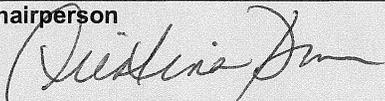
(May 2017)

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**Certification of Participation, Compatibility,  
and Compliance Assurances**

Community Advisory Committee Certification		
CAC Compliance Verification	Yes	No
The Community Advisory Committee (CAC) has advised the policy and administrative agency during the development of the Local Plan pursuant to California <i>Education Code (EC)</i> Section 56194.	✓	
To ensure adequate and effective participation and communication pursuant to <i>EC</i> 56195.9, parent members of the CAC, or parents selected by the CAC, participated in the development and update of the Local Plan for special education.	✓	
The plan has been reviewed by the CAC, and the committee had at least 30 days to conduct this review, prior to submission of the Local Plan to the Superintendent pursuant to <i>EC</i> 56205(b)(6).	✓	
The CAC has reviewed any revisions made to the Local Plan as a result of recommendations or requirements from the California Department of Education.	✓	
Certifying Signature		
Name of Chairperson (print) <p align="center">CRISTINA DURAN</p>	Phone <p align="center">760 221-5048</p>	
Signature of CAC Chairperson 	Date <p align="center">5-17-18</p>	

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

**JENAE HOLTZ, CHIEF EXECUTIVE OFFICER, CAHELP JPA  
SPECIAL EDUCATION LOCAL PLAN AREA  
LOCAL EDUCATION AGENCY (LEA)  
ASSURANCE STATEMENT**

**1. FREE APPROPRIATE PUBLIC EDUCATION, 20 U.S.C. § 1412(a)(1)**

It shall be the policy of this LEA that a free appropriate public education is available to all children residing in the LEA, including those that are out of geographic boundaries, between the ages of three through 21, inclusive, including students with disabilities who have been suspended or expelled from school. The Desert/Mountain SELPA will have a policy in place that assures compliance for the out of geographic region charter schools.

**2. FULL EDUCATIONAL OPPORTUNITY, 20 U.S.C. § 1412(a)(2)**

It shall be the policy of this LEA that all students with disabilities have access to educational programs, nonacademic programs, and services available to students without disabilities.

**3. CHILD FIND, 20 U.S.C. § 1412(a)(3)**

It shall be the policy of this LEA that all children with disabilities residing in the state, including children with disabilities who are homeless or are wards of the state and children attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. A practical method is developed and implemented to determine which students with disabilities are currently receiving needed special education and related services. The Desert/Mountain SELPA will assure that there is a process in place for the out of geographic region charter schools to be in compliance with this requirement.

**4. INDIVIDUALIZED EDUCATION PROGRAM (IEP) AND INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP), 20 U.S.C. § 1412(a)(4)**

It shall be the policy of this LEA that an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) is developed, reviewed, and revised for each child with

a disability who requires special education and related services in order to benefit from his/her IEP. 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. The Desert/Mountain SELPA will have in place a means of reporting this information for the individual charter schools in the same manner as the other member LEAs.

**5. LEAST RESTRICTIVE ENVIRONMENT, 20 U.S.C. § 1412(a)(5)**

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

**6. PROCEDURAL SAFEGUARDS, 20 U.S.C. § 1412(a)(6)**

It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards throughout the provision of a free appropriate public education including the identification, evaluation, and placement process. The Desert/Mountain SELPA will monitor the compliance for the out of geographic region charter schools.

**7. EVALUATION, 20 U.S.C. § 1412(a)(7)**

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

**8. CONFIDENTIALITY, 20 U.S.C. § 1412(a)(8)**

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

Act (FERPA). The Desert/Mountain SELPA will monitor the compliance for out of geographic charter schools.

**9. PART C TRANSITION, 20 U.S.C. § 1412(a)(9)**

It shall be the policy of this LEA that a transition process for a child who is participating in Early Intervention Programs (IDEA, Part C) with an IFSP is begun prior to a toddler's third birthday. The transition process shall be smooth, timely, and effective for the child and family. The Desert/Mountain SELPA will assure that there is a process in place to comply with this requirement for all out of geographic region charter schools.

**10. PRIVATE SCHOOLS, 20 U.S.C. § 1412(a)(10)**

It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private schools shall receive appropriate special education and related services pursuant to LEA coordinated procedures. The proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private schools by their parents. The Desert/Mountain SELPA will assure that all out of geographic region charter schools will have a policy in place that complies with this requirement.

**11. LOCAL COMPLIANCE ASSURANCES, 20 U.S.C. § 1412(a)(11)**

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

**12. INTERAGENCY, 20 U.S.C. § 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 a free appropriate public education are provided, including the continuation of services during an interagency dispute resolution process.

**13. GOVERNANCE, 20 U.S.C. § 1412(a)(13)**

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

**14. PERSONNEL QUALIFICATIONS, 20 U.S.C. § 1412(a)(14)**

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

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

**15. PERFORMANCE GOALS, 20 U.S.C. § 1412(a)(15)**

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

**16. PARTICIPATION IN ASSESSMENTS, 20 U.S.C. § 1412(a)(16)**

It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs. The IEP team determines how a student will access

assessments with or without accommodations, or access alternate-assessments consistent with state standards governing such determinations.

**17. SUPPLEMENTATION OF STATE/FEDERAL FUNDS, 20 U.S.C. § 1412(a)(17)**

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

**18. MAINTENANCE OF EFFORT, 20 U.S.C. § 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 U.S.C. § 1412(a)(19)**

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

**20. RULE OF CONSTRUCTION, 20 U.S.C. § 1412(a)(20)**

(Federal requirement for State Education Agency only)

**21. STATE ADVISORY PANEL, 20 U.S.C. § 1412(a)(21)**

(Federal requirement for State Education Agency only)

**22. SUSPENSION/EXPULSION, 20 U.S.C. § 1412(a)(22)**

The LEA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies,

procedures, and practices related to the development and implementation of the IEPs will be revised.

**23. ACCESS TO INSTRUCTIONAL MATERIALS, 20 U.S.C. § 1412(a)(23)**

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

**24. OVERIDENTIFICATION AND DISPROPORTIONALITY, 20 U.S.C § 1412(a)(24)**

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

**25. PROHIBITION ON MANDATORY MEDICINE, 20 U.S.C. § 1412(a)(25)**

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

**26. DISTRIBUTION OF FUNDS, 20 U.S.C. § 1411(e), (f)(1-3)**

(Federal requirement for State Education Agency only)

**27. DATA, 20 U.S.C. § 1418(a-d)**

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

**28. READING LITERACY, STATE BOARD REQUIREMENT, 2/99**

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

**29. CHARTER SCHOOLS, CALIFORNIA EDUCATION CODE § 56207.5(a-c)**

It shall be the policy of this LEA that a request by a charter school to participate as a LEA in a SELPA may not be treated differently from a similar request made by a school district.

In accordance with federal and state laws and regulations, Desert/Mountain SELPA certifies that this plan has been adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency herein represented will meet all applicable requirements of state and federal laws, regulations and state policies and procedures, including compliance with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et. seq., and implementing regulations under 34 C.F.R., Parts 300 and 303, 29 U.S.C. § 794, 705(20), 794-794b, the Federal Rehabilitation Act of 1973, as amended, and the provisions of the California Education Code, Part 30 and Chapter 3, Division 1 of Title 5 of the California Code of Regulations.

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

Furthermore, the LEA superintendent/CEO ensures that policies and procedures covered by this assurance statement are on file at the LEA at the Desert/Mountain SELPA office.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**Signed:**

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Ted Alejandre  
County Superintendent of Schools

## **GOVERNANCE**

### **I. PURPOSE**

The Desert/Mountain Special Education Local Plan Area (“Desert/Mountain SELPA”) is a service area composed of participating Local Education Agencies (LEAs) and is the governance structure responsible for the implementation of the provisions of the Local Plan. By participating in the Desert/Mountain SELPA, participating LEAs agree to the roles and responsibilities for the provision of special education and related services within the service area as specified in the Local Plan. Pursuant to California Education Code § 56026.3, a LEA means a school district, a county office of education, a charter school participating as a member of a SELPA, or a SELPA. Participating LEAs in the Desert/Mountain SELPA include school districts, the Office of the San Bernardino County Superintendent of Schools, LEA charter schools (including LEA charter schools located outside of the geographic boundaries of the Desert/Mountain SELPA) and the SELPA. Participating LEAs join together for the purpose of adopting a plan for providing access to quality educational programs and services appropriate to the needs of each eligible student with a disability enrolled in participating LEAs.

The California Association of Health and Education Linked Professions, a Joint Powers Authority (CAHELP JPA), through the Governance Council, is the governing body of the Desert/Mountain SELPA. The CAHELP JPA Governance Council may consider changes or amendments to the permanent portion of the Local Plan at any time. The CAHELP JPA Governance Council may adopt amendments to the permanent portion of the Local Plan on an interim basis, which is not to exceed one school year. Amendments approved in this manner shall become permanent upon subsequent approval by the Executive Council of the Desert/Mountain SELPA, and all LEA governing boards. For LEA charter schools located outside of the geographic boundaries of the Desert/Mountain SELPA, Chief Executive Officer (CEO) may be substituted for Superintendent and noted as the official responsible in the administration of the Desert/Mountain SELPA Local Plan including all federal and state requirements.

### **II. GOVERNANCE STRUCTURE**

#### **A. General Description**

Participating LEAs of the Desert/Mountain SELPA have joined in a cooperative effort to provide for the coordinated delivery of programs and services, and to assure equal access to such programs and services to eligible individuals with disabilities requiring special education within the Desert/Mountain SELPA. The CAHELP JPA Governance Council shall be the governing board of the Desert/Mountain SELPA and shall adopt policies for the Desert/Mountain SELPA and participating LEAs. The policies and procedures adopted by the CAHELP JPA Governance Council under the authority of the adopting LEA board have the same status and authority as other LEA board policy.

In adopting the Local Plan, each LEA agrees to carry out the duties and responsibilities assigned to each agency, or which may be designated at a later date through agreement of the participating LEAs. Participating agencies may enter into additional contractual arrangements to meet the requirements of applicable federal and state law.

For Charter LEAs outside the geographic boundaries of the Desert/Mountain SELPA catchment area (San Bernardino County), the CAHELP JPA Governance Council shall ensure that these Charter LEAs have full access and opportunity to participate in the coordinated system of services for identified students with disabilities. To ensure that all identified students have access, a Charter LEA with assistance from the Desert/Mountain SELPA office, may enter into a Memorandum of Understanding (MOU) and/or a contractual arrangement with the local SELPA or surrounding SELPAs or other LEAs within close proximity to the Charter LEA, including nonpublic agencies and nonpublic schools, to ensure that students are identified, assessed, receive individualized education program planning, review, and reevaluation.

The function of the Desert/Mountain SELPA and participating LEAs is to provide quality educational programs and services appropriate to the needs of each eligible student with a disability who is enrolled within the Desert/Mountain SELPA. The Responsible Local Agency (RLA) Superintendent, LEA Superintendents and CEOs of the LEA Charters are responsible for the management and supervision of all special education program operations within the Desert/Mountain SELPA. All such programs are to be operated in a manner consistent with the funding provisions of the California Education Code, the Individuals with Disabilities Education Act (IDEA), other applicable laws, and Desert/Mountain SELPA policies and procedures.

Some Charter LEAs are outside of the geographic boundaries of the Desert/Mountain SELPA. The CEOs of all of the LEA Charters outside of the geographic boundaries are responsible for the management and supervision of all special education program operations. To this end, the Desert/Mountain SELPA will provide technical assistance in ensuring that the out of geographic Charter LEAs have the support necessary to fulfill their legal obligations under California Education Code, IDEA, and other applicable laws, and Desert/Mountain SELPA policies and procedures.

This Local Plan is a joint effort of the CAHELP JPA, Office of the San Bernardino County Superintendent of Schools, and participating LEAs, including Charter LEAs outside the geographic boundaries of the Desert/Mountain SELPA. Participating LEAs work in cooperation with the Office of the San Bernardino County Superintendent of Schools to ensure that all eligible students with disabilities enrolled in alternative education programs including, but not limited to, alternative schools, charter schools, opportunity schools and classes, community day schools, community schools, and juvenile court schools within the Desert/Mountain SELPA will have access to appropriate special education programs and related services. The Desert/Mountain SELPA will ensure and provide support to the LEAs that are out of the geographic area

to ensure that all eligible students with disabilities enrolled in alternative education programs have access to appropriate special education programs and related services.

The Office of the San Bernardino County Superintendent of Schools is presently designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the Desert/Mountain SELPA, and the CAHELP JPA Governance Council may change the RLA and AU in its discretion and in accordance with California law.

All structural changes within the organization of the Desert/Mountain SELPA, including changes in governance, are decided through deliberations of the CAHELP JPA Governance Council. All conflicts are ultimately resolved through deliberations of the CAHELP JPA Governance Council. However, most concerns are managed within various committee interactions. The SELPA Steering Committee examines program issues and staffing needs, and advises the CAHELP JPA Governance Council regarding the adoption of the Annual Service Plan. The SELPA Finance Committee examines fiscal issues and advises the CAHELP JPA Governance Council regarding the adoption of the Annual Budget Plan. If necessary, recommendations regarding policies, procedures, and the implementation of the Local Plan can be given to the CAHELP CEO for ultimate consideration by the CAHELP JPA Governance Council.

The Desert/Mountain SELPA is governed by the CAHELP JPA Governance Council. The CAHELP JPA Governance Council shall be advised by the CAHELP CEO who shall, in turn, be advised by the SELPA Steering Committee, SELPA Finance Committee, and the Community Advisory Committee (CAC). The CAHELP CEO is responsible to ensure that all aspects of the approved SELPA Local Plan are implemented according to the approved California Department of Education (CDE) Local Plan and by the CAHELP JPA Governance Council.

#### **B. CAHELP JPA Governance Council**

CAHELP JPA Governance Council shall consist of the Superintendent/CEO representing each of the LEA members of the Desert/Mountain SELPA, and two (2) CEO representatives from the Desert/Mountain Charter SELPA. A CEO representing multiple LEAs shall count as a single member of the Governance Council. Each member of the Governance Council shall have one vote. Each member of the Governance Council may designate, in writing, an alternate representative, including but not limited to, another member of the Governance Council (“proxy”), if the Superintendent/CEO or CEO is unable to attend a meeting, which designated alternate representative or designee shall have the full authority of the designating Superintendent/CEO or CEO for the purpose of decision-making. Such a designation must be received by the CEO prior to the commencement of a scheduled meeting of the Governance Council, and shall be good only for that meeting. One-third of the members, represented in person or by proxy, shall constitute a quorum at a meeting of members.

The Governance Council is empowered to establish or to participate in the establishment of a system for determining the responsibility of member agencies for the education of each individual with disabilities and to designate an administrative entity to perform such regionalized functions as the receipt and distribution of all SELPA funds and provisions of administrative support, and coordination of the implementation of the Local Plan for the education of children with disabilities, and to undertake such ancillary and related programs as determined by the Governance Council. The Governance Council shall determine all policy matters for the CAHELP JPA.

Policies governing the Desert/Mountain SELPA shall be adopted by the CAHELP JPA Governance Council and are included as part of the Local Plan. Input may be received from parents, staff, public and nonpublic agencies, and members of the public at large. Individuals wishing an opportunity to address the CAHELP JPA Governance Council on a particular agenda item, or have the Governance Council consider a topic, are invited to complete a Request to Address the CAHELP JPA Governance Council form.

The CAHELP JPA Governance Council shall review the Desert/Mountain SELPA Local Plan and recommend modifications as necessary. The CAHELP CEO and SELPA Steering Committee shall assist the CAHELP JPA Governance Council with these reviews.

The CAHELP JPA Governance Council may initiate and carry on an activity, or may otherwise act in any manner which is not inconsistent with or preempted by law, and which is not in conflict with the purposes for which the Desert/Mountain SELPA is established.

The CAHELP JPA Governance Council shall have responsibility for overall management and direction of the Local Plan development, implementation, and operation. Governance Council members shall be involved in the budget review and approval process for the Local Plan. The County Superintendent of Schools as the current RLA, and any successors or later RLA, shall have responsibility for employing the number and type of Desert/Mountain SELPA staff to meet the program and service requirements necessary for the implementation of the Local Plan as determined by the CAHELP JPA Governance Council.

1. Responsibilities of the CAHELP JPA Governance Council

The CAHELP JPA Governance Council, with direction from the LEA governing boards, shall be responsible for the following areas of Local Plan administration and shall act to:

- a. Establish operational procedures and make decisions on any matters regarding implementation, administration, and operation of special education programs in accordance with the Local Plan;

### Section III: Governance and Administration

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- b. Review and approve all Desert/Mountain SELPA policies, procedures, standards, and guidelines;
- c. Review, approve, and monitor the allocation of special education funds to LEAs through the Annual Budget Plan process;
- d. Review, approve, and monitor all budgets assigned to the Desert/Mountain SELPA office;
- e. Provide leadership to the Desert/Mountain SELPA regarding the development, revision, implementation, and review of the Local Plan;
- f. Select and recommend to the Superintendent of the RLA, a qualified candidate to be employed as the CAHELP CEO;
- g. Evaluate the performance of the CAHELP CEO;
- h. Determine and provide direction related to the personnel, program, and service requirements necessary for the implementation of the Local Plan and allocation of special education funds;
- i. Meet as often as necessary during the year to implement the business of the Desert/Mountain SELPA and to provide the necessary direction and guidance to the CAHELP CEO;
- j. Provide direction, consultation, and technical assistance to the LEAs and the Superintendent of the RLA;
- k. Provide a consistent forum to develop, review, and approve policy recommendations, which are submitted to the Governance Council for consideration;
- l. Approve interagency agreements;
- m. Designate participants for the SELPA Steering Committee, and SELPA Finance Committee;
- n. Establish and promote a Community Advisory Committee (CAC);
- o. Receive recommendations from the CAC, SELPA Steering Committee, LEA boards, and other concerned agencies and individuals;
- p. Decide disputes, if any, between participating LEAs that arise concerning special education related matters or related to the interpretation of the Local Plan and other agreements or policies between or among the LEAs;

- q. Annually evaluate the Local Plan implementation and operations; and
- r. Undertake such additional activities as permitted under the JPA Agreement and Bylaws, California law, and the Local Plan.

**C. Administration of the Local Plan**

1. SELPA Steering Committee

Each participating LEA shall appoint an appropriate administrator of special education programs to membership on the SELPA Steering Committee. The SELPA Steering Committee may be requested by the CAHELP JPA Governance Council to provide advice or assistance in other areas as needs are identified within the Desert/Mountain SELPA.

The SELPA Steering Committee meets on a regular basis. The CAHELP CEO serves as the Chairperson of the committee and is responsible for providing timely written notice of the meeting and agenda, minutes for the meeting, and additional documentation as needed to provide informed decision-making.

The duties of the SELPA Steering Committee include, but are not limited to, the following:

- a. Provide information and recommendations for the development, modification, and implementation of the Local Plan to the CAHELP JPA Governance Council;
- b. Develop and implement forms and procedures for the identification, referral, assessment, IEP development, and special education service delivery to individuals with disabilities as established by the Local Plan;
- c. Develop procedures and recommendations for programs and services for review, modification, and approval by the CAHELP JPA Governance Council;
- d. Develop, review, and/or modify an annual budget for SELPA operations, including Regional Services, Program Specialists, and other SELPA administrative budgets prior to review, modification, and approval by the CAHELP JPA Governance Council;
- e. Recommend and monitor staff development training programs, including parent education activities;
- f. Provide recommendations for membership for the CAC;

- g. Develop, review, and/or modify the Annual Service Plan prior to adoption by the CAHELP JPA Governance Council; and
- h. Develop, review, and/or modify the Annual Budget Plan prior to adoption by the CAHELP JPA Governance Council.

In addition to carrying out the responsibilities identified in the Local Plan, the SELPA Steering Committee may choose to form subcommittees to focus on special issues. Such subcommittees shall report to the SELPA Steering Committee, or CAHELP JPA Governance Council, as appropriate.

**1. SELPA Finance Committee**

Each participating LEA shall appoint an appropriate administrator of special education programs and/or an administrator who is knowledgeable in the area of special education finance to the SELPA Finance Committee. The SELPA Finance Committee meets on a regular basis. The CAHELP CEO serves as the Chairperson of the committee and is responsible for providing timely written notice of the meeting and agenda, minutes for the meeting, and additional documentation as needed to provide for informed decision-making.

**1. Responsibilities of the SELPA Finance Committee**

The duties of the SELPA Finance Committee include, but are not limited to, the following:

- a. Provide information and recommendations for the development, modification, and implementation of the SELPA funding allocation plan to the CAHELP JPA Governance Council;
- b. Review and make recommendations to the CAHELP JPA Governance Council regarding decisions that impact the finances of LEAs;
- c. Develop, review, and/or modify the Annual Budget Plan prior to adoption by the CAHELP JPA Governance Council; and
- d. Review, modify, and recommend an annual budget for SELPA operations, including Regional Services, Program Specialists, and other SELPA administrative budgets prior to review, modification, and approval by the CAHELP JPA Governance Council.

The SELPA Finance committee may be requested by the CAHELP JPA Governance Council to provide advice or assistance in other areas as needs are identified within the Desert/Mountain SELPA.

In addition to carrying out the responsibilities identified in the Local Plan, the SELPA Finance Committee may choose to form subcommittees to focus on special issues. Such subcommittees shall report to the SELPA Finance Committee, or CAHELP JPA Governance Council, as appropriate.

**2. Distribution of Federal and State Funds**

All federal and state special education funds shall be allocated to the Desert/Mountain SELPA AU for distribution to LEAs according to an approved special education funding allocation plan. Any changes to the allocation of federal and state special education funds shall be made by the CAHELP JPA Governance Council as permitted under the JPA and Bylaws, and California and federal law.

**A. Responsibilities for Distribution of Federal and State Funds**

The governing boards of the LEAs participating in the Desert/Mountain SELPA have agreed that students with disabilities will be provided with appropriate special education services. The CAHELP JPA Governance Council has been designated the authority to determine the distribution of all federal and state special education funds in order for LEAs to carry out their responsibilities. The AU shall be responsible for the distribution of funds according to an approved special education funding allocation plan. The CAHELP CEO is responsible to ensure that the funds are distributed in accordance with the funding allocation plan.

The SELPA Finance Committee shall participate in the development of the Annual Budget Plan for review and approval by the CAHELP JPA Governance Council. The Annual Budget Plan shall be distributed to the LEAs and the CAC upon approval by the CAHELP JPA Governance Council.

State and federal funds are deposited from the San Bernardino County Treasury into the County School Service Fund (AU), unless otherwise directed by the CAHELP JPA Governance Council. The Desert/Mountain SELPA provides an annual allocation plan to the Office of the San Bernardino County Superintendent of Schools for distribution of state and federal funds to the LEAs according to the approved schedule of disbursement.

**B. Monitoring the Use of State and Federal Funds**

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 other education-related setting to a student 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 CAHELP CEO, with the assistance of the SELPA Steering Committee, SELPA Finance Committee, and the AU shall be responsible to monitor on an annual basis the appropriate use of all funds allocated for special education programs. Final determination and action regarding the appropriate use of special education funds shall be made by the CAHELP JPA Governance Council through the Annual Budget Plan process.

The Desert/Mountain SELPA monitors the distribution and appropriate use of funds and shares this information with the SELPA Steering and SELPA Finance Committees. When necessary, meetings are held with individual LEAs for the purpose of monitoring funds.

The Desert/Mountain SELPA is responsible for the preparation of program and fiscal reports requested by the State.

The CAHELP CEO shall be permitted to monitor the LEA's special education program implementation to ensure compliance in all areas including finance, service delivery, and legal requirements.

If the CAHELP CEO or designee determines that an LEA is not compliant and/or not operating in a fiscally responsible manner, the CAHELP CEO may require that the responsibility for resulting costs be borne by the LEA or take such other action as may be required to remedy the matter. The LEA will have the right to appeal any such determination to the CAHELP JPA Governance Council. The decision of the CAHELP JPA Governance Council shall be final.

### **1. Procedures for Changes in Governance Structure**

Any changes in the governance structure of the Desert/Mountain SELPA are subject to specific provisions of California Education Code §§ 56140, 56195, et seq., 56195.1 et seq., and 56205 et seq.

1. Any LEA may elect to pursue an alternative option from those specified in California Education Code § 56195.1 by notifying the CDE, Desert/Mountain SELPA, and County Superintendent at least one year prior to the date the alternative plan would become effective (California Education Code § 56195.3(b)).
2. Any alternative plan of an LEA is subject to the approval of the County Superintendent of the county, which would have LEAs as participating agencies in the alternative plan (California Education Code § 56195.1).

3. Approval of a proposed alternative plan by the appropriate County Superintendent(s) must be based on the capacity of the LEA(s) to ensure that special education programs and services are provided to all children with disabilities (California Education Code § 56140(b)).
4. If the County Superintendent does not approve an alternative plan, the County Office shall return the plan with comments and recommendations to the LEA(s). The LEA(s) participating in the alternative plan may appeal the decisions to the Superintendent of Public Instruction (California Education Code § 56140(b)(2)).
5. Any alternative plan to be submitted by an LEA or group or LEAs currently participating in the Desert/Mountain SELPA must meet the standards established by the State Board of Education.

**III. Request for SELPA Membership LEAs and Charter Schools (California Education Code §§ 56203, 56203(b), 56203(c), 56207.5, 56207.5(a), 56207.5(b), 56207.5(c), and 56195.1(c)(2)(f))**

A request by a charter school to participate as a LEA in the Desert/Mountain SELPA will not be treated differently from a similar request made by an LEA. In reviewing and approving a request by an LEA or charter school to participate as an LEA, the following requirements shall apply:

- a. The LEA or charter school shall participate in state and federal funding for special education and the allocation policy adopted by the CAHELP JPA Governance Council in the same manner as other participating LEAs of the Desert/Mountain SELPA;
- b. The LEA or charter school shall participate in the governance of the Desert/Mountain SELPA in the same manner as other LEAs of the Desert/Mountain SELPA; and
- c. The approval of additional members to the Desert/Mountain SELPA by the CAHELP JPA Governance Council shall follow guidelines as specified in the policy and procedure manual.

In the event of lack of agreement among CAHELP JPA Governance Council members regarding the participation of members in the Desert/Mountain SELPA, it shall be the responsibility of the CAHELP CEO to resolve the conflict. If the conflict regarding the participation of members in the Desert/Mountain SELPA cannot be resolved satisfactorily, the issue may be appealed to the CAHELP JPA Governance Council for a hearing on the matter. The decision of the CAHELP JPA Governance Council shall be final.

**1. General Description**

The CAHELP JPA Governance Council shall consist of the Superintendent/CEO representing each of the LEA members of the Desert/Mountain SELPA, and two (2) CEO representatives from the Desert/Mountain Charter SELPA. A CEO representing multiple LEAs shall count as a single member of the Governance Council. Each member of the Governance Council shall have one vote. Each member of the Governance Council may designate, in writing, an alternate representative, including but not limited to, another member of the Governance Council (“proxy”), if the Superintendent/CEO or CEO is unable to attend a meeting, which designated alternate representative or designee shall have the full authority of the designating Superintendent/CEO or CEO for the purpose of decision-making. Such a designation must be received by the CEO prior to the commencement of a scheduled meeting of the Governance Council, and shall be good only for that meeting. One-third of the members, represented in person or by proxy, shall constitute a quorum at a meeting. The CAHELP JPA Governance Council has indicated its strong preference for a decentralized structure that would keep as many children as possible appropriately served in their LEA of enrollment. It is felt that only when there is convincing evidence that a service is more economically feasible on a regional level would service be provided outside of the local LEAs. Leaving most programs with local LEAs will ensure their responsiveness to local interests and values; minimize transportation; encourage inclusion; and reduce duplication of administrative and service costs.

Smooth and efficient implementation and operation of the Local Plan continues to be a priority of the SELPA Steering Committee, which is composed of special education administrators of each participating LEA and the Area Director of the San Bernardino County Superintendent of Schools office. This structure facilitates the development of an efficient management process that will allow control, direction, and management of the various activities required by the Local Plan.

#### **2. Responsibilities of Participating LEAs**

LEAs, in adopting the completed Local Plan, agree to carry out the duties and responsibilities assigned within the plan, or which may be designated at a later date through agreement of the participating agencies. Participating LEAs may also enter into additional contractual arrangements to meet the requirements of applicable federal and state law.

Each LEA shall ensure that children with disabilities are educated with children who are nondisabled to the maximum extent appropriate. Removal of children with disabilities from the general educational environment shall occur only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. It is recognized, however, that some students have educational needs so unique that it is not possible to meet those needs in their neighborhood schools or within their home LEAs. As a result, some students will need to receive services from other LEAs within the Desert/Mountain SELPA, or through additional contractual arrangements with LEAs

outside of the Desert/Mountain SELPA. Each LEA shall cooperate to the maximum extent possible with other agencies to serve individuals with disabilities who cannot be served in the LEA of enrollment. Such cooperation ensures that a range of program options is available through the Desert/Mountain SELPA.

In the event of a conflict regarding the responsibility of specific LEAs for the provision of services to children with disabilities, it shall be the responsibility of the CAHELP CEO to resolve the conflict. If the conflict regarding the responsibility of specific LEAs for the provision of services to children with disabilities cannot be resolved satisfactorily, either party to the dispute may appeal the decision of the CAHELP CEO to the CAHELP JPA Governance Council for a hearing on the matter. The decision of the CAHELP JPA Governance Council shall be final.

**3. Withdrawal from the SELPA (California Education Code § 56195.3(b))**

Each participating LEA will cooperate with the County office and other LEAs in the Desert/Mountain SELPA in planning its option under California Education Code § 56195.1, and notify the department, impacted special education local plan areas, and participating County offices of its intent to elect an alternative option at least one fiscal year prior to the proposed effective date of the implementation of the alternative plan. Any such plan will be submitted to the County office for review in accordance with guidelines approved by the CAHELP JPA Governance Council.

Any LEA initiating a proposal to withdraw from the Desert/Mountain SELPA shall bear the total cost of consultants retained to provide a thorough analysis of legal or fiscal implications caused by such proposed action. In addition, any due process costs associated with a withdrawal from the Desert/Mountain SELPA shall be borne entirely by the LEA initiating the change.

**4. LEA Governing Boards**

The Boards of Education of the LEAs and the elected Superintendent of the Office of the County Superintendent of Schools, in representing the involved communities, have overall responsibility for implementation and operation of the Local Plan. Policymaking responsibilities are fulfilled by the County Superintendent and local boards' review/approval of the Local Plan.

All LEA Boards of Education and the Superintendent of the Office of the San Bernardino County Superintendent of Schools shall have the responsibility for the final approval of the Local Plan for special education and significant revisions of that Local Plan. Additionally, they shall have final approval of the appointment of parents in their communities to serve on the CAC.

**1. Responsibilities of LEA Governing Boards**

Additional responsibilities include:

- a. Exercise authority over, assume responsibility for, and be fiscally accountable for special education programs operated by the LEA;
- b. Operate local programs consistent with applicable state and federal laws and regulations and Desert/Mountain SELPA-adopted policies and procedures and the Desert/Mountain SELPA Local Plan;
- c. Develop and adopt policies for the operation of the LEA, which are consistent with those of the Desert/Mountain SELPA and which promote access to appropriate programs and services for all children with disabilities;
- d. Provide suitable housing for special education programs maintained by the LEA;
- e. Review and approve the Desert/Mountain SELPA Local Plan for special education prior to approval by the State Board of Education;
- f. By approving the Local Plan, enter into an Agreement for Participation with other LEAs participating in the plan, for the purpose of the delivery of regional services and programs as appropriate;
- g. Participate in the governance of the Desert/Mountain SELPA through their designated representatives to the CAHELP JPA Governance Council. The governing boards provide the CAHELP JPA Governance Council with the authority to act as the board designee to approve and amend policies as necessary; and
- h. Appoint members to the CAC.

**5. LEA Superintendents/CEOs**

The LEA Superintendent/CEO represents the LEA as a member of the CAHELP JPA Governance Council and provides a liaison function between the LEA governing board and the CAHELP JPA Governance Council. The LEA Superintendent/CEO provides leadership within the LEA in support of special education programs.

**A. Responsibilities of the LEA Superintendents/CEOs:**

- a. Provide leadership within the LEA in support of special education programs;
- b. Represent the LEA as a member of the CAHELP JPA Governance Council;

- c. Act as a liaison between the governing board of the LEA and the CAHELP JPA Governance Council, transmitting suggestions for the development and/or changes of policy to the CAHELP JPA Governance Council and vote upon such matters in accordance with direction from the LEA governing boards;
- d. Advise the LEA governing boards of policies adopted by the CAHELP JPA Governance Council and provide the governing boards with copies of such policies;
- e. Recommend the adoption of the LEA special education policies to the governing boards; and
- f. Annually recommend to the governing board the modifications of the LEA special education programs, which are necessary to meet the changing needs of the students, to be included in the required Annual Service and Budget Plans submitted to the Desert/Mountain SELPA.

**6. LEA Special Education Administrators**

The LEA Special Education Administrators are responsible for the operation of Local Education Agency programs to ensure that all eligible children with disabilities receive appropriate services.

- a. Responsibilities of the LEA Special Education Administrators
  - a. Advise the CAHELP CEO and the CAHELP JPA Governance Council regarding the status, accomplishments, and needs of special education programs operated within the Local Education Agencies;
  - b. Provide leadership and support through inter-district relationships to implement the Local Plan, including any regionalized programs and services;
  - c. Act as liaison with parents, community resources, other LEAs, the CAHELP CEO, and the CAHELP JPA Governance Council;
  - d. Coordinate and facilitate the day-to-day participation of LEA special education personnel and utilize other available LEA resources to improve special education services in accordance with the provisions of the Local Plan and decisions made by the CAHELP JPA Governance Council;
  - e. Provide technical advice and assistance to the CAHELP JPA Governance Council and the CAHELP CEO;

- f. Gather, interpret, and report data regarding the implementation, administration, and operation of the Local Plan;
- g. Coordinate and facilitate the provision of LEA special education services in accordance with the provisions of the Local Plan and decisions made by the CAHELP JPA Governance Council; and
- h. Advise the CAHELP CEO of the annual program needs of the LEA to be considered in the development of the Annual Budget plan and the Annual Service Plan and recommend programs and services to be considered for inclusion in the Regional Services Program budget.

**IV. Implementation of Administrative Functions (California Education Code §§ 56195(b)(3)(c)(2), 56195.1, 56205(a)(12)(D)(ii), 56205(a)(12)(D)(ii)(IV))**

**a. Designation of the Responsible Local Agency**

The Office of the San Bernardino County Superintendent of Schools is designated as the Responsible Local Agency (RLA) for the Desert/Mountain SELPA. The CAHELP JPA Governance Council may, in its discretion, change the RLA as permitted under the JPA, Bylaws, Local Plan, and California law.

**a) Responsibilities of the RLA**

The RLA shall be responsible for functions as specified under E.C. 56195.1(c)(2) such as, but not limited to:

- I. Receipt and distribution of regionalized services funds as approved by the CAHELP Governance Council. An overall budget for all special education services and programs for the Special Education Local Plan Area shall be prepared under the direction of the CAHELP CEO. The SELPA Steering Committee and SELPA Finance Committee shall also provide assistance in the development of the annual income and expenditure budgets for the Desert/Mountain SELPA. The budget shall be submitted to the CAHELP JPA Governance Council by the CAHELP CEO for review and approval;
- II. Provision of administrative support;
- III. Coordination and implementation of the Local Plan;
- IV. Receipt and distribution of special education funds to LEA accounts for the operation of special education programs and services according to the Special Education Funding Allocation Plan approved by the CAHELP JPA Governance Council;

- V. Receipt and distribution of special education funds to accounts exclusively designated for SELPA use; and
- VI. The employment of staff as designated by the CAHELP JPA Governance Council to support SELPA functions.

The Desert/Mountain SELPA office 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.

b) Selection, Employment, and Evaluation of the SELPA Staff

The governing boards of each of the participating LEAs agree to invest the CAHELP JPA Governance Council with the responsibility of designating an appropriate agency as the RLA for the administration of the Local Plan and its implementation. The boards assure that the CAHELP JPA Governance Council shall indemnify the need for and designate the positions necessary for the operation of the SELPA functions according to this policy.

The CAHELP CEO shall be responsible for recommending the employment of Desert/Mountain SELPA personnel to carry out those functions described in the Local Plan.

The CAHELP JPA Governance Council shall be responsible for designating the staff to support the functioning of the Desert/Mountain SELPA. In reviewing and approving the SELPA budgets on an annual basis, the CAHELP JPA Governance Council designates the staffing for the Desert/Mountain SELPA office upon recommendation of the CAHELP CEO.

Desert/Mountain SELPA staff shall be employed by the RLA and supervised by the CAHELP CEO according to the RLA's policy and practices. The CAHELP CEO shall use a selection process that is in accordance with the law and personnel policies of the RLA.

Desert/Mountain SELPA employed personnel shall be subject to the administrative procedures and policies in operation with the San Bernardino County Superintendent of Schools Office, including but not limited to, hiring, supervision, evaluation, and discipline. In addition, contract negotiations shall follow County established procedures for all applicable SELPA employed personnel.

c) CAHELP CEO

The fundamental role of the CAHELP CEO is to provide leadership and facilitate the decision making process regarding the implementation of the Local Plan. The CAHELP CEO's role includes the provision of information,

specific services identified by the CAHELP JPA Governance Council, technical assistance, leadership and arbitration. It is the CAHELP CEO's responsibility to represent the interests of the Desert/Mountain SELPA as a whole without promoting any particular local education agency's interest over the interest of any other agency. In the event there are differences of opinions and/or positions on issues, it is the CAHELP CEO's responsibility to mediate a reasonable resolution of the issue(s).

The CAHELP JPA Governance Council shall be responsible for the selection, direction, discipline and evaluation of the CAHELP CEO. The CAHELP JPA Governance Council shall be assisted in the hiring and selection process by the RLA.

The CAHELP CEO is subject to the RLA's policies and procedures for day-to-day operations, but receives direction from, and is responsible to, the CAHELP JPA Governance Council. The CAHELP CEO is evaluated by a joint committee comprised of the Chair of the CAHELP JPA Governance Council and at least two other superintendents/CEOs from the CAHELP JPA Governance Council. The evaluation is confirmed by a vote of the CAHELP JPA Governance Council.

The CAHELP CEO shall have the responsibility for the coordination of all SELPA activities.

a. Responsibility of the CAHELP CEO

The CAHELP CEO shall serve as the chief administrator of the SELPA to coordinate the implementation of the Local Plan for Special Education on behalf of participating LEAs including the following:

- 1) Provide overall coordination of the Local Plan implementation;
- 2) Provide leadership for Special Education within the Desert/Mountain SELPA;
- 3) Serve as the Executive Secretary to the CAHELP JPA Governance Council's; as Secretary, the CAHELP CEO shall:
  - a. Prepare and handle the CAHELP JPA Governance Council's meeting agenda;
  - b. Prepare and handle the CAHELP JPA Governance Council's meeting minutes;

- c. Handle and care for all Special Education Local Plan Area and CAHELP JPA Governance Council's records and documents (records custodian); and
  - d. Prepare a tentative calendar of the CAHELP JPA Governance Council's meetings for the ensuing year for the considerations of the CAHELP JPA Governance Council at a regular meeting in early spring.
- 4) Initiate proposed policies for adoption by the CAHELP JPA Governance Council;
  - 5) Report, on an annual basis, the status of the Local Plan implementation;
  - 6) Develop the annual income and expenditure budgets for the Special Education Local Plan Area;
  - 7) Develop and implement procedures for operation within the Special Education Local Plan Area;
  - 8) Serve as the Chairperson of the SELPA Steering Committee;
  - 9) Serve as the Chairperson of the SELPA Finance Committee;
  - 10) Serve as the Chairperson of Ad Hoc Committees as designated by the CAHELP JPA Governance Council;
  - 11) Evaluate Special Education Local Plan Area staff, as appropriate;
  - 12) Serve as an ex officio member of the Community Advisory Committee, including the responsibility to respond to items and concerns of that group;
  - 13) Represent the Desert/Mountain SELPA on the Region 10 Coordinating Council;
  - 14) Review special education forms to assure compliance with the law;
  - 15) Coordinate the compliance review process;
  - 16) Coordinate development of fiscal policies and administer the utilization of the SELPA "X-Pot";

- 17) Implement the regionalized services of the Desert/Mountain SELPA:
  - 1) Administer staff development programs;
  - 2) Coordinate program review;
  - 3) Supervise data collection, information management and reporting;
  - 4) Coordinate curriculum and program development;
  - 5) Coordinate ongoing monitoring of Local Plan implementation through program review;
  - 6) Coordinate ongoing comprehensive evaluation of special education programs;
  - 7) Assign, supervise and evaluate Program Specialists and other Desert/Mountain SELPA staff; and
  - 8) Other matters related to the representation and operation of the Desert/Mountain SELPA.
- 18) Assist in the development of the Annual Budget Plan and annual Desert/Mountain SELPA operations budget;
- 19) Allocate and distribute funds to LEAs for the operation of special education programs and services in accordance with policy;
- 20) Coordinate the funds for low incidence services, equipment, and materials in accordance with established procedures;
- 21) Complete reports for the Desert/Mountain SELPA and individual LEAs in accordance with State priorities criteria, and California Education Code Sections 56220(c)(1), 56368, 56780;
- 22) Apply for discretionary funds and other grants that become available to the Desert/Mountain SELPA;
- 23) Monitor the appropriate use of federal, state, and local funds allocated for special education programs (56205(a)(12)(D)(ii)(IV));

- 24) Prepare and submit to the State Department of Education all reports required for the Desert/Mountain SELPA (56205(a)(12)(D)(ii)(V));
- 25) Develop and coordinate the implementation of agreements and contracts with nonpublic schools and agencies providing services to students with disabilities;
- 26) Develop and coordinate the implementation of agreements with other SELPAs and agencies;
- 27) Provide for the ongoing evaluation of the effectiveness of special education programs and services and identify special education program and service needs for the Desert/Mountain SELPA;
- 28) Request input from the LEAs regarding regionalized and program specialist services;
- 29) Coordinate and facilitate the establishment of Desert/Mountain SELPA standards, procedures, processes, and regulations for the implementation of the Local Plan;
- 30) Provide technical assistance to LEAs in due process and complaint procedures, and represent or designate appropriate personnel to represent the Desert/Mountain SELPA in due process and complaint procedures;
- 31) Act as a liaison between and among the Desert/Mountain SELPA, the State Department of Education, the CAHELP JPA Governance Council, SELPA Steering Committee, Community Advisory Committee, Federal Departments, and elected government officials; and
- 32) Update the CAHELP JPA Governance Council, SELPA Steering Committee and SELPA Finance Committee on legislative changes, proposals, trends, and related concerns.

d) SELPA Staff

The CAHELP JPA Governance Council shall be responsible for designating the staff to support the functioning of the Desert/Mountain SELPA. In reviewing and approving the Desert/Mountain SELPA budgets on an annual basis, the CAHELP JPA Governance Council designates the staffing for the SELPA office upon recommendation of the SELPA Steering Committee.

Desert/Mountain SELPA staff shall be employed by the AU and supervised by the CAHELP CEO according to the AU's policy and practices. The CAHELP CEO shall use a selection process that includes representation from the Desert/Mountain SELPA, SELPA Steering Committee, and other LEA and/or community representatives as appropriate.

e) Program Manager Individual Protections

The description of due process procedures in California Education Code Sections 56500-56509, for purposes of Code of Federal Regulations, 34 C.F.R. 300.500-300.520, is hereby included in the Local Plan by reference.

The Program Manager Individual Protections assists and/or conducts the procedures involved in due process hearings, complaints, and investigations for all participating LEAs within the Desert/Mountain SELPA including LEAs that are out of geographic boundaries. Inherent to this assignment is dissemination of information and initiation of procedures that ensure compliance with all parent/child rights and requirements. These include availability of parent/child rights notices, equal access to programs, correction of identified program/service problems, and compliance with mandated timelines for assessment and placement of children.

a. Responsibilities of the Program Manager Individual Protections

The responsibilities of the Program Manager Individual Protections shall include but not be limited to:

- 1) Coordinate Inter/Intra-SELPA program placements;
- 2) Develop, review and revise interagency agreements;
- 3) Coordinate consultant/expert witness contracting;
- 4) Negotiate contracts and coordinate services, oversight, and evaluation of nonpublic schools;
- 5) Negotiate contracts and coordinate services, oversight, and evaluation of nonpublic agencies (NPA);
- 6) Coordinate independent educational evaluations (IEEs);
- 7) Develop, review, and revise compliance procedures within all Desert/Mountain SELPA participating LEAs, including those that are out of geographic boundaries;

- 8) Advise LEAs, including those that are out of geographic boundaries, regarding compliance procedures and changing legislation;
- 9) Assist LEAs, including those that are out of geographic boundaries, in complaint/mediation procedures;
- 10) Represent LEAs, including those that are out of geographic boundaries, in due process proceedings as appropriate; and
- 11) Coordinate legal assistance and representation for participating LEAs, including those that are out of geographic boundaries.

Any LEA failing to adhere to Desert/Mountain SELPA advice regarding state and federal law relative to the IEP development process shall bear any and all subsequent due process or private contracting costs associated with said independent actions. The Desert/Mountain SELPA notification of fiscal responsibility shall be in the form of a written formal memo directed to the LEA special education administrator with a copy to the Superintendent/CEO.

Any LEA wishing to appeal this decision by the CAHELP CEO shall request the matter be placed on the agenda at a SELPA Steering Committee meeting with a subsequent recommendation to the CAHELP JPA Governance Council for final action.

All contacts with SELPA-retained attorneys or legal consultants shall be made only after approval of the CAHELP CEO or designee. Any LEA initiating contact with a legal advisor without prior approval will bear the cost of the contract.

f) Program Manager Regional Services

The Program Manager Regional Services interacts with all LEAs, including those that are out of geographic boundaries, to determine staff development needs, initiates training activities/programs, and manages resources available to support staff development training and transition services for all individuals who are responsible for special education and for youth with disabilities. Activities are initiated through the SELPA Steering Committee as well as with various teacher/administrator groups.

a. Responsibilities of the Program Manager Regional Services

- 1) Coordination of program specialist's services;

- 2) Coordination of Desert/Mountain SELPA personnel development activities;
- 3) Develop, facilitate, implement, and evaluate Desert/Mountain SELPA staff development programs;
- 4) Facilitate the alignment of curriculum between special education and general education;
- 5) Evaluate the effectiveness of programs for students with disabilities; and
- 6) Coordinate the implementation of grant and contract funding services to students with disabilities.

g) Fiscal and Budget Management Services

The Desert/Mountain SELPA shall provide for fiscal and budget management services in order to coordinate and monitor the receipt and distribution of federal and state funds for special education. This individual performs the business management functions of the Desert/Mountain SELPA and acts as a fiscal consultant to participating LEAs, including those that are out of geographic boundaries, regarding special education funding issues. These services include analysis of expenditure and program data to improve the efficiency and effectiveness of special education programs as well as the analysis of the impact of legislative proposals on LEA and SELPA budgets.

1. Responsibilities of Fiscal and Budget Management Services

Fiscal and Budget Management Services include, but are not limited to:

- A.** Develop, review and administer the fiscal and accounting functions of the Desert/Mountain SELPA;
- B.** Prepare Special Education fiscal and accounting reports required by the state;
- C.** Develop and recommend funding allocation models for the equitable distribution of special education revenues;
- D.** Plan, organize and implement the budget development process;
- E.** Prepare multi-year revenue and expenditure forecasts and trend analysis;

- F.** Analyze, review, and recommend fiscal implications in response to legislative proposals and demographic trends;
- G.** Analyze and interpret statistical and financial information related to special education revenue and expenditure data;
- H.** Develop, review, and recommend strategies for the reduction of LEA encroachment and the efficient operation of special education programs; and
- I.** Monitor the distribution and utilization of special education funds according to the approved SELPA funding allocation plan and the Annual Budget Plan for the LEAs, including those that are out of geographic boundaries.

h) Program Specialists

The program specialists are employed by the RLA for employment purposes, and serve the Desert/Mountain SELPA under the direction of the CAHELP CEO. The CAHELP JPA Governance Council designates the number and type of specialists upon recommendation of the SELPA Steering Committee and approves the SELPA budget for its expenditures.

1. Qualifications of Program Specialists

A program specialist shall hold a valid special education credential, clinical services credential, health services credential, or a school psychologist authorization, and have advanced training and related experience in the education of students with disabilities and a specialized in-depth knowledge in preschool disabilities, career vocational development, or one or more areas of major disabling conditions.

2. Responsibilities of Program Specialists

The governing boards of the LEAs identify the importance of employment of program specialists to provide unique and necessary services to LEAs and to students in the Desert/Mountain SELPA, including those that are out of geographic boundaries. Program specialists shall provide the following services:

- a. Observe, consult with, and assist, in accordance with LEA procedures, special education teachers and support staff, including those that are out of geographic boundaries;

- b. Plan programs, coordinate curricular resources, and share in the evaluation of the effectiveness of programs for children with disabilities, including those that are out of geographic boundaries;
- c. Assist with LEA staff development, program development, and innovation of special methods and approaches;
- d. Provide coordination, consultation, and program development in one or more specialized areas of expertise;
- e. Upon request, participate in IEP team meetings, including those that are out of geographic boundaries, where technical assistance is needed;
- f. Assist in mediation, due process hearings, and compliance proceedings by providing expertise in knowledge of special education law and regulations as well as programs and appropriate interventions available throughout the Desert/Mountain SELPA;
- g. Assist LEAs, including those that are out of geographic boundaries, in the determination of appropriate special education programs and services to ensure that students with disabilities have full educational opportunities regardless of the district of residence;
- h. Assist in developing training for parents and members of the Community Advisory Committee;
- i. Provide staff development training and technical assistance for general and special education teachers, administrators, support staff and parents, including those that are out of geographic boundaries; and
- j. Assist as a liaison to various community agencies such as Department of Behavioral Health, Department of Human Services, Inland Regional Center, California Children's Services, and the Probation Department, including those that are out of geographic boundaries.

**1. Regionalized Services and Operations (E.C. 56205(a)(12)(B) and 56368.23**

### Section III: Governance and Administration

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The CAHELP CEO, in coordination with participating LEAs, including those that are out of geographic boundaries, implements the Local Plan including the following regional services and operations:

- Coordination of the Desert/Mountain SELPA and the implementation of the Local Plan;
- Coordination of a system of identification and assessment;
- Coordination of a system of procedural safeguards;
- Coordination of general and special education personnel development opportunities and parent education;
- Coordination of a system of curriculum development and alignment with the core curriculum;
- Coordination of a system of internal program review, evaluation of the effectiveness of the Local Plan, and implementation of a Local Plan accountability mechanism;
- Coordination of a system of data collection and management to facilitate state and federal reporting requirements;
- Coordination of interagency agreements;
- Coordination of services to medical facilities;
- Coordination of services to licensed children's institutions and foster family homes;
- Preparation and transmission of required special education local plan area reports, including program and fiscal reports;
- Fiscal and logistical support of the Community Advisory Committee;
- Coordination of transportation services for children with disabilities;
- Coordination of career, vocational education, and transition services;
- Assurance of full educational opportunity;
- Fiscal administration and the allocation of state and federal funds;
- Direct instructional support provided by program specialists;
- Direct support provided by clinical counselors;

- Providing for Continuing Education Units;
- Coordination of the distribution and assignment of specialized equipment and services for students with low incidence disabilities;
- Preparation and coordination of contracts for nonpublic school and nonpublic agency services; and
- Representation on the Region 10 Coordinating Council.

**2. Dispute Resolution (California Education Code 56205(b)(5))**

In the event of a disagreement regarding the distribution of funding, responsibility for service provision and any other governance activities specified within the Local Plan, it is the intent of the CAHELP JPA Governance Council that issues be resolved at the lowest level possible in the governance structure outlined in the Local Plan. The CAHELP JPA Governance Council is considered to be the board of last resort. This policy is intended to resolve disagreements within a period of 45 days, but is not intended to undermine local authority.

If a LEA, including those that are out of geographic boundaries, disagrees with a decision or practice of another agency or the Desert/Mountain SELPA Office, that LEA has a responsibility to discuss and attempt resolution of the disagreement with the party, or parties directly involved. The parties involved will present the issues to their respective Superintendent/CEO or designees, who will attempt to resolve the matter. Either party may request the direct assistance of the CAHELP CEO or his/her designee, or the services of a neutral mediator from outside the Desert/Mountain SELPA. In the event the issue cannot be resolved either party may request review by the SELPA Steering Committee, or SELPA Finance Committee, as appropriate. If the issue cannot be resolved with the recommendation of the SELPA Steering Committee, or SELPA Finance Committee, either party may request that the issue be placed on the agenda of the CAHELP JPA Governance Council for a hearing on the issues and ultimate resolution. The decision of the CAHELP JPA Governance Council shall be final.

**3. Community Advisory Committee Public Participation/Certification (E.C. 56205(a)(12)(C))**

• **Selection of the Community Advisory Committee (CAC)**

Each participating LEA, including those that are out of geographic boundaries, shall appoint representatives to the CAC for the purpose of: advising the CAHELP CEO regarding the development, amendment and review of the Local Plan; recommending annual priorities to be addressed by the plan; assisting in parent education; encouraging community involvement; and fulfilling such other responsibilities as designated in the Local Plan. Each CAC representative shall be responsible to the

governing board of their respective LEA. All areas of responsibility related to the Local Plan shall be implemented through regularly scheduled meetings of the CAC. Representatives from out of geographic area charter schools will participate in CAC activities through video or telephone conferencing.

- **Procedures for CAC Appointment**

The CAC shall be composed of members approved by their participating LEA governing board. At least fifty-one percent of the members shall be parents of students with disabilities. Members shall include the following:

- Members shall include the following:
  - Parents – A majority of the CAC membership is composed of parents of students enrolled in LEAs participating in the Local Plan, including those that are out of geographic boundaries. A majority of these parent members shall be parents of students with disabilities;
  - School Personnel – School related members of the CAC include general education classroom teachers, special education classroom teachers, and other school personnel;
  - Students with disabilities enrolled in special education programs;
  - Representatives of public and private agencies;
  - Others – Persons concerned with students with disabilities; and
  - One member shall be appointed by the SELPA Steering Committee.
- Responsibilities of the CAC

The CAC shall serve in an advisory capacity to the Desert/Mountain SELPA and shall act to:

- I.** Improve communications among students with disabilities, their parents/guardian, and LEA staff;
- II.** Increase public awareness and understanding of the unique educational needs of students with disabilities by communicating with LEAs, the Desert/Mountain SELPA, and legislative staff members;
- III.** Advise local, county, and state officials of the development, operation, and review of the Local Plan;

- IV.** Provide a support group and forum for students with disabilities and their parents/guardians where they may express their needs and concerns regarding their children’s education;
- V.** Conduct parent orientation, education training programs for individuals or groups as a means of increasing support for improved educational opportunities for all students;
- VI.** Advise the CAHELP CEO and SELPA Steering Committee regarding the development and review of the Local Plan and review of programs under the Local Plan;
- VII.** Make recommendations on annual priorities to be addressed under the Local Plan to the SELPA Steering Committee;
- VIII.** Assist in parent education and training. Recruit parents and other volunteers who may contribute to the implementation of the Local Plan;
- IX.** Encourage public involvement in the development and review of the Local Plan;
- X.** Act in support of students with disabilities. Serve as liaison between the CAHELP CEO and the local communities;
- XI.** Encourage regular attendance in all school programs. Assisting in parent awareness of the importance of regular school attendance;
- XII.** Submit an annual written report to the CAHELP CEO and the SELPA Steering Committee regarding progress of CAC projects;
- XIII.** Submit an annual written report to the CAHELP JPA Governance Council. Apprise the CAHELP JPA Governance Council, as needed, on matters of community concern;
- XIV.** Become familiar with the laws pertaining to special education and students with disabilities; and
- XV.** Other duties and responsibilities as assigned by the CAHELP JPA Governance Council.

## **READING LITERACY**

The Desert/Mountain SELPA and participating LEAs are committed to the improvement of educational results for all students including those who require special education. The Desert/Mountain SELPA shall ensure that special education students will actively participate in the California Reading Initiative to the maximum extent appropriate and in the least restrictive environment. In order to support this initiative, the Desert/Mountain SELPA shall provide and/or facilitate staff development opportunities for special education instruction staff (as evidenced by annual professional development calendars) in at least the following areas of literacy:

- a. Information about current literacy and learning research;
- b. State-adopted curriculum standards and frameworks;
- c. Research-based instructional strategies for teaching reading to a wide range of diverse learners in order to improve literacy and increase participation of students with disabilities in statewide assessments.

Full access shall be afforded to students with disabilities to all required core curriculum including state-adopted core curriculum textbooks and supplementary textbooks, as well as instructional materials and support in order for students with disabilities to attain higher standards in reading.

The Reading Literacy policy applies to all LEAs, including those that are out of geographic boundaries.

The Desert/Mountain SELPA has adopted Policies and Administrative Regulations as outlined on the list on page 33. The policies set forth in full within this document are included to fulfill Local Plan document requirements.

**F. List of Desert/Mountain SELPA Policies and Administrative Regulations**

- A.** Chapter 1: Identification & Referral
- B.** Chapter 2: Evaluation & Assessment
- C.** Chapter 3: Eligibility Criteria
- D.** Chapter 4: Instructional Planning & the Individualized Education Program (IEP)
- E.** Chapter 5: Supports & Services-a Continuum of Options
- F.** Chapter 6: Student Promotion & Retention
- G.** Chapter 7: Procedural Safeguards
- H.** Chapter 8: Uniform Complaint Procedures
- I.** Chapter 9: Transition Services
- J.** Chapter 10: Positive Behavioral Interventions
- K.** Chapter 11: Suspension & Expulsion
- L.** Chapter 12: Interagency Agreements
- M.** Chapter 13: Low Incidence Funding
- N.** Chapter 14: State Special Schools
- O.** Chapter 15: Student Records
- P.** Chapter 16: State & District Assessment Programs
- Q.** Chapter 17: Other Public Education Program
- R.** Chapter 18: Nonpublic Schools & Agencies
- S.** Chapter 19: Private Schools Services
- T.** Chapter 20: Provision of Healthcare Services
- U.** Chapter 21: Civil Rights Protection & 504 Accommodations
- V.** Chapter 22: Personnel Development
- W.** Chapter 23: Guidelines for the Provision of Special Education in Charter Schools
- X.** Chapter 24: Fiscal Allocation Plan
- Y.** Chapter 25: Guidelines for Independent Educational Evaluations (IEEs)

## **PARTICIPATING LOCAL EDUCATION AGENCIES (LEAs)**

- Academy for Academic Excellence Charter School
- Adelanto Elementary School District
- Apple Valley Unified School District
- Baker Valley Unified School District
- Barstow Unified School District
- Bear Valley Unified School District
- Excelsior Charter School
- Excelsior Charter School Corona -Norco
- Health Sciences High and Middle College Charter School
- Helendale Elementary School District
- Hesperia Unified School District
- High Tech Elementary Point Loma
- High Tech Explorer Elementary School
- High Tech High Media Arts
- High Tech High
- High Tech High International
- High Tech High Middle Media Arts
- High Tech High Middle School
- High Tech High Learning Statewide Benefit Charter School
  - **Sites:**
    - High Tech High Chula Vista High School
    - High Tech High Chula Vista Elementary
    - High Tech High Chula Vista Middle
    - High Tech High North County High School
    - High Tech High Middle North County
    - High Tech High Elementary North County
    - High Tech High Mesa
- Lucerne Valley Unified School District
- Needles Unified School District
- Norton Space and Aeronautics Academy Charter School
- Oro Grande Elementary School District
- San Bernardino County Superintendent of Schools
- Silver Valley Unified School District
- Snowline Joint Unified School District
- Trona Joint Unified School District
- Victor Elementary School District
- Victor Valley Union High School District