

East Valley SELPA
STEERING COMMITTEE MEETING
670 E. Carnegie Drive., San Bernardino, CA 92408

**** AGENDA ****
DECEMBER 12, 2019 8:00 A.M.

		<u>PRESENTER</u>
1.0	CALL TO ORDER	Patty Metheny
2.0	PUBLIC COMMENTS	
3.0	REVIEW/APPROVAL OF MINUTES	Patty Metheny
4.0	DISCUSSION/PRESENTATION	
<u>Finance Items</u>		
4.1	EV SELPA Local Plan Revision	Patty Metheny
	a. EV SELPA Fiscal Allocation Plan Committee	
<u>Program Items</u>		
4.2	San Bernardino County, Children & Family Services	Jeany Zepeda Deputy Director
4.3	AB 1172 – Proposed Implementation Practices for NPS Monitoring	Patty Metheny Anne-Marie Foley
4.4	AB 605 – Proposed Changes to EV SELPA Low Incidence Guidelines Effective January 1, 2020	Patty Metheny Elizabeth Coronel
4.5	CALPADS – API Data Submission Update DRDP Observation/Documentation Window	Patty Metheny Anne-Marie Foley Lisa Horsley
4.6	CDE Changes in Compliance Monitoring & Selection	Patty Metheny
4.7	SELPA's Within the CA Statewide System of Support	Patty Metheny
	a. SELPA Administration Consultation on LCAP Development	
4.8	Chronic Absenteeism – SBCSS Served Students	Scott Wyatt
4.9	SBCSS East Valley Operations	Scott Wyatt
4.10	California Youth Leadership Forum	Patty Metheny
4.11	Hot Topics	Committee

5.0 OTHER

5.1 EV SELPA Professional Development – December 2019, January & February 2020

5.2 Next Meeting – February 13, 2020 at 8:00 AM

East Valley SELPA
STEEERING COMMITTEE MEETING MINUTES
November 7, 2019

MEMBERS PRESENT:

Dr. Patty Metheny
Rob Pearson
Jason Hill
Derek Swem
Dr. Scott Wyatt
Jim Stolze

East Valley SELPA
Colton Joint Unified School District
Redlands Unified School District
Rim of the World Unified School District
San Bernardino County Supt of Schools
Yucaipa-Calimesa Joint Unified School District

FISCAL STAFF PRESENT:

Jessica Hurst
Linda Resiwain
Nicole Albiso
Scott Whyte
Jennifer Alvarado
Lacey Hall
Grace Granados
Keith Bacon
Lucy Williams

Business Services, Colton
Business Services, Colton
Business Services, Rialto
Business Services, Rim
Internal Business, SB County Schools
Internal Business, SB County Schools
Internal Business, SB County Schools
Business Services, Yucaipa
Business Services, Yucaipa

MEMBERS ABSENT:

Bridgette Ealy

Rialto Unified School District

OTHERS PRESENT:

Earlene Hyman
Dr. Rick Homutoff
Anne-Marie Foley
Lisa Horsley
Rosalva Contreras

Rialto Unified School Districts
East Valley SELPA
East Valley SELPA
East Valley SELPA
East Valley SELPA

1.0 CALL TO ORDER: SELPA Administrator Dr. Patty Metheny, at the East Valley SELPA Office, 670 E. Carnegie Drive, San Bernardino, California, called the meeting to order at 8:00 a.m.

2.0 PUBLIC COMMENTS: There were no public comments.

3.0 REVIEW/APPROVAL OF MINUTES: The minutes of the October 10, 2019 meeting were reviewed. Motion to approve the minutes was made by Jason Hill and seconded by Scotty Wyatt. The minutes were approved by consensus of the members present.

4.0 DISCUSSION/PRESENTATION

Finance Issues

4.1 2019-2020 1st Interim EV SELPA Budgets

Andrea Tennyson reviewed the 1st Interim EV SELPA Budgets. Minimal changes were reported. The SELPA Regional Information System's budget was increased by \$50,000 due to revisions to IEP forms for compliance purposes and the work Faucette Micro Systems is completing for the first SELPA certification of CALPADS special education data. The Low Incidence budget was decreased based on student count. The SELPA Regional Residential Mental Health budget was increased due to the need for additional Program Manager support for students placed in residential facilities: an FTE increase from .50 to .75. The SELPA Regional Occupational Therapy (OT) budget was increased to allow for the hiring of an additional occupation therapist to support the increase in referrals from member districts. The OT will be hired via a staffing agency. The SELPA Legal/Due Process budget was increased by \$300,000 due to the costs incurred as the result of a recent hearing.

4.2 2019-2020 1st Quarter NPS Reimbursement Transfer

Ms. Tennyson presented the 1st Quarter NPS Reimbursement Transfer. Amounts presented for each district were based on billing received and paid through the first quarter FY19/20 for district students placed in nonpublic schools and residential facilities. Ms. Tennyson reported the transfer would occur shortly after the Steering meeting and that the EV SELPA would notify districts after completion of the transfer.

4.3 EV SELPA 2019-2020 Schedule REX

Ms. Tennyson presented the 2019-2020 Schedule REX, which is the reporting of special education revenue and expenses within the East Valley SELPA based on the EV SELPA Fiscal Allocation Plan. The reporting is based on revenue information from CDE and the P-2 projections provided by districts. The revenue reported includes the anticipated increased dollar amounts in AB602 funding resulting from the trailer bill language equalizing funding for SELPAs in California. As the East Valley SELPA continues to experience declining enrollment and because CDE continues to apply a deficit factor when funding special education, the A602 funding with equalization dollars is less than anticipated. Dr. Metheny reported that because the East Valley SELPA Fiscal Allocation Plan requires pupil counts in December and April to appropriately allocate proportionate share costs, the SELPA will continue to take the counts internally now that the statewide counts will be based on the CALPADS census date of the first Wednesday in October annually.

4.4 Regional Program Transfer Request Affirmation

As previously shared in the October Steering Committee Meeting, Rialto USD requested a program transfer of approximately 50 students placed in County programs to district programs effective July 1, 2010. Per the EV SELPA Regional Program Transfer policy, Rialto USD presented a letter and information affirming this request in late October which was reviewed by the Steering Committee. Discussion regarding the grade levels of students identified spanning from infants to students aged 20-years ensued. Given that students were not identified based on classroom placement and that some were identified from the community-based instruction class for students aged 18- through 21-years, Jennifer Alvarado reported the financial impact data reported in September 2019 is an under-estimate of the actual financial impact. That impact data was based on reducing staff that cannot be realized with the information currently presented by Rialto.

4.5 EV SELPA 2019-2020 Fiscal Reporting Calendar

Ms. Tennyson reviewed updates to the fiscal reporting calendar. She noted that the infant waiver request was added to the November activities as well as the submission to CDE of the extraordinary cost pool request.

Program Issues

4.6 Legislative Update – Bills Signed & Vetoed by the Governor

Dr. Metheny provided an overview of some legislation approved and vetoed by Governor Newsom in October 2019. AB 605 (Maineschein) – Assistive Technology will be in effect on January 1, 2020. This bill allows assistive technology devices or equipment to follow a student who has transferred to another district for up to two months. It also affirms the requirement for in-home use of assistive technology devices or equipment if deemed necessary by the IEP team. The EV SELPA Low Incidence Committee will reconvene to address the new requirement. Dr. Metheny also shared that SELPAs within the region have worked collaboratively for a number of years to assure low incidence materials and equipment follow students if they move schools within the region.

AB 1172 (Frazier) Nonpublic Schools - This bill will require school districts to engage in more monitoring activities of nonpublic schools. Dr. Metheny stated proposals for the implementation of regional practices to meet the requirements of AB 1172 will be shared in the December Steering meeting.

SB 223 (Hill) Medicinal Cannabis: School sites - This bill will allow the governing board of a school district to adopt a policy allowing the parents or guardians of a pupil to possess and administer non-smokable and non-vape able medicinal cannabis to the authorized pupil at a school site.

4.7 Alternate ELPAC

Dr. Metheny shared a presentation regarding the timelines for implementation and requirements from CDE for the computer based English Language Proficiency Assessments for California (ELPAC) and the Alternate ELPAC for students with moderate to severe disabilities. WebIEP forms will be revised to reflect this information. Directors were encouraged to train IEP team members specific to this information as well as to share this

information with the general education colleagues to ensure knowledge of and appropriate opportunities for students with disabilities to participate in the Alternate ELPAC

4.8 Preschool LRE

Anne-Marie Foley presented guidance on preschool federal settings and the required reporting codes with CALPADS. Two handouts were provided detailing the codes required.

4.9 CALPADS – API Data Submission Update& DRDP Observation/Documentation Window

Dr. Metheny shared a PowerPoint presentation regarding the deadlines and procedures for the Fall 1 CALPADS data certification. She emphasized the need for districts to work proactively and collaboratively with the SELPA to certify their data by December 6, 2019 so that the SELPA can in turn certify data by December 20, 2019. Ms. Foley shared that she has been working closely with Faucette Micro Systems, attending the regular Wednesday afternoon CALPADS statewide Q&A meetings, and communicating regularly with all member districts to support the CALPADS certification process.

Lisa Horsley shared that Friday, January 10, 2020 will be the last day to enter DRDP data directly into WebDA. After January 10, Ms. Horsley will submit the DRDP data to DRAccess in order to meet the January 31, 2010 submission deadline data.

4.10 2018-2019 Dispro Data

Directors were provided a copy of their 2018-2019 Disproportionality data which was recently made available by CDE for all districts. Ms. Foley engaged the Committee in an activity to understand the data and how it is calculated. Dr. Metheny shared that the California Dispro Stakeholders group has recommended the risk ratio for discipline be lowered to 2 from 3. A decision has not been made but districts were encouraged to look at their data and work proactively on cultural and systemic issues that impact this indicator.

4.11 WebIEP Emails to Directors

Dr. Metheny explained that over the course of the last five years at the request of the EV SELPA Steering Committee, the WebIEP has programmed specific emails sent to the special education directors to assist with monitoring for compliance. A discussion ensued regarding the need for the emails, and it was decided the email notifications are needed and will continue. Further discussion was held around the notifications sent regarding open assessment plans (those provided to parents but not returned providing consent to assessment). For the notifications regarding assessment plans to be effective, all assessment plans must be developed in WebIEP and not be handwritten. The emails are sent when the assessment plans have not been returned by the 15th, 30th, and 45th day from creation of the assessment plan. Assessment plan notifications to directors are only sent at the 45th day. The assessment plan creator receives all three notifications at days 15, 30 and 45. Districts may generate letters requesting return of the assessment plan to align with these days. Rob Pearson requested samples of letters for each of the 15, 30, and 45-day timelines. It was agreed to be provide to Committee members electronically following the meeting.

4.12 Building MTSS Structures

Dr. Metheny reported that the MTSS Conference hosted by East Valley SELPA in October was a success based on attendee evaluation data. East Valley SELPA personnel and district personnel reported it was a meaningful and valuable experience. Given this, Dr. Metheny inquired about district level implementation in respect to special education involvement. The directors shared about a variety of levels of implementation throughout the region. Dr. Metheny inquired about the need for the trainings scheduled on December 10, 2019 and April 9, 2020 to assist with developing the role of special education within MTSS structures. The directors expressed that current district MTSS structures are in the early stages of implementation and not inclusive of special educators. They do not see a need for the trainings at this time. The trainings will be canceled.

Dr. Metheny also inquired about the desire for structured literacy instruction training in the region based on the focus of some of the MTSS sessions in the conference. After some discussion, it was decided this type of training does not currently align with some district strategic planning in the region. Future discussions on this topic will continue.

4.13 EV SELPA Due Process Update

Dr. Homutoff shared regarding due process activities within the SELPA to-date. For 2019-2020, 15 cases have been filed, 8 have been settled, and 7 are currently open. Additionally, a hearing was held recently as the result of a district filing made late in June 2019.

Dr. Homutoff presented draft language for inclusion in the EV SELPA due process procedures specific to the qualifications of those conducting independent educational evaluations (IEEs). Suggestions were made. Dr. Homutoff will revise the language as advised and send to the directors directly.

4.14 EV SELPA IEP Forms Work Group & WebIEP Program Updates

Ms. Foley provided an overview of the current work of the IEP Forms Work group. She presented a draft of the EV-50G (IEP at-a-glance). This form will be programed to prepopulate requiring only that the user print it. Ms. Foley expects this form to be ready and available in January 2020. Two other forms in progress were discussed and a draft of those may be ready to be presented at the next Steering Committee meeting. Additionally, the Individual Service Plan (ISP) subcommittee will meet the week of November 11 to continue work on revising the ISP. This form will be a stand-alone annual ISP as now required by CALPADS.

Ms. Foley reported on progress made by Faucette Micro Systems and the EV SELPA to move the assignment of service providers from work accomplished by office clerical and technician staff to case carriers. Programming modifications have been accomplished that will permit this to happen at the WebIEP level and no longer be required to take place in the WebIEP Bridge. Notifications and instructions regarding this change will be sent to directors and Web DA users shortly. A notice regarding this change will appear after the log-in in WebIEP. All IEPs will need to be bridged before

the Thanksgiving break to allow for this transition and to ensure an accurate count in December for the Fee-for-service programs.

4.15 EV SELPA Community Advisory Committee

Dr. Metheny shared that members for the Community Advisory Committee (CAC) are still needed. Directors are encouraged to select parents, have them Board approved, and provide that information to Dr. Metheny as soon as possible. The next CAC meeting is November 18 at 9:30 am at the SELPA. During the next meeting, Dr. Metheny will explain the role of the CAC for the Local Plan revision process.

4.16 SBCSS East Valley Operations

Dr. Wyatt shared that the emotionally and behaviorally disordered (EBD) program at Barbara Phelps continues to be at capacity and that efforts to stabilize the transient population in that program continue to be made.

4.17 Hot Topics

Derek Swem expressed his appreciation for the PCM recertification trainings being held at district sites. Mr. Swem also requested consideration be made for initial PCM trainings to be done at district sites. Dr. Metheny indicated this could be revisited in the spring and a determination made for 2020-2021.

5.0 OTHER

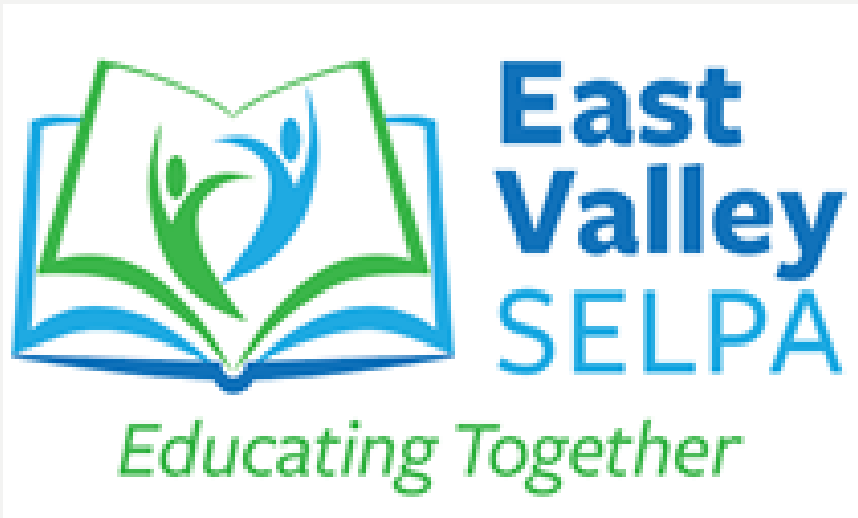
5.1 EV SELPA Professional Development – November & December 2019

6.0 ADJOURNMENT: Meeting adjourned at 2:15 pm. Next meeting will be held on December 12, 2019.

FINANCE ISSUES

4.1 EV SELPA Local Plan Revision

EAST VALLEY SELPA LOCAL PLAN REVISION PROCESS



Presented to the East Valley SELPA
Steering Committee

Patty Metheny, Ed.D., Administrator

December 12, 2019



2019-2020 Steps & Timeline



2020-2021 Steps & Timeline



Update on First Local Plan
Committee Meeting

THREE
UPDATES ON
LOCAL PLAN
DEVELOPMENT
IN THE EV
SELPA

DEVELOPMENT STEPS & TIMELINE

Identify Local Plan Committee Members

Meet with Local Plan Committee – October, December, January

Meet with EV SELPA Community Advisory Committee (CAC) to review Local Plan process in November and draft of revised plan in February & April

Review revised Local Plan with EV SELPA Steering Committee – February & March

Provide Local Plan to Board for review in February & March; for approval in May

Obtain SBCSS County Superintendent & CAC Chair signatures in May

Provide Local Plan to California Department of Education in June –for preliminary approval

Post Local Plan on EV SELPA & SBCSS websites

2019-2020

DEVELOPMENT STEPS & TIMELINE

Provide to Colton Joint Unified School District Board of Education for review & adoption

Provide to Redlands Unified School District Board of Education for review & adoption

Provide to Rialto Unified School District Board of Education for review & adoption

Provide to Rim of the World Joint Unified School District Board of Education for review & adoption

Provide to Yucaipa-Calimesa Joint Unified School District Board of Education for review & adoption

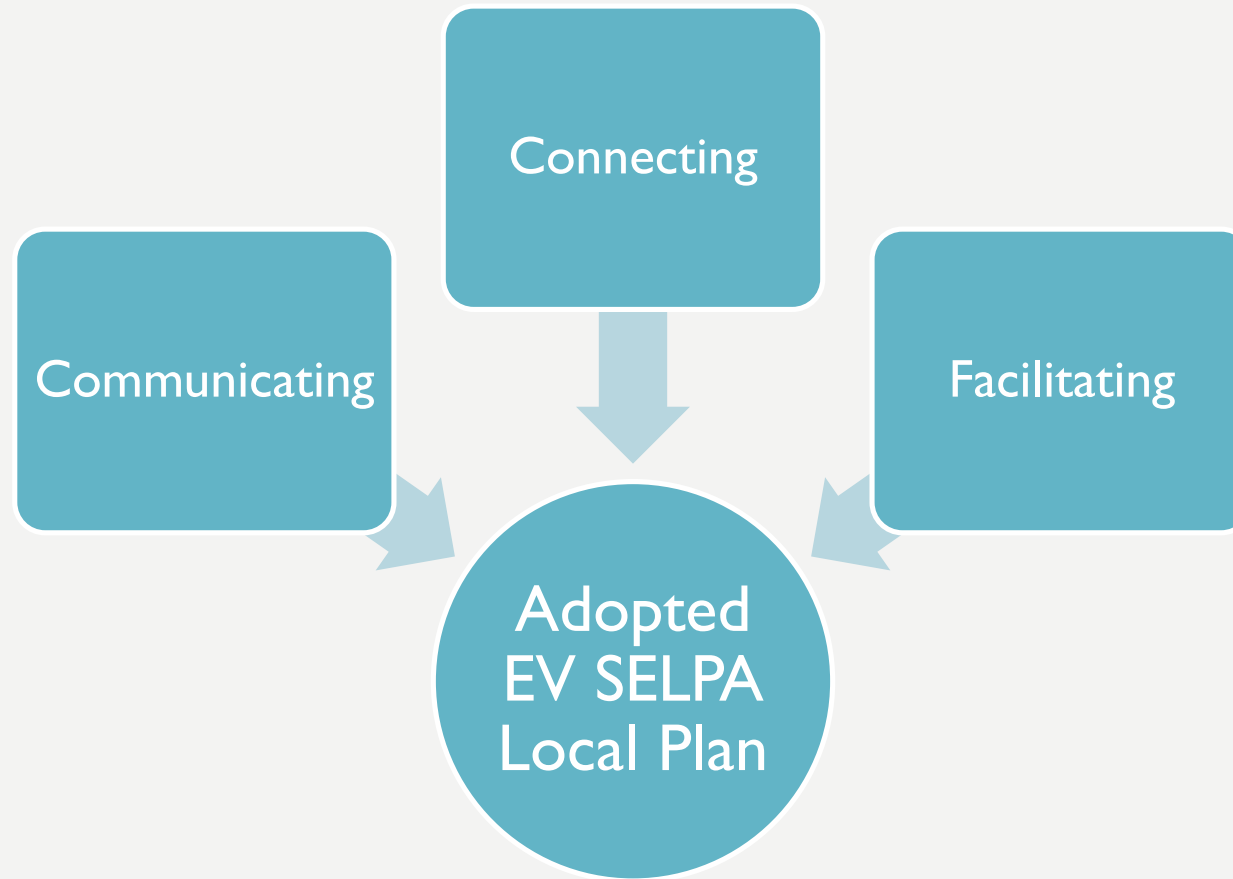
If any LEA Board of Education does not adopt Local Plan, bring back to EV SELPA Board of Directors with revisions for approval and repeat process of acquiring LEA Board adoptions, as needed

Submit to CDE for approval by June 30, 2021

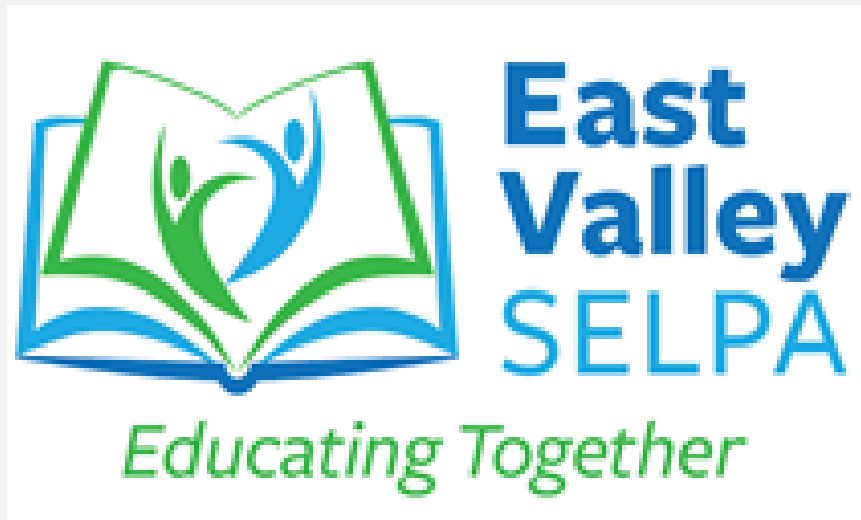
Post Local Plan on all member district websites; if revised through this process ensure Local Plan posted on EV SELPA & SBCSS websites is accurate by June 30, 2021

2020-2021

EV SELPA & MEMBER DISTRICTS IN 2020-2021

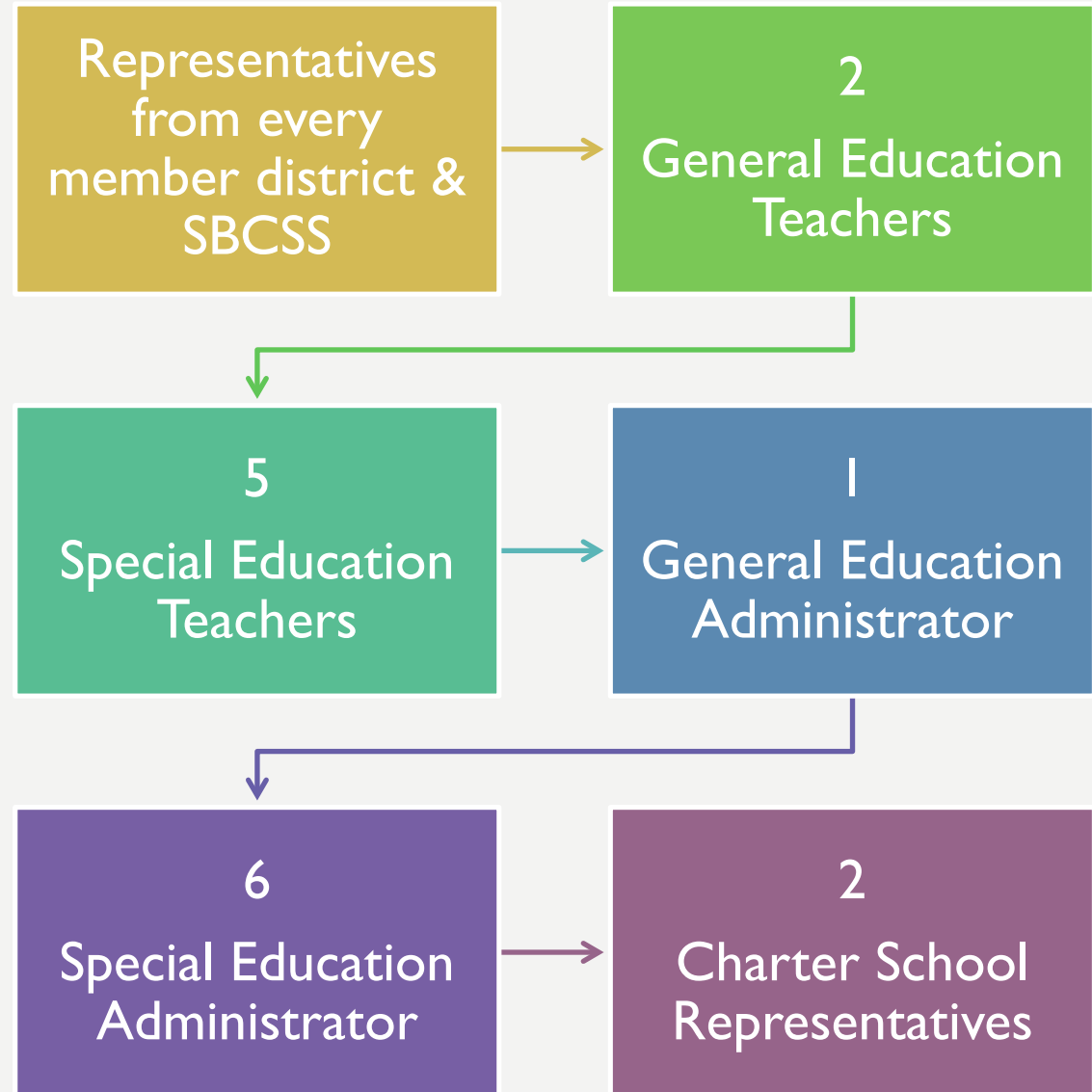


EAST VALLEY SELPA LOCAL PLAN COMMITTEE



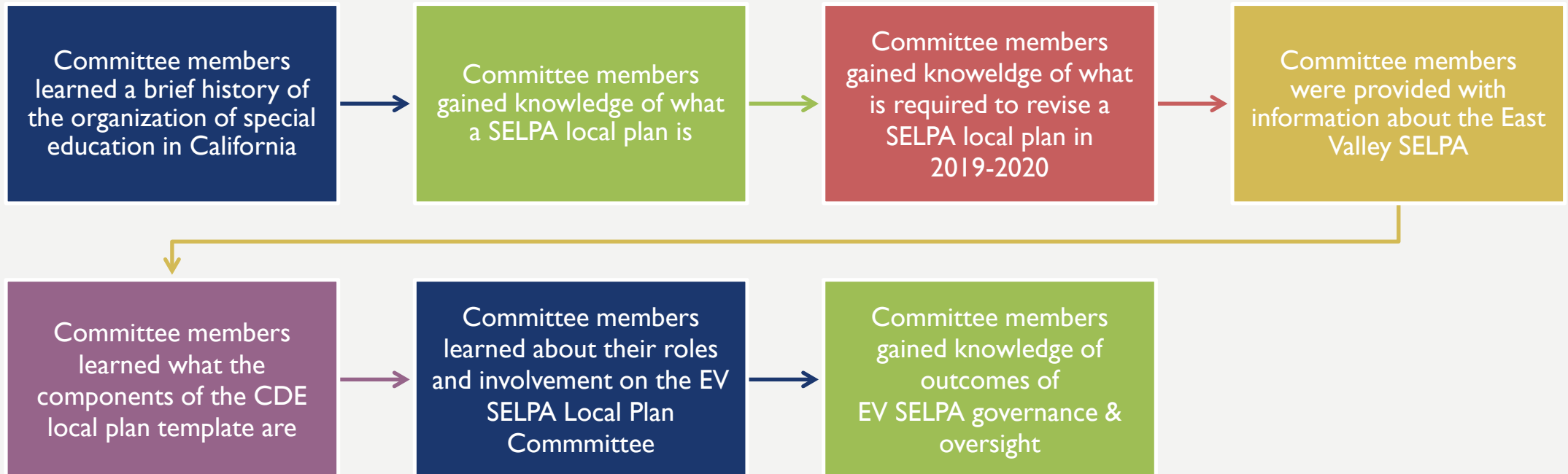
October 21, 2019
Meeting

EV SELPA LOCAL PLAN COMMITTEE MEMBERS 2019-2020



Plus 9 EV SELPA Employees

OCTOBER 21 MEETING OBJECTIVES



THE CURRENT EV SELPA LOCAL PLAN

- ❖ Approved & Adopted 2007
- ❖ Required components, but no required template
 - ❖ Assurance Statement
 - ❖ California Department of Education Forms
 - ❖ Governance & Administration
 - ❖ Member District Board Action Dates

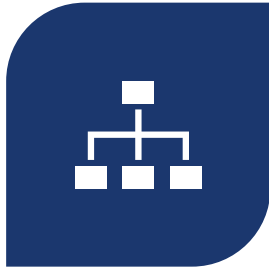


THE PURPOSE OF A SELPA LOCAL PLAN

- ❖ Assure access to special education and related services for all individuals with exceptional needs residing within the geographic areas served by the plan; and
- ❖ Assure compliance with all federal and state codes and statutes



REQUIRED REVISION AREAS OF A SELPA LOCAL PLAN



GOVERNANCE &
ADMINISTRATIVE
STRUCTURE



POLICY IDENTIFICATION
& LOCATION



ADMINISTRATION OF
REGIONALIZED
OPERATIONS & SERVICES

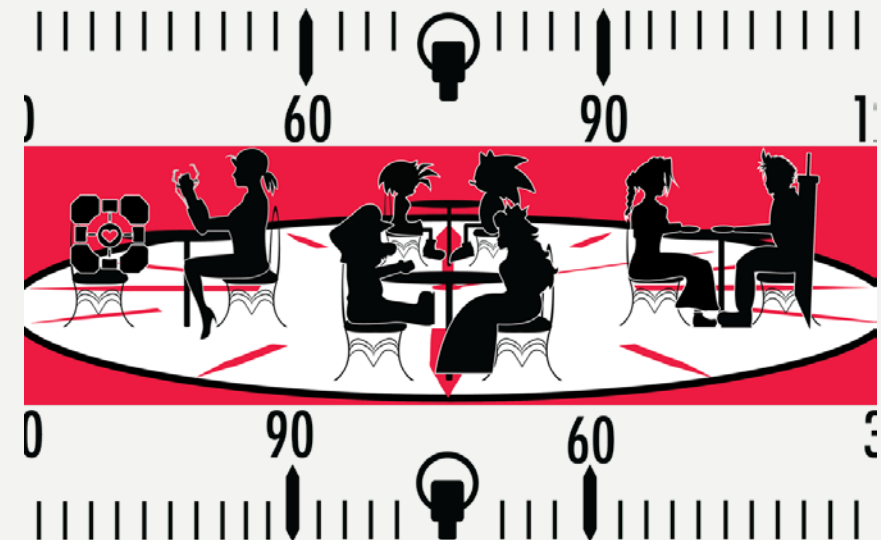


SPECIAL EDUCATION
LOCAL PLAN AREA
SERVICES

COMMITTEE MEMBERS LEARNED ABOUT THE EAST VALLEY SELPA:

TICK TOCK TABLE TALKS

In Conference Room C, EV SELPA Local Plan Committee members met individually with different members of the EV SELPA team. The EV SELPA team members represented different divisions or functions of the SELPA including administration, finance, professional development and coaching, compliance, due process, occupational therapy, mental health services and transition services. For four minutes, each EV SELPA team member shared with the committee members and then members rotated clockwise to learn more.



Section A: Contacts &
Certifications

Section B: Governance &
Administration

Section D: Annual Budget Plan

Section E: Annual Service Plan

REQUIRED
COMPONENTS
OF A SELPA
LOCAL PLAN:
THE CDE
TEMPLATE

SECTIONS NOT REQUIRING COMMITTEE REVIEW



CONTACT INFORMATION
DATE OF PUBLIC HEARING
NAME OF EACH MEMBER DISTRICT
WEBSITE ADDRESS



BUDGET PLAN FOR 2020-2021
SPECIAL EDUCATION REVENUE BY SOURCE
EXPENDITURES BY OBJECT CODE
SELPA ALLOCATION PLAN
SELPA OPERATING EXPENDITURES
LOW INCIDENCE FUNDING & EXPENDITURES



SERVICES PROVIDED BY SCHOOL SITES
WITHIN THE SELPA
(PHYSICAL LOCATION)

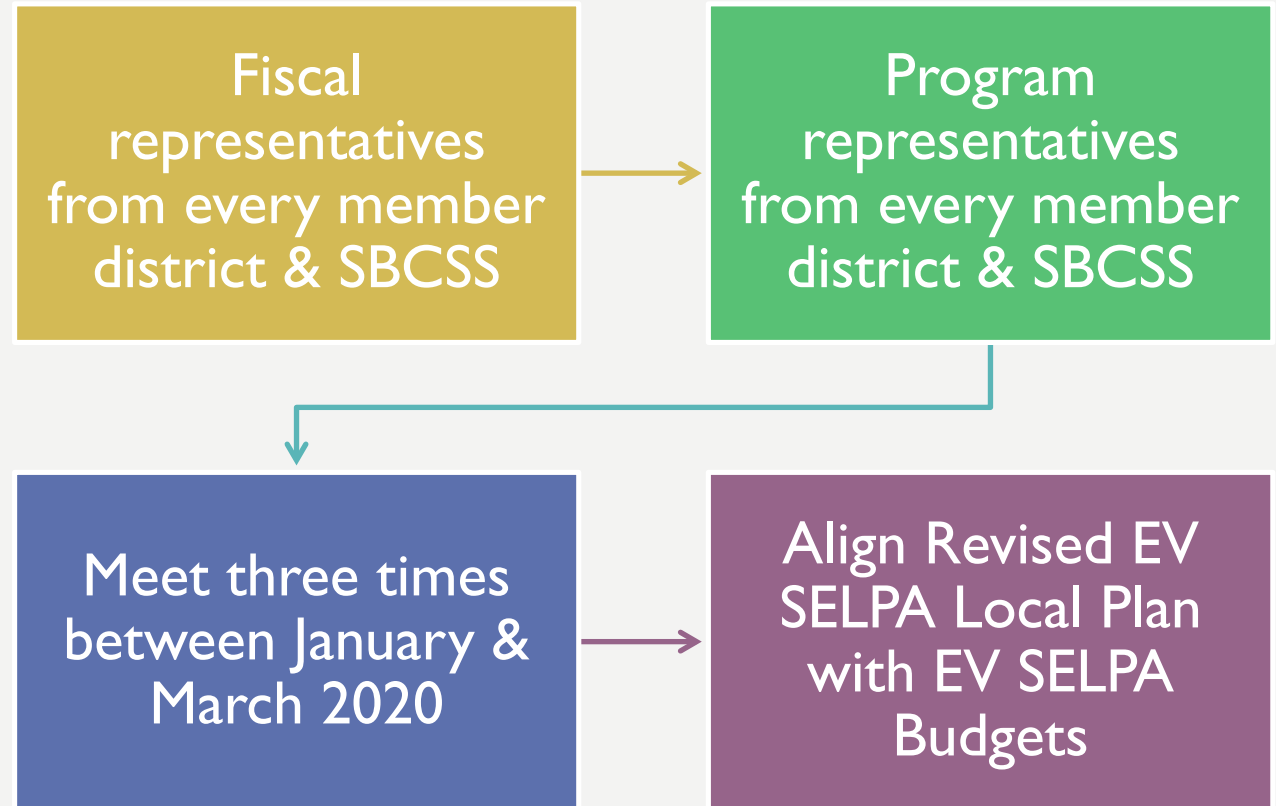
SECTION REQUIRING COMMITTEE REVIEW



SECTION THAT WILL RESULT IN REVISION OF EV SELPA FISCAL ALLOCATION PLAN

A large, stylized, pink letter 'D' with a thick black outline, centered within a white square. The letter has a slightly irregular, hand-drawn appearance.

EV SELPA FISCAL ALLOCATION PLAN COMMITTEE MEMBERS 2019-2020



EV SELPA FISCAL ALLOCATION PLAN COMMITTEE MEETING DATES

Wednesdays
9:00 – 11:00 a.m.

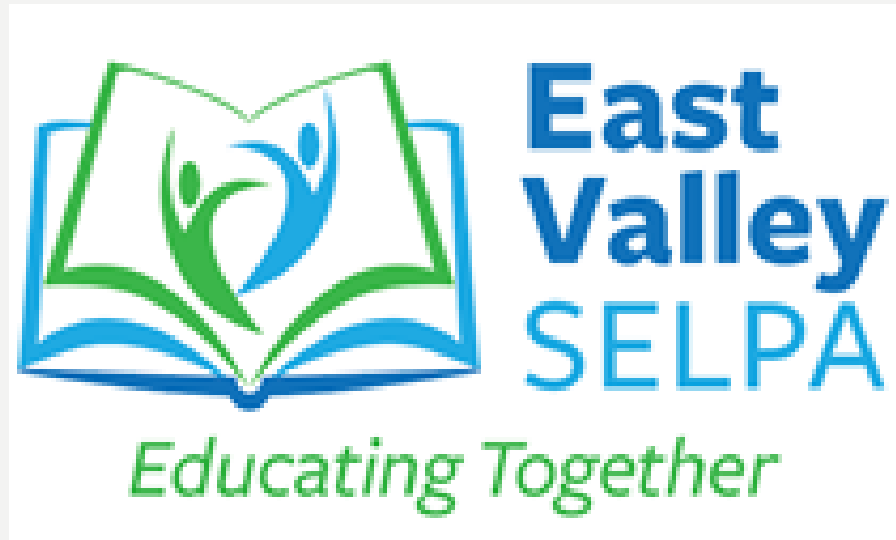
January 29, 2020
(Conference Room A)

February 26, 2020
(Conference Room D)

March 25, 2020
(Conference Room E)

OUTCOMES OF EV SELPA GOVERNANCE & OVERSIGHT

- [Meet Lily](#)





Fiscal Allocation Plan Committee Meetings 2019-2020

670 E. Carnegie Drive, San Bernardino CA 92408

**Wednesdays
9:00 – 11:00 a.m.**

**January 29, 2020
(Conference Room A)**

**February 26, 2020
(Conference Room D)**

**March 25, 2020
(Conference Room E)**

PROGRAM ISSUES

4.2 San Bernardino County, Children & Family Services

4.3 AB 1172 – Proposed Implementation Practices for NPS Monitoring

AB 1172 Implementation and Timeline

Guidance Provided by State SELPA Association

Effective January 1, 2020

1. A NPS/A shall notify the CDE and the contracting LEA of any pupil-involved incident at the school or agency in which law enforcement was contacted. This notification shall be provided in writing, no later than one business day after the incident occurred.
2. If an investigation by the CDE results in a finding that pupil health or safety has been compromised or is in danger of being compromised at a NPS/A, the CDE may immediately suspend or revoke the certification of the NPS/A.
3. For a school serving pupils with significant behavioral needs or who are on BIP's, the school has an individual onsite during school hours who is qualified and responsible for the design, planning and implementation of behavioral interventions, aligned with CCR Title 5 Section 3051.23

Commencing with the 2020-2021 School Year

Non-Public School and Agency Training

1. NPS/A to train staff who will have contact or interaction with pupils in evidenced based practices and interventions specific to the unique behavioral needs of the NPS/A pupil population.
 - To be provided within 30 days of employment for new staff
 - Annually otherwise
2. The training will be selected and conducted by the NPS/A and shall meet the following requirements:
 - Be conducted by persons licensed or certified in fields related to the evidence-based practices and interventions being taught.
 - Be taught in a manner consistent with the development and implementation of individualized education programs.
 - Be consistent with the requirements of Article 5.2 (commencing with Section 49005) of Chapter 6 of Part 27, relating to pupil discipline.
3. The training will include the following:
 - Positive behavioral intervention and supports, including collection, analysis, and use of data to inform, plan, and implement behavioral supports.

- How to understand and address challenging behaviors, including evidence-based strategies for preventing those behaviors.
 - Evidence-based interventions for reducing and replacing challenging behaviors, including de-escalation techniques.
4. The contracting LEA shall verify the NPS/A's compliance to the requirement for training.
 5. The NPS/A shall report the LEA's verification with the annual certification documents.
 6. The plan and timeline for training must be in the Master Contract.
 7. *For a NPS/A that was NOT in existence as of January 1st of the preceding school year, the contracting LEA shall, within 30 day of the school year, verify that the NPS/A provided the training and shall submit verification to the CDE at that time.*
 8. The NPS/A shall maintain written records of the training and shall provide written verification upon request.

LEA Monitoring of NPS

1. *The LEA shall conduct an onsite visit to the NPS before placement of a pupil if the LEA does not have any pupils enrolled at the school at the time of placement.*
2. The LEA shall conduct at least one onsite monitoring visit *each school year they have a student placed via a master contract*. The monitoring visit shall include:
 - A review of services provided through the ISA
 - A review of progress on goals
 - A review of progress on goals specific to a BIP
 - An observation of the pupil during instruction
 - A walkthrough of the facility
 - Submit the findings of the monitoring visit to the CDE within 60 days of the visit.
3. On or before June 30, 2020, the CDE, with input from SELPA Administrators, will create and publish the criteria for reporting this information.

Commencing with the 2021-2022 School Year

NPS Administrator Credential/Certification

The NPS Administrator shall hold or be in the process of obtaining *one* of the following:

- An administrative credential and 2 years of experience working with students with disabilities
- A pupil services credential in school counseling or psychology
- A license as a clinical social worker issued by the Board of Behavioral Sciences
- A license in psychology regulated by the Board of Psychology

- A master's degree in education, special education, psychology, counseling, behavioral analysis, social work, behavioral science, or rehabilitation
- A credential authorizing special education instruction and at least two years of experience teaching in special education
- A license as a marriage and family therapist certified by the Board of Behavioral Sciences
- A license as an educational psychologist issued by the Board of Behavioral Sciences
- A license as a professional clinical counselor issued by the Board of Behavioral Sciences



PATTY METHENY, ED.D., ADMINISTRATOR

MEMBER DISTRICTS:

*COLTON JOINT UNIFIED

*REDLANDS UNIFIED

*RIALTO UNIFIED

*RIM OF THE WORLD UNIFIED

*SAN BERNARDINO COUNTY SUPERINTENDENT
OF SCHOOLS/EAST VALLEY STUDENT SERVICES

*YUCAIPA-CALIMESA JOINT UNIFIED

Non-Public School/Agency Training Verification

Nonpublic School or Agency _____

Verification Date: _____

NPS/A Opening Date*: _____

Verification of (mark one): ☐ Annual training for all staff ☐ Training for new employee(s)**

Dates of training:				

**For new employee training, indicate hire dates to verify training completed within 30 days of hire date:

Hire Date(s):				
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Required Supporting Documentation Attached:

- ☐ Training Agenda ☐ Sign-In Sheet(s)
☐ Copies of staff training certificates or HR attestation of completed training

Training Requirements

Training was selected and conducted by the NPS/A and met the following requirements:

- ☐ Be conducted by persons licensed or certified in fields related to the evidence-based practices and interventions being taught
- ☐ Be taught in a manner consistent with the development and implementation of individualized education programs.
- ☐ Be consistent with the requirements of Article 5.2 (commencing with §49005) of Chapter 6 or Part 27, relating to pupil discipline

Training included the following:

- ☐ Positive behavioral intervention and supports, including collection, analysis, and use of data to inform, plan, and implement behavioral supports
- ☐ How to understand and address challenging behaviors, including evidence-based strategies for preventing those behaviors
- ☐ Evidence-based interventions for reducing and replacing challenging behaviors, including de-escalation techniques.

NPS/A Verification: _____

NPS Signature/Title

Date

SELPA verification of receipt
of NPS Training Verification: _____

SELPA Signature/Title

Date

*Special Condition: If NPS/A was not in existence in January of the previous school year, Training Verification is required to SELPA within 30 days of the start of the school year.



PATTY METHENY, ED.D., ADMINISTRATOR

MEMBER DISTRICTS:

*COLTON JOINT UNIFIED

*REDLANDS UNIFIED

*RIALTO UNIFIED

*RIM OF THE WORLD UNIFIED

*SAN BERNARDINO COUNTY SUPERINTENDENT
OF SCHOOLS/EAST VALLEY STUDENT SERVICES

*YUCAIPA-CALIMESA JOINT UNIFIED

NPS PRE-PLACEMENT ON-SITE VISIT

Nonpublic School: _____ **Date of Visit:** _____

Address: _____ **City:** _____ **State:** _____

NPS Administrator: _____
Name Title

District Representative: _____
Name Title

SELPA Representative: _____
Name Title

Facility, Environment & Culture

- ☐ Observation and walkthrough conducted of facility, classroom and learning environment, and positive behavior management system and school culture (using observation/walkthrough checklist on reverse).

District Rep Signature: _____
Name Title

SELPA Rep Signature: _____
Name Title

Observation & Walkthrough Checklist

Facilities, Grounds & Physical Plant (mark observed items)

- ☐ Organized, neat and uncluttered
- ☐ System for logging visitors to site
- ☐ Access to appropriate space and facilities for physical education
- ☐ Access to appropriate space and facilities for meals
- ☐ Appropriate physical boundaries to ensure safety (fences, gates, etc.)

Comments/Notes:

Classroom and Learning Environments (mark observed items)

- ☐ Organized, neat and uncluttered
- ☐ Evidence of appropriate instructional materials (core)
- ☐ Evidence of lesson plan/learning objectives (posted/written)
- ☐ Use of visuals and/or manipulatives to support learning
- ☐ Utilizing paraprofessionals to support students
- ☐ Teacher actively engaged with students
- ☐ Use of communication systems/strategies with nonverbal students
- ☐ Students sub-grouped to meet individual needs

Comments/Notes:

Positive Behavior Management and School Culture (mark observed items)

- ☐ Safe and orderly environment
- ☐ Routines and procedures are evident in classrooms and site
- ☐ Evidence of a consistent positive behavior management throughout the school
- ☐ Positive behavior is reinforced (verbal/nonverbal)
- ☐ Negative behavior is addressed
- ☐ Teacher manages classroom proactively and calmly
- ☐ A climate of respect and fairness is evident

Comments/Notes:



PATTY METHENY, ED.D., ADMINISTRATOR

MEMBER DISTRICTS:

*COLTON JOINT UNIFIED

*REDLANDS UNIFIED

*RIALTO UNIFIED

*RIM OF THE WORLD UNIFIED

*SAN BERNARDINO COUNTY SUPERINTENDENT
OF SCHOOLS/EAST VALLEY STUDENT SERVICES

*YUCAIPA-CALIMESA JOINT UNIFIED

NPS ANNUAL MONITORING VISIT

Nonpublic School: _____ **Date of Visit:** _____

Address: _____ **City:** _____ **State:** _____

District/SELPA

Representative: _____
Print Name Title

Student: _____ **LEA:** _____

Grade: _____ **DOB:** _____ **Disability:** _____

Current Annual IEP Date: _____ **Current Triennial Date:** _____

Services

☐ ISA services are consistent with IEP

Service	Provider	Location	Delivery Model	Min.	Freq.

Observation of Student in Instructional Setting

Progress Toward Goals					
Goal #	Reporting Period			Progress	
_____	Trimester	Semester	Quarter	<input type="checkbox"/> Substantial	<input type="checkbox"/> Partial
<input type="checkbox"/> BIP Goal	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Limited time
_____	Trimester	Semester	Quarter	<input type="checkbox"/> Substantial	<input type="checkbox"/> Partial
<input type="checkbox"/> BIP Goal	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Limited time
_____	Trimester	Semester	Quarter	<input type="checkbox"/> Substantial	<input type="checkbox"/> Partial
<input type="checkbox"/> BIP Goal	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Limited time
_____	Trimester	Semester	Quarter	<input type="checkbox"/> Substantial	<input type="checkbox"/> Partial
<input type="checkbox"/> BIP Goal	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Limited time
_____	Trimester	Semester	Quarter	<input type="checkbox"/> Substantial	<input type="checkbox"/> Partial
<input type="checkbox"/> BIP Goal	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Limited time
_____	Trimester	Semester	Quarter	<input type="checkbox"/> Substantial	<input type="checkbox"/> Partial
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_____	Trimester	Semester	Quarter	<input type="checkbox"/> Substantial	<input type="checkbox"/> Partial
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_____	Trimester	Semester	Quarter	<input type="checkbox"/> Substantial	<input type="checkbox"/> Partial
<input type="checkbox"/> BIP Goal	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Limited time
_____	Trimester	Semester	Quarter	<input type="checkbox"/> Substantial	<input type="checkbox"/> Partial
<input type="checkbox"/> BIP Goal	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Limited time
_____	Trimester	Semester	Quarter	<input type="checkbox"/> Substantial	<input type="checkbox"/> Partial
<input type="checkbox"/> BIP Goal	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Limited time

Observation & Walkthrough Checklist

Facilities, Grounds & Physical Plant (mark observed items)

- ☐ Organized, neat and uncluttered
- ☐ System for logging visitors to site
- ☐ Access to appropriate space and facilities for physical education
- ☐ Access to appropriate space and facilities for meals
- ☐ Appropriate physical boundaries to ensure safety (fences, gates, etc.)

Comments/Notes:

Observation & Walkthrough Checklist (Continued)

Classroom and Learning Environments (mark observed items)

- ☐ Organized, neat and uncluttered
- ☐ Evidence of appropriate instructional materials (core)
- ☐ Evidence of lesson plan/learning objectives (posted/written)
- ☐ Use of visuals and/or manipulatives to support learning
- ☐ Utilizing paraprofessionals to support students
- ☐ Teacher actively engaged with students
- ☐ Use of communication systems/strategies with nonverbal students
- ☐ Students sub-grouped to meet individual needs

Comments/Notes:

Positive Behavior Management and School Culture (mark observed items)

- ☐ Safe and orderly environment
- ☐ Routines and procedures are evident in classrooms and site
- ☐ Evidence of a consistent positive behavior management throughout the school
- ☐ Positive behavior is reinforced (verbal/nonverbal)
- ☐ Negative behavior is addressed
- ☐ Teacher manages classroom proactively and calmly
- ☐ A climate of respect and fairness is evident

Comments/Notes:

District/SELPA Signature

Date

4.4 AB 605 – Proposed Changes to EV SELPA Low Incidence Guidelines Effective January 1, 2020

East Valley SELPA LOW INCIDENCE GUIDELINES

As part of the Local Plan submitted to the State, each SELPA must describe how funding for specialized books, materials, equipment and services will be distributed within the SELPA. These guidelines have been developed to provide a summary of legal requirements and local procedures for students with low incidence disabilities. In addition to this policy, all requirements outlined under the Annual State Low Incidence Funding Update will be observed.

LEGAL REQUIREMENTS

Education Code Section 56836.22 provides for funds to purchase “specialized books, materials and equipment as required under the student’s individualized education program (IEP) for students with low incidence disabilities as defined in Section 56026.5. As specified in Education Code 56026.5, a low incidence disability eligible for use of low incidence funding means a severe disabling condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade 12. For purposes of this definition, severe disabling conditions are hearing impairments, vision impairments, and severe orthopedic impairments of any combination thereof. For purposes of this definition, vision impairments do not include disabilities with the function of vision specified in Section 56338).

One of the following disabling conditions must be the primary or secondary disability in order for a student to be eligible to receive equipment and/or services specifically through low incidence funds:

Hearing Impairment (def. Means a hearing impairment, whether permanent or fluctuating, that adversely affects a child’s educational performance but is not included under the definition of deafness.)

Deafness (def. Means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child’s educational performance)

Visual Impairment (def. Including blindness means an impairment in vision that, even with correction, adversely affects a child’s educational performance. The term includes both partial sight and blindness.)

Orthopedic Impairment (def. Means a severe orthopedic impairment that adversely affects a child’s educational performance. The term includes impairments caused by a congenital anomaly; impairments caused by disease (e.g. poliomyelitis, bone tuberculosis), and impairments from other causes (e.g. cerebral palsy amputations, and fractures or burns that cause contractures).

Deaf-Blindness (def. Means concomitant hearing and visual impairments, the combination of which causes severe communication, developmental, and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.)

As a condition of receiving these funds, the SELPA will ensure that:

- the appropriate books, materials and equipment are purchased
- the use of items is determined necessary through the IEP process and/or assessment
- the books, materials and equipment are reassigned within the SELPA once the district/student that originally received the items no longer needs them
- an inventory of low incidence equipment is maintained at the SELPA

Special supplies and equipment purchased with State funds are the property of the State and will be available for use by children with disabilities throughout the State. The Clearinghouse for Specialized Media and Technology (CSMT) is available to facilitate the distribution of unused materials and equipment.

In addition to the equipment fund, the annual State Budget Act may appropriate funds to be used to provide specialized services to students with low incidence disabilities. Education Code Section 56363(b)(16) states “Specialized services for low-incidence disabilities, such as readers, transcribers, and vision and hearing services.”

Equipment purchased with low incidence funds is the property of the State of California. These item(s) are considered “On Loan” to the students who are qualified by the nature of their disability to access materials purchased with low incidence funds.

RESPONSIBILITY

Low Incidence funding is legally the responsibility of the SELPA, including accountability of how the funds are used; reassignment of specialized books, materials and equipment within the SELPA; and sharing with other SELPAs. To meet this responsibility, the SELPA will establish procedures and guidelines for purchases through the Low Incidence fund.

The East Valley SELPA Low Incidence Committee has established guidelines and procedures for purchases through the Low Incidence Fund.

The Low Incidence Committee may include:

- Specialist for the hearing impaired
- Specialist for the orthopedically impaired
- Specialist for the visually impaired
- Speech language pathologist
- Specialist knowledgeable in assistive technology
- Occupational therapist
- Physical therapist
- Information technology specialists
- District administrators
- SELPA administrator
- Other SELPA staff

Each District in the East Valley SELPA is responsible for accessing this fund in accordance with the criteria established in these guidelines and procedures. This includes, but is not limited to, student assessment to determine the unique educational need for specialized books, materials or equipment as well as the submission of a written report and request to include the need for specialized services, materials and equipment; not supplanting; assisting with inventorying equipment; and notifying the SELPA when items need repair and are available for reassignment.

ELIGIBILITY

Funds may be used for all students with the Low Incidence disabilities as defined in law, for both primary and secondary eligibilities. Districts must enter the low incidence eligible disability as either the primary or secondary disability on the student's IEP. Some students identified as having an orthopedic impairment may not be eligible because they do not have a "severe orthopedic impairment" as per the definition of Low Incidence disabilities in Education Code 56026.5. For purposes of the EV SELPA Low Incidence procedures, a severe disability limits a student's access to the curriculum and/or the educational setting.

Education Code Section 56320(g) requires that persons knowledgeable of that disability conduct the assessment of a student with a suspected low incidence disability. A low incidence disability does not guarantee the use of low incidence funds. The IEP team reviews assessment data and determines the most appropriate items or services needed to address the student's unique educational needs. These items or services may or may not be "specialized." Items, which are found in most classrooms, would not be acquired through low incidence funds.

East Valley SELPA LOW INCIDENCE PROCEDURES

These procedures were developed for EVSELPA Member Districts and SBCSS EV-OPS serving students with severe low incidence disabilities who require specialized services and/or equipment and specialized materials to benefit from their educational program.

A. Low Incidence Funding Parameters

1. Prior to requesting purchase of new equipment, the District should check other sources such as the Clearinghouse for Specialized Media and Technology, District inventory or possible Medi-Cal funding.
2. **Low Incidence funds are available for specialized items to be used with a specific student and not for general classroom curriculum.** If materials are readily available in the student's classroom environment and are utilized by all students in the classroom, these materials are not considered low incidence equipment materials and are not eligible for low incidence funding. However, if academic expectations necessitate the use of equipment that is not readily available for an individual student's sole use, these materials are considered low incidence equipment and are eligible for low incidence funding. Low incidence items are tangible items such as books, materials and equipment. Services are actions performed by a qualified person
3. Requests for individual items that are under **\$100.00** should not be submitted for low incidence funding and are District responsibility unless and only if the items comprise parts of a single piece of equipment from the same vendor for an individual student that totals over **\$100.00** (i.e., \$100 headrest that will be attached to a \$1000 mobile stander or an iPad with educationally related apps).
4. Equipment purchased with Low Incidence funding is the property of the State of California and is managed by East Valley SELPA.

B. District/ SBCSS IEP Team Steps to Access Low Incidence Item(s) or Services

1. Determine Eligibility: The IEP team determines eligibility for low incidence disability. The low incidence eligibility must be documented on the IEP as a primary or secondary disability.
2. Determine Student Needs for a Low Incidence Assessment: The IEP team determines the need for a current low incidence assessment in compliance with one of the reasons below:
 - Student requires a first-time low incidence assessment.
 - Student has not had a low incidence assessment in the specific area of concern(s) and requires a current low incidence assessment.
 - Student has received a low incidence assessment within the previous six months for the same concern, or a determination was made by the IEP team that an assessment is not necessary, indicate on IEP and complete the EV-203.

At the IEP meeting when the low incidence assessment is requested, the IEP team records in the comments how the low incidence disability impedes the student's educational/environmental access.
3. Conduct Low Incidence Assessment (If district is requesting the SELPA complete

the low incidence assessment be completed by EV SELPA personnel, the district must submit a completed EV-24 following the steps included in Addendum A – “EV SELPA Low Incidence Assessment Referral Procedures”

- a.) Credentialed/licensed personnel **with expertise regarding the student’s low incidence disability (e.g. OI, DHH, VI, O&M, SLP, OT, and PT)** assess the student and prepare a written report, or reports as appropriate, explaining the results of the assessment. The report includes, but is not limited to, the need for specialized services, training, materials, and/or equipment for students with low incidence disabilities. **The report maybe titled LI, OT, PT, Functional Vision, DHH, Speech/Language and/or AAC, or OI.**
4. Conduct IEP Meeting to Review Results of Low Incidence Assessment Results:
Low incidence assessor shares results and recommendations. The following must be noted in the student’s IEP:
 - a.) Goals that address the unique educational needs, not the desired items or services
 - b.) Evidence of a review and discussion of the low incidence assessment report(s) and recommendations.
 - c.) The identification and description of how low incidence item(s) recommended, as appropriate. Do not write in brand names of item(s), use generic terms such as “adaptive seating,” or “speech generating device”
 - d.) Indication that the low incidence item(s) will be processed for ordering

C. Trial/ Purchase of Dynamic Display Speech Generating Devices

1. Dedicated dynamic display speech generating devices (SGDs) require a trial. Trials with SGDs can typically be accomplished with a lease/rental agreement with the vendor. Depending on student factors and rental availability, trials should last a minimum of 3 school weeks (ideally a trial period should be up to three months).
2. Before beginning a trial, communication partner training and instruction must be provided in the set-up, basic programming, and device operation to relevant staff members, including teachers, para-educators, speech-language pathologist and others who support the student’s communication needs.
3. Data must be collected throughout the trial to determine if the device is appropriate. A district designated staff member will be responsible for supervising and designating the task of collecting the data. Data may be collected for a variety of communicative functions, including requesting, initiating, protesting, commenting, questioning, and other skills pertinent to the student’s specific needs and goals.
4. If data suggest that the student is benefitting from the product, an addendum IEP is held to add it to the Low Incidence section of the IEP. The IEP must also include a goal that is tied to the SGD device.

D. District/SBCSS Steps for Accessing Low Incidence Item(s)

A legible EV SELPA Low Incidence Packet must be submitted following the steps below.

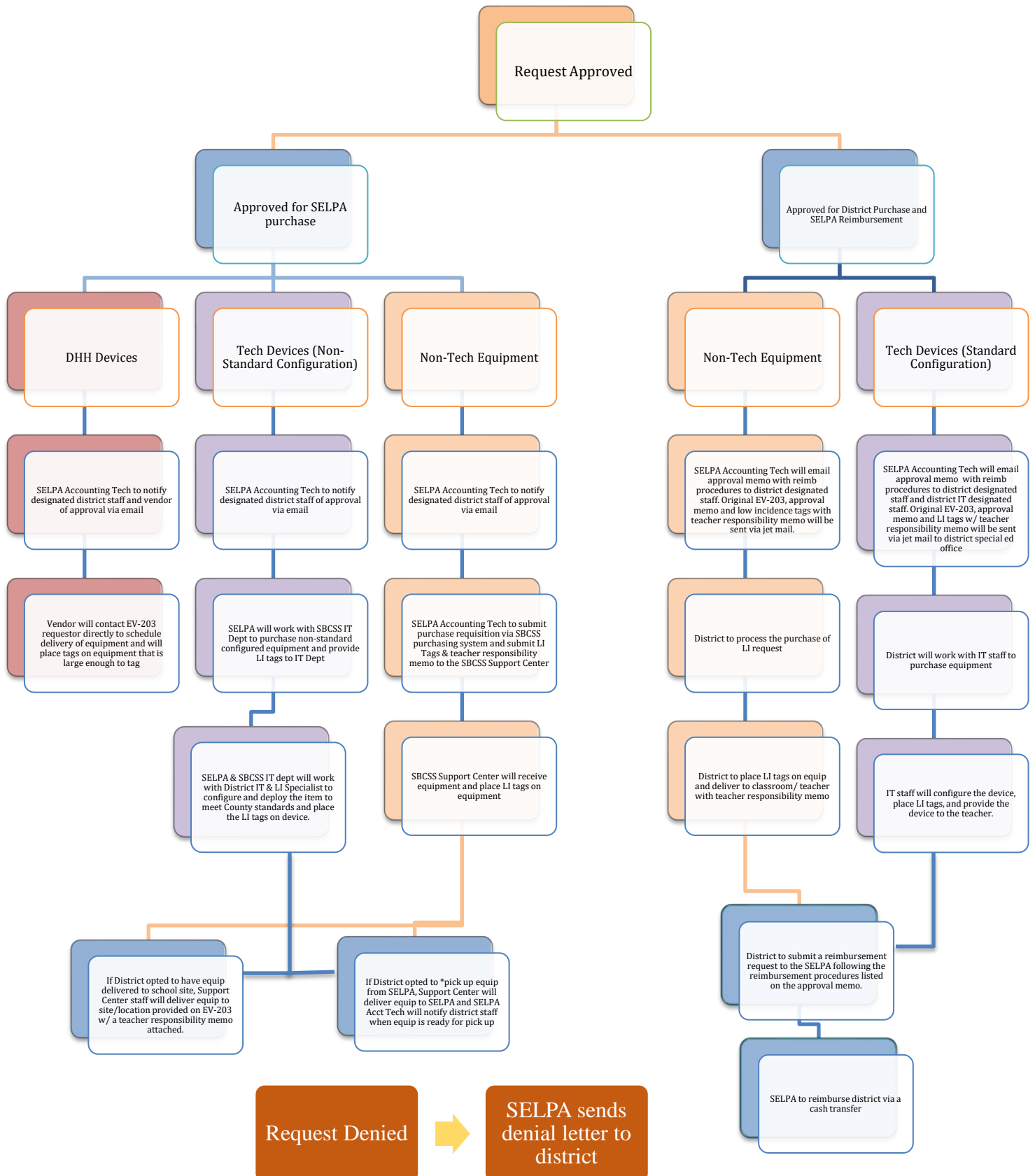
1. Complete the “Accessing Low Incidence Specialized Materials/Equipment Request” Form(s) (EV-203): **Current request forms must be used.** All current request forms for submitting a request for purchase or reimbursement for equipment are available on the WebIEP or from the EV SELPA. It is expected LI assessor will assist with completing EV-203
 - Obtain vendor quote. A list of preferred vendors is attached as Addendum A.
 - Provide accurate ordering information including tax, shipping and vendor quote.
 - Use a separate request form for each vendor.
 - Provide specific delivery information by completely filling out the delivery information section on the EV-203.
 - Items over 50 lbs. must be delivered to a district location
 - Items under 50 lbs. may be picked up at the EV SELPA office
2. Attach Current IEP: The IEP must be signed and legible.
3. Attach LI Assessment Report(s): The LI assessment report must indicate the need for low incidence equipment and be authored by an OT, PT, audiologist, VI Specialist, AT Specialist, OI Specialist or SLP.
4. Attach Medical Release Form (EV-203A) if request is for weight bearing equipment. This form must be completed by a physician whose specialty relates to the need for the equipment. This form must be updated on an annual basis at the annual IEP or as needed if physical conditions change (e.g. surgery) and must be kept on file by district and SELPA.
5. Obtain District Administrator Authorization: Obtain district/SBCSS special education administration or designee signature (admin designee authorization to be kept on file at the EV SELPA) on EV-203.
6. Submit entire EV SELPA Low Incidence Packet: Email entire packet to evselpa@sbcss.net. In subject line, write Low Incidence Request. Keep a copy of the request form for your records.

E. EV SELPA Approval Process

1. EV SELPA Administrative Assistant reviews submitted EV SELPA Low Incidence Packet for completeness
 - If packet is not complete, it is returned to district for additional documentation
 - If packet is complete, it is provided to EV SELPA Administrator for approval
2. EV SELPA Administrator reviews submitted EV SELPA Low Incidence Packet for adherence to EV SELPA Guidelines and Procedures
 - If packet is approved, it is provided to EV SELPA Accounting Technician for processing
 - If packet is not approved, it is returned to the district with an explanation of why and steps to follow to resubmit, as appropriate

F. EV SELPA Steps to Access Low Incidence Equipment on Behalf of District

- See Section H. for additional procedural information on technology purchases.



G. Purchase of Technology

1. For standard configured IT equipment:
 - a.) The EV SELPA will contact the student's district IT department to confirm that the item meets the district's standard configuration requirements.
 - b.) With confirmation, the EV SELPA will approve the item for purchase by the district and the EV SELPA will reimburse the district for the cost of the item, including licensing, once evidence of purchase is provided to the EV SELPA.
 - c.) The district's IT department will configure the item to meet its standards and place an EV SELPA tag on it with an EV SELPA contact number.
 - d.) If the student leaves the district, the district will call or email the EV SELPA at evselpa.litech@sbcss.net to arrange for the device to be sent back to the SELPA. The SELPA will have the device wiped clean, will remove the device from the EV SELPA Low Incidence inventory, and will return the device to the district. It is recommended that the item be kept in the special education office.
 - e.) District will designate staff to collect the devices at the end of the school year and re-distribute them at the beginning of the following school year. It is recommended items be kept in the special education office. Name(s) of district designated staff will be provided to the SELPA (See Section Q.4).
2. For non-standard configured IT equipment:
 - a.) The EV SELPA will contact the student's district IT department to confirm the item does not meet the district's standard configuration requirements.
 - b.) With confirmation, the EV SELPA will contact the SBCSS Information Technology department, the district IT department, the low incidence assessor/specialist and the vendor/manufacture to establish a meeting to advise/decide on the purchase of the item.
 - c.) The EV SELPA will approve the item for purchase and will purchase it.
 - d.) Representatives from the SBCSS IT department, the EV SELPA, the district IT department and low incidence assessor/specialist will work together to deploy the item for use. Districts may have to make authentication and other technical exceptions to allow the IEP-required, specialized, non-standard hardware access to the districts wireless network, the internet and/or specified network resources. EV SELPA, working through the SBCSS Technical Services department, will coordinate with IT departments to ensure a technical solution that meets the needs of the student while minimizing IT security implications for districts.
 - e.) SBCSS IT will configure the item to meet County standards and place an EV SELPA tag on it with an EV SELPA contact number.
 - f.) If necessary, and in order to protect districts' administrative passwords, EV SELPA will use program unique administrative credentials to configure the device. Those credentials will be shared with the district's IT department and

the SBCSS Technical Services department when needed to make configuration changes required to provide the device network access, service the machine, and/or install software.

- g.) If the student leaves the district, the specialist will contact the EV SELPA via email at evselpa.litech@sbcss.net.
 - h.) If the student remains within the EV SELPA, the EV SELPA will contact representatives from the SBCSS IT department, the EV SELPA, the student's new district IT department and the specialist so that they can work together to deploy the item for use in the new district.
 - i.) If the student leaves the EV SELPA, procedures in Section N. will be followed.
3. When IT software requires a student email address and communication between the student and the low incidence specialist:
- a.) All EV SELPA member districts provide email addresses for all students, but significantly restrict their use.
 - b.) To allow specialists to communicate with the student using the specialist's work email address (@sbcss.net), the EV SELPA will notify the district IT department of the need to 'white list' the specialist's @sbcss.net email address for that specific student.

H. Purchase of Non-Standard Tech Equipment for the Visually Impaired

- For the most part, tech equipment for the visually impaired requires non-standard configuration.
- Requests for low incidence purchases of visual impairment equipment, such as Braille Devices, must include the purchase of a warranty.
- Requests for low incidence purchases of visual impairment devices will follow the same guidelines as 'Purchase of Technology' in Section G.

I. Purchase of Weight Bearing Devices

The use of weight bearing devices requires the authorization of a physician as such devices can interfere with the student's physical progress. The following procedures apply:

- Medical Release Form (EV-203A) must be filled out by a physician and attached with the EV-203 Low Incidence Equipment Request Form.
- Medical Release Form (EV-203A) must be renewed annually (at time of annual IEP meeting) or after any event (e.g. surgery, injury, new or discontinuation of bracing) that may cause a change in weight bearing status.
- IEP goals need to include in description if leg braces, orthopedic shoes, etc., are needed for the student to use weight bearing equipment.

J. Determine the Need for an IEP to Add or Modify Goals Following the Arrival of Low Incidence Item(s) or Services

1. Does the low incidence item(s) support an existing IEP goal(s) written to address the unique education need (not the item)?
 - Some low incidence item(s), for example, those required for personal care such as toileting, do not require goal(s).
 - Other low incidence item(s), for example, using an AAC device to communicate, do require goal(s).
2. If yes, no additional IEP meeting is necessary at this time. Go to Section L.
3. If no, an additional IEP meeting is necessary immediately to add an IEP goal. Go to Section K.

K. If an IEP Team Meeting is Needed, District/SBCSS IEP Team Adds or Modifies Goals Following the Arrival of Low Incidence Item(s) or Services

1. Conduct IEP Meeting after Low Incidence Item(s) Arrive:
 - a.) Review and update present levels, as appropriate, to reflect assessment information and need for support, if needed.
 - b.) Review/revise goals, as appropriate, and address how the low incidence item(s) will enable the student to access curriculum and/or educational environment. Goals must address the student's unique educational/environmental needs not the use of the specific low incidence item(s). (For example: A student's goal could read that the student will participate in a classroom cooking activity by mixing ingredients together while in a stander and start, "When given a stander..." In this case the low incidence assessment has determined that in order to complete the cooking task for the educational need of developing functional life skills, specialized equipment is required.)
 - c.) List description/features of current low incidence items assigned to the student on IEP page and name the page.
 - d.) Determine the need for support in the use of low incidence items or services.
 - e.) If IEP team determines support is needed, record the type of support in "Program Modification & Support" as appropriate, and describe in the comments section. (For example, if training is needed in use of a low incidence item, 'staff collaboration' is marked along with the minutes, frequency, start/end date, and the training is described in the comments section.)
 - f.) If the item is for weight bearing equipment, see Section I, and indicate if leg braces, orthopedic shoes, etc., are needed for student to use the weight bearing equipment.

- L. At Each Annual IEP Meeting Once A Student Has Assigned Low Incidence Item(s) or Services, IEP team must:**
1. Update present levels.
 2. Review progress on goals and need for new goals to address the unique educational need
 3. Identify current need and appropriateness of low incidence item(s) to determine whether or not the student is using and/or benefitting from the use of the assigned low incidence equipment
 4. Update the Medical Release Form (EV-203A) for weight bearing equipment, if applicable.
 5. If low incidence item(s) no longer needed, follow instructions in Section R.

M. Use of Low Incidence Equipment in the Student's Home, a Non-Public School or a State Special School

Low incidence item(s) may be used by students at home, as well as by students in non-public and state schools, when required by the IEP/IFSP. Reasonable care must be provided, however, to prevent damage, loss or theft. The items remain on the inventory of the EV SELPA and are the property of the State of California. The following procedures apply:

1. The IEP Team must determine the educational need for home use and document a strong rationale for the determination in the IEP document.
2. Duplication of equipment to provide for both home and school use is not seen as appropriate.
3. If the low incidence item(s) are to be used by the student at home, the Parent/Guardian Agreement Form for Home Use of Low Incidence Equipment (EV-204) must be filled out and returned to the SELPA. By doing so, the parent/guardian agrees to:
 - Secure the equipment and supervise proper use, ensuring that there will be no modifications of or additions to equipment, existing programs or software.
 - Agree that equipment will not be used by other members of the family or by friends.
 - Provide necessary and safe transportation of the equipment between home and school
 - Acknowledge that the equipment was purchased for district use with state funds and is the property of the State of California.
 - Assume responsibility for the loss or damage of equipment.
 - Receive training in the use of the equipment before it can be sent home.
 - Acknowledge that the equipment may be called back at any time if it is shown that it is no longer needed or that it is not being used properly.
 - Return the equipment to the district/East Valley SELPA if they move out of the district and at the end of each school year or extended school year.
4. District of attendance will be responsible for loss or damage of equipment if parent fails to make restitution.
5. District will be responsible for tracking the location of the equipment.
6. District will be responsible for collecting low incidence equipment before the end of the school year or extended school year, unless documented otherwise on the student's IEP.

N. Student Moves/Transfers & Low Incidence Equipment

1. Student Changes School Sites: Low incidence item(s) follow the student within the district. This is not considered a transfer. If a student changes school sites, the low incidence item(s) go with the student to the new school sites. The teacher may not retain the item(s) for use with other students. Internal district steps are to be followed and SELPA must be notified via email to evselpa@sbcss.net. Include the following information in the email:
 - Student name
 - Equipment description with EV SELPA tag number(s)
 - New school site name and room number (if available)
2. Student Moves to Another District within EV SELPA: Low incident item(s) follow students to another district within the EV SELPA. Notify the EV SELPA via email to evselpa@sbcss.net, EV SELPA will make arrangements to have the equipment picked up and moved to the student's new district. Include the following information in the email:
 - a.) Student name
 - b.) Equipment description with EV SELPA tag numbers
 - c.) New district and school site (if available)
3. Student Moves Out of SELPA: Per California AB605, *"LEA's are required to provide continued access to an AT device or a comparable one when a student leaves the district to enroll in another LEA. The district is responsible for providing access to the device until alternative arrangements can be made for the student, or until two months have elapsed since the student disenrolled, whichever occurs first."* The following applies:
 - a.) The equipment should follow the student
 - b.) Email the *Student Transfer Notification for Low Incidence Equipment Form* to the EV SELPA at evselpa@sbcss.net.
 - c.) If the district receives a request from the student's new district, email the SELPA with this information. The SELPA will review the request and determine how the student will continue to be provided access to the equipment for up to two months. SELPA will notify both districts of the process.
 - d.) The SELPA will determine if this is a temporary or permanent equipment transfer and will complete the Transfer of Low Incidence Equipment Form, this form is signed by the EV SELPA Administrator and the Administrator of the receiving SELPA.
 - For temporary transfers: entry date and anticipated return date will need to be provided, return date is not to exceed two months from entry date.
 - For permanent transfers: East Valley SELPA tag number is removed and receiving SELPA agrees to accept responsibility for inventory and necessary maintenance/repair of the equipment.
 - e.) **For Technology Specific Transfers**: The EV SELPA will notify and work with EV SELPA member district IT staff and receiving LEA to arrange for proper configuration and delivery of device to student.

4. Student Moves Into the SELPA: Per California AB605, “LEA’s are required to provide continued access to an AT device or a comparable one when a student leaves the district to enroll in another LEA. The district is responsible for providing access to the device until alternative arrangements can be made for the student, or until two months have elapsed since the student disenrolled, whichever occurs first.” The following applies:
- a.) Email the *Student Transfer Notification for Low Incidence Equipment Form* to the EV SELPA at evselpa@sbcss.net.
 - b.) EV SELPA will contact the student’s former SELPA to determine how the student will continue to be provided access to the equipment for up to two months.
 - c.) EV SELPA will coordinate with the former SELPA to determine if this will be a temporary or permanent equipment transfer and will complete the *Transfer of Low Incidence Equipment Form*, this form is signed by the EV SELPA Administrator and the Administrator of the former SELPA.
 - For temporary transfers: entry date and anticipated return date will need to be provided, return date is not to exceed two months from entry date. District should submit an *Accessing Low Incidence Specialized Materials/Equipment Request Form (EV-203)* to the SELPA to purchase the item(s) following procedures in Section D, steps 1, 5, and 6.
 - For permanent transfers: Any tag numbers from the former SELPA are removed and EV SELPA inventory tag numbers are assigned and placed on the equipment. EV SELPA agrees to accept responsibility for inventory and necessary maintenance/repair of the equipment.
 - d.) **For Technology Specific Transfers:** The EV SELPA will notify and work with EV SELPA member district IT staff and former LEA to arrange for proper configuration and delivery of device to student.
5. Student Graduates from High School: A graduating high school student or a student exiting at age 22 who has a low incidence disability cannot use the specialized equipment purchased by the SELPA through low incidence funds in college. To do so would be a gift of public funds which is a violation of law. Pursuant to Education Code 56822, books, materials and equipment purchased with low incidence funds remain the property of the State. Since the student has graduated from high school, he is no longer eligible to receive special education services from your District/SELPA. If the SELPA no longer has use for the books, equipment or materials, procedures in Section R will be followed.

O. **Maintenance/Repair of Low Incidence Equipment**

Broken items *may or may not* be repaired using low incidence funds. If the SELPA determines that there was negligence on the part of the student or District staff that led to the equipment being broken, the SELPA may determine that the equipment will not be repaired. In most cases, the low incidence equipment will be repaired using EV SELPA Low Incidence Service Funds which can be accessed by filling out the **Low Incidence Repair/ Replace Form (EV-205)**.

1. Maintenance/Repair of Technology (Standard Configuration)
Purchase of a Low Incidence device must include the purchase of a warranty or maintenance agreement. District’s policies regarding maintenance/repair apply.

2. Maintenance/Repair of Visual Impairment Equipment (Non-standard Configuration)
Purchase of Low Incidence visual impairment equipment must include the purchase of a warranty or maintenance agreement. To request for repairs or maintenance for these devices, fill out and submit the **Low Incidence Repair/ Replace Form (EV-205)** to evselpa@sbcss.net. In the subject line write, Low Incidence Repair/ Replace.
 - a.) EV SELPA Administrative Assistant reviews submitted EV Form and provides it to the EV SELPA Administrator for review and approval.
 - b.) If approved, it is provided to the EV SELPA Accounting Technician for processing.
 - c.) If not approved, it is returned to the District with an explanation.
 - d.) EV SELPA Accounting Technician will contact the person submitting the request for further instructions to have the equipment sent to the SBCSS Support Center.
 - e.) EV SELPA Accounting Technician will submit a work order via the SBCSS School Dude Website to authorize the repair of equipment and include the Low Incidence account number for billing purposes.
3. Maintenance/Repair of Weight Bearing Equipment
Annual inspection/maintenance of weight bearing equipment will be performed by an EV SELPA contracted vendor. To request for repairs or adjustments for these devices, fill out and submit the **Low Incidence Repair/ Replace Form (EV-205)** to evselpa@sbcss.net. In the subject line write, Low Incidence Repair/ Replace.
 - a.) EV SELPA Administrative Assistant reviews submitted EV Form and provides it to the EV SELPA Administrator for review and approval.
 - b.) If approved, it is provided to the EV SELPA Accounting Technician for processing.
 - c.) If not approved, it is returned to the District with an explanation.
 - d.) EV SELPA Accounting Technician will contact the person submitting the request for further instructions.
 - e.) EV SELPA Accounting Technician will initiate a request for the vendor to schedule an on-site repair or adjustment.
4. Maintenance/Repair of Hearing Devices and Equipment
Servicing of hearing devices and equipment is performed by a vendor contracted by the EV SELPA. Services are performed on an “on-call” basis and cover any manufacturer repairs/ adjustments and any parts needed for repairs/ adjustments. Loss of equipment with a serial number, expendable parts and replacement parts due to change in student’s personal amplification are not covered. Annual inspection and servicing of hearing devices and equipment are performed during the summer months.

P. Lost or Stolen Equipment/Materials

Lost or stolen low incidence equipment/material *may or may not* be replaced using low incidence funds. If the SELPA determines that there was negligence on the part of the student or District staff that led to the equipment/materials being lost or stolen, the SELPA may determine that the equipment will not be replaced using Low Incidence Funds. To request for replacement of lost or stolen equipment, fill out and submit the Lost or Stolen section of **Low Incidence Repair/ Replace Form (EV-205)** along with a completed EV-203 Form and email to evselpa@sbcss.net. In the subject line write, Low Incidence Repair/ Replace.

- a.) EV SELPA Administrative Assistant reviews submitted EV Forms and provides them to the EV SELPA Administrator for review.
- b.) If approved, procedures in Section F. will be followed.
- c.) If not approved, it is returned to the District with an explanation.

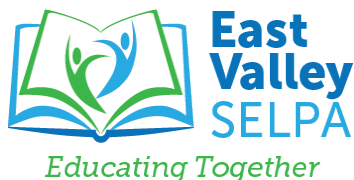
Q. Inventory of Low Incidence Equipment

1. The EV SELPA is responsible for keeping a current inventory of low incidence materials and equipment; however, this requires the cooperation of the districts and district personnel using the materials and equipment with students.
2. The EV SELPA conducts an annual inventory of low incidence equipment with districts. A Low Incidence Inventory Verification report is sent to each district in April or May following the SBCSS Year-End Closing Schedule. Each district is to review and complete the report adhering the deadline dates provided.
3. Inventory of hearing equipment is collected by the EV SELPA contracted vendor at the end of each school year. The hearing equipment is re-distributed at the beginning of each school year.
4. Inventory of VI Equipment is collected by VI Staff at the end of each school year. The equipment is stored at the SBCSS VI Offices and redistributed at the beginning of each school year.

R. Discontinue/Surplus of Low Incidence Equipment

1. Student Graduates from High School or Ages Out at 22-years: A student completing school (graduating or aging out) who has a low incidence disability cannot use the low incidence equipment after high school. To do so would be a gift of public funds which is a violation of law. Pursuant to Education Code 56822, books, materials and equipment purchased with low incidence funds remain the property of the state. Since the student has graduated from high school or aged out, he is no longer eligible to receive special education services from the SELPA. If the student needs similar equipment upon graduating or aging out, the student must contact the Department of Rehabilitation or Regional Center. Follow the procedures below under “Item No Longer Needed by Student” to return the item(s).

2. Item No Longer Needed by Student: If the low incidence item(s) purchased are no longer being used by that student, return the item(s) to the SELPA so that it can be reassigned to another eligible student in need of the item(s). District is to send an email to evselpa@sbcss.net. In the subject line write, Low Incidence Return and include the following information:
- Students name
 - Item description, tag number(s), and photo of the item(s)
 - Reason for return
 - Item location and site contact information
- a.) EV SELPA Administrative Assistant reviews email and provides information to EV SELPA Accounting Technician.
 - b.) EV SELPA Accounting Technician contacts district person submitting request to determine how item will be sent back to the SELPA.
 - c.) If item will be picked up and sent back to SBCSS Support Center, EV SELPA Accounting Technician submits a work order to have the low incidence equipment picked up and taken to the SBCSS Support Center for re-inventory or surplus.
 - d.) EV SELPA determines if item stays in EV SELPA Low Incidence inventory or is sent for surplus following the procedure in Section Q. 3.
3. Item No Longer Needed by SELPA: Low Incidence materials and equipment that are no longer needed by the EV SELPA must be made available to all the SELPA's in the State of California before submitting for surplus by following the steps below:
- b.) A list of available materials and equipment is sent via email to the Administrators of the SELPA's.
 - c.) SELPA's that identify equipment/ materials on the list that they are in need of will make arrangements with the EV SELPA Accounting Technician for acquiring equipment/materials.
 - d.) EV SELPA will complete the Transfer of Low Incidence Equipment Responsibility Form, this form is signed by the EV SELPA Administrator and the Administrator of the SELPA receiving the materials/equipment.
 - e.) A list of remaining Low Incidence equipment/materials is presented at the Board of Directors Meeting to be approved for surplus.
 - f.) The list of Low Incidence equipment/materials approved for surplus is provided to the SBCSS Support Center to be removed from the EV SELPA Low Incidence inventory.



Accessing Low Incidence Specialized Materials/Equipment Request

Date _____ Name of Low Incidence Assessor _____
Phone() _____ - _____ E-mail _____ Grade _____
Student _____ DOB _____ Disability _____
District _____ School Site _____ Teacher _____ Room# _____

PART A: COMPLETE ONE VENDOR PER FORM

EV SELPA Tag#
(To be assigned)

1. Item _____ SKU / Item# _____ Quan. _____ Unit Price _____
2. Item _____ SKU / Item# _____ Quan. _____ Unit Price _____
3. Item _____ SKU / Item# _____ Quan. _____ Unit Price _____
4. Item _____ SKU / Item# _____ Quan. _____ Unit Price _____

Low Incidence Inventory will be checked before purchase is initiated. Requests for weight bearing equipment require the EV SELPA Medical Release Form (EV-203A) to be attached, requests without proper forms will be returned.

PART B:

Copy of signed IEP attached ☐ Replacing lost or stolen item ☐ (attach EV-205) Student moved into SELPA ☐

PART C: COMPLETE VENDOR INFORMATION

Vendor Name _____ Website: _____

Estimated S/H \$ _____ Tax \$ _____ Grand Total of All Items Requested \$ _____ (Including Tax & S/H)
(Include a copy of vendor's quote or web page print out with picture of item)

PART D: DELIVERY INFORMATION (SELECT ONE)

☐ School _____ Address _____ Building/Room# or Location _____

Contact Person at School Site _____ Phone() _____ - _____ Hours of Operation _____

☐ Pick up from EV SELPA Office located at: 670 E. Carnegie Dr., San Bernardino, Ca 92408 **(Only available for items under 50 lbs.)**

Delivery information will be used if the request is approved for EV SELPA purchase, Low Incidence items for Home Instruction students will require the Parent/Guardian Agreement Form for Home Use of Low Incidence Equipment (EV-204) to be completed.

I certify review and approval of this request:

District/County Administrator Signature

Date

FOR EAST VALLEY SELPA USE ONLY

☐ Request Approved: ☐ EV SELPA Will Purchase ☐ DISTRICT Will Purchase & Request Reimbursement from EV SELPA

☐ Request Denied

EV SELPA Administrator's Signature _____ Date _____

Req. # _____ PO# _____

Parent/Guardian Agreement Form for Home Use of Low Incidence Equipment

Student _____ DOB _____ Disability _____

District _____ School Site _____ Teacher _____ Grade _____

PART A: FILL IN ALL EQUIPMENT/MATERIALS (INCLUDING CHARGERS, CARRY CASE, ETC.)

1. Item _____ Serial# _____ SELPA Tag# _____ Cost\$ _____

2. Item _____ Serial# _____ SELPA Tag# _____ Cost\$ _____

3. Item _____ Serial# _____ SELPA Tag# _____ Cost\$ _____

PART B: PROVIDE RATIONALE FOR HOME USE DOCUMENTED IN THE IEP

☐ Yes ☐ No 1. The IEP Team has met and documented WHY the assistive technology device(s) is/are needed at home. Documentation is on file in the student's folder.

☐ Yes ☐ No 2. The IEP Team has documented the goals and/or objectives the student is expected to achieve in the school setting by having access to the assistive technology outside of the regular school hours.

☐ Yes ☐ No 3. Assistive technology can be used during the times school is not in session if there is documentation of need.

Computer systems and other assistive technology devices purchased with school district funds can ONLY be used for educational/academic purposes.

As the parent/guardian of _____, I agree to:

1. Secure the equipment and supervise proper use.
2. Ensure that there will be no modifications of or additions to equipment, existing programs or software.
3. Agree that equipment will not be used by other members of the family or by friends.
4. Provide necessary and safe transportation of the equipment between home and school.
5. Acknowledge that the equipment was purchased for district use with State funds and is the property of the State of California.
6. Assume responsibility for the loss or damage of equipment.
7. Receive training in the use of the equipment before it can be sent home.
8. Acknowledge that the equipment may be called back at any time if it is shown that it is no longer needed or that it is not being used properly.
9. All assistive technology MUST be returned to the school for inventory purposes as requested.
10. If planning to move out of the district, I agree to notify the district immediately so that arrangements can be made for my child to have continuous access to the assistive technology equipment, provided the student is enrolled in a LEA or Charter within California, for up to two months from disenrollment date.

OFF-PREMISES LOCATION

Name of Adult Responsible for Equipment	Telephone # () -
Address (street, city, state, zip code)	

Signatures: I/We have read the guidelines. I/We understand them and agree to adhere to them.

Parent/ Guardian Signature _____ Date _____ Telephone Number () - _____

District Administrator _____ Parent Training Provided by _____

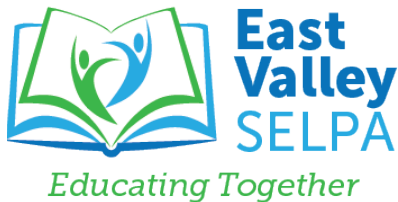
FOR SELPA/ DISTRICT USE ONLY:

Equipment was returned to _____ on _____.

Return this completed form with original signatures to the East Valley SELPA, 670 E. Carnegie Dr., San Bernardino, Ca 91762

Guidelines for Home Use of Low Incidence Equipment

1. The student must have a Low Incidence Disability.
2. The IEP Team must determine the educational need for home use and document a strong rationale for the determination in the IEP document.
3. Duplication of equipment to provide for both home and school use is not seen as appropriate.
4. Parents/ Guardians will be responsible for the loss or damage of equipment.
5. District will be responsible for completion of Parent/Guardian Agreement Form for Home Use of Low Incidence Equipment (EV-204) and returning completed form to SELPA.
6. District will be responsible for tracking the location of the equipment and collecting it before the end of the school year or extended year.
7. Parents/ Guardians will agree in writing to:
 - a. Secure the equipment and supervise proper use.
 - b. Ensure that there will be no modifications of or additions to equipment, existing programs or software.
 - c. Agree that equipment will not be used by other members of the family or by friends.
 - d. Provide necessary and safe transportation of the equipment between home and school.
 - e. Acknowledge that the equipment was purchased for district use with State funds and is the property of the State of California.
 - f. Assume responsibility for the loss or damage of equipment.
 - g. Receive training in the use of the equipment before it can be sent home.
 - h. Acknowledge that the equipment may be called back at any time if it is shown that it is no longer needed or that it is not being used properly.
 - i. All assistive technology MUST be returned to the school for inventory purposes as requested.
 - j. If planning to move out of the district, I agree to notify the district immediately so that arrangements can be made for my child to have continuous access to the assistive technology equipment, provided the student is enrolled in an LEA or Charter **within California**, for up to two months from disenrollment date.



PATTY METHENY, Ed.D., ADMINISTRATOR

MEMBER DISTRICTS:

COLTON JOINT UNIFIED
REDLANDS UNIFIED
RIALTO UNIFIED
RIM OF THE WORLD UNIFIED

SAN BERNARDINO COUNTY SUPERINTENDENT
OF SCHOOLS/EAST VALLEY STUDENT SERVICES
YUCAIPA-CALIMESA JOINT UNIFIED

Transfer of Low Incidence Equipment

☐ Temporary ☐ Permanent

Students Name (first, middle initial, last)	Date of Birth	Grade	Student ID
East Valley SELPA School	New School	Current Date	

1. Item _____ Serial# _____ SELPA Tag# _____
2. Item _____ Serial# _____ SELPA Tag# _____
3. Item _____ Serial# _____ SELPA Tag# _____

For Temporary Transfers:

The above listed low incidence equipment is being transferred from the East Valley SELPA to _____ SELPA for use by eligible low incidence student _____.

Entry Date _____ Anticipated Return Date _____ (not to exceed two months from entry date).

Contact the East Valley SELPA at (909) 252-4542 to make arrangements to return equipment to: East Valley SELPA, 670 E. Carnegie Dr., San Bernardino, Ca 91762.

For Permanent Transfers:

The above listed low incidence equipment is being transferred from the _____ SELPA to _____ SELPA for use by the eligible low incidence student named above. The East Valley SELPA tag number should be removed. In accepting transfer of this equipment, the above-mentioned SELPA agrees to accept responsibility for inventory and necessary maintenance/repair of the equipment.

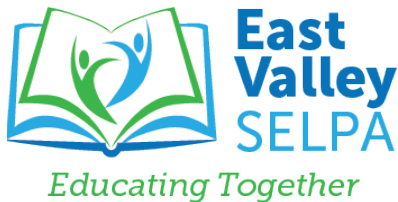
APPROVAL/SIGNATURES:

SELPA Director

Date

Patty Metheny, Ed.D.
East Valley SELPA

Date



PATTY METHENY, Ed.D., ADMINISTRATOR

MEMBER DISTRICTS:

COLTON JOINT UNIFIED
REDLANDS UNIFIED
RIALTO UNIFIED
RIM OF THE WORLD UNIFIED

SAN BERNARDINO COUNTY SUPERINTENDENT
OF SCHOOLS/EAST VALLEY STUDENT SERVICES
YUCAIPA-CALIMESA JOINT UNIFIED

Student Transfer Notification for Low Incidence Equipment

Complete the fields below and email this form to evselpa@sbcss.net to notify the East Valley SELPA when a student with assigned low incidence equipment is/will be transferring in or out of the East Valley SELPA region.

☐ Moving INTO the East Valley SELPA ☐ Moving OUT of the East Valley SELPA

Current Date: _____

Students Name (first, middle initial, last): _____

Date of Birth: _____ Grade: _____ Student ID: _____

The above named student has/ will move into _____ **District** and
_____ **School** with an enrollment date of _____.

Comments or additional information: _____

Provide information on existing low incidence equipment assigned for student moving OUT of the East Valley SELPA:

Equipment below is located at _____ school in building/room # _____.

Contact Person at School Site _____ Phone() _____ - _____ E-mail _____

1. Item _____ Serial# _____ SELPA Tag# _____

2. Item _____ Serial# _____ SELPA Tag# _____

3. Item _____ Serial# _____ SELPA Tag# _____

4. Item _____ Serial# _____ SELPA Tag# _____

4.5 CALPADS – API Data Submission Update DRDP Observation/Documentation Window

SELPA CALPADS Updates

**California Department of Education
December 5, 2019**



TONY THURMOND
State Superintendent of Public Instruction

Certified yet?

- 410 in some sort of Approved state
 - 243 LEA Approved
 - 110 SELPA Approved
- 846 LEAs with no Fatal Errors
- 650 still working on resolving errors



Updates to CALPADS

There is no extension to the December 20 certification date



Some updates to certification

- Report 16.5 – *Students with Disabilities – Student Services by Primary Disability* will be *excluded* from the set of certification reports that LEAs must approve as part of Fall 1.
- The certification validations related to the Student Services (SSRV) file, CERT140 (Missing Special Education [SPED] record for a student with a SSRV record) and CERT142 (Missing Special Education Service for Education Plan Type Code 100, 150, or 200), will be relaxed from a Fatal to a Warning.

Little things...

- Dropout on the special education record
- We have bugs!!! 16.1, 16.2, 16.3
- These are often cascading errors

Notes from presentation on these topics: Shiyloh Becerril-Duncan provided guidance on these specific topics. Dropouts can only happen on the enrollment record. They cannot happen on the SPED records. Numbers of students on the 16.1, 16.2 and 16.3 reports not matching and CDE doesn't know why at this point. The programmers are looking at "line coding" to determine why. These are often cascading errors. Shiyloh believes 16.1 is the most correct report at this point.

Added by EV SELPA 12.9.19

Students that transfer from another LEA

If the transfer is during the academic year, then, according to California Education Code, there are three scenarios:

1. Student transfers in from LEA in a different SELPA or out of state.
 - a. LEA must provide the student with services “comparable” to those in the previous IEP, in consultation with the parents, for a period not to exceed 30 days, by which time the LEA must adopt the previous IEP or develop and adopt a new one. If the LEA Adopts the IEP the new LEA should submit a record to CALPADS with the same IEP elements and the new LEA as the reporting LEA. A new IEP does not need to be held until the next scheduled annual IEP. If the LEA holds a new IEP the LEA should submit the new IEP once the meeting has been held

2. Student transfers in from LEA in the same SELPA.

LEA must continue, without delay, to provide services “comparable” to those in the previous IEP. The new LEA should submit a record to CALPADS with the same IEP elements and the new LEA as the reporting LEA. A new IEP does not need to be held until the next scheduled annual IEP. If the LEA and parent develop a new IEP, the new LEA must submit the new IEP to CALPADS once the meeting has been held

If the transfer is during the summer, then, according to OSEP:

1. The student must have an IEP in effect by the start of the year.

The new LEA should submit a record to CALPADS with the same IEP elements and the new LEA as the reporting LEA. A new IEP does not need to be held until the next scheduled annual IEP

3. If the parent requests a new IEP meeting prior to the start of the year, the LEA must convene a meeting or provide prior written notice as to why it believes such a meeting is not necessary.

4.6 CDE Changes in Compliance Monitoring Selection

SPECIAL EDUCATION COMPLIANCE MONITORING & SELECTION CHANGES

Provided by California Department of Education

December 5, 2019

State SELPA Association Meeting

Sacramento, California

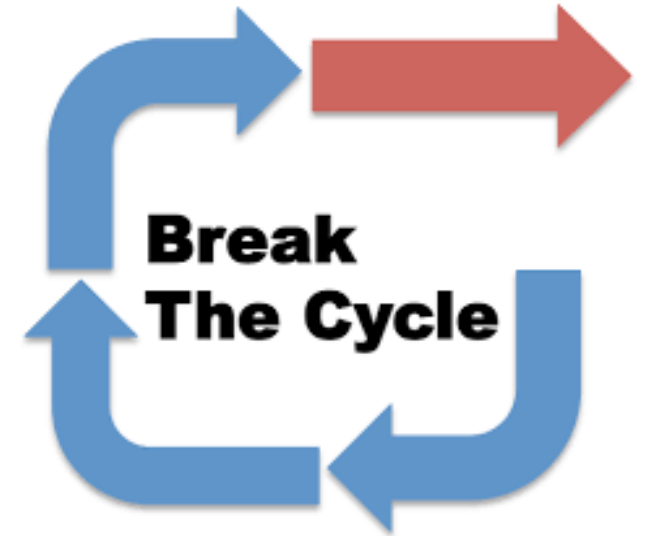


TONY THURMOND
State Superintendent of Public Instruction

Why Make Changes?



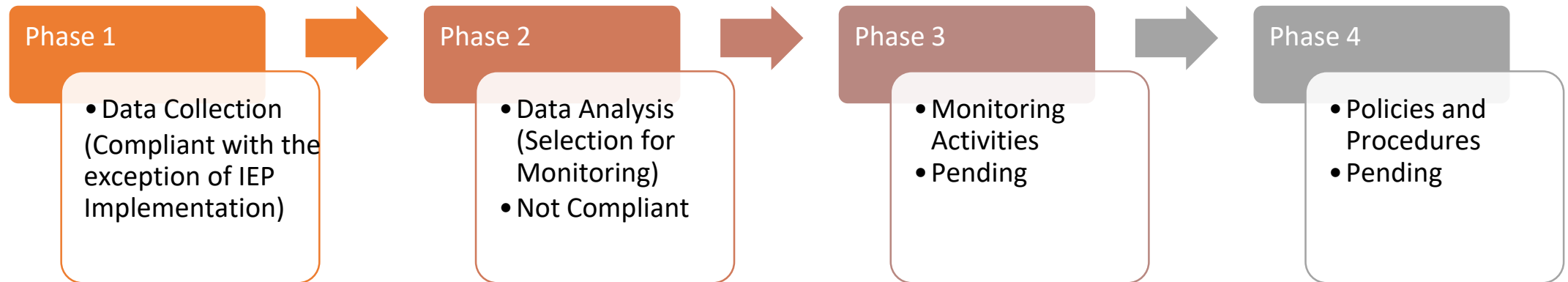
**THIS IS
NOT
WORKING**



Emma C. Court Case

- 1996 class action lawsuit alleging CDE had a dysfunctional state-level monitoring system for special education (Emma C. et al. v. Delaine Eastin et al.)
- 2003 consent decree – CDE agreed to monitor improvements in special education and submit monitoring plan to US District Court Judge
- 2014 court order for statewide corrective action plan
- 2018-2019 court order four phase requirement to meet terms of consent decree and allow court to approve corrective actions

Emma C Court Order Requirements



Phase 2 Deficiencies

- Addressing Small LEAs
- Comprehensive Review Selection
- Preschool Review Selection
- Unambitious targets
- Mediation

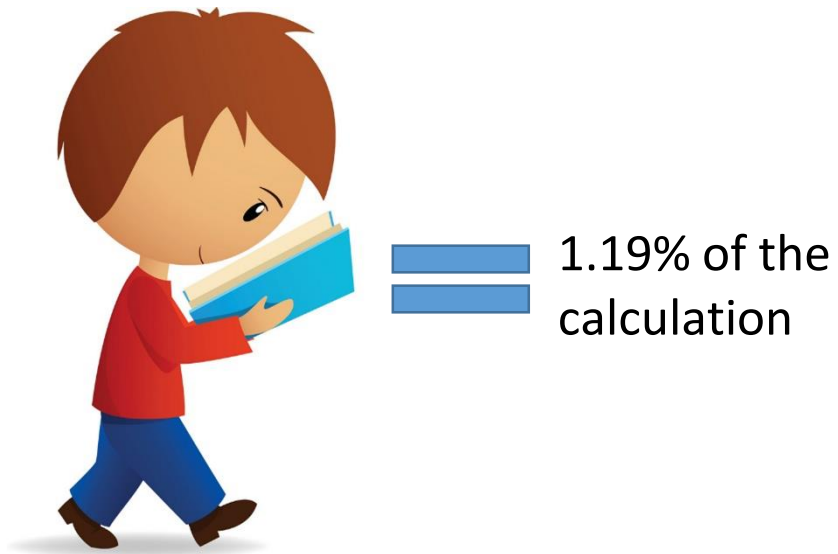


Issue 1: Small LEAs

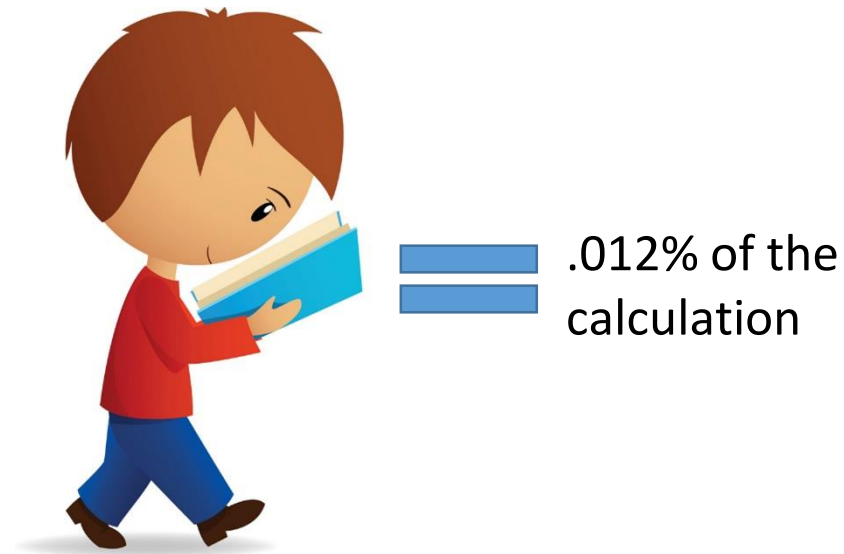
- 1500 LEAs and Charters with fewer than 100 SWDs
- Ways the CDE and USDOE has addressed the issue of smalls in the past
 - In monitoring selection LEAs were not included if their size was too small to be considered for individual indicators
 - In the dashboard LEAs with less than 30 were did not receive a dashboard
 - In the Significant Disproportionality Regulation Small LEAs that do not meet the minimum N size and cell size requirement are excluded

So what happens for small LEAs in the selection process?

- An LEA is excluded because they have too few students
- If included, students account for more of the calculation:



LEA with 84 SWDs



LEA with 7,719 SWDs

Some ways to address this: Aggregation

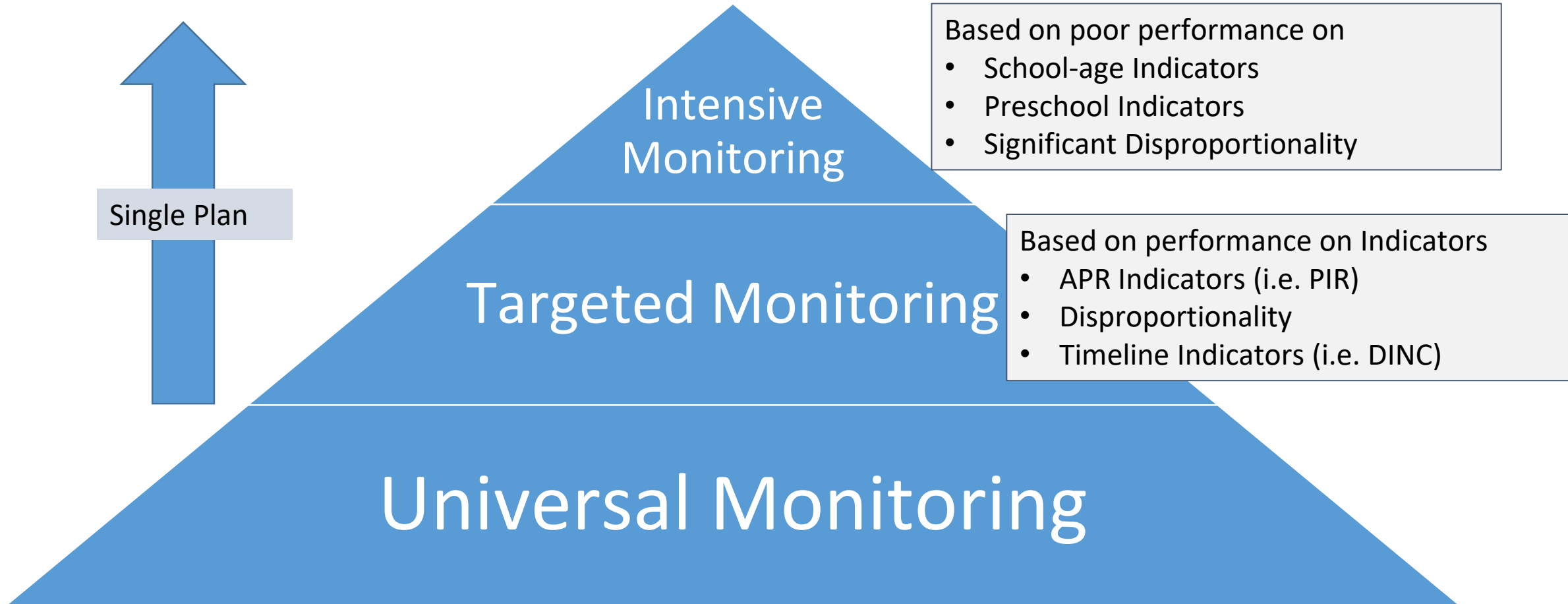
- Aggregating students by SELPA
 - Concerns Single District SELPAs with one small charter school
- Aggregating students by county
 - What about Charter LEAs
- Hybrid
 - By County
 - By Charter SELPA



Issue 2: Comprehensive Review Selection

- Did not select the lowest performing LEAs
- Did not select enough LEAs
- Result: Complete overhaul of the CR Selection

CDE's Monitoring Structure



Comprehensive Review will now be called **Intensive Reviews**

School Age Intensive Review

Indicators most closely aligned with FAPE in LRE

- Academic Achievement (ELA and Math)
- Suspension Rates
- Chronic Absenteeism Rates
- Placement in a Regular Class Greater than 80% of the day
- Placement in a Separate School or Placement

Scoring Methodology

- For each indicator the CDE plots all LEAs on a scale from highest to lowest scores then separates them by deciles. The bottom 10% are given a score of 1, the next 10% are given a score of 2 and so on.

[illegible]

Final Score

The scores are then added together and divided by the total possible score (60).

[illegible]

Selection of LEAs for School Age Intensive Review

- The CDE felt that it was important to include approximately 10% of the groups in the analysis.
- In the final model there were 729 LEAs and Small LEA groups. Ten percent of this model would be 72. The 72nd LEA scored 30% using the decile ranking methodology on all indicators. There were an additional 10 LEAs that also scored 30%.
- This method and selection resulted in 81 LEAs identified for Intensive Review in 2019-2020.
- The selected LEAs included 2 Small LEA Groupings, 1 County Office of Education, 10 Elementary School Districts, 23 High School Districts, and 45 Unified School Districts. The total number of students with disabilities served by the selected LEAs is 107,415 or 15% of the Students with disabilities ages 6-22 in California.

Comprehensive Review will now be called **Intensive Reviews**

Preschool Intensive Review

Indicators most closely aligned with FAPE in LRE

- Desired Results Developmental Profile Results and Rates
- Suspension Rates Ages 3-5
- Rates of Children Ages 3-5 Receiving Special Education and Related Services in a Regular Preschool Program
- Rates of Children Ages 3-5 Receiving Special Education and Related Services in a Separate School or Placement

Scoring Methodology

- For each indicator the CDE plots all LEAs on a scale from highest to lowest scores then separates them by deciles. The bottom 10% are given a score of 1, the next 10% are given a score of 2 and so on.

Selection of LEAs for Preschool Age Intensive Review

- This version would identify 28 LEAs for Preschool Review using the lowest 10% rounded up cut score (13.33% to 32.08%)
- 1 small; 9 Elementary; and 18 Unified (total SWD count of 9621 / 86456 – about 11% of SWD ages 3-5 [dec18])
- 9 of the 28 are in a current monitoring activity
- 10 of the 28 would also be selected for IR, version 8.2 method

Intensive Monitoring Overall

- 81 LEAs Identified for School Age Intensive Review
- 18 Identified for Preschool Only Intensive Review
- 120 Identified for Significant Disproportionality only

When asked about LEAs currently in Comprehensive Review Process

- CDE is required by the federal government to require an LEA to reach 100% compliance on any issue found to be noncompliant

What's Next? January 2020

- CDE Notification Letters (Mega-Letter) regarding required compliance activities
- Annual Performance Reports (APRs)



EMMA C., et al., Plaintiffs, v. TONY THURMOND, et al., Defendants.

United States District Court, N.D. California.

July 5, 2019.

Editors Note

Applicable Law: 20 U.S.C. § 1400

Cause: 20 U.S.C. § 1400 Civil Rights of Handicapped Child

Nature of Suit: 440 Civil Rights: Other

Source: PACER

Attorney(s) appearing for the Case

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State Board of Education, Defendant, State Board of Education, Defendant, represented by Darrell Warren Spence , Office of the Attorney General, Karli Ann Eisenberg , Office of the Attorney General, Ismael Castro , Ofc Attorney General & Kirin Kaur Gill , California Department of Justice.

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ORDER RE STATE'S COMPLIANCE AT PHASE 2

VINCE CHHABRIA, District Judge.

After inheriting this consent decree from the previously assigned judge, the Court set up a process for examining whether the State of California does a legally adequate job of monitoring school districts for compliance with the Individuals with Disabilities Education Act (IDEA). The process has four phases, the first of which is complete. That phase addressed the state's data collection activities, and the Court held that the state will — after correcting a couple isolated but significant defects — be deemed in compliance with its federal statutory obligations in this area.

Thus began the second phase, which examines how the state analyzes the data it collects to determine which districts are in need of intervention, and to determine what type of intervention is called for. The matters addressed in this phase are more central to the state's responsibility to monitor school districts to ensure that disabled children are receiving an appropriate education as required by the IDEA.

Unfortunately, California's system for flagging school districts for intervention is riddled with serious defects. To give just three examples:

- The state attaches the classification of meets requirements to hundreds of small school districts despite conducting virtually no analysis of those districts.
 - The state takes minimal steps to flag problems with the delivery of services to preschool-aged children with disabilities, even while acknowledging the importance of early intervention to IDEA compliance.
 - The state's system for identifying the most troubled districts appears irrational, resulting in the selection of districts for intensive intervention that are less in need of it than the ones passed over.
- It appears, at least so far, that current leaders in the Special Education Division of the California Department of Education don't deserve much of the blame for this. They inherited many of the problems, candidly acknowledge most of them, and are committed to improving the state's monitoring activities. They have been forthcoming and cooperative, even while their lawyers from the Attorney General's Office have sometimes been nonresponsive or obstructionist. Accordingly, for now, there is no reason to seriously consider holding the state in contempt for failure to comply with the consent decree. Nonetheless, the defects in the current system are so serious, and so numerous, that they significantly interfere with California's ability to monitor how school districts are serving disabled children. The state cannot move on to Phase 3 until it addresses — or shows that it's well on its way to addressing — these problems.

I. BACKGROUND

A.

The IDEA requires states that accept federal assistance to provide a free and appropriate education to all children with disabilities. 20 U.S.C. § 1412(a)(1)(A). As a practical matter, this responsibility falls largely on individual school districts. In recognition of this, the statute requires states, in turn, to conduct effective oversight of the school districts. *Id.* § 1416(a)(1)(C). The consent decree in this case requires the state to demonstrate that it has an adequate oversight system in place.¹

This Court's May 18 order established a four-phase monitoring process for assessing the legal adequacy of the state's oversight system. Dkt. No. 2387 at 1-2. Phase 1 involved scrutiny of the data the state collects from school districts. Specifically, the inquiry was whether the state collects enough data, and the right types of data, to enable it to effectively monitor districts. The Court concluded that although isolated legal deficiencies in the state's data collection system must be addressed, the state was largely compliant in this area. The Court thus concluded that the state could move on to Phase 2 and could cure the isolated data collection deficiencies in the subsequent phases.

Phase 2 — the current phase — examines how the state analyzes the data it collects. To satisfy its monitoring obligations under the IDEA, the state must do an adequate job of flagging the districts that are failing, or struggling, to provide an appropriate education to students with disabilities. And it must do an adequate job of deciding what type of intervention is necessary in a given district. Phase 3 will examine how the state, after it has decided which districts to select for further monitoring, actually executes that monitoring. Phase 4 will examine the state's written policies and directions governing school district compliance with the IDEA.

Phase 2 essentially poses two questions. The first is whether the state translates the data it collects into metrics capable of identifying school districts that may be falling short on their obligation to provide an appropriate education to students with disabilities. The second question is whether the state's methods for sorting districts for inclusion in (and exclusion from) its various monitoring activities is adequate.

In addition, the IDEA's implementing regulations require states to issue annual compliance determinations for school districts. 34 C.F.R. § 300.600(a)(2). The state's process for selecting districts for monitoring also determines whether the districts are classified by the state as complying with federal law. School districts that are selected for monitoring are classified as "needs assistance," "needs intervention," or "needs substantial intervention" if problems persist. States must prohibit these school districts from reducing their "maintenance of effort," meaning their allocation of non-federal funds for special education services. 34 C.F.R. § 300.608(a). School districts that the state decides are not in need of any monitoring are typically classified as "meets requirements." Phase 2 therefore inherently includes an inquiry into whether the state's sorting methods adequately ensure that districts labeled as "meets requirements" do not suffer serious deficiencies in serving disabled children.

Phase 2 took roughly the same format as Phase 1. The Court received written submissions from the parties, a report from the court monitor outlining his conclusions, and an amicus brief from the Morgan Hill Concerned Parents Association. The written submissions were followed by two days of evidentiary hearings. Kristen Wright, the Director of the Special Education Division for the California Department of Education, Shiyloh Duncan-Bercerril, the Division's Education Administrator, and Alison Greenwood, the Division's Quality Assurance Administrator, testified during Phase 1 and returned to testify for Phase 2. After the hearings, the Court ordered the monitor to conduct supplemental data analyses and ordered the state to provide all data necessary for those analyses. The monitor and his data consultant, Dr. Susan Wagner, presented their conclusions at a third evidentiary hearing, and state policymakers offered further testimony in response.² The monitor then conducted a final set of data analyses.

B.

As explained in previous orders, the purpose of this oversight is to ensure that the state complies with federal law. The IDEA and its implementing regulations offer only general guidance for what states must do to satisfy their monitoring and enforcement obligations. The state's monitoring activities must focus on "improving educational results and functional outcomes for all children with disabilities," and ensuring that states meet the IDEA's requirements, with a special focus on "priority areas" enumerated in the statute. 20 U.S.C. § 1416(a)(2), (a)(3). The state must use "quantifiable indicators and such qualitative indicators as are needed to adequately measure performance in the priority areas." 34 C.F.R. § 300.600(c). When a district appears from the data to fall short on its obligations, the state must respond with an appropriate enforcement action to correct the noncompliance "as soon as possible." 34 C.F.R. § 300.600(e). The IDEA, however, does not require states to adopt any particular approach for monitoring. By specifying the ends, but leaving the means to the states, the IDEA strikes a balance between federal authority and the states' historic discretion in the design and control of their education systems.

For purposes of this consent decree, however, the standard for compliance is relatively straightforward. The state will not be found to be out of compliance simply because the plaintiffs or the court monitor have identified isolated deficiencies or ways in which the monitoring system could become more effective. But if the state's chosen procedures are so deficient that they significantly hinder its ability to

monitor school districts, the state will not be found compliant merely because the statute does not expressly forbid those choices.

This standard has important implications for this phase. Any evaluation of the state's data analysis activities must pay close attention to how that data is actually used. Because certain problems may occur in tandem — for example, districts that frequently suspend students with disabilities may also have poor performance on statewide assessments — different metrics may yield similar information. Therefore, an imprecise metric may not compromise the overall monitoring system. Further, the importance of precision may turn on the importance of the metric. The state need not use the most granular data possible if the data is less important in the context of the overall system, or if the state has set targets for that data that sufficiently ensure that any poor performance will lead to monitoring.

These realities underscore the importance of reviewing the state's data analysis activities as a whole. No monitoring system is perfect. Identifying a theoretical concern with an individual metric is not sufficient to find the state out of compliance with federal law. It must be shown that the concern, either alone or in combination with other issues, significantly interferes with the state's ability to evaluate school districts and to identify the ones in need of intervention.

C.

As discussed in detail in the Phase 1 order, during the school year, school districts submit large swaths of data about all students, with and without disabilities, to databases maintained by the state. See Dkt. No. 2428 at 3. This process constitutes the "first tier" of the state's monitoring system.

The state then translates those data into metrics that align with key directives of the IDEA. For example, one directive is that schools educate students with disabilities in the "least restrictive environment." 20 U.S.C. § 1412(a)(5). In general, this means that students with disabilities must be taught in general education classrooms, alongside their nondisabled peers, as often as reasonably possible. Schools may only remove students with disabilities from general education classrooms when the nature or severity of the child's disability requires it. To evaluate district performance in this area, the state uses three different metrics. For school-age children, the state calculates the percentages of disabled students who are taught (i) in general education classrooms for greater than 80% of the day; (ii) in general education classrooms for less than 40% of the day; and (iii) in separate placements. For preschool-aged children, the state looks to the percentages of disabled students in (i) general early-childhood programs; and (ii) separate placements. Dkt. No. 2455-1 at 11-12, 14. The state compares school districts' performance on each metric to a target that policymakers set in consultation with various groups, including local administrators, parent groups, and advocacy groups. Dkt. No. 2455-1 at 4.

In other areas, the state uses a system called the "Dashboard." The Dashboard is a visual depiction of district performance on a grid. The vertical axis of the grid represents the school district's "status," or the district's current performance. The horizontal axis on the grid represents the degree to which the school district improved or regressed from the previous year. Combining information from both axes results in a color: red, orange, yellow, green, or blue. An example from the state's written submissions is included here:

Dkt. No. 2455-1 at 24.

This is the Dashboard that the state uses to evaluate disabled students' performance on statewide assessments. The state uses a metric called "distance from standard." See Dkt. No. 2455-1 at 22-23. For each student, the state calculates the distance between the student's score and the score needed to establish that the student met the academic standards relevant to that assessment. The state then calculates the average "distance from standard" for each school district and reduces the score if the district failed to ensure that enough disabled students actually took the assessment. The circled squares show that districts with a distance from standard of 10-44.5 points that improved their performance between 3-14 points from the prior year will receive a "green." Districts that receive a "red" or "orange" are treated as missing the target for this metric. In addition to performance on statewide assessments, the state currently uses the Dashboard to evaluate districts' suspension practices.

D.

After the data are translated into a set of metrics and compared to targets, the next step is to determine whether a district should be chosen for further monitoring, and if so, what type of monitoring activity to conduct. The degree to which the state effectively executes its monitoring activities will be explored in depth during Phase 3. But evaluating how the state decides which monitoring activities to conduct, and for which districts, requires at least some understanding of the substance of those monitoring activities and how they differ from one another.

In general, a district that performs poorly on any individual metric will be selected for a type of targeted monitoring. A district that performs poorly across many different metrics, or in certain instances, the same metrics for several consecutive years may be selected for more intensive monitoring. In all, the state currently performs five types of monitoring relevant to this case — three targeted monitoring activities that relate to a specific area of poor performance by a district, and two intensive monitoring activities that involve greater intervention.³

The state has dubbed the three targeted monitoring activities "performance indicator review," "data identified noncompliance review," and "disproportionality review." A district is selected for performance indicator review if it fails to meet a target for a particular metric that the state believes is closely tied to student outcomes. Dkt. No. 2506 at 6. For example, a district that receives a red or orange on the Dashboard for poor performance on statewide assessments by disabled students, or for excessive suspension of disabled students, will be selected for performance indicator review in the pertinent area. A district selected for review must perform a "root cause" analysis into the reasons for its inadequate performance in that area and must submit an improvement plan to the state. Dkt. No. 2501 at 7-9. The state does not formally supervise the district's implementation of the plan but looks to see whether the targets are met for the following year. If the district remains in performance indicator review for multiple years, it must perform a "record review," meaning it must select ten individual student records and review them for any patterns related to the noncompliance. Dkt. No. 2506 at 161-63.

The second targeted monitoring activity, which has the unfortunate name of data identified noncompliance review, addresses poor performance on metrics that are related to timeliness. For example, before a child may receive special education services, the district must conduct an initial evaluation to determine whether the child has a disability. The IDEA requires districts to conduct these evaluations within 60 days after receiving parental consent. 20 U.S.C. § 1414(a)(1)(C)(i)(I). The state flags districts for monitoring whenever they fail to meet this and any other statutory deadline for any student. The district must correct all identified noncompliances (for example, by holding any past-due initial evaluations). The district must also submit a root cause analysis that explains why the district has missed the deadline (or deadlines) and must submit data to the state demonstrating that it has

corrected the problem. If the district continues to miss deadlines after that, the state may order it to take further corrective actions, and may even withhold funding to the district. Dkt. No. 2506 at 24.

The third form of targeted monitoring, disproportionality review, relates to the IDEA's requirement that states prevent discrimination against children on the basis of race or ethnicity. 20 U.S.C. § 1418(d). To use one concrete example, school districts must take care to avoid suspending Hispanic disabled children at a disproportionately higher rate than all disabled children who are not Hispanic. See 34 C.F.R. § 300.646(a)(3). The state is given the discretion to determine how marked the discrepancy must be before districts become "significantly disproportionate." 34 C.F.R. § 300.647(a)(7). Once selected, the state evaluates the districts' policies and procedures and a sample of student records for compliance with federal law (for example, to ensure that all IEP meetings were conducted with a general education teacher present). Dkt. No. 2455-1 at 54; Dkt. No. 2506 at 25-26. The district must correct all noncompliance identified by the state.

The state's two intensive monitoring activities are comprehensive review and significant disproportionality review. Comprehensive review is reserved for districts experiencing the most serious performance issues. The decision to select districts for comprehensive review is based on a total score derived from performance on many different metrics. Poor performance on any individual metric will, in addition to potentially leading to selection for targeted review, cause the district to lose points from its total score. Dkt. No. 2469 at 57. After all districts are scored, the state sets a cut score and selects all districts falling below that score for comprehensive review. In contrast to performance indicator review and data identified noncompliance review — which largely involve self-analysis by the district — the state puts its own boots on the ground during comprehensive review. The state, rather than the district, develops the monitoring plan after analyzing the district's compliance history. It will interview parents and administrators and conduct staff trainings as needed. A district selected for comprehensive review may remain in monitoring for several years. Dkt. No. 2506 at 30-34.

The state's other intensive monitoring activity, significant disproportionality review, applies to districts that California has determined to be "significantly disproportionate" in any area for three consecutive years. During this monitoring activity, the state takes an even harder look at the district's policies and practices. In addition to the activities performed during targeted disproportionality review, districts in intensive monitoring must develop an improvement plan that the state dubs an "early intervening services plan," which must be approved by the California Department of Education. The state also makes various forms of technical assistance available to districts, both through the state directly and through contractors, to assist the district in developing their plan and getting back into compliance. Districts must set aside 15% of their IDEA-based funds to finance the implementation of the plan and must report on their progress to the state. Dkt. No. 2506 at 28-30.

II. OBVIOUS DEFECTS IN THE STATE'S DATA ANALYSIS SYSTEM

The state's process of determining which school districts need further monitoring, as well as its process for deciding how intensive that monitoring should be, is riddled with defects. Some of these defects are small and easily fixable, but several are so fundamental, or so obviously contrary to the IDEA (or both), that the state cannot get out from under this consent decree without fixing them. Furthermore, in contrast to Phase 1— where the state largely established compliance, such that it made sense to move on to Phase 2 of the monitoring process concurrent with the state's efforts to fix a couple of outstanding legal defects in its data collection program — the flaws in the state's system for identifying districts in need of intervention are so severe that they preclude a transition to the next phase. Before moving on

to Phase 3, the state will be required to demonstrate that it has meaningfully addressed these problems (or at least that it's well into the process of addressing them).

A.

As a preliminary matter, there are several areas where the state essentially conducts no assessment of school district performance at all, even though the IDEA requires it. The policymakers testified at the hearings that they are currently developing data analysis procedures for almost all of these areas. But there is nothing in place now.

Small school districts. The state requires school districts to have a minimum number of disabled students (or "n-size") before assessing those districts with the Dashboard and with most other metrics. See Dkt. No. 2478-3 at 2. Almost all of the state's metrics (including all metrics for academic performance, least restrictive environment, discipline, and disproportionality) have an associated minimum n-size. The only real exception is for the metrics relating to timeliness. Thus, the state is conducting no actual substantive evaluation of small districts. For example, the state did not evaluate performance on English and Language Arts and Mathematics assessments for school districts serving approximately 60,000 disabled students. It did not examine suspension practices for districts serving approximately 40,000 disabled students. Dkt. No. 2494, Exhibit 1 at 6.

Because these small districts are not being assessed on many metrics, they are functionally exempt from many targeted and intensive monitoring activities. During the hearings, state officials testified that over 1,000 school districts — comprising roughly 600 charter schools (which the state treats as separate school districts for its data analysis activities) and roughly 400 small school districts — had fewer than thirty disabled students. Dkt. No. 2507 at 36; Dkt. No. 2494, Exhibit 1 at 6. Consequently, these districts could not be selected for targeted review for academic assessments or for their suspension rates and could not be evaluated for comprehensive review based on their performance on those metrics. See Dkt. No. 2478-3 at 2.

Moreover, it bears recalling that the state classifies any district not selected for monitoring activities as "meets requirements" for the purposes of the state's federal reporting obligations. Therefore, these small districts are particularly likely to be classified by the state as compliant with the IDEA irrespective of their actual performance. Of the 499 school districts not selected for any monitoring process and determined by the state to meet requirements, only 132 had a census count of greater than 30 students with disabilities. Dkt. No. 2516 at 8. In other words, the state is telling the federal government that hundreds of school districts "meet requirements" under the IDEA even though the state has effectively exempted them from monitoring.

To be clear, the state has identified sound reasons for excluding small districts from the data analyses it ordinarily performs. A small number of disabled students in a given district may cause that district's metrics to vacillate wildly based on the performance of just a small handful of students (or even just one student). Dkt. No. 2506 at 202. But this cannot account for the state's failure to develop any alternative protocol for assessing these districts, given that the IDEA requires states to monitor all districts. The policymakers acknowledged this at the hearings, and they testified that they have already begun researching methods of closing this gap, including by aggregating small districts — perhaps with similar features or within the same county — into larger units for data analysis purposes. There may be several different ways to adequately include these districts, and how best to do so is a question for the policymakers. For now, it's enough to say that the state's failure to include them is a failure to comply with its monitoring obligations under the IDEA.

Preschool review. There are roughly 90,000 preschool-aged children with disabilities in California. Dkt. No. 2478-1 at 23. A district that does poorly at placing preschool-aged disabled children in regular early-childhood programs may be selected for targeted performance indicator review. If that district does not put individualized education programs ("IEPs") in place in a timely manner for very young children transitioning into early-childhood programs from early intervention programs (the "Part C to Part B" transition), or fails to conduct initial evaluations on time, that district will be selected for data identified noncompliance review. Finally, a district that performs very poorly with respect to preschoolers and school-aged children may be selected for comprehensive review, although, as discussed in the next section, the state's selection formula makes this somewhat unlikely. This represents the full extent of the state's monitoring for preschool-aged children.

State policymakers candidly testified that a separate preschool-related monitoring activity is necessary to close this gap, because preschools face unique issues that cannot be adequately addressed through other monitoring activities. Dkt. No. 2506 at 93-94. The state is currently in the process of designing such a system, on similar lines as comprehensive review. In addition to looking at districts' preschool placements and timeliness in carrying out the Part C to Part B transition, the state would consider districts' suspension practices, participation on preschool assessments, and performance on those assessments in selecting districts for review.

In its written submissions, the state described a selection methodology for identifying preschools for intensive monitoring, and described a set of monitoring activities, which at times made it seem as if this system were already in place. See, e.g., Dkt. No. 2455-1 at 10 ("[T]he State addresses [least restrictive environment] in a number of monitoring activities, including Performance Indicator Review, Preschool Monitoring ... and Comprehensive Review."), 52 ("The Preschool Review examines issues related to placement, suspension, child find, and the provision of FAPE for students 3 through 5 years of age."); Dkt. No. 2478-1 at 8 n.16 ("[The state] identified . . . 39 [school districts] for Preschool Review."). It did not become apparent until the hearings that this monitoring activity does not yet exist, in any form. As with the small school districts, the state's failure to adequately monitor preschool children puts it out of compliance with federal law.⁴

Mediation. The IDEA requires school districts to establish mediation procedures. 20 U.S.C. § 1415(e). In mediation, an impartial party helps to resolve disputes between parents and the school district regarding the district's obligation to provide special education services. The IDEA requires states to pay for the costs of mediation and to prioritize mediation in their monitoring activities. 34 C.F.R. §§ 300.506(b)(4), 300.600(d)(2). But the state does not assess districts' mediation practices. This is true even though the state collects data regarding districts' mediation practices and reports the percentage of mediations resulting in successful agreements to the federal government. Dkt. No. 2390-1 at 40-41.

The state defends this by noting that mediation is a voluntary process that requires the consent of both the parents and the school district, which means that the state cannot force recalcitrant districts to mediate. Even assuming that's true on a case-by-case basis, it's far from obvious that the state couldn't take action against districts that refuse to use mediation as a blanket matter (or, for that matter, seriously neglect this tool). Nor does it follow from the voluntary nature of mediation that the state need not analyze whether districts are doing a good enough job of using it. As the drafters of the IDEA have signaled, mediation is a useful alternative for parents who lack the resources to hire a lawyer to assist with a due process complaint, or who prefer more informal and nonadversarial methods for resolving disputes. Analyzing mediation data could therefore reveal trends not separately captured by

an analysis of formal due process complaints or complaints made to the state. The state could also combine mediation data with other data — for example, districts' suspension rates or assessment outcomes — to form a more complete picture of district performance.

To be fair, the state's failure to assess districts for their use of mediation is less significant than some of the other problems discussed in this section. There is even an argument that the failure to analyze mediation data does not, on its own, significantly interfere with the state's ability to fulfill its monitoring obligations under the IDEA. But in contrast to some of the other areas discussed in this ruling, the monitoring obligation in the statute is specific rather than general. Federal regulations require states to prioritize mediation in their monitoring activities. See 34 C.F.R. § 300.600(d)(2). Because the state does not do this, it is out of compliance with federal law.

B.

The next two issues relate to areas where the state is conducting some analysis, but the design of its processes prevents it from effectively monitoring school districts.

Targets. Another flaw in the state's monitoring system relates to the performance targets it has set for school districts. An adequate monitoring system requires adequate targets. If targets are too modest, states may fail to identify districts that are falling short on their obligation to provide an adequate education to disabled children.

While the IDEA grants states discretion in setting targets, that discretion is not limitless. For example, the IDEA requires states to design a state performance plan, in which states report to the federal government their progress in implementing the IDEA in school districts, using metrics and calculation methodologies that the Department of Education selects. States are given the discretion to set targets for those metrics, but the regulations specify that those targets must be "measurable and rigorous" across all priority areas. See 34 C.F.R. § 300.601(a)(3). The state uses many of the same metrics and targets both for monitoring districts and for the state performance plan. Dkt. No. 2478-1 at 6-7. The targets are set on a cyclical basis, and the state will revisit its targets in the coming months.

The problems with the state's chosen targets are clearest in the area of least restrictive environment, which is one of the IDEA's "priority areas" for monitoring. 20 U.S.C. § 1416(a)(3)(A); 34 C.F.R. § 300.600(d)(1). As discussed previously, the state uses three metrics to assess whether districts are placing school-aged disabled children in the least restrictive environment (placement in general education classes for greater than 80% of the day, for less than 40% of the day, and in separate schools). And it has two metrics for preschool-aged children (placement in regular early childhood programs and in separate programs). In 2016, all five targets for these metrics were below statewide performance. Dkt. No. 2469 at 23, 26-27. And in many instances, statewide performance already fell significantly behind national performance. Thus, even though the data suggest that California performs poorly relative to the rest of the country at placing disabled students in general education placements, the state has set targets even below its already-poor statewide performance levels. This is particularly concerning in an area like least restrictive environment, because the state has elsewhere emphasized its strong belief that improving placements for disabled students will also improve outcomes for those students. See, e.g., Dkt. No. 2506 at 62-63. Setting low targets increases the likelihood that districts will escape selection for targeted or intensive monitoring — and that districts will be classified by the state as compliant with the IDEA — even if they fall significantly short in placing disabled children in general education classes "to the maximum extent appropriate." 20 U.S.C. § 1412(a)(5)(A).

The state's targets for "child find" may be another example of flawed targets. The IDEA requires states to ensure that all children with disabilities, including homeless children and children attending private schools, are "identified, located, and evaluated." 20 U.S.C. § 1412(a)(3)(A). Similar to least restrictive environment, the IDEA instructs states to prioritize child find in their monitoring activities. 34 C.F.R. § 300.600(d)(2). The state considers districts' identification rates — the number of children identified as needing special education services over the total number of children served by the district. Districts that are more than two standard deviations from the statewide identification rate are selected for monitoring. But California's identification rate is only 11.7% as compared to 13.2% nationally. Dkt. No. 2469 at 31. And in the 2017-2018 monitoring cycle, setting the target two standard deviations below California's low mean resulted in a system that selected only those 38 districts (out of 1,296 districts) with an identification rate below 3.6%.⁵ Dkt. No. 2455-1 at 35.

To be clear, in some instances it may be necessary to set modest targets to encourage incremental but stable progress. The state has explained that it follows a model of "continuous improvement," which involves setting a baseline and encouraging development from that baseline. Dkt. No. 2478-1 at 3, 5. And for purposes of these court proceedings, the question is not whether the state has developed the best method for encouraging improvement (a question best left for the policymakers), but only whether the state's system is capable of identifying districts that are out of compliance with federal law. But the monitor and plaintiffs have raised a genuine concern that the state's targets are so low that they significantly impede its ability to identify districts experiencing serious performance issues.

The state first argued in its written submissions that all of its targets were adequate because they were the result of an inclusive process that considered input from various stakeholders. Dkt. No. 2478-1 at 5-7. That argument is unsatisfactory — the purpose of these court proceedings (and of the IDEA) is to ensure that the state has an adequate monitoring and enforcement system in place. Dkt. No. 2387 at 1. If the state's performance targets are legally deficient — that is, if they prevent the state from adequately monitoring school districts — they cannot be defended by asserting that they were the result of a process that included many stakeholders. During the hearings, however, the policymakers agreed that, at minimum, the least restrictive environment targets are not adequate. They stated that these are not the targets they would have chosen had they been in charge at the time they were set. Dkt. No. 2507 at 101-03. The policymakers further confirmed that performance targets will be revisited in the coming months, and that they plan to adopt a different approach. Dkt. No. 2507 at 171.

The plaintiffs and monitor raised concerns with other targets set by the state. In response, at the hearings the policymakers often responded with arguments and statistics that were not raised in the state's written submissions, for example, concerning the number of districts that were selected using the relevant targets. Given that the state plans to revisit its performance targets so soon, there's no need to perform a target-by-target analysis. At this stage, what matters is that the record suggests that the state's targets do not enable it to adequately identify school districts for further monitoring. The state's new targets must be crafted with its monitoring obligations in mind, and it must do a far better job of explaining and justifying its targets during the renewed Phase 2.6

Comprehensive review. The next set of issues relate to the state's method for selecting districts for comprehensive review, the state's intensive monitoring activity. One might object that comprehensive review should receive less scrutiny for purposes of these proceedings, because the state's monitoring system is tiered. As a result, all of the school districts that are under serious consideration for comprehensive review have already been selected for one or more targeted monitoring activities. It is clear, however, from the state's written submissions and policymakers' testimony during the evidentiary

hearings that there is a significant difference between the quality and depth of the state's monitoring activities, as well as the resources available to school districts, during targeted review versus intensive review. A closer look is therefore needed to determine whether the state's data analysis activities adequately sort districts between the targeted monitoring activities and comprehensive review.

This look reveals two major flaws in the state's current approach. The first is that the state appears to select the wrong districts. Under the state's formula, it appears that better-performing districts will often be far more likely to get selected for comprehensive review than worse-performing districts, and the state has not provided an adequate explanation for the discrepancy. Second, the state's formula appears not to select enough districts for comprehensive review. The state's chosen metrics suggest that more districts need close scrutiny than currently receive it.

The state uses a point system to select districts for comprehensive review. For each metric, a district receives 1-4 points. Districts receive points for meeting the target, and more points for improving their performance from the prior year. For example, recall that the state evaluates districts' efforts to place disabled children in the least restrictive environment in part by calculating the percentage of disabled students in general education classes for greater than 80% of the day. The target for this metric is 51.2%. A district receives a "1" if it fails to meet the target and declines in performance from the previous year (for example, if the district places 45% of disabled children in general education classrooms for more than 80% of the day, but it placed 48% in the prior year). A district receives a "2" if it fails to meet the target but either improved or maintained its performance from the prior year. A district receives a "3" if it meets or exceeds the 51.2% target but declined in performance from the prior year. Finally, a district receives a "4" if it meets or exceeds the 51.2% target and either improves or maintains its performance from the prior year. Dkt. No. 2478-1 at 27.

Recall further that for the Dashboard metrics, school districts receive a color based on a grid that combines information about the district's current performance and any improvements or regressions from the prior year. In scoring districts for comprehensive review, districts receive a "1" for a red, a "2" for an orange, a "3" for a yellow, and a "4" for a "blue" or "green."

After the districts are scored, the state calculates a cut score and then selects all districts that fall below it for comprehensive monitoring. The cut score is expressed as a percentage of the total number of points that were available to that district, for all metrics for which the district was actually scored. According to the testimony of the policymakers, in the last monitoring cycle the state originally set the cut score at 65%, meaning that districts scoring less than 65% of all points available to that district would be selected for comprehensive review. But then, after the state ran the numbers, it concluded that it did not have, or did not wish to spend, the resources necessary to put all those districts through comprehensive monitoring. So it reduced the cut score to 62%. Dkt. No. 2506 at 108-09, 153.

There are a number of problems with this system for selecting districts for comprehensive review. First, two features of the scoring methodology combine to produce odd results: (i) in awarding points, the state's formula considers only whether a target is met or missed, without considering the extent by which a district missed or exceeded the target, meaning that near misses and wide misses receive the same number of points; and (ii) the state's formula heavily prioritizes year-to-year improvements, even if the improvements are quite minor, meaning that minor fluctuations in performance can produce major differences in scoring. The court monitor identified several examples of how these two features influence districts' scores. As discussed above, the state has set a target of 51.2% with respect to the placement of disabled students in general education classrooms for greater than 80% of the day.

In the last round of selection for comprehensive review, one particular district placed 62.8% of disabled students in general education classrooms for greater than 80% of the school day. This rate represented a 0.1% improvement from the prior year's rate of 62.7%. The state awarded four points to that district. Another district had a rate of 92%, which represented a regression of 0.1% from the prior year's rate of 92.1%. The state gave that district only three points, although it appears to have performed significantly better at placing students in general education classrooms, and the year-to-year differences for both are small. Dkt. No. 2469 at 60. In a different area, the state considers the number of times that it determined that a district violated federal law after investigating a parent's complaint. One district went from 101 to 90 noncompliances and received a "2." Dkt. No. 2506 at 106. By contrast, 17 districts increased from one noncompliance in the previous year to two in the current year and received a "1."

Another problem is that the state's formula is unweighted. It does not prioritize the metrics most closely related to the IDEA's guarantee of an appropriate public education for disabled students. For example, under the state's formula, school districts can receive up to four points merely for having high numbers of disabled students take statewide tests (regardless of how they perform). But districts can receive no more than four points for meeting actual performance targets for those assessments. Dkt. No. 2455-1 at 57. To use another example, districts can receive no more than two points for meeting five out of six preschool assessment targets, and for improving or maintaining performance from the prior year. But districts can also receive two points merely for submitting between 50% and 69% of all required reports to the state in a timely manner. Dkt. No. 2455-1 at 58, 62. The selection formula also entirely omits districts' performance on child find, although the IDEA singles out child find as a priority area for monitoring. 20 U.S.C. §§ 1412(a)(3)(A), 1416(a)(3)(B); 34 C.F.R. § 300.600(d)(2).

These problems appear to result in the selection of the wrong districts for comprehensive review. To assist the Court in evaluating the state's selection methodology, the court monitor developed a competing methodology and applied it to the same set of school districts evaluated by the state. The monitor's approach considered districts' relative distance from the target (rather than an all-or-nothing score), did not emphasize annual improvements, and focused only on four metrics that are particularly tied to disabled students' outcomes—performance on English and Language Arts and Math assessments, suspension rates, and placement of school-aged children in general education classes. Dkt. No. 2510 at 2. The monitor also expanded the analysis to include two more least restrictive environment metrics for school-aged children and preschool placements in regular early-childhood programs. Dkt. No. 2510 at 4. State policymakers agreed that the monitor chose metrics that are most closely tied to the provision of a free and appropriate education. Dkt. No. 2518 at 27. Finally, the monitor chose a cut score that would select roughly the same percentage of districts for monitoring that the state itself selected, to provide a fair point for comparison.

The monitor's method, when limited to four metrics, would select none of the districts selected by the state. What's more, all of the districts selected using this method scored 70% or more under the state's system—safely above the state's 62% cut-off for monitoring—or were not scored at all. Dkt. No. 2516 at 4. When the analysis is limited to districts with at least 31 students with disabilities, six districts selected by the state would be selected under the monitor's approach, but the majority of districts selected under the monitor's approach scored 70% or more under the state's approach. Expanding the analysis to seven metrics produces similar results. Dkt. No. 2516 at 5-6. The monitor's analysis suggests that the state's design choices significantly affect which districts are selected for comprehensive review, and that the districts selected are not likely the ones most in need of intensive intervention.

The data also suggest that not enough districts are selected. In all, the state scored 1,330 school districts for monitoring.⁸ Dkt. No. 2516 at 2. The state selected only 34 districts for comprehensive review. At the same time, excluding the first-year charters and very small school districts that the state simply ignored, the state classified only 48 districts as in compliance with federal law. Dkt. No. 2516 at 9. Perhaps these numbers would not provide much cause for concern if the data suggested that a significant proportion of districts were found out of compliance only in areas that are not as closely tied to the provision of an appropriate education. But the state's metrics further suggest that this is not the case. For example, 68 districts received a "red" on all three Dashboard metrics for suspension and performance on English and Language Arts and Math assessments, but only seven were selected for comprehensive review.⁹ (37 of those districts received a score of 70% or above under the state's selection formula). Policymakers testified that 83% of school districts were not meeting targets for the state's English and Language Arts assessment, and 85% were not meeting targets for the state's Math assessment. Dkt. No. 2506 at 192.

Furthermore, the state's cut score does not appear to be tethered to a clear theory of compliance. In fact, it appears somewhat arbitrary. The state did not explain in its written submissions why a score of 62% (as opposed to a score of 52% or 72%) sufficiently identifies those districts urgently in need of intensive monitoring. And, as mentioned earlier, at the evidentiary hearings the policymakers suggested that the cut score was set, and then later adjusted, based on resource constraints. Dkt. No. 2506 at 153. Although it is inevitable that resource constraints and other practical considerations will play some role in the number of districts chosen for monitoring in a given cycle, it cannot, given the IDEA's legal requirements, be the primary driver of the decision about where to set the cut score.

All these flaws in the state's system for selecting districts for comprehensive review combine to put it in violation of the IDEA. The system does not result in meaningful choices about which districts, and how many districts, should receive intensive intervention.¹⁰ This is not to suggest that the state may never consider improvement in selecting school districts to monitor, or that the state may never use all-or-nothing scoring for an individual metric, if the targets for that metric are sufficiently demanding. Nor would the state be required to adopt the competing methodology designed by the court monitor. But the current system is so defective that it is not merely inadvisable from a policy standpoint; it is legally inadequate.¹¹

III. FURTHER ISSUES

The issues described in Section II put the state out of compliance with federal law and prevent it from proceeding to Phase 3. The plaintiffs and monitor contend there are still other flaws in the state's procedures for identifying school districts for intervention. But in contrast to the issues discussed in Section II, the alleged deficiencies discussed in this section can all be placed in one of two categories: (i) the record does not justify a conclusion that the flaw exists in the first instance; or (ii) the flaw may exist, and perhaps it compounds the problems discussed in the previous section, but in the overall scheme, it does not appear significant enough to warrant a finding that the state is out of compliance with its statutory monitoring obligations. (That is, assuming the problems discussed in Section II will be adequately addressed.) Therefore, absent some significant revelation, or some significant change in the way the state conducts itself in these areas, the Court will not entertain further discussion on them during the renewed Phase 2.

A.

Disaggregation. The monitor and plaintiffs argue that the state is not in compliance across many metrics because, except as necessary for its disproportionality analyses, the state does not disaggregate its data.

The state's monitoring system is designed to address outcomes for disabled students in general, and the state does not separately examine outcomes for disabled students who are also members of vulnerable subgroups, such as students in foster care, homeless students, English-language learners and students eligible for free and reduced-price lunch. The state also generally does not disaggregate its data by disability type.

The monitor's concern is that, if these vulnerable groups are small enough, the aggregate data will mask important information specific to these groups, so that a district that performs well with respect to disabled students as a whole will not be selected for monitoring even if it may fail to provide adequate services to, for example, disabled students that are in foster care.

This, however, is a policy issue rather than a legal one. Neither the monitor nor the plaintiffs have identified a legal basis for requiring the state to analyze these data, and the monitor stated at the hearing that he was unaware of any other state that disaggregates data in this manner. Dkt. No. 2506 at 169. By comparison, a separate set of statutory provisions, regulations, and guidance documents issued by the Department of Education govern a state's obligation to assess disproportionality for race and ethnicity, and even this form of analysis is limited to three discrete areas: discipline, identification, and placement.

Nor does it appear the failure to disaggregate as recommended by the monitor is significantly interfering with the state's ability to monitor school districts. To assess this issue, the monitor chose three metrics (two for least restrictive environment, and one for suspension) and applied them to a disaggregated sample of data. The monitor concluded that the disaggregation would result in the selection of districts for targeted reviews that were not previously selected by the state. In response, state officials observed that, assuming the validity of this approach, it would result only in incremental changes in the number of districts selected for monitoring. The state's "error rate," — meaning the number of school districts that were not selected for monitoring but should have selected under the monitor's approach, divided by the total number of school districts not selected — would range from somewhere between less than 1.0% to 3.6% for each metric. Dkt. No. 2518 at 81-82. Moreover, all of those districts are in some form of monitoring (and so none have been determined to "meet requirements"). Several are receiving assistance through the state's other accountability programs for poor outcomes related to foster children, regardless of disability.

Discipline. The state uses the Dashboard to assess district's discipline practices. The state considers only suspensions for longer than ten days. The plaintiffs and monitor argue that the state is out of compliance, because it does not consider multiple suspensions, and so a student who is suspended once for one event is counted once, and a student suspended four times for four events in a year is also counted once. The state also does not consider the cumulative length of time a student is suspended. Dkt. No. 2469 at 12.

But neither the plaintiffs nor monitor have adequately explained how these issues significantly hinder the state's assessment of school discipline. It is not known, for example, whether one would expect to see many districts with many short suspensions but few lengthy suspensions. It is similarly unknown whether focusing on the number of suspensions per student would enhance the state's ability to red-flag districts. Perhaps one would ordinarily expect suspensions to be concentrated among smaller groups of students, and so focusing on students rather than suspension events would not add much. At this point, it is only apparent that the state does not use the most granular metric possible. It is not apparent that this practice materially affects the state's ability to monitor discipline practices.

Placements close to home. As part of the least restrictive environment principle, the IDEA requires districts to ensure that educational placements are as close as possible to the child's home, and in the school the child would attend if he or she was not disabled, "unless the IEP . . . requires some other arrangement." 34 C.F.R. § 300.116(b)(3), (c). At Phase 1, the state was found in compliance because it collected sufficient information to permit it to monitor district performance in this area, including information about students' "districts of residence" and "districts of service." See Dkt. No. 2435 at 175; Dkt. No. 2428 at 36-37.

The plaintiffs and monitor believe that the state should be ruled out of compliance because it does not do any data analysis for this requirement, or more generally into patterns of placement. State policymakers explained that this principle does not translate well to the state of California, because California is a "school choice" state, and so officials cannot presume that a child would attend the school closest to home if he or she were not disabled.

As applied to a state like California, the regulations are best understood as enshrining a general principle that districts must attempt to avoid concentrating disabled children in remote placements if more desirable placements are available. But it is not clear that data analysis regarding placement is the best way to guard against this, for the reasons explained by the state. Perhaps analysis of IEP implementation — an issue on which the Court has ruled the state must collect data — would assist in this area. Or perhaps it's an issue that should be considered only when the state is actually monitoring school districts (as opposed to when the state is assessing districts for different types of monitoring). In any event, the Court cannot conclude on this record that the state's decision not to analyze "close to home" data when selecting districts for monitoring significantly interferes with its ability to meet its federal statutory obligations.

Complaints. The IDEA gives parents two mechanisms for enforcing their rights. First, it allows parents and advocates to file complaints with the state if they believe that a school district is not complying with federal or state special education law. 34 C.F.R. §§ 300.151-300.153. The state must carry out an investigation, if necessary, and resolve the complaint within 60 days. 34 C.F.R. § 300.152(a). Second, the IDEA permits parents or school districts to file due process complaints relating to the identification, evaluation, or educational placement of a disabled child, or the provision of a free and appropriate public education to the child. 34 C.F.R. § 300.507(a)(1). The parent or school district is entitled to a hearing before an administrative officer to resolve the issues raised in the complaint. 34 C.F.R. § 300.511(a), (c). A party dissatisfied with the officer's decision can file a lawsuit in state court or federal district court. 34 C.F.R. § 300.516(a).

To evaluate district performance in this area, the state counts the number of instances in which a school district is determined to be out of compliance with federal law, through either process. These numbers do not lead to selection for any targeted review but are considered in selecting districts for comprehensive review. Districts receive one point for having more than one documented noncompliance, and another point if the number has decreased from the prior year. Districts with zero noncompliances receive four points. Dkt. No. 2455-1 at 60.

The plaintiffs and monitor object to the state's use of a simple count rather than a per capita rate (the number of noncompliances divided by the total number of students within a district). Under the state's method, two districts with three noncompliances each will be treated the same, although three might be a troubling number for a very small district but less concerning for a very large district. The state

responds that the target for this metric treats any noncompliance as giving significant cause for concern, and so using a more specific metric would not add materially to its analysis. In other words, the target for this metric is zero: districts with any noncompliances receive the lowest scores.

To be sure, there are problems with the state's explanation. The state does not merely rely on whether a district met or missed the target; it also considers whether the district has gotten better or gotten worse from the prior year. It's hard to see how the state could meaningfully determine whether the district is improving or regressing from raw totals alone and without any sense of the size of the school district. A district's population may fluctuate from year to year, and so a district's number of noncompliances could conceivably increase as the result of population changes, rather than as a result of poor district performance.

That said, the record does not demonstrate that this issue, which represents one point in a complicated selection formula, materially affects the state's ability to monitor school districts. And because substantial changes must already be made to the state's selection methodology for comprehensive review, this issue is likely to become even less important by the time of the renewed Phase 2 proceedings.

Preschool achievement. The state administers assessments for both school-aged children and preschool-aged children. For preschoolers, the state uses the "Desired Results Developmental Profile," which measures social development, knowledge acquisition, and the use of appropriate behaviors to meet needs. Dkt. No. 2455-1 at 25. The state has established six targets for disabled students taking these assessments. However, there is no targeted review for preschool achievement. Poor performance in preschool assessments is one factor in the state's proposed preschool review, but a minor one. A district that misses all six assessment targets would receive one point, and a district needs a total of six points for selection. Performance on preschool assessments also comprises only one of many different selection metrics for comprehensive review. As a result, a school district that performs poorly on its preschool assessments will not receive any monitoring, unless it also performs poorly across other dimensions. The plaintiffs and monitor believe that poor performance on preschool assessments should receive a separate targeted review.

The state explained that it has made a policy determination to focus its efforts on placing more preschoolers in regular early childhood programs rather than separate programs. Dkt. No. 2506 at 204. State officials testified that placements in general education settings (where expectations are often higher) are associated with better performance on assessments. In addition, the state's data establishes that all districts that missed one or more preschool assessment targets have been selected for at least one form of monitoring. Dkt. No. 2503 at 1. Of those districts, half are monitored for inadequate placements. Further, because all of these districts are in some form of monitoring, none has received a positive annual compliance determination from the state. Given this record, the Court will not second-guess the state's policy determination that for now, the best way to evaluate and monitor districts with respect to preschool-aged students is to focus on preschool placements.

Referrals. As discussed above, the state assesses school discipline by looking at districts' rates of suspensions greater than ten days. The state does not collect data regarding districts' referrals of disabled students to law enforcement. During Phase 1, the Court noted the importance of this data, because disabled students are often referred to law enforcement at disproportionate rates. However, the state was not ruled out of compliance for failing to independently collect referral data, because the federal government routinely collects the data and makes it publicly available. Accordingly, the Court

found at Phase 1 that the state had sufficient access to referral data and reserved for Phase 2 the question whether the state adequately analyzes this data in determining which districts to select for monitoring.

During Phase 2, the state took the position that it doesn't need to separately analyze referral data, because school districts' suspension rates are correlated with their rates of referrals to law enforcement, such that suspension data alone is sufficient to red-flag districts who may be overusing referrals to law enforcement. The record supports this. Although the referral data that is publicly available is of poor quality, the monitor's supplemental analysis suggests a meaningful correlation between school districts' suspension rates and their referral rates. Dkt. No. 2510 at 10-12. The analysis also suggests that there are few districts with high referral rates but low suspension rates. Dkt. No. 2510 at 12. While it remains conceivable that the state may need to show that during its actual monitoring activities it sufficiently disentangles the reasons that referrals to law enforcement occur, there is not an issue at this phase with respect to law enforcement referrals. As with preschool achievement, the Court will not second-guess the state's decision to use suspension practices as a proxy for referral practices on this record.

Parent input. The state also analyzes parent input as part of its monitoring processes. The state asks parents to respond to the question: "Did the school district facilitate parent involvement as a means of improving services and results for your child?" Dkt. No. 2455-1 at 30. To analyze this data, the state records the percentage of "yes" responses for each school district. Districts that fall below the target (92% of parents responding "yes") are selected for performance indicator review and move closer to selection for comprehensive review. The plaintiffs and monitor believe that this target is unambitious because in 2016, state performance was at 99.4%. Dkt. No. 2469 at 40. But for many of the reasons discussed in the Court's Phase 1 order and at the Phase 1 hearings, data about parents' responses to this question do not appear to be particularly useful (nor does the Court have confidence that any sort of statewide parent survey data would be actionable), so any concerns about the target set by the state in connection with it will not give rise to a noncompliance finding.

B.

In addition to the above metric-level issues, the Court finds that two of the state's selection methods for monitoring activities present no cause for legal concern on this record:

Data identified noncompliance. The state's method of selecting districts for data identified noncompliance monitoring (the monitoring activity relevant to the IDEA's timeliness requirements) appears to be adequate.¹² Because the targets require perfect performance, a single untimely IEP meeting or initial evaluation is sufficient to flag a district for monitoring. The plaintiffs note that the state currently does not monitor districts for compliance with the IDEA's deadlines for resolution sessions, which are meetings that districts must convene between parents and members of the disabled student's IEP team after the parent files a due process complaint against the district. The resolution session must be held within 15 days after the district receives notice of the complaint. 20 U.S.C. § 1415(f)(1)(B)(i)(I); 34 C.F.R. § 300.510(a)(1). But going forward, the state plans to include timeliness in convening resolution sessions as a metric for targeted review. Dkt. No. 2506 at 15; Dkt. No. 2455-1 at 8 n.17.

Disproportionality. The state's selection formulas for its three disproportionality reviews are, once the state completes a couple of simple fixes, adequate. These are the state's monitoring activities for districts where students appear to be disproportionality represented among those receiving special education services based on their racial or ethnic group. Federal regulations require the state to use a

specific formula to assess disproportionality, although states retain discretion to set an appropriate target for determining when a school's numbers suggest that it has become "significantly disproportionate." 34 C.F.R. §§ 300.646, 300.647.

One concern is that while the state appears to have set an appropriate target, its current formula for assessing disproportionality in discipline and placement is incorrect. The state's formula compares the risk of disciplinary action or restrictive placements for disabled students of a particular race or ethnicity to the risks faced by students of other races and ethnicities who are in general education settings. Dkt. No. 2469 at 17. The United States Department of Education, however, has explained that the relevant comparator is the risk faced by disabled students of other races and ethnicities. The state has conceded the error and plans to put the correct formula in place for the 2019-2020 school year. Dkt. No. 2507 at 68. Given this commitment, and the absence of any other outstanding issues with respect to the targeted disproportionality review, this issue does not provide a basis for finding the state out of compliance with its statutory obligations.

The state is also in compliance with respect to significant disproportionality review, the intensive form of monitoring. The state selects all districts that are disproportionate (as defined by the state's chosen threshold) for three years for intensive monitoring. Federal law permits a state to exempt districts from monitoring if it determines, in its discretion, that a district is making "reasonable progress" towards resolving its issues. 34 C.F.R. § 300.647(d)(2). The state does not exercise this discretion but selects for monitoring all districts that exceed the threshold. Because the state's formula selects more districts for monitoring than federal law requires, the state is currently in compliance. If the state adopts a "reasonable progress" definition in the future, and if the plaintiffs believe that the definition is so deficient that it would significantly interfere with the state's ability to identify and select school districts for disproportionality monitoring, they may bring that to the Court's attention. But absent any such development, there is no need for further inquiry during this phase.

Private school monitoring. During the Phase 1 hearings, policymakers testified that the state monitors private schools that educate students with disabilities who are placed there by virtue of their IEPs. These schools must be certified by the Special Education Division, and although the state collects data from these schools, they are all monitored on a cyclical basis, irrespective of whether the data suggests they need it. Dkt. No. 2518 at 94-98. Because the state monitors all private schools, this area presents no issues for purposes of Phase 2, although Phase 3 will involve further inquiry into the content and quality of the state's monitoring activities.

Effectiveness of monitoring. The IDEA states that the "primary focus" of any state's monitoring system must be on "[i]mproving educational results and functional outcomes for all children with disabilities," and ensuring that school districts comply with the law, including "those requirements that are most closely related to improving educational results for children with disabilities." 34 C.F.R. § 300.600(b). This focus logically requires the state to conduct some assessment of the effectiveness of its monitoring activities — in effect, to monitor its monitoring system. The monitor and the plaintiffs argue that the state is out of compliance because it did not present any information in this phase about how it does this.

It's true that, to get out from under the consent decree, the state must show that it has institutionalized a process for self-examination, to ensure that its monitoring actually improves student outcomes and that its data analysis activities do not become detached from realities on the ground. The deficiencies identified in this order underscore the importance of such a system. However, it makes little sense to

require the state to present evidence about its self-evaluation process at this stage, given that it is already engaging in self-reflection as part of these proceedings, and already considering substantial changes to its monitoring system. Accordingly, the state need not revisit this requirement until Phase 4.

IV. NEXT STEPS

Given the concerns discussed in this ruling, the state must repeat Phase 2. In the next set of written submissions and at the next set of evidentiary hearings, the state must explain the changes that it has made to address the concerns identified in this order. The sequence of written submissions will remain the same, although the parties are urged to include data analyses where appropriate.

A case management conference is scheduled for Wednesday, August 28, 2019 at 9:30 a.m. to discuss the next phase and the state's proposals for addressing IEP implementation. A case management statement is due seven days prior. The parties should include a proposed schedule for the written submissions and evidentiary hearings.

The parties may also, if they choose, file any materials with the case management statement that would assist the Court in facilitating a discussion between the parties regarding the state's proposals for integrating IEP implementation into its monitoring protocols. If the parties no longer need to hold such a discussion with the Court (or if they wish to defer the matter to the next set of evidentiary hearings), then the policymakers do not need to attend the case management conference, although they are welcome to do so, either in person or by phone.

IT IS SO ORDERED.

FootNotes

1. As discussed in the May 18, 2018 order, the precise question is whether the state has a monitoring and enforcement system that is adequate with respect to Ravenswood City School District. The state has explained, however, that it intends to establish compliance with the consent decree with reference to its normal statewide system for monitoring school districts, rather than developing a narrower remedy that would apply to Ravenswood only. See Dkt. No. 2387 at 1. Because Ravenswood primarily serves preschool students and students in grades kindergarten through eighth grade, this order does not consider elements of the state's monitoring program that would apply, for example, exclusively to high school students.
2. Alison Greenwood did not testify at the third evidentiary hearing. Stacy Wedin, a policy consultant in the state's Special Education Division, testified in her place.
3. The monitoring activities discussed in this order exist alongside other accountability measures developed by the state. For example, state officials testified during the hearings that the California Department of Education may separately offer school districts "differentiated assistance" based on some of the same performance criteria that it uses in determining whether that district is providing an adequate education to disabled students. Dkt. No. 2506 at 120-21. In addition, a significant portion of school districts receiving differentiated assistance do so specifically because of their outcomes for students with disabilities. Dkt. 2478-1 at 4. Because differentiated assistance is not administered by the Special Education Division of the Department of Education, which is the division responsible for IDEA compliance and the division whose activities are being scrutinized here, the state provided little information about it in its written submissions. Further, the information presented at the evidentiary hearings does not explain in detail the forms of assistance that these districts may receive, and leaves it unclear whether those forms of assistance may assist the state and school districts in complying with the

IDEA. If the state believes that a fuller picture of differentiated assistance would assist the Court in evaluating the state's monitoring systems, then it should provide more information in future submissions for Phase 2 and/or Phase 3, when the inquiry turns to the content of the state's monitoring activities.

4. It would be premature to make any formal conclusion regarding the state's anticipated selection methodology before any monitoring system is actually in place, but it's worth noting that the state's proposed formula closely mirrors the formula used for comprehensive review, which, as discussed in subsection II.B, contains serious flaws.

5. The plaintiffs and monitor also argue that the state is out of compliance because it only assesses districts with respect to child find for students ages 6-21. The state is interested in developing a measure for child find applicable to preschool-aged children, but finding an appropriate method has proven elusive. Because there's no universal preschool in California, the state cannot assess how well districts are doing at identifying children with disabilities, because it lacks adequate information about the total number of children from which disabled students are being identified. The state has explained that there are projections available to estimate numbers of preschool-aged children based on many different variables, but those projections provide estimates by county (rather than by school district) and are not sufficiently reliable for use in the state's data analysis activities. Dkt. No. 2507 at 132-38. This explanation is adequate.

6. The state need not, however, present further information about its targets for the IDEA's timeliness requirements or for its risk-ratio for purposes of disproportionality monitoring, assuming those targets remain the same. As discussed later in this order, these targets do not appear to present any cause for concern and the state's explanations are adequate.

7. The state's reasons for relying on annual changes rather than improvements over a more sustained period remain somewhat unclear. The Morgan Hill Concerned Parents Association makes a colorable argument in its amicus brief that comparing one year to the prior year does not provide the state with sufficient information to draw a reliable conclusion about the district's trends in performance, as opposed to natural fluctuations in the data. Dkt. No. 2485 at 14; Dkt. No. 2485-1 at 3. The state did not offer a clear response in its written submissions or during the evidentiary hearings.

8. This number excludes first-year charter schools. The state did not have prior-year performance data for these schools and therefore did not consider them for selection for comprehensive review.

9. This number also excludes first-year charter schools.

10. As mentioned earlier, it's worth noting that the state's proposed selection methodology for its intensive preschool monitoring activity bears close similarities to the methodology used for comprehensive review. For preschool review, the state proposes to use an unweighted formula with all-or-nothing scoring (although the formula would not consider year-to-year performance). Districts would receive points across ten different metrics, and districts scoring "6" or more would be selected for review. (Confusingly, for comprehensive review, better-performing districts receive more points, while for preschool review, better-performing districts would receive fewer points). The cut score of "6" was set with resource constraints in mind and does not appear to be tied to a clear theory of statutory compliance. Given the similarities between the two methodologies, it seems reasonably likely that the same problems identified for comprehensive review would extend to preschool review as well.

11. In addition to the issues discussed above, two issues identified during Phase 1 remain outstanding. During Phase 1, the state was found out of compliance for failing to collect data related to districts' implementation of their students' IEPs and the use of restraints and seclusion. Dkt. No. 2428 at 13-18, 26-28. The state is currently in the process of designing data collection protocols to address both issues. Because the state will need to accommodate these areas within all levels of its monitoring system, these issues remain relevant here, although they will be addressed in greater depth at a later date.

12. The state currently assesses compliance with the IDEA's deadlines for (1) evaluating students to determine eligibility for special education services, 34 C.F.R. § 300.301(c)(2)(i); (2) putting IEPs in place for toddlers transitioning to preschool, 34 C.F.R. § 300.124(b); (3) performing required reviews of IEPs, 34 C.F.R. § 300.324(b)(1)(i); (4) conducting required reevaluations of students with IEPs, 34 C.F.R. § 300.303(b)(2).

Source: <https://www.leagle.com/decision/infeco20190708834>

4.7 SELPAs Within the CA Statewide System of Support

CALIFORNIA EDUCATION CODE 52062.

(a) Before the governing board of a school district considers the adoption of a local control and accountability plan or an annual update to the local control and accountability plan, all of the following shall occur:

(1) The superintendent of the school district shall present the local control and accountability plan or annual update to the local control and accountability plan to the parent advisory committee established pursuant to Section 52063 for review and comment. The superintendent of the school district shall respond, in writing, to comments received from the parent advisory committee.

(2) The superintendent of the school district shall present the local control and accountability plan or annual update to the local control and accountability plan to the English learner parent advisory committee established pursuant to Section 52063, if applicable, for review and comment. The superintendent of the school district shall respond, in writing, to comments received from the English learner parent advisory committee.

(3) The superintendent of the school district shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the local control and accountability plan or annual update to the local control and accountability plan, using the most efficient method of notification possible. This paragraph shall not require a school district to produce printed notices or to send notices by mail. The superintendent of the school district shall ensure that all written notifications related to the local control and accountability plan or annual update to the local control and accountability plan are provided consistent with Section 48985.

(4) The superintendent of the school district shall review school plans submitted pursuant to Section 64001 for schools within the school district and ensure that the specific actions included in the local control and accountability plan or annual update to the local control and accountability plan are consistent with strategies included in the school plans submitted pursuant to Section 64001.

(5) The superintendent of the school district shall consult with its special education local plan area administrator or administrators to determine that specific actions for individuals with exceptional needs are included in the local control and accountability plan or annual update to the local control and accountability plan, and are consistent with strategies included in the annual assurances support plan for the education of individuals with exceptional needs.

(b) (1) A governing board of a school district shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the local control and accountability plan or annual update to the local control and accountability plan. The agenda for the public hearing shall be posted at least 72 hours before the public hearing and shall include the location where the local control and accountability plan or annual update to the local control and accountability plan will be available for public inspection. The public hearing shall be held at the same meeting as the public hearing required by paragraph (1) of subdivision (a) of Section 42127.

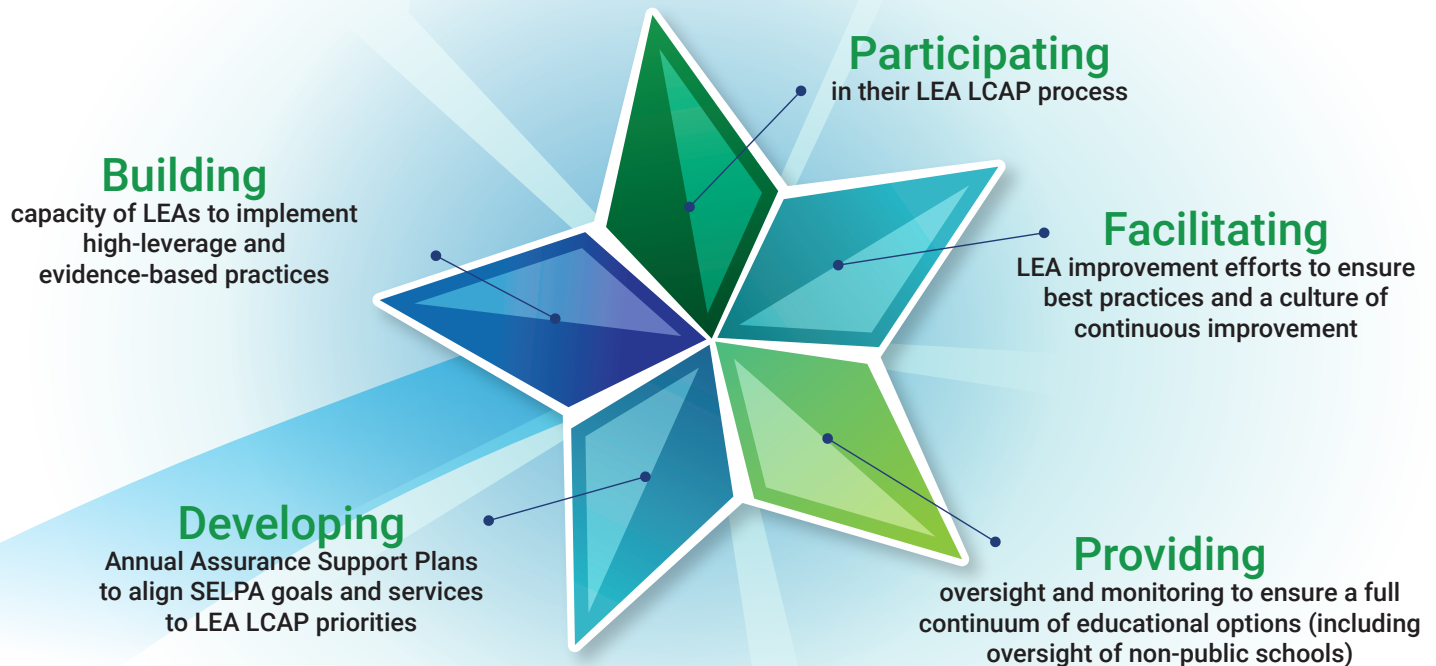
(2) A governing board of a school district shall adopt a local control and accountability plan or annual update to the local control and accountability plan in a public meeting. This meeting shall be held after, but not on the same day as, the public hearing held pursuant to paragraph (1). This meeting shall be the

same meeting as that during which the governing board of the school district adopts a budget pursuant to paragraph (2) of subdivision (a) of Section 42127.

(c) A governing board of a school district may adopt revisions to a local control and accountability plan during the period the local control and accountability plan is in effect. A governing board of a school district may only adopt a revision to a local control and accountability plan if it follows the process to adopt a local control and accountability plan pursuant to this section and the revisions are adopted in a public meeting.

(Amended by Stats. 2018, Ch. 32, Sec. 63. (AB 1808) Effective June 27, 2018.)

SELPA within the Statewide System of Support



Capacity Builders

SELPA provide targeted technical assistance resulting in quality programs with aspirational goals for student achievement and engagement in the least restrictive environment.

As partners in Quality Assurance Monitoring and Differentiated Assistance processes, SELPAs utilize continuous improvement as a framework for identifying equity gaps and improving student outcomes.

SELPA provide professional development on high leverage and evidenced-based practices as well as collaborate with statewide reform efforts.



Facilitators

SELPA facilitate equity in local decision-making and access to the full continuum of supports and services in the least restrictive environment for students with disabilities.

Leadership support for local governance structures is provided by SELPA in the allocation of resources and dissemination of essential information.

SELPA collaborate with LEAs to ensure alignment of statewide and local improvement efforts.

SELPA build positive relationships among stakeholders to ensure quality outcomes for students by providing conflict prevention services and trainings.



Connectors

SELPA's ability to connect is rooted in the foundation of shared leadership, local control, expertise in a variety of areas, and relationships across many perspectives - education, advocacy, community, and policy.

As a member of the System of Support, SELPA provide technical assistance including Differentiated Assistance and work with the LCAP development to improve student achievement

SELPA encourage parent and community engagement within the LEAs through the Community Advisory Committee (CAC) that provides a forum for collaboration, training, and advisory of Special Education Programs and Services.

Through interagency partnerships, SELPA leverage resources and opportunities to help districts and families access specialized services and supports, enhance learning opportunities and develop innovative programs to improve outcomes for children.

Special Education Local Plan Areas SELPAs within the Statewide System of Support

SELPAs within the Statewide System of Support

California is in the midst of a bold educational reform effort that fundamentally changes how the state provides resources to local educational agencies (LEAs). This reform effort holds LEAs accountable for improving student performance and narrowing performance gaps among student groups. The most pronounced of the performance gaps relates to meeting the needs of California's students with disabilities. As the new accountability system shines a spotlight on students with disabilities, Special Education Local Plan Areas (SELPAs) are positioned to leverage a well-established resource network to support LEAs in improving outcomes for students with disabilities. In response to the California Statewide Special Education Task Force calling for "one coherent system" to serve all students, the California Department of Education (CDE) initiated a "Statewide System of Support" to assist LEAs and their schools in meeting the needs of each student served, with a focus on building capacity to sustain improvement and effectively address inequities in student opportunities and outcomes.

- Participating in their LEA LCAP process.
- Building capacity of LEAs to implement high-leverage and evidence-based practices.
- Developing Annual Assurance Support Plans to align SELPA goals and services to LEA LCAP priorities.
- Facilitating LEA improvement efforts to ensure best practices and a culture of continuous improvement.
- Providing oversight and monitoring to ensure a full continuum of educational options (including oversight of non-public schools).

SELPAs as Capacity Builders

- SELPAs provide targeted technical assistance resulting in quality programs with aspirational goals for student achievement and engagement in the least restrictive environment.
- As partners in Quality Assurance Monitoring and Differentiated Assistance processes, SELPAs utilize continuous improvement as a framework for identifying equity gaps and improving student outcomes.
- SELPAs provide professional development on high leverage and evidenced-based practices as well as collaborate with statewide reform efforts.

SELPAs as Facilitators

- SELPAs facilitate equity in local decision-making and access to the full continuum of supports and services in the least restrictive environment for students with disabilities.
- Leadership support for local governance structures is provided by SELPAs in the allocation of resources and dissemination of essential information.
- SELPAs collaborate with LEAs to ensure alignment of statewide and local improvement efforts.
- SELPAs build positive relationships among stakeholders to ensure quality outcomes for students by providing conflict prevention services and trainings.

SELPAs as Connectors

- SELPAs ability to connect is rooted in the foundation of shared leadership, local control, expertise in a variety of areas, and relationships across many perspectives - education, advocacy, community, and policy.
- As a member of the System of Support, SELPAs provide technical assistance including Differentiated Assistance and work with the LCAP development to improve student achievement
- SELPAs encourage parent and community engagement within the LEAs through the Community Advisory Committee (CAC) that provides a forum for collaboration, training, and advisory of Special Education Programs and Services.
- Through interagency partnerships, SELPAs leverage resources and opportunities to help districts and families access specialized services and supports, enhance learning opportunities and develop innovative programs to improve outcomes for children.

4.8 Chronic Absenteeism – SBCSS Served Students

4.9 SBCSS East Valley Operations

4.10 California Youth Leadership Forum

Date: November 21, 2019

Subject: Official Message from the State Director of Special Education

Seeking Students for the 2020 Youth Leadership Forum for Students with Disabilities

The California Department of Education, Special Education Division, on behalf of the California Committee on Employment of People with Disabilities (CCEPD) requests assistance in delivering this information regarding the Youth Leadership Forum (YLF) to high school students with disabilities.

The YLF is an annual leadership program that provides information and resources for high school students with disabilities on a wide range of subjects including employment, education, independence, and assistive technology. Students will have the opportunity to interact with their peers and staff to develop long-lasting friendships and networking opportunities.

The YLF will (tentatively) take place from July 11–17, 2020, at California State University, Sacramento. There is no program or travel cost for parents to pay. All selected delegate's expenses are sponsored through a public-private partnership.

The 2020 application and related documents, including an outreach flyer, can be found at <https://www.dor.ca.gov/Home/YLF>. Please provide this information to any organizations and contacts you have that work with youth to help us get a diverse and qualified group of applicants. An informational guide about the YLF program is published on the DOR Web page at <http://www.dor.ca.gov/ylyf/>.

Students must complete an application, write an essay and provide letters of recommendation. Students will also be interviewed by a team in their local communities. This is a competitive process and not all students will be selected. YLF applications must be completed electronically and emailed to ylyf@dor.ca.gov. The deadline to apply is December 6, 2019.

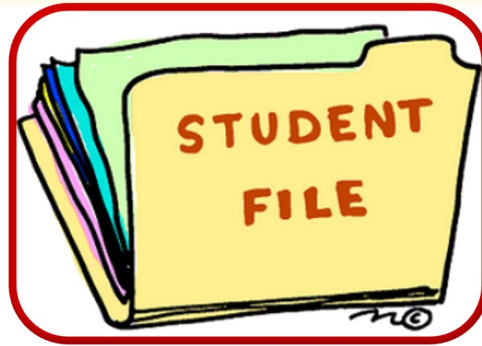
For additional information, please contact Timothy Nash, Associate Governmental Program Analyst, California Department of Education, Special Education Division, by phone at 916-319-0465 or by email at tnash@cde.ca.gov; or Matt Traverso, Associate Governmental Program Analyst, California Department of Education, Special Education Division, by phone at 916-327-3690 or by email at mtraverso@cde.ca.gov.

4.11 Hot Topics

5.0 OTHER

5.1 EV SELPA Professional Development December 2019 – January & February 2020

School Psychologist Training



The Manifestation Determination Process and Functional Behavioral Analysis

Presenter by:

Jessica M. Lascano, M.A., LEP, NCSP, School Psychologist

Monday

February 3, 2020

8:30 am - 3:00 pm

This training will help school psychologists, and administrators learn about the manifestation determination process, including how to conduct a manifestation determination, information to consider when conducting a manifestation determination, and how to make defensible decisions. Participants will be exposed to real life examples of manifestation determination cases, and will have the opportunity to practice via case studies. Additionally, participants will learn about the relationship between behavioral supports, including Functional Behavioral Analysis, and manifestation determinations. Participants will leave the training with several tools, and resources to help them to conduct thorough manifestation determinations.

Register Online:

<https://sbcss.k12oms.org/46-171300>

Or call the East Valley SELPA 909.252.4502

Location:

Dorothy Inghram Learning Center

Home of the East Valley SELPA

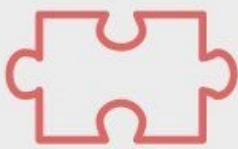
670 E. Carnegie Drive, San Bernardino, CA 92408



Evidence-Based Practices for Teaching Students with Autism Spectrum Disorder



*Reinforcement, Functional Communication Training,
Visual supports and Antecedent-Based Interventions*



Presented by:

Courtney Beatty, M.A., BCBA, Program Specialist

Susanne Ferguson, Ed.S., CCC-SLP, Autism Program Specialist

Tracy Schroeder, LCSW, Behavioral Health Program Manager



Wednesday, January 15, 2020

8:30 am - 3:30 pm



Register Online:

<https://sbcss.k12oms.org/46-168607>

Or call East Valley SELPA (909) 252-4502




Location:

Dorothy Inghram Learning Center (DILC)

Home of the East Valley SELPA

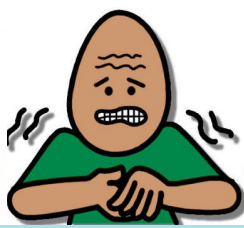
670 E. Carnegie Drive, San Bernardino, CA 92408



Do You teach students with Autism Spectrum Disorder (ASD)? Would you like to know more about how to use Evidence-Based Practices (EBPs) to make your teaching more effective? If yes, this fast-paced workshop is for YOU! Through demonstrations, videos, discussion, and hands-on activities you will:

- Learn how to use reinforcement to motivate your students to engage in instruction
- Be able to implement visual supports to reduce behavioral problems and improve emotional and social functioning
- Understand how problem behavior is related to communication and how to replace behavior problems with more appropriate communication
- Learn how to set the stage for appropriate behavior by modifying the environment to decrease the likelihood of problem behavior
- Know where to locate resources and research for EBPs for ASD

Anxiety + Autism



Evidence-Based Practices to Support Students with Autism Spectrum Disorder (ASD)

Presented by

East Valley SELPA Autism Program Specialist: Susanne Ferguson, Ed.S., CCC-SLP, BCBA
East Valley SELPA Behavioral Health Program Manager: Tracy Schroeder, LCSW

Anxiety disorders occur frequently in students with Autism Spectrum Disorder (ASD). Untreated anxiety may be associated with the development or worsening of depression, aggression, and self-injury. Moreover, anxious students have difficulty learning and focusing on instruction at school.

This course will review evidence-based practices to support students with ASD who demonstrate anxiety. Learn how to use a variety of visual supports and cognitive behavioral strategies to support students' emotional well-being and decrease anxiety. Participants will leave with a tool-kit of ideas to use immediately with students.

WEDNESDAY
FEBRUARY 12, 2020
8:30 AM - 12:00 NOON

Register Online:

<https://sbcss.k12oms.org/46-168776>

Or call East Valley SELPA 909.252.4502

Location:

Dorothy Inghram Learning Center

Home of the East Valley SELPA

670 E. Carnegie Drive. San Bernardino, CA 92408

GOT BEHAVIOR?

OCTOBER 28 - 30, 2019
8:30 am - 3:00 pm

Register Online:
<https://sbcss.k12oms.org/46-168584>



JANUARY 28 - 30, 2020
8:30 am - 3:00 pm

Register Online:
<https://sbcss.k12oms.org/46-168585>

WE'VE GOT SOLUTIONS!

Presented By:

Mary Anne Klenske, M.A., EVSELPA Program Specialist
Susanne Ferguson, EdS, CCC-SLP, BCBA, EVSELPA Autism Program Specialist
Jo-Ann Vargas, OTR/L, EVSELPA Lead Occupational Therapist

This 3-Day training focuses on using a hands-on, positive, pro-active approach to behavior management in the classroom to assist teachers with students of varying skill levels and behavior challenges. Behavior principles such as the use of reinforcement, creating behavioral momentum, and understanding how the student's behavior is functionally related to the classroom environment will be discussed.

Classroom strategies relating to these concepts will be covered and modeled, which include:

- Whole class contingency systems
- Precision requests for standardized compliance in classrooms
- Positive reductive techniques
- Reinforcement as a motivator for student learning
- Antecedent strategies (setting the stage for positive behavior!)
- Essential components of a positive class wide behavioral system
- Data Collection procedures/methods that inform student interventions
- Visual supports for behavior management
- Strategies for handling escalating behavior
- Sensory strategies to improve learning & behavior

Intended Audience: Behavior Specialists, Program Specialists, Classroom Support Staff, Special Education Teachers, and General Education Teachers (All Grade Levels)

Register Online or Call East Valley SELPA 909.252.4502

Location:

**Dorothy Inghram Learning Center, Home of the East Valley SELPA,
670 E. Carnegie Drive, San Bernardino, CA 92408**



DISTRICT ACCESS (DA) USERS COLLABORATIVE MEETINGS

Facilitated by:

Lisa Horsley, Program Technician (MIS)
Dr. Patty Metheny, EVSELPA Administrator

District Access (DA) users and district representatives are invited to learn more about the latest CALPADS information, including updates and/or changes to District Access. Attendees are encouraged to bring questions, ideas, and suggestions to share with the group.

Intended Audience:

District Access Users and District Special Education Administrators

Register Online or call East Valley SELPA 909.252.4502

DATE	TIME	REGISTER ONLINE
Thursday, August 29, 2019	2:00 pm - 3:30 pm	https://sbcss.k12oms.org/46-167350
Thursday, October 24, 2019	2:00 pm - 3:30 pm	https://sbcss.k12oms.org/46-167351
Thursday, January 23, 2020	2:00 pm - 3:30 pm	https://sbcss.k12oms.org/46-167352
Thursday, April 16, 2020	2:00 pm - 3:30 pm	https://sbcss.k12oms.org/46-167353

(Dates subject to change)

Location:

Dorothy Inghram Learning Center
Home of the East Valley SELPA
670 E. Carnegie Drive, San Bernardino, CA 92408



IEP GOAL DEVELOPMENT & PROGRESS MONITORING

Presented by:

Courtney Beatty, M.A., BCBA & Shannon Vogt, M.A.
East Valley SELPA Program Specialists

A two-day training that encompasses
IEP Goal Development, Progress Monitoring, and additional information regarding Educational Benefit

As a participant, you will:

- Receive an IEP Goal Development Template, Handouts, & a PowerPoint Presentation
- Be able to use an IEP Goal Template to guide the development or check the accuracy of current IEP goals
- Understand the IDEA requirements for goal writing
- Differentiate between Present Levels of Performance and Goal Baseline Skills
- Learn and demonstrate Goal Development through a triangulation process of Backwards Mapping (using a student's functional level of performance and grade level standards to develop appropriate common core standard goals, one year ahead of the student's functioning academic level)
- Be able to define Progress Monitoring and how it relates to IEP Development
- Complete 5 separate progress monitoring sheets for 5 sample student goals
- Demonstrate Educational Benefit
- Develop an understanding of the process used in the field
- Review important objectives from EVSELPA Goal Development Training

BRING: COMPUTER, ACCESS TO CURRENT IEP GOALS OR 3 HARD COPIES OF IEPs

Intended Audience: Teachers, Psychologists, SLPs, Paraeducators, Occupational Therapists and anyone collecting data on IEP goals

Wednesday & Thursday
September 25 & 26, 2019
8:30 am - 3:30 pm

Register Online:

<https://sbcss.k12oms.org/46-168633>

REGISTER ONLINE
OR CALL
EAST VALLEY SELPA
909.252.4502

Thursday & Friday
February 20 & 21, 2020
8:30 am - 3:30 pm

Register Online:

<https://sbcss.k12oms.org/46-168638>

Location:

Dorothy Inghram Learning Center, *Home of the East Valley SELPA*
670 E. Carnegie Drive, San Bernardino, CA 92408

THE INCLUSIVE CLASSROOM: SPECIALIZED ACADEMIC INSTRUCTION FOR REACHING ALL STUDENTS

Presented by:

Courtney Beatty, M.A., BCBA, EVSELPA Program Specialist
Susanne Ferguson, Ed.S., CCC-SLP, BCBA, EVSELPA Autism Program Specialist

Come join us for an exciting 1-day workshop to learn strategies designed to engage all K-12 students through Specialized Academic Instruction (SAI). Special educators will walk away with a thorough understanding of how inclusive education improves outcomes for students with both mild/moderate and moderate/severe needs and how to make the curriculum accessible to all learners. Participants will leave with a tool kit of useful strategies that can be implemented immediately and be able to:

- Define inclusion and understand the supporting research and state priorities
- Differentiate between accommodations and modifications
- Define what SAI is and is not
- Apply specific strategies to effectively teach math, ELA, and promote engagement and attention to all students
- Access free teaching resources on-line
- Use backwards mapping to derive appropriate goals for students in inclusive settings
- Plan for curriculum adaptations for fully-included students who require more individual supports to access the general curriculum

REGISTER ONLINE OR CALL EAST VALLEY SELPA 909.252.4502

MONDAY
SEPTEMBER 9, 2019
8:30 am - 3:30 pm

Register Online:

<https://sbcss.k12oms.org/46-168652>

TUESDAY
FEBRUARY 4, 2020
8:30 am - 3:30 pm

Register Online:

<https://sbcss.k12oms.org/46-168653>

Location:
DOROTHY INGRAM LEARNING CENTER
Home of the East valley SELPA
670 E. CARNEGIE DRIVE, SAN BERNARDINO, CA 92408

FREE PARENT WORKSHOP



KNOWING YOUR RIGHTS AS A PARENT OF A CHILD WITH A DISABILITY

Facilitated by

Anne-Marie Foley, M.S., EVSELPA Regional Services Program Manager

Rick Homutoff, Ed.D., EVSELPA Due Process Program Manager

- Does your child have an IEP?
- Is your child being evaluated for special education services?
- Do you want to learn more about your Parent Rights and Procedural Safeguards as well as special education compliance?

If so, this training will provide information in order to better understand your legal rights and protections during the IEP process. You will learn how the California Education Code and the Individuals with Disabilities Education Act (IDEA) offer these protections. In addition, we will review key compliance requirements as they pertain to your child's IEP.

Participants will have the opportunity to develop a clearer picture of special education procedural safeguards and compliance and how to work in collaboration with school districts to best support children with disabilities.

Monday

January 27, 2020

6:30 pm - 8:30 pm

Register Online:

<https://sbcss.k12oms.org/46-170773>

Or call East Valley SELPA 909.252.4502

Location:

Dorothy Inghram Learning Center

Home of the East Valley SELPA

670 E. Carnegie Drive, San Bernardino, CA 92408

Refreshments will be provided

Walk-in's Welcome

Free Parent Workshop



WHAT WILL YOUR CHILD DO AFTER HIGH SCHOOL : TRANSITION INTO LIFE

Presented By:

Rick Homutoff, Ed.D., EVSELPA Due Process Program Manager
Colleen Meland, M.A., EVSELPA Program Specialist

Do you have questions about your child transitioning to life beyond high school or the school district's transition program?

Participants will learn about the substantive and procedural practices involved in preparing students for the transition to young adult life.

Topics to be addressed:

- Prospective IEP goals, supports and services.
- Parent and school district responsibilities facilitating student's transition.
- Diploma versus non-diploma tract program participation.
- Outside agencies and community services that facilitate and support access to higher education, vocational training, work, and independent living

Monday

February 24, 2020

6:30 pm - 8:30 pm

Register Online:

<https://sbcss.k12oms.org/46-169116>

Or call East Valley SELPA at 909.252.4502

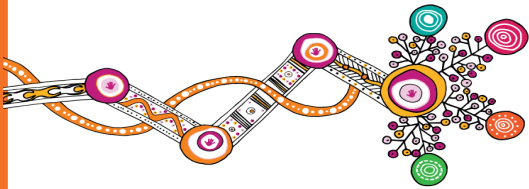
Location:

Dorothy Inghram Learning Center
Home of the East Valley SELPA
670 E. Carnegie Drive, San Bernardino, CA

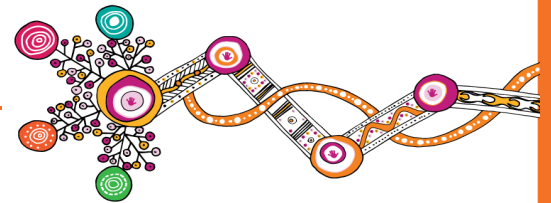


Refreshments will be provided

Walk-in's Welcome



CROSS TRAINING



Monday

JANUARY 27, 2020

8:30 am - 12:30 pm

The DOR-TPP Cross Training is an annual event that brings together Transition Partnership Projects, the Department of Rehabilitation, WorkAbility1 and Community Partners.

Presently, six SELPA's and transition specialists from their LEAs participate in the planning and attend the Cross Training:
Desert Mountain SELPA, East Valley SELPA, Fontana Unified SELPA, Riverside Unified School District SELPA, San Bernardino City Schools SELPA, and West End SELPA.

The intent of the Cross Training is to educate all participating agencies that include contracted services, procedures, objectives, and different professional approaches to problem solving and training issues. The meetings and trainings provide a regional forum to share information that leads to understanding and cooperation between the agencies, including agency missions, goals, policies and procedures.

Register Online:

<https://sbcss.k12oms.org/46-168697>

Or call the East Valley SELPA at 909.252.4502

Location:

Dorothy Inghram Learning Center

Home of the East Valley SELPA

670 E. Carnegie Drive, San Bernardino, CA 92408



(Prerequisite: IEP Goal Development & Progress Monitoring 2-Day Workshop)

Presented by:
Courtney Beatty, M.A., BCBA, and Shannon Vogt, M.A.,
East Valley SELPA Program Specialists

IEP Goal Review is for audience members wanting more support and guidance in developing goals, selecting a data sheet, collecting data and analyzing data to determine whether goals and objectives have been achieved or not.

- This is a 1-Day review workshop
- Only 6 participants per workshop
- Small group instruction (3:1)
- Participants and Presenters will calendar follow up meetings

*** Participants are required to bring:
computer, drafted goals, data sheets and all work materials necessary**

Register Online or Call East Valley SELPA 909.252.4502

Tuesday, September 17, 2019	8:30 am - 3:30 pm	https://sbcss.k12oms.org/46-168861
Tuesday, October 15, 2019	8:30 am - 3:30 pm	https://sbcss.k12oms.org/46-168862
Tuesday, November 19, 2019	8:30 am - 3:30 pm	https://sbcss.k12oms.org/46-168863
Tuesday, January 21, 2020	8:30 am - 3:30 pm	https://sbcss.k12oms.org/46-168864
Tuesday, February 18, 2020	8:30 am - 3:30 pm	https://sbcss.k12oms.org/46-168865
Monday, April 13, 2020	8:30 am - 3:30 pm	https://sbcss.k12oms.org/46-168866
Monday, May 11, 2020	8:30 am - 3:30 pm	https://sbcss.k12oms.org/46-168867

Location:
Dorothy Inghram Learning Center, Home of the East Valley SELPA
670 E. Carnegie Drive, San Bernardino, CA 92408

PROFESSIONAL CRISIS MANAGEMENT (PCM)

PRACTITIONER TRAINING

8:30 am - 4:30 pm

Cost: \$40.00

DOROTHY INGRAM LEARNING CENTER

HOME OF THE EAST VALLEY SELPA

670 E. CARNEGIE DRIVE, SAN BERNARDINO, CA 92408

DATES

REGISTER ONLINE

JULY 29 & 30, 2019	https://sbcss.k12oms.org/46-168999
SEPTEMBER 4 & 5, 2019	https://sbcss.k12oms.org/46-169000
OCTOBER 1 & 2, 2019	https://sbcss.k12oms.org/46-169001
NOVEMBER 12 & 13, 2019	https://sbcss.k12oms.org/46-169003
JANUARY 16 & 17, 2020	https://sbcss.k12oms.org/46-169004
February 7 & 11, 2020	https://sbcss.k12oms.org/46-169006
April 7 & 8, 2020	https://sbcss.k12oms.org/46-169007
May 12 & 13, 2020	https://sbcss.k12oms.org/46-169008

PRACTITIONER

PCM is a certification preparation course taught by certified PCM Instructors. Participants are trained in prevention and diffusion of dangerous behaviors. Practitioner level requirements are to attend the entire 2-day training (no exceptions will be made), complete an application for certification, complete the performance checklist with a required number of repetitions for each procedure, score 80% or better on the written exam (including passing all “critical items”), and pass all items on the practical examination. Certifications are good for 1 year to use all nonphysical interventions, personal safety and transportation procedures. Wear comfortable clothing and closed-toe shoes with socks.

PROFESSIONAL CRISIS MANAGEMENT (PCM)

RE-TRAINING SESSIONS

9:00 am - 12:00 noon

Cost: \$25.00

DOROTHY INGRAM LEARNING CENTER

Home of the East Valley SELPA

670 E. CARNEGIE DRIVE, SAN BERNARDINO, CA 92408

DAY & DATE	REGISTER ONLINE
FRIDAY, AUGUST 30, 2019	https://sbcss.k12oms.org/46-169039
FRIDAY, SEPTEMBER 27, 2019	https://sbcss.k12oms.org/46-169042
THURSDAY, OCTOBER 24, 2019	https://sbcss.k12oms.org/46-169044
THURSDAY, NOVEMBER 14, 2019	https://sbcss.k12oms.org/46-169045
THURSDAY, JANUARY 30, 2020	https://sbcss.k12oms.org/46-169046
THURSDAY, FEBRUARY 20, 2020	https://sbcss.k12oms.org/46-169047
FRIDAY, MARCH 13, 2020	https://sbcss.k12oms.org/46-169048
WEDNESDAY, APRIL 29, 2020	https://sbcss.k12oms.org/46-169049
THURSDAY, MAY 21, 2020	https://sbcss.k12oms.org/46-169050

RETRAINABLE

This means that the participant did not pass the PCM course this time (either missed at least one critical item or scored between 60% and 79% on the written test or did not pass the practical exam), but may go through a short re-training and re-take the test or tests that were not passed. This applies to both types of training: initial and re-certification. Re-testing must take place on or before the expiration date given by PCMA. Any participant may re-test more than once if needed, as long as it is before the expiration date.

PROFESSIONAL CRISIS MANAGEMENT (PCM)

PRACTITIONER 2(P) TRAINING

8:30 am - 4:30 pm

Cost: \$40.00

DOROTHY INGRAM LEARNING CENTER

HOME OF THE EAST VALLEY SELPA

670 E. CARNEGIE DRIVE, SAN BERNARDINO, CA 92408

DATES

REGISTER ONLINE

JULY 31, AUGUST 1 & 2, 2019	https://sbcss.k12oms.org/46-169011
AUGUST 28, 29, & 30, 2019 <i>*8:00 am - 4:00 pm*</i>	https://sbcss.k12oms.org/46-169269
SEPTEMBER 4, 5, & 6, 2019	https://sbcss.k12oms.org/46-169014
OCTOBER 1, 2, & 3, 2019	https://sbcss.k12oms.org/46-169019
NOVEMBER 20, 21, & 22, 2019	https://sbcss.k12oms.org/46-169031
JANUARY 22, 23, & 24, 2020	https://sbcss.k12oms.org/46-169032
FEBRUARY 7, 11, & 12, 2020	https://sbcss.k12oms.org/46-169035
APRIL 7, 8, & 9, 2020	https://sbcss.k12oms.org/46-169036
MAY 6, 7, & 8, 2020	https://sbcss.k12oms.org/46-169038

PRACTITIONER 2(P)

PCM is a certification preparation course taught by certified PCM Instructors. Participants are trained in prevention and diffusion of dangerous behaviors. Practitioner level requirements are to attend the entire 3-day training, complete an application for certification, complete the performance checklist with a required number of repetitions for each procedure, score 80% or better on the written exam (including passing all “critical items”), and pass all items on the practical examination. Certifications are good for 1 year to use all nonphysical interventions, personal safety, transportation procedures, vertical & prone immobilization. Wear comfortable clothing and closed-toe shoes with socks.

Quarterly Adult Transition Program (ATP) Network Meetings

8:30 am – 1:30 pm

September 26, 2019

November 21, 2019

February 6, 2020

April 30, 2020

The purpose of these meetings is to provide a venue where teachers and support staff from school district *Adult Transition Programs* can come together and exchange information about best practices within their programs, go on scheduled off-site tours, listen to invited guest speakers from adult service agencies that share about their programs and adult services available to the young adults when they age-out of the school district *Adult Transition Programs*. Lunch break is taken between 11:15 am—12:30 pm.

Register Online:

<https://sbcss.k12oms.org/46-168703>

Or call East Valley SELPA 909.252.4502

Location:

Dorothy Inghram Learning Center, 670 E. Carnegie Dr., San Bernardino, CA 92408

Quarterly East Valley Transition Advisory Committee (EVTAC)

Local Partnership Agreement (LPA) Meetings

1:30 – 3:30 pm

September 26, 2019

November 21, 2019

February 6, 2020

April 30, 2020

The quarterly EVTAC LPA Meetings are scheduled to follow the quarterly ATP Network Meetings. The purpose of these meetings is to bring together the partnering LEAs and Community Agencies to discuss the best practices for promoting a smooth transition between service agencies for young adult clients moving from school district *Transition Program* services into the community and seeking support for work readiness preparation, job training, employment, and independent living skills achievement. The focus of the 2019-2020 meetings will be to work on the organization's mission statement objectives and invite additional community partnering agencies into the organization.

The primary Partners include the *East Valley Special Education Local Plan Area (EVSELPA)*, the *EVSELPA Transition Partnership Project (TPP)*, and the *EVSELPA* five school Districts: *Colton Joint Unified, Redlands Unified, Rialto Unified, Rim of the World Unified, Yucaipa-Calimesa Joint Unified* and these school districts' respective *WorkAbility1 Programs, Fontana School District and its TPP and WorkAbility1 Programs, the Colton-Redlands-Yucaipa Regional Occupational Program (CRY-ROP) WorkAbility1 Program, Inland Regional Center (IRC), the Department of Vocational Rehabilitation (DOR), and the Workforce Development Department (WDD)*.

Register Online:

<https://sbcss.k12oms.org/46-168766>

Or call East Valley SELPA 909.252.4502