

LOCAL PLAN
Section B: Governance and Administration
SPECIAL EDUCATION LOCAL PLAN AREA



California Department of Education

Special Education Division

B. Governance and Administration

California *Education Code (EC)* sections 56195 et seq. and 56205

Participating Local Educational Agencies

Participating local educational agencies (LEAs) included in the Special Education Local Plan Area (SELPA) local plan must be identified in Attachment I.

Special Education Local Plan Area—Local Plan Requirements

1. Describe the geographic service area covered by the local plan: [*EC 56195.1(d); EC 56195.1(a)(1); EC 56211; EC 56212*]

The Desert Mountain Charter Special Education Local Plan Area (DMCS) is composed of participating local education agency (LEA) charter schools and is the governance structure responsible for the implementation of the provisions of the Local Plan. The areas covered by the DMCS are any area where an eligible charter LEA resides throughout the State of California requesting membership and obtaining approval into the DMCS by the California Association of Health and Education Linked Professions, Joint Powers Authority (CAHELP JPA) Governance Council.

2. Describe the SELPA regional governance and administrative structure of the local plan. Clearly define the roles and structure of a multi-LEA governing body, or single LEA administration as applicable: [*EC 56195.1(b)(1)-(3)(c); EC 56205(a)(12)*]

The Desert Mountain Charter SELPA (DMCS) regional governance and administrative structure of the local plan falls under the governance and administrative structure of the California Association of Health and Education Linked Professions, Joint Powers Authority (CAHELP JPA). CAHELP JPA operates the departments of Desert Mountain SELPA, Desert Mountain Charter SELPA and Desert Mountain Children’s Center (DMCC, a mental health component). CAHELP JPA is a consortium of local school districts within our geographical region and charter LEAs throughout the State of California. Participating LEAs of the DMCS 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 DMCS. The CAHELP JPA Governance Council is the governing board of the DMCS and shall adopt policies for the DMCS and participating LEAs. The policies and procedures adopted by the CAHELP, JPA Governance Council under the authority of the adopting LEA boards have the same status and authority as other LEA board policies. 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/policy of the participating LEAs to assist one another with meeting the requirements of applicable federal and state law. Participating agencies may enter into additional contractual arrangements to meet the requirements of

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applicable federal and state law.

The CAHELP, JPA Governance Council shall ensure that all Charter LEAs within the DMCS shall 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 DMCS 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 DMCS 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 DMCS. The Responsible Local Agency (RLA) Superintendent, and CEOs of the LEA Charters are responsible for the management and supervision of all special education program operations within the DMCS . All such programs are to operate in a manner consistent with the funding provisions of the California Education Code, the Individuals with Disabilities Education Act (IDEA), other applicable laws, and DMCS policies and procedures.

The San Bernardino County Office of Education (SBCOE) is also known as the Office of the San Bernardino County Superintendent of Schools (SBCSS) and will be referred to in this document as SBCOE. SBCOE is presently designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the DMCS., The CAHELP, JPA Governance Council may change the RLA and AU at its discretion and in accordance with California law.

All structural changes within the organization of the DMCS, 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 DMCS Executive Council and Steering/Finance Committee examines program issues, staffing needs, fiscal issues and advises the CAHELP JPA Governance Council regarding adoption of the Annual Service Plan and 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 DMCS 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 DMCS Executive Council, Steering/Finance Committee and the Community Advisory Committee (CAC). The CAHELP CEO is responsible to ensure that all aspects of the approved DMCS Local Plan are implemented according to the approved California Department of Education (CDE) Local Plan and by the CAHELP, JPA Governance Council.

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CAHELP JPA Governance Council

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 DMCS. A CEO representing multiple LEAs shall count as a single member of the Governance Council. 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 is unable to attend a meeting; the designated alternate representative or designee shall have the full authority of the designating Superintendent/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 (1/3) 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 LEAs for the education of each individual with disabilities. The Governance Council is also empowered to designate an administrative entity to perform such regionalized functions as the receipt and distribution of all DMCS funds. This may also include the 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 DMCS 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 DMCS Executive Council, Steering/Finance Committee and/or the CAHELP, JPA Governance Council on a particular agenda item, or have the Executive Council, Steering/ Finance Committee and/or the CAHELP Governance Council consider a topic, are invited to complete a Request to Address the Executive Council, Steering/Finance committee and/or the CAHELP, JPA Governance Council form.

The CAHELP, JPA Governance Council shall review the DMCS Local Plan and recommend modifications on an annual basis or as necessary. The CAHELP CEO and DMCS Executive Council, and Steering/Finance 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 DMCS 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

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Local Plan. SBCOE serves as the current RLA, and any successors or later RLA, shall have responsibility for employing the number and type of DMCS staff to meet the program and service requirements necessary for the implementation of the Local Plan as determined by the CAHELP, JPA Governance Council.

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;
- B. Review and approve all DMCS 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 DMCS office;
- E. Provide leadership to the DMCS 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 DMCS 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 DMCS Steering/Finance Committee;
- N. Establish and promote a Community Advisory Committee (CAC);
- O. Receive recommendations from the CAC, Executive Council, DMCS Steering and Finance 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.

Desert Mountain Charter Executive Council

The Desert Mountain Charter SELPA (DMCS) Executive Council is comprised of a representative from each Charter LEA in the DMCS at the CEO level. Organizations that operate more than one Charter LEA have a single representative for all Charter LEAs. Each CEO has one vote for the Charter LEA(s) he/she represents. The DMCS Executive Council makes recommendations to the CAHELP, JPA Governance Council on fiscal and policy matters. This group meets regularly to direct and supervise the implementation of the Local Plan.

DMCS Steering and Finance Committee

Each participating LEA shall appoint an appropriate administrator of special education programs and an administrator of the LEAs business department to membership of the DMCS Steering and Finance Committee. The DMCS Steering and 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 DMCS.

The DMCS Steering and Finance Committee meets on a regular basis. The CAHELP CEO or designee 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 DMCS Steering and Finance 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 Executive Council and 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 the DMCS operations, including Regional Services, Program Specialists, and other DMCS administrative budgets prior to review, modification, and approval by the Executive Council and final approval by the CAHELP, JPA Governance Council;
- E. Recommend and monitor staff development training programs, including parent education activities;
- F. Provide recommendations for membership to the CAC;
- G. Develop, review, and/or modify the Annual Service Plan prior to adoption by the Executive Council and final adoption by the CAHELP, JPA Governance Council;
- H. Develop, review, and/or modify the Annual Budget Plan prior to adoption by the Executive Council and final adoption by the CAHELP JPA Governance Council;
- I. Provide information and recommendations for the development, modification, and

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- implementation of the DMCS funding allocation plan to the Executive Council and CAHELP, JPA Governance Council; and,
- J. Review and make recommendations to the DMCS Executive Council and CAHELP JPA Governance Council regarding decisions that impact the finances of LEAs.

The DMCS shall develop procedures regarding behavioral assessment and intervention to guide all staff members and parents in responding to students with challenging behaviors. Behavioral assessment and intervention plans will be considered when a student's disciplinary actions constitute a "change of placement," when behaviors impede the learning of the student or others, and when behaviors occur that are dangerous to the student and other. (Education Code 3001, 5CCR 3052, CFR 300.346-300.520, 56341(c)(2). Policies of the DMCS outline the behavioral interventions for students receiving special education services within the DMCS.

The DMCS maintains the Management Information System (MIS). The DMCS is responsible for effective collection and maintenance of data relevant to program, placement of children, and other data required by state and federal mandates.

It shall be the policy of each LEA and the DMCS to provide data or information to the California Department of Education (CDE) that may be required by state and/or federal regulations.

The role of the LEAs is for responsible data entry, quality and integrity of information included in each LEAs MIS system. The LEAs will approve the California Longitudinal Assessment and Pupil Data System (CALPADS) submission as required by the CDE.

The CAHELP CEO shall serve on behalf of the member LEAs and implement the DMCS Local Plan including the following regional services and operations in the area of coordination of services to medical facilities.

The role of the individual LEAs is for students with disabilities who are placed in a public hospital, state licensed children's hospital, psychiatric hospital, proprietary hospital, or a health facility for medical purposes is the educational responsibility of the LEA in which the hospital or facility is located.

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

Distribution of Federal and State Funds

All federal and state special education funds shall be allocated to the DMCS 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 CAHELP JPA Agreement and

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Bylaws, and California and federal law.

A. Responsibilities for Distribution of Federal and State Funds

The governing boards of the LEAs participating in the DMCS 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 for ensuring that the funds are distributed in accordance with the funding allocation plan.

The DMCS Executive Council and Steering and 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 DMCS provides an annual allocation plan to SBCOE 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 general education 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. The CAHELP CEO, with the assistance of the DMCS Executive Council, Steering and 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 DMCS monitors the distribution and appropriate use of funds and shares this information with the DMCS Executive Council and Steering/Finance Committee. When necessary, meetings are held with individual LEAs for the purpose of monitoring funds.

The DMCS is responsible for the preparation of program and fiscal reports requested by the State.

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The CAHELP CEO shall be permitted to monitor the LEAs 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.

Procedures for Changes in Governance Structure

Any changes in the governance structure of the DMCS are subject to specific provisions of California Education Code 56140, 56195, et. seq., 56195.1 et seq., and 56202 et seq.

1. Any LEA may elect to pursue an alternative option from those specified in California Education Code 56195.1 by notifying CDE, DMCS, and the 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, 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
4. services are provided to all children with disabilities (California Education Code 56140 (b)).
5. If the County Superintendent does not approve an alternative plan, the County Office shall return the plan with comments and recommendations to the LEAs. The LEAs participating in the alternative plan may appeal the decisions to the Superintendent of Public Instruction (California Education Code 56140(b)(2)).
6. Any alternative plan to be submitted by an LEA or group of LEAs currently participating in the DMCS must meet the standards established by the State Board of Education.

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3. Describe the SELPA's regional policy making process. Clearly define the roles of a multi-LEA governing body, or single LEA administration as applicable related to the policy making process for coordinating and implementing the local plan: [EC 56195.7(i)(j)(1)(2)]

The CAHELP JPA Governance Council is the governing board of the Desert Mountain Charter SELPA (DMCS) and shall adopt policies for the DMCS 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. All proposed policies are vetted through the DMCS Executive Team and the Program Team. Policies are then taken to the DMCS Steering and Finance Committee and DMCS Executive Council for review, input, and approval. The final phase of the policy making is with the CAHELP JPA Governance Council reviewing, providing input and approval.

Opportunities for parent, community input are made through the DMCS Executive Council, DMCS Steering and Finance Committee meetings and the CAHELP JPA Governance Council meetings.

4. Clearly define the roles of the County Office of Education (COE) as applicable, and/or any other administrative supports necessary to coordinate and implement the local plan: [EC 56195.1(c); EC 56205(a)(12)(D)(i); EC 56195.5]

SBCOE is designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the Desert Mountain Charter SELPA (DMCS).

A. Responsibilities of the RLA

The RLA shall be responsible for functions as specified under California Education Code 56195.1(c)(2) such as, but not limited to:

1. Receipt and distribution of regionalized services funds as approved by the CAHELP JPA 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 DMCS Executive Council and the DMCS Steering and Finance Committee shall also provide assistance in the development of the annual income and expenditure budgets for the DMCS. The budget shall be submitted to the CAHELP JPA Governance Council by the CAHELP CEO for review and approval;
2. Provision of administrative support;
3. Coordination and implementation of the Local Plan;
4. 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;
5. Receipt and distribution of special education funds to accounts exclusively designated for the DMCS use; and

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- 6. The employment of staff as designated by the CAHELP JPA Governance Council to support the DMCS functions.

The DMCS office is designated as the entity responsible for the administration of the Local Plan and assuring that the DMCS 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 in 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 DMCS functions according to this Local Plan.

The CAHELP CEO shall be responsible for recommending the employment of DMCS 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 DMCS. In reviewing and approving the DMCS budgets on an annual basis, the CAHELP JPA Governance Council designates the staffing for the DMCS office upon recommendation of the CAHELP CEO.

DMCS 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.

DMCS employed personnel shall be subject to the administrative procedures and policies in operation with the SBCOE including but not limited to, hiring, supervision, evaluation, and discipline. In addition, contract negotiations shall follow County established procedures for all applicable DMCS employed personnel.

C. CAHELP CEO

The fundamental role of the CAHELP CEO is to provide leadership and facilitate a decision-making process regarding the implementation of the Desert Mountain Charter SELPA(DMCS) 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 interest of the DMCS as a whole without promoting any particular LEAs 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

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Governance Council shall assist 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 the DMCS activities.

Desert Mountain Charter SELPA Staff

The CAHELP JPA Governance Council shall be responsible for designating the employees to support the functioning of the DMCS. In reviewing and approving the DMCS budgets on an annual basis, the CAHELP JPA Governance Council designates the employees for the DMCS office upon recommendation of the CAHELP JPA CEO.

DMCS employees shall be employed by the Responsible Local Agency (RLA) and supervised by the CAHELP JPA 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.

The supervision of the DMCS will be determined by the CAHELP CEO. An organizational chart showing the staff to be supervised by the members of the SELPA management team will be provided to the CAHELP JPA Governance Council annually.

Program Managers

The DMCS employs Program Managers for various departments within the organization. The departments may include but are not limited to:

- Resolution Support Services
- Regional Professional Learning
- Career Technical Education
- Prevention and Intervention
- Compliance

Program Specialists

Included in the DMCS staffing are Program Specialists with areas of expertise to provide professional development, training, coaching and other supports related to special education to LEAs.

- Academics
- Alternative Dispute Resolution
- Behavior Management

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- Evidence Based Practices (EBPs)
- Improvement Science
- Positive Behavioral Supports
- Social/Emotional Learning
- Speech and Language
- Universal Design for Learning

5. Does the SELPA have policies and procedures that allow for the participation of charter schools in the local plan? [EC 56207.5]

- Yes No

If No, explain why the SELPA does not have the policy and procedures.

The function of the Desert/Mountain Charter SELPA (DMCS) and participating LEAs is to provide quality education programs and services appropriate to the needs of each eligible student, within the authorizing LEA boundaries with a disability who is enrolled within the DMCS including charter schools who operate as a school district or as a LEA.

The DMCS provides supports throughout the State of California for member LEAs. The DMCS provides technical assistance in ensuring that all DMCS LEAs have the support necessary to fulfill their legal obligations under California Education Code, IDEA, and other applicable laws, and the DMCS policies and procedures.

State law provides geographical restrictions on the operations of charter schools. Specifically, the geographic and site limitations of the Charter Schools Act apply to all charter schools, including non-classroom-based programs. Charter schools are prohibited from operating facilities outside of the geographical boundaries of their authorizing LEA, subject to limited exceptions. A charter school must identify a single charter school that will operate within the authorizing LEAs boundaries, and that all locations be identified in the charter petition. Additionally, where a charter school provides a majority of its educational services in, and a majority of its students are residents of the county in which it is authorized, the charter school may establish a resource center, meeting space, or other satellite facility in an adjacent county, provided the facility is used exclusively for educational support of students enrolled in non- classroom-based independent study.

Charters are welcome to apply for membership to the DMCS on an annual basis. Notice on our website provides the timeline to submit applications. Once applications are received, the DMCS team and at least one CEO from the DMCS Executive Council conducts an on-site visit to the Charter LEA. Recommendations are then made to the DMCS Executive Council for membership with final approval by the CAHELP, JPA Governance Council.

For charter schools applying to the DMCS, the charter must be a LEA for special education purposes. Charter schools who wish to be considered as a LEA have the option of joining a multi-district SELPA or a charter-only SELPA. Charter schools that opt for LEA status within a multi-district or charter-only SELPA assume legal responsibility for ensuring that children with disabilities receive special education and related services to which they are entitled under federal law. DMCS is a charter-only SELPA. Charter LEAs across the state of

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California who are members of the DMCS typically operate their own special education services by either hiring or contracting with qualified staff. Some Charter LEAs seek economies of scale by forming special education service collaboratives outside of the traditional Charter SELPA structure, either with other charter schools or nearby LEAs.

Charter schools that seek LEA status and membership in a SELPA must notify their current SELPA and the CDE of their intended exit at least one full year before exiting. The charter school shall also ensure that agreements with its authorizer are conducive to membership in a new SELPA. The charter agreement and/or Memorandum of Understanding (MOU) should allow the charter school to seek LEA status and/or change SELPAs.

The DMCS Administrator (CAHELP CEO), in coordination with participating DMCS LEAs, including those that are out-of-geographic boundaries, implement the Local Plan including the coordination of interagency agreements. Interagency agreements are a mechanism for interagency coordination to ensure services required for Free Appropriate Public Education (FAPE) are provided to eligible children with disabilities. Interagency agreements provide information regarding agency roles, services for children, financial obligations, participating entities, and a process for resolving disagreements among parties to the agreement.

For Charter LEAs located outside of San Bernardino County, the Charter LEA will coordinate service agreements with the County in which the Charter LEA is located, to preserve consistency of procedure among agencies.

Additionally, Title 5 of the California Code of Regulations 3062 requires that a master contract shall be used by a charter LEA when effectuating formal agreements with certified nonpublic agencies and nonpublic schools (NPA/S). The master contract shall specify the administrative and financial agreements between the Charter LEA and the NPA/S. A continuum of placements and services must be available if needed by a child with a disability. The term of the master contract shall not exceed one year.

A MOU is an agreement established with the charter school and its authorizer regarding the format, frequency, and scope of oversight activities. While not required, a MOU between the authorizer and charter school may specify how various aspects related to the charter school's operations will be handled. Some authorizers provide extensive language to be included in the charter petition itself governing these items, others will rely on a separate MOU to provide for areas beyond those covered in the petition. A MOU could include a provision for the educational services for children with disabilities, delineating the entity responsible for providing special education instruction and related services and the process through which such compliance will be achieved. The MOU should describe any anticipated transfer of special education funds between the authorizer and the charter school, or the SELPA and the charter school.

When a child with a disability enrolls in the Charter LEA and he/she needs additional related services, the services will be the responsibility of the Charter LEA. The DMCS Administrator (CAHELP CEO) or designee will work collaboratively with the SELPA where the Charter LEA is located to contract with them or locate additional providers from the area. Clearly defined MOUs between the authorizer and the Charter LEA will help minimize and mitigate operational challenges for charter schools, authorizing entities, and the SELPA in which the

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charter LEA is located.

The DMCS as authorized by the California State Board of Education assists California Charter LEAs that have successfully completed the DMCS membership process and have signed an Agreement for Participation. Charter LEAs accepted into the DMCS are deemed LEAs pursuant to Education Code 47641 and are obligated to provide special education and related services to applying or enrolled students actually, or potentially entitled to services under applicable state and federal laws and regulations. The Agreement for Participation details the Charter LEA member, SBCOE, and the DMCS's mutual agreement for the provision of services under the Local Plan.

The DMCS endeavors that all children with disabilities attending Charter LEA members shall receive appropriate special education services, and that such special education programs and services shall be coordinated and operated in the DMCS in accordance with the approved policies and procedures defined in the Agreement for Participation.

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6. Identify and describe the representation and participation of the SELPA community advisory committee (CAC) pursuant to EC Section 56190 in the development of the local plan: [EC 56194(a)(b)(d); EC 56195.9(a)]

7. Describe the SELPA's process for regular consultations regarding the plan development with representative of special education and regular education teachers, and administrators selected by the groups they represent and parent members of the CAC: [EC 56205(a)(12)(E); EC 56205(b)(7)]

Policies governing the Desert Mountain Charter SELPA (DMCS) 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 (general and special education teachers), public and nonpublic agencies, and members of the public at large during the DMCS Executive Council, DMCS Steering/Finance Committee meetings, CAC, and/or the CAHELP JPA Governance Council meetings. Individuals wishing an opportunity to address any committee/council meeting on a particular agenda item, or have the committee/council consider a topic, are invited to complete a Request to Address the particular committee of interest.

The Local Plan is developed and updated by a committee of special education teachers, general education teachers, administrators and parents of students with disabilities. Each participating LEA, including those that are out of geographic boundaries, shall appoint representatives to the Community Advisory Committee (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 responsibilities as designated in the Local Plan.

8. Identify and describe the responsible local agency (RLA), Administrative Unit (AU), or other agency who is responsible for performing tasks such as the receipt and distribution of funds, provision of administrative support, and coordination and implementation of the plan: [EC 56836.01(a)(b); EC 56205(a)(12)(D)(ii); EC 56195(b)(3); EC 56030]

The role of SBCOE is designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the DMCS.

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The RLA shall be responsible for functions as specified under California Education Code 56195.1(c)(2) such as, but not limited to:

A. Responsibilities of the RLA

1. Receipt and distribution of regionalized services funds as approved by the CAHELP JPA 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 DMCS Executive Council and DMCS Steering and Finance Committee shall also provide assistance in the development of the annual income and expenditure budgets for the DMCS. The budget shall be submitted to the CAHELP JPA Governance Council by the CAHELP CEO for review and approval;
2. Provision of administrative support;
3. Coordination and implementation of the DMCS Local Plan;
4. 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;
5. Receipt and distribution of special education funds to accounts exclusively designated for the DMCS use; and
6. The employment of staff as designated by the CAHELP JPA Governance Council to support DMCS functions.

The DMCS office is designated as the entity responsible for the administration of the Local Plan and assuring that the DMCS is in compliance with all applicable laws and regulations.

B. Selection, Employment, and Evaluation of the Charter SELPA Staff

The governing boards of each of the participating LEAs agree to invest in 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 DMCS functions according to this Local Plan.

The CAHELP CEO shall be responsible for recommending the employment of DMCS 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 DMCS. In reviewing and approving the DMCS budgets on an annual basis, the CAHELP JPA Governance Council designates the staffing for the DMCS office upon recommendation of the CAHELP CEO.

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DMCS 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.

DMCS employed personnel shall be subject to the administrative procedures and policies in operation with the SBCOE including but not limited to, hiring, supervision, evaluation, and discipline. In addition, contract negotiations shall follow County established procedures for all applicable DMCS employed personnel.

C. CAHELP CEO

The fundamental role of the CAHELP CEO is to provide leadership and facilitate decision making processes 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 interest of the DMCS as a whole without promoting any particular LEA'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. The role of SBCOE is designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the DMCS.

- 9. Describe the contractual agreements and the SELPA's system for determining the responsibility of participating agency for the education of each student with special needs residing within the geographical area served by the plan: [EC 56195.7. EC 56195.1(b)(c)]

The LEAs within the DMCS join together pursuant to Sections 56140 and 56195 of the California Education Code to adopt a plan to assure access to special education and services for all eligible individuals with disabilities participating in education within our DMCS jurisdiction. In adopting the Local Plan, each participating agency agrees to carry out the duties and responsibilities assigned to it within the plan. Participating LEAs may enter into additional contractual arrangements to meet the requirement of applicable federal and state law.

In adopting the Local Plan, each participating local education 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 attending their charter schools. In addition,

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each agency shall cooperate to the maximum extent possible with other agencies to serve individuals with disabilities who cannot be served in the LEA of residence programs. Such cooperation ensures that a range of program options is available throughout the DMCS. Any participating LEA may provide for the education of special education students in special education programs maintained by other districts or counties and may include with the special education program students who reside in other districts or counties.

Pursuant to the provisions of Education Code Sections 56000 et seq., the DMCS shall plan, facilitate, implement, and administer the activities of the DMCS as approved by the State Board of Education, and shall perform those services as required to accomplish the elements set forth in the plan as well as those required by state and federal law. Those services include, but are not limited to the following:

1. Coordinate community and state agency resources with those provided by Participating LEAs and the RLA, including initiation of such contractual agreements as may be required. Each LEA of special education accountability is responsible for the students within their jurisdiction. There are no additional contractual agreements that supersede education code.

10. For multi-LEA local plans, specify:

1. The responsibilities of each participating COE and LEA governing board in the policymaking process: [EC 56205(a)(12)(D)(i)]

Education Code 56200(c)(2) requires that the Local Plan “specify the responsibilities of each participating county office and district governing board in the policy-making process, the responsibilities of the Superintendent of each participating LEA and county in the implementation of the Local Plan, and the responsibilities of the LEA and county administrators of special education in coordinating the administration of the plan.” In accordance with this provision, the DMCS has developed the following governance structure, policy development, and approval process.

The governing board for each Charter LEA and the San Bernardino County Superintendent approves the Agreement for Participation and the Local Plan for Special Education. As described within those documents, the Boards of Directors of the Charter LEAs delegate the administrative policy-making process and procedures for carrying out that responsibility to the governance structure of the DMCS.

2. The responsibilities of the superintendents of each participating LEA and COE in the implementation of the local plan: [EC 56205(a)(12)(D)(i)]

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

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1. Establish operational procedures and make decisions on any matters regarding implementation, administration, and operation of special education programs in accordance with the Local Plan;
2. Review and approve all DMCS policies, procedures, standards and guidelines;
3. Review, approve, and monitor the allocation of special education funds to LEAs through the Annual Budget Plan process;
4. Review, approve, and monitor all budgets assigned to the DMCS office;
5. Provide leadership to the DMCS regarding the development, revision, implementation, and review of the Local Plan;
6. Select and recommend to the Superintendent of the RLA, a qualified candidate to be employed as the CAHEP CEO;
7. Evaluate the performance of the CAHELP CEO;
8. 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;
9. Meet as often as necessary during the year to implement the business of the DMCS and to provide the necessary direction and guidance to the CAHELP CEO;
10. Provide direction, consultation, and technical assistance to the LEAs and the Superintendent of the RLA;
11. Provide a consistent forum to develop, review, and approve policy recommendations, which are submitted to the CAHELP JPA Governance Council for consideration;
12. Approve interagency agreements;
13. Designate participants for the DMCS Steering and Finance Committee;
14. Establish and promote a Community Advisory Committee (CAC);
15. Receive recommendations from the DMCS Executive Council, CAC, DMCS Steering and Finance Committee, LEA boards, and other interested agencies and individuals;
16. 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;
17. Annually evaluate the Local Plan implementation and operations; and
18. Undertake such additional activities as permitted under the JPA Agreement and Bylaws, California law, and the Local Plan.

AB1808 requires each LEA, in developing a local plan, to cooperate with the county office of education to assure that the local plan is compatible with the local control and accountability plans adopted for the school district and the county board of education. The bill would require, commencing July 1, 2020, a special education local plan area to review its local plan at least once every three years and update as needed to ensure information contained within the plan remains relevant and accurate.

AB1808 requires the superintendent or other chief administrator of a LEA to post on the Internet Web site of the local education agency any local plan, annual

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budget plan, annual service plan, and annual assurances support plan upon approval of the special education local plan area, and any updates or revisions to the plans upon approval of the special education local plan area.

AB1808 requires a county superintendent of schools to post any local plan, annual budget plan, and annual assurances support plan upon approval of the county office of education, and all local plans submitted by special education local plan areas in the county, on the Internet Web site of the county office of education.

3. The responsibilities of district and county administrators of special education in coordinating the administration of the local plan: [EC 56205(a)(12)(D)(i)]

Charter 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 charter LEAs. Participating charter LEAs may also enter into additional contractual arrangements to meet the requirements of applicable federal and state law.

Each charter LEA shall ensure that children with disabilities are educated with children who are non-disabled 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 within their charter LEA. As a result, some students will need to receive services from other LEAs within the DMCS, or through additional contractual arrangements with LEAs outside of the DMCS. Each charter 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 DMCS.

Each charter LEA is responsible to participate in regular meetings of the Desert Mountain Charter Executive Council, Steering and Finance Committee, CAC and CAHELP JPA Governance Council to ensure the administration of the Local Plan.

SELPA Program Specialists provide services to each of our LEAs including but not limited to:

1. Observe, consult with, and assist, in accordance with LEA procedures, special education teachers and support staff.
2. Utilize evidence-based data to plan programs, coordinate curricular resources and share in the evaluation of the effectiveness of programs for students with disabilities.
3. Assist with LEA staff development, program development and innovation of special methods and approaches.

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4. Provide coordination, consultation, and program development in one or more specialized areas of expertise.
5. Upon request, participate in and/or conduct IEP team meetings where technical assistance is needed.
6. 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 through the DMCS.
7. Assist in developing training for parents and members of the Community Advisory Committee.
8. Provide professional development and technical assistance for general and special education teachers, administrators, support staff and parents.
9. Assist as a liaison to various community agencies such as the San Bernardino County Department of Behavioral Health, Department of Rehabilitation, Inland Regional Center, California Children's Services, and the Probation Department.
10. Conduct nonpublic school visitations to verify students are making appropriate educational progress in accordance with the IEP.
11. Coordinate the assessment of student needs for assistive technology or specialized in the least restrictive environment.
12. Direct instructional support.

11. Identify the respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA related to:

- a. The hiring, supervision, evaluation, and discipline of the SELPA administrator and staff employed by the AU in support of the local plan: [EC 56205(a)(12)(D)(ii)(I)]

The role of SBCOE is designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the DMCS.

A. Responsibilities of the RLA

The RLA shall be responsible for functions as specified under California Education Code 56195.1(c)(2) such as, but not limited to:

- 1. Receipt and distribution of regionalized services funds as approved by the CAHELP JPA 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 DMCS Executive Council and DMCS Steering and Finance Committee shall also provide assistance in the development of the annual income and expenditure budgets for the DMCS. The budget shall be submitted to the CAHELP JPA Governance Council by the CAHELP CEO for review and approval;
- 2. Provision of administrative support;
- 3. Coordination and implementation of the Local Plan;
- 4. 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;
- 5. Receipt and distribution of special education funds to accounts exclusively designated for the DMCS use; and
- 6. The employment of staff as designated by the CAHELP JPA Governance Council to support the DMCS functions.

The DMCS office is designated as the entity responsible for the administration of the Local Plan and assuring that the DMCS 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 in 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 DMCS functions according to this Local Plan.

The CAHELP CEO shall be responsible for recommending the employment of DMCS 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 DMCS. In reviewing and approving the DMCS

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budgets on an annual basis, the CAHELP, JPA Governance Council designates the staffing for the DMCS office upon recommendation of the CAHELP CEO. DMCS 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

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accordance with the law and personnel policies of the RLA. DMCS employed personnel shall be subject to the administrative procedures and policies in operation with SBCOE including but not limited to, hiring, supervision, evaluation, and discipline. In addition, contract negotiations shall follow County established procedures for all applicable DMCS employed personnel.

C. CAHELP CEO

The fundamental role of the CAHELP CEO is to provide leadership and facilitate decision making processes 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 interest of the DMCS as a whole without promoting any particular LEA'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. The role of SBCOE is designated as the Responsible Local Agency (RLA) and Administrative Unit (AU) for the DMCS

- b. The local method used to distribute federal and state funds to the SELPA RLA/AU and to LEAs within the SELPA: [EC 56205(a)12(D) (ii)(II); EC 56195.7(i)]

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

1. Responsibilities for Distribution of Federal and State Funds

The governing boards of the LEAs participating in the DMCS 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 the funds are distributed in accordance with the funding allocation plan.

The DMCS Executive Council and DMCS Steering and 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 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

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County School Service Fund (AU), unless otherwise directed by the CAHELP JPA Governance Council. The DMCS provides an annual allocation plan to SBCOE for distribution of state and federal funds to the LEAs according to the approved schedule of disbursement.

c. The operation of special education programs: [EC 56205(a)(12)(D)(ii)(III)]

The function of the DMCS 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 DMCS. The Responsible Local Agency (RLA) Superintendent, and CEOs of the LEA Charters are responsible for the management and supervision of all special education program operations within the DMCS. All such programs are to be operated in a manner consistent with the funding provision of the California Education Code, the Individuals with Disabilities Education Act (IDEA), other applicable laws, and DMCS policies and procedures. The DMCS will provide technical assistance in ensuring the Charter LEAs have support necessary to fulfill their legal obligations under California Education Code, the Individuals with Education Act (IDEA), other applicable laws, and DMCS policies and procedures.

d. Monitoring the appropriate use of federal, state, and local funds allocated for special education programs: [EC 56205(a)(12)(D)(ii)(IV)]

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 non disabled 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 DMCS Executive Council, DMCS Steering and 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 DMCS monitors the distribution and appropriate use of funds and shares this information with the DMCS Executive Council and DMCS Steering and Finance Committee. When necessary, meetings are held with individual LEAs for the purpose of monitoring funds. The DMCS is responsible for the preparation of program and fiscal reports requested by the State. The CAHELP CEO shall be permitted to monitor the LEAs 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

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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.

12. Describe how specialized equipment and services will be distributed within the SELPA in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environments: [EC 56206]

Both state and federal law provide that students with disabilities are entitled to a free appropriate public education (FAPE) that includes special education and related services to meet their unique needs in the least restrictive environment (LRE). Each DMCS member must ensure that all children served under their jurisdiction who have disabilities, regardless of the severity of their disability, and who are in need of special education and related services are identified, located, evaluated, and served. Therefore, a full continuum of services are available within the DMCS.

Due to the large geographical area of the DMCS, the Local Plan provides funding per the DMCS Fiscal Allocation Plan to the member LEAs so they may appropriately provide for all students with special education needs attending their schools.

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.

Policies, Procedures, and Programs

Pursuant to *EC* sections 56122 and 56205(a), the SELPA ensures conformity with Title 20 *United States Code (USC)* and in accordance with Title 34 *Code of Federal Regulations (CFR)* Section 300.201 and has in effect policies, procedures, and programs. For each of the following 23 areas, identify whether or not, each of the following provisions of law are adopted as stated. If the policy is not adopted as stated, briefly describe the SELPA's policy for the given area. In all cases, provide the SELPA policy and procedure numbers (if applicable. Leave blank if not applicable); the document title; and the physical location where the policy can be found.

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1. Free Appropriate Public Education: 20 USC Section 1412(a)(1); EC 56205(a)(1)

Policy/Procedure Number:

Document Location:

"It shall be the policy of this LEA that a free appropriate public education is available to all children with disabilities residing in the LEA between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school." The policy is adopted by the SELPA as stated:

Yes No

2. Full Educational Opportunity: 20 USC Section 1412(a)(2); EC 56205(a)(2)

Policy/Procedure Number:

Document Location:

"It shall be the policy of this LEA that all children with disabilities have access to educational programs, non-academic programs, and services available to non-disabled children." The policy is adopted by the SELPA as stated:

Yes No

3. Child Find: 20 USC Section 1412(a)(3); EC 56205(a)(3)

Policy/Procedure Number:

Document Location:

"It shall be the policy of this LEA that all children with disabilities residing in the State, including children

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with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, who are in need of special education and related services, are identified, located, and evaluated. A practical method has been developed and implemented to determine which children with disabilities are currently receiving needed special education and related services." The policy is adopted by the SELPA as stated:

Yes No

4. Individualized Education Program (IEP) and Individualized Family Service Plan (IFSP): 20 USC Section 1412(a)(4); EC 56205(a)(4)

Policy/Procedure Number:

Document Location:

"It shall be the policy of this LEA that an IEP, or an IFSP that meets the requirements of 20 USC Section 1436 (d), is developed, implemented, reviewed, and revised for each child with a disability who requires special education and related services in accordance with 20 USC Section 1414 (d). It shall be the policy of this LEA that an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions." The policy is adopted by the SELPA as stated:

Yes No

5. Least Restrictive Environment: USC Section 1412(a)(5); EC 56205(a)(5)

Policy/Procedure Number:

Document Location:

"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 general educational environment, occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and

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services cannot be achieved satisfactorily." The policy is adopted by the SELPA as stated:

Yes No

6. Procedural Safeguards: 20 USC Section 1412(a)(6); EC 56205(a)(6)

Policy/Procedure Number:

Document Location:

"It shall be the policy of this SELPA that children with disabilities and their parents shall be afforded all procedural safeguards according to state and federal laws and regulations." The policy is adopted by the SELPA as stated:

Yes No

7. Evaluation: 20 USC Section 1412(a)(7); EC 56205(a)(7)

Policy/Procedure Number:

Document Location:

"It shall be the policy of this SELPA that a reassessment of a child with a disability shall be conducted at least once every three years or more frequently, if appropriate." The policy is adopted by the SELPA as stated:

Yes No

8. Confidentiality: 20 USC Section 1412(a)(8); EC 56205(a)(8)

Policy/Procedure Number:

Document Location:

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"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, non-academic programs, and services available to non-disabled children." The policy is adopted by the SELPA as stated:

Yes No

9. Part C to Part B Transition: 20 USC Section 1412(a)(9); EC 56205(a)(9)

Policy/Procedure Number:

Document Location:

"It shall be the policy of this LEA that children participating in early intervention programs under the Individuals with Disabilities Education Act (IDEA), Part C, and who will participate in preschool programs, experience a smooth and effective transition to preschool programs in a manner consistent with 20 USC Section 1437(a)(9). The transition process shall begin prior to the child's third birthday." The policy is adopted by the SELPA as stated:

Yes No

10. Private Schools: 20 USC Section 1412(a)(10); EC 56205(a)(10)

Policy/Procedure Number: Document Location:

"It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their

parents in private schools shall receive appropriate special education and related services pursuant to

LEA coordinated procedures. The proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents." The policy is adopted by the SELPA as stated:

Yes No

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11. Local Compliance Assurances: 20 USC Section 1412(a)(11); EC 56205(a)(11)

Policy/Procedure Number:

Document Location:

"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 IDEA; the Federal Rehabilitation Act of 1973, Section 504 of Public Law; and the provisions of the California EC, Part 30." The policy is adopted by the SELPA as stated:

Yes No

12. Interagency: 20 USC Section 1412(a)(12); EC 56205(a)(12)(D)(iii)

Policy/Procedure Number:

Document Location:

"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 free appropriate public education are provided, including the continuation of services during an interagency dispute resolution process." The policy is adopted by the SELPA as stated:

Yes No

13. Governance: 20 USC Section 1412(a)(13); EC 56205(a)(12)

Policy/Procedure Number:

Document Location:

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"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 Education Agency." The policy is adopted by the SELPA as stated:

Yes No

14. Personnel Qualifications; EC 56205(a)(13)

Policy/Procedure Number:

Document Location:

"It shall be the policy of this LEA to ensure that personnel providing special education related services are appropriately and adequately prepared and trained, and that those personnel have the content knowledge and skills to serve children with disabilities. This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the California Department of Education (CDE) about staff qualifications." The policy is adopted by the SELPA as stated:

Yes No

15. Performance Goals and Indicators: 20 USC Section 1412(a)(15); EC 56205(a)(14)

Policy/Procedure Number:

Document Location:

"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." The policy is adopted by the SELPA as stated:

Yes No

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16. Participation in Assessments: 20 USC Section 1412(a)(16); EC 56205(a)(15)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs described in 20 USC Subsection 6311. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments where necessary and as indicated in their respective Reps.." The policy is adopted by the SELPA as stated:

Yes No

17. Supplementation of State, Local, and Federal Funds: 20 USC Section 1412(a)(17); EC 56205(a)(16)

Policy/Procedure Number:

Document Location:

Document Location:

"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, and will be used to supplement and not to supplant state, local, and other federal funds." The policy is adopted by the SELPA as stated:

Yes No

18. Maintenance of Effort: 20 USC Section 1412(a)(18); EC 56205(a)(17)

Policy/Procedure Number:

Document Location:

Document Location:

"It shall be the policy of this LEA that federal funds will not be used to reduce the level of local funds

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and/or combined level of local and state funds expended for the education of children with disabilities except as provided in federal laws and regulations." The policy is adopted by the SELPA as stated:

Yes No

19. Public Participation: 20 USC Section 1412(a)(19); EC 56205(a)(18)

Policy/Procedure Number: Procedure Title:

Document Location:

"It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity for comments are available to the general public, including individuals with disabilities and parents of children with disabilities, and are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA." The policy is adopted by the SELPA as stated:

Yes No

20. Suspension and Expulsion: 20 USC Section 1412(a)(22); EC 56205(a)(19)

Policy/Procedure Number: Section(s) A-J inclusive

Document Location:

Desert Mountain Charter SELPA Policy Manual: Chapter 8: Section(s) A-J inclusive

"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." The policy is adopted by the SELPA as stated:

Yes No

21. Access to Instructional Materials: 20 USC Section 1412(a)(23); EC 56205(a)(20)

Policy/Procedure Number: Section B

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Document Location:

"It shall be the policy of this LEA to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state-adopted National Instructional Materials Accessibility Standard." The policy is adopted by the SELPA as stated:

Yes No

22. Over-identification and Disproportionality: 20 USC Section 1412(a)(24); EC 56205(a)(21)

Policy/Procedure Number:

Document Location:

"It shall be the policy of this LEA to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities." The policy is adopted by the SELPA as stated:

Yes No

23. Prohibition on Mandatory Medicine: 20 USC Section 1412(a)(25); EC 56205(a)(22)

Policy/Procedure Number:

Document Location:

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

Yes No

Administration of Regionalized Operations and Services

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Pursuant to *EC* sections 56195.7(c), 56205(a)(12)(B), 56368, and 56836.23, describe the regionalized operation and service functions. Descriptions must include an explanation of the respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA. Information provided should include the document title and the location (e.g., SELPA office) for each function.”

1. Coordination of the SELPA and the implementation of the local plan:

Document Title:

Document Location:

Description:

2. Coordinated system of identification and assessment:

Document Title:

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Document Location:

Description:

3. Coordinated system of procedural safeguards:

Document Title:

Document Location:

Description:

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Executive Officer also assures procedural safeguards by providing technical assistance and guidance on forms and procedures to Charter LEAs in the areas of assessment, identification, services and placement

Role of individual LEAs: The member Charter LEAs of the Desert Mountain SELPA provide procedural safeguards to parents consistent with the education code, assist parents with understanding them, and ensures that they are implemented. The Charter LEAs assist parents with filing complaints with the Office of Administrative Hearings when requested.

4. Coordinated system of staff development and parent and guardian education:

Document Title:

Document Location:

Description:

Direct instructional support provided by program specialist: The program specialists of the Desert Mountain Charter SELPA provide staff development, program development, and innovation of special methods and approaches for SELPA and Regional members as well as parents and community.

Respective roles of the RLA/ AU: Not Applicable.

Role of the Chief Executive Officer: Regularly, the SELPA Chief Executive Officer collects input from the member Charter LEA special education directors and other staff members to determine staff development needs. The SELPA Chief Executive Officer provides oversight in the development and provision of needed staff development and supports. On an annual basis, the Desert Mountain SELPA/Desert Mountain Charter SELPA Community Advisory Committee (CAC) provides input on parent/guardian education needs. The SELPA Chief Executive Officer provides oversight in the development and provision of identified parent and guardian education.

Role of individual LEAs: The member Charter LEAs of the Desert Mountain Charter SELPA determine their staff development and parent/guardian education, based on their local needs, meeting with SELPA staff to plan. They may seek technical assistance or input from the SELPA. They ensure the use of resources for employees to participate in staff development.

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5. Coordinated system of curriculum development and alignment with the core curriculum:

Document Title:

Document Location:

Description:

6. Coordinated system internal program review, evaluation of the effectiveness of the local plan, and implementation of the local plan accountability system:

Document Title:

Document Location:

Description:

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Description:

responsibilities that accompany them to monitor the funding of the operations of the Desert Mountain Charter SELPA.

Role of the Chief Executive Officer: The SELPA Chief Executive Officer ensures the Local Plan is reviewed and evaluated on an ongoing basis to determine the effectiveness of its implementation. The SELPA Chief Executive Officer ensures the submission annually of all information required by CDE, in this effort, including statistical data, program information, and fiscal information related to programs and services for pupils with disabilities. The SELPA Chief Executive Officer supports member Charter LEAs in the collection of data related to compliance, due process procedures, availability of services, and key performance indicators, as needed.

Role of individual LEAs: The member Charter LEAs of the Desert Mountain SELPA individually review and monitor Annual Performance Reports, the California School Dashboard, and other data sources to ensure students with disabilities receive a free and appropriate public education. Individual Charter LEAs will also engage in monitoring activities as required by the CDE.

7. Coordinated system of data collection and management:

Document Title:

Document Location:

Description:

Direct instructional support provided by program specialist: Not applicable.

Respective roles of the RLA/ AU: Not applicable

Role of the Chief Executive Officer: The SELPA Chief Executive Officer approves and certifies the California Longitudinal Assessment and Pupil Data System (CALPADS) submission of each member Charter LEA as required by the California Department of Education. The SELPA provides technical assistance and training to Charter LEAs in data collection and management.

Role of individual LEAs: The member districts of the Desert Mountain Charter SELPA LEAs are responsible for data entry, quality and integrity. The Charter LEAs approve and certify the California

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Longitudinal Assessment and Pupil Data System (CALPADS) submission as required by the California Department of Education.

8. Coordination of interagency agreements:

Document Title:

Document Location:

Description:

9. Coordination of services to medical facilities:

Document Title:

Document Location:

Description:

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designated Charter LEAs.

Role of individual LEAs: Individuals with exceptional needs who are placed in a public hospital, state licensed children's hospital, psychiatric hospital, proprietary hospital, or a health facility for medical purposes are the educational responsibility of the Desert Mountain Charter SELPA member LEA in which the hospital or facility is located.

10. Coordination of services to licensed children's institutions and foster family homes:

Document Title:

Document Location:

Description:

Direct instructional support provided by program specialist: The program specialists of the Desert Mountain Charter SELPA when requested provide technical assistance to assure pupils have a full educational opportunity regardless of the Charter LEA of special education accountability.

Respective roles of the RLA/ AU: SBCSS assures the coordination of services to licensed children's institutions and foster family homes by accepting regionalized services and program specialist funds and the responsibilities that accompany them to oversee the funding operations of the Desert Mountain Charter SELPA.

Role of the Chief Executive Officer: The SELPA Chief Executive Officer facilitates the coordination of services to licensed children's institutions and foster family homes.

Role of individual LEAs: Special education services for students with disabilities residing in foster family homes or licensed children's institutions are the responsibility of the member Charter LEA of the Desert Mountain Charter SELPA in which the foster family home or the licensed children's institution is located, unless based on education code there is another district of special education accountability which would be responsible

11. Preparation and transmission of required special education local plan area reports:

Document Title:

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Document Location:

Description:

Direct instructional support provided by program specialist: Not applicable.

Respective roles of the RLA/ AU: SBCSS assures the preparation and transmission of required special education local plan area reports by accepting regionalized services and program specialist funds and the responsibilities that accompany them to oversee the funding operations of the Desert Mountain Charter SELPA.

Role of the Chief Executive Officer: The SELPA Chief Executive Officer ensures timely transmission of required reports and provides technical assistance to Charter LEAs in completing reports.

Role of individual LEAs: The member LEAs of the Desert Mountain Charter SELPA, individually, submit required data in order for the SELPA to submit timely reports.

12. Fiscal and logistical support of the CAC:

Document Title:

Document Location:

Description:

Direct instructional support provided by program specialist: The program specialist of the Desert Mountain Charter SELPA provide training and logistical support to the CAC.

Respective roles of the RLA/ AU: Not Applicable

Role of the Chief Executive Officer: The SELPA Chief Executive Officer ensures fiscal and logistical support for CAC meetings, events, and trainings.

Role of individual LEAs: The superintendents of the Desert Mountain SELPA and Desert Mountain Charter member LEAs through the CAHELP Governance Board ensure the SELPA has sufficient resources to provide fiscal and logistical support for the CAC. Special Education Directors of the Desert Mountain Charter SELPA member districts facilitate communication with their CAC representative(s) for this

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13. Coordination of transportation services for individuals with exceptional needs:

Document Title:

Document Location:

Description:

Direct instructional support provided by program specialist: Not Applicable

Respective roles of the RLA/ AU: SBCSS assures the coordination of transportation services for individuals with exceptional needs by accepting regionalized services and program specialist funds and the responsibilities that accompany them to oversee and monitor the funding operations for the Desert Mountain Charter SELPA.

Role of the Chief Executive Officer: The SELPA Chief Executive Officer provides guidance and technical assistance, as requested, in addressing questions regarding the provision of transportation services for individuals with exceptional needs.

Role of individual LEAs: Each member Charter LEA of the Desert Mountain Charter SELPA is responsible for providing transportation for their students with disabilities as determined by their IEP teams

14. Coordination of career and vocational education and transition services:

Document Title:

Document Location:

Direct instructional support provided by program specialist: The program specialists in addition to the Career Technical Education team of the Desert Mountain Charter SELPA provide staff development, program development, and innovation of special methods and approaches to Charter LEA members for the provision of career and technical education and transition services.

Respective roles of the RLA/ AU: SBCSS assures the coordination of career and vocational education and transition services by accepting

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Description:

regionalized services, CTE grants, program specialist funds and the responsibilities that accompany them to assist the operations of the Desert Mountain Charter SELPA

Role of the Chief Executive Officer: The SELPA Chief Executive Officer provides technical assistance and oversight of staff development to Charter LEA members for the provision of career and technical education and transition services. The SELPA Chief Executive Officer ensures appropriate interagency agreements are in place and facilitates connections to agencies, as appropriate.

Role of individual LEAs: Each member LEA of the Desert Mountain SELPA provides appropriate career and vocational education and transition services as required under state and federal law.

15. Assurance of full educational opportunity:

Document Title:

Document Location:

Description:

Direct instructional support provided by program specialist: The program specialists of the Desert Mountain Charter SELPA provide technical assistance to assure pupils have a full educational opportunity regardless of the district of special education accountability.

Respective roles of the RLA/ AU: Not applicable

Role of the Chief Executive Officer: The SELPA Chief Executive Officer ensures a full continuum of services is available and provided. The SELPA Chief Executive Officer assists with Inter-SELPA Transfers, as needed. Additionally, the SELPA Chief Executive Officer provides program development and technical assistance upon request or as determined to be needed by the SELPA to member districts and/or nonpublic schools.

Role of individual LEAs: Each member LEA of the Desert Mountain Charter SELPA, through their representative to the CAHELP Governance Board determines the regional programs needed to meet the needs of the students with disabilities within the SELPA. Additionally, each member LEA of the Desert Mountain Charter SELPA is responsible for providing a full continuum of services.

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16. Fiscal administration and the allocation of state and federal funds pursuant to *EC* Section 56836.01—The SELPA Administrator's responsibility for the fiscal administration of the annual budget plan; the allocation of state and federal funds; and the reporting and accounting of special education funding.

Document Title:

Document Location:

Description:

17. Direct instructional program support that maybe provided by program specialists in accordance with *EC* Section 56368:

Document Title:

Document Location:

Description:

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Description:

responsibilities that accompany them to oversee the funding operations of the Desert Mountain Charter SELPA.

Role of the Chief Executive Officer: The SELPA Chief Executive Officer provides oversight in the provision of direct instructional support by programs specialists and provides technical assistance, as requested or determined appropriate.

Role of individual LEAs: The member Charter LEAs of the Desert Mountain Charter SELPA determine their needs for instructional program support and request support from the Desert Mountain Charter SELPA.

Special Education Local Plan Area Services

1. A description of programs for early childhood special education from birth through five years of age:

Document Title:

Document Location:

Description:

2. A description of the method by which members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the local plan, may address questions or concerns to the SELPA governing body or individual administrator:

Document Title:

Document Location:

Local Plan and DMCS Policies and Procedures

It shall be the policy of the Charter Special Education Local Plan Area (SELPA) that public hearings, adequate notices 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 Individuals with Disabilities Education Act (IDEA). Per the Charter SELPA Local Plan, the California Association of

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Description:

Health and Education Linked Professions, Joint Powers Authority (CAHELP JPA) Governance Council is responsible for approval of policy for special education programs and services that relate to the Charter SELPA. Policies governing the Charter SELPA are adopted by the CAHELP JPA and 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. It is the practice that policies are presented to the Charter SELPA Executive Council for review then brought back for revision, if recommended, then presented to the CAHELP JPA Governance Council for review and final approval and adoption. Charter Local Education Agencies (LEAs) will have the policies available for review and comment by the public, parents of children with disabilities, or individuals with disabilities.

3. A description of a dispute resolution process, including mediation and final and binding arbitration to resolve disputes over the distribution of funding, the responsibility for service provision, and the other governance activities specified within the local plan:

Document Title:

Document Location:

Description:

A. In the event of a dispute between a member agency and CAHELP JPA, the dispute shall be subject to binding arbitration and all parties shall be bound by the findings and decision of the Arbitrator(s). All disputes shall be subject to binding arbitration including, but not limited to, any disputes arising between CAHELP JPA and any member agency concerning the Joint Powers Agreement, the Bylaws, any programs, or in any way involving or relating to the operations, management and activities of CAHELP JPA and/or the right, duties or obligations of the member agency.

B. The binding arbitration shall be conducted by JAMS, before a single arbitrator from JAMS, unless otherwise agreed between CAHELP JPA and the member agency, and shall be conducted by and under the operative rules and procedures of JAMS.

C. Regardless of the outcome of the arbitration, CAHELP JPA and the member agency shall share equally in the costs of the arbitration and in the compensation of the arbitrator, provided that the arbitrator shall have discretion to award fees and costs to the extent the arbitrator finds any claim or defense to have been presented without an objective and reasonable basis, or to the extent the arbitrator determines that a party engaged in conduct which resulted in unnecessary legal fees and costs.

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D. The arbitrator shall consider CAHELP JPA as a governmental agency and risk sharing organization, and the parties relationship as an honorable one and neither a contract of adhesion or otherwise as an agreement between parties with adverse interests. The arbitrator shall seek to enforce the terms of the parties' agreements and the intentions of the parties at the time of entering into those agreements, in a fair and objective manner.
E. A judgment based on the decision of the arbitrator may be entered in any court having jurisdiction upon the request of the member agency or CAHELP JPA.

4. A description of the process being used to ensure a student is referred for special education instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized:

Document Title:

DMCS Chapter 1: Identification and Referral of Individuals for Special Education
DMCS Chapter 9: Behavioral Interventions and Supports for Students with Disabilities

Document Location:

Desert Mountain Charter SELPA Policy Manual

DMCS Policies and Procedures
Chapter 1 – Section A Child Find
It is the policy of the Charter SELPA that children with disabilities age six through 21 be actively sought and identified by the public schools. The child find process includes a section of the Charter Chapter 1 – Identification & Referral of Individuals for Special Education, Charter SELPA Page 3 As of 8/26/2021 Steering Committee Review LEA's annual notice to all parents that references the referral of children with disabilities. All children with disabilities and their parents are guaranteed their procedural safeguards with regard to identification, assessment, and placement in special education programs. School personnel, parents, outside agencies working with the child, guardians and/or surrogate parents who show legal documentation of educational rights may all serve as sources of referral for a child for possible identification as a child with a disability. Such identification procedures shall be coordinated with school site and Charter LEA procedures for referral of children with needs that cannot be met with modification of the general education instructional program.
Chapter 1: Section B - Referral for Evaluation for Special Education Services

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Description:

A child shall be referred for special education instruction and services only after the resources of the general education program have been considered and used where appropriate (Education Code § 56303). Education Code § 56329, provides that, when making a determination of eligibility for special education and related services, Charter LEAs shall not determine that a child is a child with a disability if the primary factor for such determination is a lack of appropriate instruction in reading, including the essential components of reading instruction pursuant to Title 20 of the United States Code § 6368 of the No Child Left Behind Act, lack of instruction in math, or limited English proficiency (LEP). California Education Code § 56301(d)(1). Each special education local plan area shall establish written policies and procedures pursuant to Section 56205 for use by its constituent local agencies for a continuous child find system that addresses the relationships among identification, screening, referral, assessment, planning, implementation, review, and the triennial assessment. The policies and procedures shall include, but need not be limited to, written notification of all parents of their rights under this chapter, and the procedure for initiating a referral for assessment to identify individuals with exceptional needs. All referrals for special education and related services from school staff shall include a brief reason for the referral and description of the general education program resources that were considered and/or modified for use with the child, and their effect (Title 5 of the California Code of Regulations § 3021).

5. A description of the process being used to oversee and evaluate placements in nonpublic, nonsectarian schools and the method of ensuring that all requirements of each student's individualized education program are being met. The description shall include a method for evaluating whether the student is making appropriate educational progress:

Document Title:

Document Location:

DMCS Policies and Procedures

Nonpublic, nonsectarian school and agency (NPS/NPA) services shall be available to children in the Desert Mountain Charter Special Education Local Plan Area (SELPA) when no appropriate public educational services are available within the Charter Local Education Agency (LEA), neighboring counties or SELPAs, or state special schools.

The Charter LEA Governing Board may approve the contract with state-

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certified NPS/NPA to provide special education services or facilities when an appropriate public education program is not available. When entering into contracts with a NPS/NPA, the Charter LEA shall consider the needs of the individual child with a disability and the recommendations of the IEP team. The IEP team shall remain accountable for monitoring the progress of children placed in NPS/NPA programs towards the goals identified in each child's IEP. Nonpublic, nonsectarian school (NPS) services can be used when the resources available to the Charter LEA staff are not sufficient to adequately identify the child's needs. When a Charter LEA places a child with a disability with a NPS/NPA provider, the Charter LEA must verify through the Charter SELPA that the NPS/NPA provider is California Department of Education (CDE) certified. NPS/NPA must meet the following CDE standards:

- The agency has adequately trained personnel;
- The agency has appropriate facilities and equipment; and
- The agency meets health, fire, and safety standards.

The SELPA Program Manager for Compliance/Non-Public School Coordinator will annually monitor NPS' for compliance with the provisions set forth in Assembly Bill (AB) 1858. AB 1858 includes requirements for NPS' that provide special education and related services to children with disabilities residing in a Licensed Children's Institution (LCI) or in Foster Family Homes (FFH). Every attempt will be made to assure student progress so that a child may ultimately be able to return to some form of public school program. It is the Charter LEA's responsibility to monitor the progress of children placed in NPS programs. The SELPA Program Manager for Compliance shall act as a liaison between the Charter SELPA, the Charter LEA, and the NPS as needed.

Children with disabilities may be enrolled concurrently in both public and NPS services, provided one is the major enrollment and the other is supplemental. This determination will be made by the Charter LEA IEP team based upon the educational needs of the child and will be provided only when this arrangement best meets these needs.

The Charter LEA will consider nonpublic placement and/or services for all children who require such services in order to benefit from their educational program as determined by the IEP team. In order to ensure that the child is being provided such a program within the Least Restrictive Environment (LRE), the IEP team shall utilize such NPS/NPA services only after exploring all public school program alternatives.

6. A description of the process by which the SELPA will fulfill the obligations to provide free and appropriate public education (FAPE) to a student age 18 to 21 (or age 22 under the circumstances

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described in *EC 56026(c)(4)*) who has been incarcerated in a county jail and remains eligible for special education services:

The obligation to make FAPE available extends to those otherwise-eligible adults in county jail, age 18 to 21, who: (a) had been identified as a child with a disability and had received services in accordance with an IEP, but left school prior to their incarceration; or (b) did not have an IEP in their last educational setting, but had actually been identified as a child with a disability. (*EC Section 56040*)

It is the responsibility of the district of residence (DOR) to provide special education services and related services to an adult student in county jail who remains eligible for these services and wishes to receive them. The DOR is the district in which the student's parents resided when the student turned 18, unless and until the parents move to a new DOR. For conserved students, the DOR is based on the residence of the conservator. (*EC Section 56041*)

Document Title:

Document Location:

Description: