SAN MATEO COUNTY SELPA GOVERNING BOARD

Tuesday, October 15, 2019
9:00 a.m. – 11:00 a.m.

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF AGENDA AND CONSENT AGENDA

   Information concerning the consent items listed below was sent to each Board Member prior to the meeting, for their review. The items are approved as one action item. If there is a question or concern regarding a particular item from a Board member, or a member of the audience, the item may be withdrawn from the Consent Agenda.

   3.1 Approval of Agenda for October 15, 2019
   3.2 Approval of Minutes for June 18, 2019
   3.3 Acceptance of Meeting Schedule for SELPA Governing Board Meetings
   3.4 Final 18-19 Mental Health Allocation and 19-20 State Allocation amounts
   3.5 Resource documents for LEAs related to Behavior Emergency Reporting

4. PERSONS WISHING TO ADDRESS THE BOARD

   Anyone wishing to address the Board on non-agenda item may do so at this time. Please complete a speaker card and submit to the Board so your name to be called. Speaker cards are located at the back of the room. Persons wishing to address the Board on agenda items should complete a speaker card and submit to the Board so that their name can be called at that time. Individual speakers shall be allowed three minutes to address the board on any agenda or non-agenda items.

5. ACTION ITEMS

   5.1 Approve updated Independent Educational Evaluation Policy
   5.2 Approve updated Parentally Placed Students - Private School Policy

6. UPDATES

   6.1 Update on New Local Plan Template and Timeline for transition to template by June 2020.
   6.2 SELPA Update
   6.3 Board Member Comments
   6.4 County Superintendent's Report

7. SPOTLIGHT PRESENTATION

   7.1 Staff from SMCOE will present an update on the Special Olympics Program.

8. ADJOURN TO CLOSED SESSION

   8.1 Public Employee Evaluation and Goal Setting under California Government Code Section 54957(b)

Title: Associate Superintendent, SELPA

9. RETURN TO OPEN SESSION

   9.1 Report Action from Closed Session, if any

10. ADJOURNMENT

Next SELPA Governing Board Meeting - December 17, 2019

Persons with disabilities who require auxiliary aids or services will be provided such aids with a three-day notice. For further information contact Margie Gustafson at (650) 802-5690, TDD (650) 802-5480.

Gov. Code Section 54954.3: Provides that the public shall have an opportunity to address the Board on any items described on a regular meeting agenda or a special meeting agenda, either before or after consideration of that item.
Meeting Date: October 15, 2019

Subject: Agenda for October 15, 2019

Agenda Item #: 3.1

Action Requested:
Approval of Agenda for October 15, 2019

Discussion:
The Agenda for October 15, 2019 is submitted for approval.

Financial Summary:

Prepared By: Anjanette Pelletier, SELPA Associate Superintendent
Minutes from June 18, 2019

Action Requested:
Approval

Discussion:
The Minutes of the regular SELPA Governing Board Meeting held June 18, 2019 are submitted for approval.

Prepared By: Anjanette Pelletier, SELPA Associate Superintendent
MINUTES

1. CALL TO ORDER
   Board Member Rosas, Chair of the Board, called the meeting to order at 9:09 a.m.

2. ROLL CALL
   Board Members Ronan Collver, Nancy Magee, Michael Milliken, John Baker, Joan Rosas and Kevin Skelly were present. Board Members Amy Wooliever and Audra Pittman were absent.

3. APPROVAL OF AGENDA
   3.1 Approval of Agenda for June 18, 2019
   Board Member Rosas called for a motion to approve the SELPA Governing Board Agenda for June 18, 2019. Board Member made a motion to approve the consent agenda as presented; Board Member seconded. Board Members Ronan Collver, Nancy Magee, John Baker, Joan Rosas, and Kevin Skelly voted in favor; none opposed. Board Members Amy Wooliever and Audra Pittman were absent.

4. CONSENT AGENDA
   Information concerning the consent items listed below was sent to each Board Member prior to the meeting for their review. The items are approved as one action item. If there is a question or concern regarding a particular item from a Board Member or a member of the audience, that item may be withdrawn from the Consent Agenda.
   4.1 Approval of Minutes for May 21, 2019
   4.2 Membership Representation for SELPA Governing Board
   4.3 Interagency Agreements – IHSD, SELPA and SMCOE
   4.4 Interagency Agreements – GGRC, SELPA and SMCOE
   4.5 Budget Allocation Plan for 2019-2020
   4.6 Completed SELPA Goals for 2018-2019
   Board Member Joan Rosas called for a motion to approve the Consent Agenda as presented; Board Member Kevin Skelly made a motion to approve the consent agenda as presented and Board Member John Baker seconded. Board Members Ronan Collver, Nancy Magee, Michael Milliken, John Baker, Joan Rosas and Kevin Skelly approved the consent agenda as presented; none opposed. Board Members Amy Wooliever and Audra Pittman were absent.

5. PERSONS WISHING TO ADDRESS THE BOARD
   Anyone wishing to address the Board on non-agenda items may do so at this time. Please complete a speaker card and submit to the Board for your name to be called. Speaker cards are located at the back of the room. Persons wishing to address the Board on agenda items should complete a speaker card and submit to the Board so that their name can be called at that time. Individual speakers shall be allowed three minutes to address the Board on any agenda or non-agenda item.
Mr. Steven Davis asked to address the Board. He stated that he needed to voice his and other parents’ opinions about the Community Advisory Committee (CAC). CAC is supposed to help parents and be the liaison between parents and the districts, but that is not happening. The CAC functions have deteriorated; there is lack of representation and there are no meeting notes available for parents. He asked the Board to take affirmative action and bring back the CAC with its complete functions as it used to be.

**6. RECEPTION**

**6.1 Reception to Welcome New Members to the Governing Board and Thank Outgoing Members of the Board**

SELP A Associate Superintendent, Anjanette Pelletier, stated that Board Members Joan Rosas, Kevin Skelly and John Baker are not able to finish their two-year term until 2021; therefore Superintendents Louann Carломagno from the Hillsborough City School District, Terry Deloria from the Jefferson Union High School District and Heather Olsen from the Pacifica School District will replace them for the remainder of their term.

SELP A Associate Superintendent thanked departing Board Members and presented them with an award for their service; she also welcomed new members to the Board.

**7. PUBLIC HEARINGS**

**7.1 Public Hearing for Annual Budget Plan**

Board Member Joan Rosas opened public hearing for the SELPA Annual Budget Plan 2019-20 at 9:11 a.m. She asked if there are any speakers for the public hearing. Hearing none, she closed the public hearing at 9:11 a.m.

**7.2 Public Hearing for Annual Service Plan**

Board Member Joan Rosas opened public hearing for the SELPA Annual Service Plan 2019-20 at 9:11 a.m. She asked if there are any speakers for the public hearing. Ms. Chelsea Bonini requested to speak before the Board.

Ms. Bonini is a parent of a child diagnosed with mental health and OHI disabilities from the San Mateo-Foster City School District; she is a member of the San Mateo County Commission on Disabilities, a liaison for the Mental Health Youth Commission, and was formerly a trustee from the San Mateo-Foster City SD Board. Ms. Bonini stated that there was no representative in her district Community Advisory Committee for about 10 years until the board appointed a representative last spring to her and Mr. Steven Davis’ (other SMFCSD parent) requests.

Ms. Bonini and Mr. Davis attend the CAC meetings, but noticed there is apathy and lack of support from part of the districts on CAC related matters. Ms. Bonini has contacted other district parents and they also have mentioned this situation as well. She asked the Board to review its role in the CAC and asked for more support from both the SELPA Board and the districts to help parents and most importantly the students who should benefit the most.

Board Member Kevin Skelly asked the SELPA Associate Superintendent to provide her views and thoughts about this matter.
Board Member Joan Rosas stated the SELPA Associate Superintendent will provide her views after the public hearing is closed. Board Member Rosas closed the public hearing at 9:17 a.m. on the SELPA Annual Service Plan 2019-20.

8. **ACTION ITEMS**

8.1 **Accept/Adopt Annual Budget Plan**

Board Member Joan Rosas asked for a motion to approve the Annual Budget Plan; Board Member Kevin Skelly made a motion to approve the plan and Board Member Ronan Collver seconded; none opposed.

8.2 **Accept/Adopt Annual Service Plan**

Board Member Joan Rosas deemed appropriate to hear comments from the Board and the views from the SELPA Associate Superintendent before approving the plan. The SELPA Associate Superintendent gave a brief summary of the plan and its future projections of service delivery. She stated that in order to make sure that services are being accounted and will be provided in the future, SELPA contacts the school districts and asks them to check with parent groups to ensure data is accurate. SELPA schedules a meeting with the Resource Parent Council group where the documents are available for review. The first meeting was May 15, but the meeting had to be cancelled due to low registration and bad weather. The meeting was rescheduled for June 12 and was well attended; the input provided at that meeting from parents helped SELPA put the service plan together, which is the document that is included in your packet today.

Board Member Kevin Skelly stated that the special education and mental health issues that districts are dealing with today are challenging and districts are not keeping up with drastic changes. Districts are not as prepared as they used to be to face these new challenges and are falling behind its efforts to meet the needs of the student community. He commended the SELPA for engaging on this task and working hard on the issues that affect us all and hopes that districts, parents, and SELPA can work collaboratively to resolve them.

Board Member Nancy Magee, speaking from the general education support on mental health services, stated that five years ago there was zero infrastructure across the county to coordinate any kind of service or information sharing. In that space, the School-Based Mental Health Collaborative, has leaned in and helped by offering space to hold meetings and other services. That infrastructure, like Kevin Skelly said, is growing but it's still not enough to meet all the needs.

Board Member Joan Rosas called for a motion to approve the Annual Service Plan. Board Member Kevin Skelly made a motion to approve the plan and Board Member Michael Milliken seconded; none opposed.

8.3 **Accept SELPA Goals for 2019-20**

The SELPA Associate Superintendent went over her goals for 2019-20. She stated that these goals represent what the Administrators Council brought to the table in terms of what they believe will support them. She added that she provides updates to the Administrators periodically as to progress towards goals and informs the Community Advisory Committee-Resource Parent Council of the proposed goals for SELPA activities.

Board Member Joan Rosas called for a motion to approve the SELPA Goals for 2019-20. Board Member Kevin Skelly made a motion to approve the goals and Board Member John Baker seconded; none opposed.

8.4 **Elect Chair and Vice Chair for 2019-20**
Board Member Joan Rosas asked Board Members to nominate a Chair and a Vice Chair for 2019-20. There were two nominations: Board Member Michael Milliken for Chair of the Board and Board Member Ronan Collver for Vice Chair.

Board Member Joan Rosas called for a motion to elect Board Member Michael Milliken for Chair and Board Member Ronan Collver for Vice Chair. Board Member Kevin Skelly made a motion to approve the elected Board Members and Board Member Nancy Magee seconded; none opposed.

9. **UPDATES**

9.1 **SELPA Update**
The SELPA Associate Superintendent provided an update of the programs and activities she has been working on.

9.2 **Community Advisory Committee – Resource Parent Council Update**
Karen Breslow, SELPA Coordinator, stated that it has been a busy year and that her plan, that the put together a couple of years ago, has happily come to fruition. All the meetings held throughout the year have been livestreamed and recorded in case parents want to access them after they happened. Ms. Breslow informed parent groups that they can access the videos and any handouts that were provided at the meetings through the Resource Parent Council website. Ms. Breslow programmed activities during the school year that can be found in the Google calendar of the RPC website. She has noticed that district Board members are also attending her SEDAC meetings throughout the county. The district SEDAC meetings have better attendance that the meetings that are held at the County Office and she’s currently working with the Palo Alto Jr. Museum & Zoo to bring more families to visit them. She’ll add an Ability Awareness Program called Changing Perspectives which has an excellent curriculum and can be accessed online.

Ms. Chelsea Bonini addressed the Board on CAC. She stated that in the Ed Code the Community Advisory Committee refers to as an advisory committee, which entails an important role. But now we call it Resource Parent Council, SEDACs and SEPTARs, which do not play an advisory role anymore and just work as PTA units. Ms. Bonini asked the Board to call it Community Advisory Committee and to ensure that it serves its purpose as an advisory committee.

9.3 **Board Member Comments**
Board Member Joan Rosas thanked the SELPA Associate Superintendent for a very productive and intense year; her support and the support of her staff was invaluable to all districts on the LCAP and PIR because it was something new and a last-minute effort in figuring out how to meet and work as a team.

Board Member Ronan Collver thanked SELPA Coordinator Karen Breslow for her help during the
time he has been filling in as a Special Education Director and Program Specialist; he would have not survived this past year without her help.

Board Member John Baker also thanked the SELPA Associate Superintendent for her support of his district Special Education Office. He has new staff in that office and Ms. Pelletier has helped them with their questions/concerns.

Board Member Michael Milliken thanked the SELPA Associate Superintendent for her coaching and support of his Special Programs Director, Lara Goldman.

9.4 County Superintendent’s Report
Board Member Nancy Magee, County Superintendent of Schools, thanked SELPA Associate Superintendent and her staff because that they have done this year has been groundbreaking especially with the State Dashboard, the PIRs, and the Differentiated Assistance process. Board Member Nancy Magee provided an update of SMCOE programs/events.

10. ADJOURN TO CLOSED SESSION
10.1 Public Employee Evaluation under California Government Code Section 54957(b):
Title: Associate Superintendent, SELPA
Board Member Joan Rosas called for a motion to adjourn the meeting to closed session at 10:04 a.m. Board Member Nancy Magee made a motion to adjourn the meeting to closed session; Board Member Kevin Skelly seconded.

Board Member Joan Rosas started the evaluation at 10:10 a.m.; the evaluation ended at 10:46 a.m.

11. RETURN TO OPEN SESSION
Board Member Joan Rosas returned the meeting to open session at 10:46 a.m. She stated that there was nothing to report.

Board Member Joan Rosas called for a motion to adjourn the meeting at 10:47 a.m. Board Member Kevin Skelly made a motion to adjourn the meeting and Board Member Michael Milliken seconded. Board Members Ronan Collver, Nancy Magee, John Baker, Joan Rosas, and Kevin Skelly voted in favor; none opposed. Board Members Amy Wooliever and Audra Pittman were absent.

Next SELPA Governing Board Meeting – October 15, 2019
Board Agenda Item

Meeting Date: October 15, 2019

Subject: SELPA Governing Board Meeting schedule for 19-20

Agenda Item #: 3.3

Action Requested:
None

Discussion:
Attached is the list of SELPA meetings for the 19-20 school year.

<table>
<thead>
<tr>
<th>SELPA Governing Board Dates</th>
<th>Time</th>
<th>Location</th>
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<td>October 15, 2019</td>
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<td>May 12, 2020</td>
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<td>June 16, 2020</td>
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Chair – Superintendent Michael Milliken, Belmont Redwood Shores School District
Vice – Chair – Superintendent Ronan Collver, Brisbane Elementary School District

Financial Summary:

Prepared By: Anjanette Pelletier, SELPA Associate Superintendent
Update on Mental Health Allocations and Revenue

San Mateo County SELPA has received the State Mental Health Allocation notice for 19-20.

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<th>State Funds</th>
<th>Total Entitlement</th>
<th>First Apportionment</th>
<th>Remaining Balance</th>
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The SELPA completed the allocation of Mental Health funds out to districts for the 18-19 Allocation in late Summer. The link to this document was provided to CBOs and LEA Administrators in September. A link to the document is here: Mental Health Allocation 18-19 Distribution Consistent with prior years, there were funds remaining at the end of the year to offset costs of higher demand LEAs. This year three LEAs were required to cover portions of their own usage – two high school districts and one unified.

The Federal allocation for 19-20 is $1,010,572, a decrease of approximately $17,500 from prior year due to declining ADA.

San Mateo County SELPA continues to have higher demands than fiscal resources across the county to provide mental health services for students with disabilities. LEAs that have incorporated mental health into their LCAP, system wide services for all children, or enhanced Tier 1 - 3 resources for all students have seen positive impacts on their populations as a whole, which may be reducing pressure on the special education funds allocated for this purpose. SELPA continues to provide consultation, networking support and program support for LEAs that request individualized supports or for staff who attend the quarterly mental health meetings.

Prepared By: Anjanette Pelletier, Associate Superintendent
### San Mateo County SELPA FY2018-19 Mental Health Funding

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<th>District</th>
<th>Estimated Enrollment</th>
<th>Mental Health Funds Usage</th>
<th>MH Funds Usage over Enroll</th>
<th>Mental Health Expenditures</th>
<th>Reimbursement of Mental Health Claims</th>
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Note: (1) Usage data based on FY2018-19 invoices paid by SELPA on behalf of school districts as of 8/16/19. Invoices received after this date will be paid out of next year's Mental Health funding.
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<th>Add'l Reimbursement of Mental Health Claims</th>
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San Mateo County SELPA FY2018-19 Mental Health Funding
Behavior Emergency Report Resources for LEAs

California informed school districts with a letter to County and District Superintendents and a CALPADS Flash regarding new reporting requirements for restraint and seclusion for all students.

With new changes to reporting laws based on AB 2657 (Weber) related to behavioral emergency interventions utilized for students with disabilities and new reporting requirements for LEAs for any student, general ed or special ed, who has been subject to a restraint or use of seclusion, SELPA has developed and shared a set of resources for Special Education departments to utilize at the local level.

The Behavior Emergency Reporting resources found here were developed and shared with LEAs in June 2019. Additionally, SELPA has shared an edited form that LEAs may wish to consider for use with their general population to ensure appropriate reporting and documentation of any use of physical restraint or seclusion on campuses.

Additional resources will be made available to LEA Administrators for potential adaptation for General Ed Reporting and documentation. These are only suggested resources and each LEA may wish to consider or develop their own general ed resources and forms.

Prepared By: Anjanette Pelletier, Associate Superintendent
July 31, 2019

Dear County and District Superintendents, Charter School Administrators, Special Education Local Plan Area Directors, Administrators of County Offices of Education, Nonpublic School Administrators, State Diagnostic Center Directors, and Local Educational Agency Special Education Directors:

Collection of Data on the Use of Restraint and Seclusion for All Students in the California Longitudinal Pupil Achievement Data System

The purpose of this letter is to follow up on the letter dated December 24, 2018, regarding Assembly Bill (AB) 2657 (Chapter 998, Statutes of 2018), which became effective January 1, 2019. The bill added sections 49005–49006.4 to California’s Education Code regarding the use of restraint and seclusion with students receiving both general education and special education.

Collection of Restraint and Seclusion Data in the California Longitudinal Pupil Achievement Data System (CALPADS)

The new law requires local educational agencies (LEAs) to collect and report annually to the California Department of Education (CDE) data on the number of times and the number of students on which mechanical restraints, physical restraints, and seclusion are used. The data must be disaggregated for students who have Section 504 plans, students who have individualized education programs, and students who do not have either plan. The CDE is mandated to post these data on its Internet website annually (Education Code Section 49006).

To meet this reporting requirement, the CDE will collect these data from LEAs through CALPADS beginning in 2019–20, as part of its End-of-Year (EOY) 3 submission. The 2019–20 EOY submission, which will open in May 2020 and close at the end of August 2020, is a cumulative collection that includes all incidents of restraint and seclusion that occurred throughout the school year. Therefore, LEAs should begin collecting these data in their local systems when school begins this fall. It should be noted that all incidents of the use of restraints and seclusion must be reported for all students.

The CDE has finalized how the current CALPADS EOY 3 submission will be changed to accommodate the new collection of incidents of restraint and seclusion, and has reviewed those changes with the student information system (SIS) vendors. LEAs should consult with their SIS vendors on how to submit these data to their local systems. More detailed information about the changes to the EOY 3 submission has also been provided to LEA CALPADS Administrators.
Many LEAs currently have policies and procedures in place to identify, document, and report incidents involving restraint and seclusion for students with disabilities; however, because these data will be collected for all students, it is imperative that LEAs ensure that all staff are appropriately trained to identify, document, and report these incidents. It is also important for site administrators to be actively involved in ensuring that policies and procedures are followed and that CALPADS Administrators are not having to determine what constitutes incidents of restraint and seclusion that must be reported as described in AB 2657.

If you have any questions, please contact the CALPADS Service Desk by phone at 916-325-9210 or by email at calpads-support@cde.ca.gov. All questions will be routed to the appropriate CALPADS or special education staff.

Thank you for your support.

Sincerely,

Jerry Winkler, Director
Educational Data Management Division

JW:pm

cc: CALPADS Administrators
CALPADS Update Flash #159

Date: July 31, 2019

To: Local Educational Agency (LEA) Representatives

From: California Department of Education (CDE) — California Longitudinal Pupil Achievement Data System (CALPADS) Team

Collection of Data on the Use of Restraint and Seclusion for All Students

Assembly Bill (AB) 2657, (Chapter 998, Statutes of 2018), went into effect on January 1, 2019, adding sections 49005-49006.4 to California's Education Code regarding the use of restraint and seclusion for students receiving either general education or special education. The California Department of Education (CDE) informed the field of this new law in a letter dated December 24, 2018, posted on the CDE website at: https://www.cde.ca.gov/nr/el/le/yr18ltr1224.asp

These data will be collected in CALPADS for the first time as part of the 2019-20 End-of-Year (EOY) 3 data submission. Therefore, LEAs should be collecting these data locally beginning this fall. In summary, LEAs are required to collect and submit the use of:

- Behavioral Restraint, defined in statute as:
  - Mechanical Restraint – Use of a device or equipment to restrict a pupil’s freedom of movement (with exceptions).
  - Physical Restraint – A personal restriction that immobilizes or reduces the ability of a pupil to move his or her torso, arms, legs, or head freely (with exceptions).

- Seclusion, defined in statute as the involuntary confinement of a pupil alone in a room or area from which the pupil is physically prevented from leaving.

For the full statutory definitions of restraint and seclusion, LEAs should refer to the appropriate Education Code sections, or the legislation which is posted on the California Legislative Information website, on the AB-2657 Pupil discipline: restraint and seclusion web page at: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2657.
New Discipline File Structure and Codes

To accommodate this new collection, and to address structural issues with the current Student Discipline (SDIS) file, the CDE is replacing the SDIS file with three new files, described below. In addition, the Disciplinary Action Category code set has been renamed, "Student Incident Result" and new codes have been added to this code set to collect the data needed to meet the new reporting requirements.

The three new files include:

- **Student Incident (SINC) File**, in which LEAs report all incidents: (1) resulting in the use of physical restraint, mechanical restraint, or seclusion; and (2) in which a statutory offense is committed.

- **Student Incident Result (SIRS) File**, in which LEAs report all results for each incident. Each incident should have at least one corresponding SIRS record for each student who were restrained or secluded, or who committed an offense:
  - A student who is restrained or secluded, but not as a result of committing a statutory offense, should have a SIRS record with a Student Incident Result code of one of more of the following:
    - (501) Physical Restraint (*new*)
    - (502) Mechanical Restraint (*new*)
    - (600) Seclusion (*new*)
  - A student who commits a statutory offense:
    - Should have at least one SIRS record with Student Incident Result code of:
      - (100) Out-of-School Suspension
      - (110) In-School Suspension
      - (200) Expulsion
      - (300) Other Means of Correction (*modified to remove "No Action")
      - (400) No Action (*new*)
      - (700) School-related Arrest (*new*)
      - (800) Law Enforcement Referral, not including school-related arrests (*new*)
    - Could have an additional SIRS records with a Student Incident Result code of one or more of the following:
      - (501) Physical Restraint (*new*)
      - (502) Mechanical Restraint (*new*)
      - (600) Seclusion (*new*)
Students may have more than one result record for one incident in order to fully capture the incident and the dispositions that result to address the incident. For example, a student may have been physically restrained and then placed in an In-School Suspension. In this case, the student would have a SIRS record with 501, and a SIRS record with 110. Or a student may be arrested, suspended, and later expelled. In this case, the student would have a SIRS record with 700, a SIRS record with 100, and a SIRS record with 200.

- **Student Offense (SOFF) File**, in which LEAs report the statutory student offense (Student Offense code) that was committed for any incidents in which a statutory offense was committed. LEAs are required to report all statutory offenses, regardless of the result type (e.g., regardless of whether the student was suspended or expelled). No changes have been made to the Student Offense code set.

The CDE has reviewed these proposed files with the student information system (SIS) vendors and has made modifications based on their input. LEAs should consult with their SIS vendors regarding how these data are submitted to their local systems.

The new files and codes will be posted to the CALPADS web page in August 2019. Additionally, a follow-up to the December 2018 letter was sent to county and district superintendents, Special Education Local Plan Area (SELPA) Directors, and Charter School Administrators, informing them of the collection of this data in CALPADS. The letter reiterates that the data are to be collected for all students and stresses the importance of ensuring all staff are appropriately trained to identify, document, and report these incidents, particularly site administrators, so that CALPADS Administrators are not having to determine what constitutes incidents of restraint and seclusion that must be reported.
General Education Behavioral Emergency Intervention Report

*To be completed by appropriate staff member when a behavioral emergency and emergency intervention occurs.*

*An emergency intervention is defined as any intervention that *may only be used* to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the individual or others and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior* (5 CCR Section 3052[i]).

Report Date: ______ Report Completed by: ________ School Site: ____________

Pupils Name: _______ Birth Date: ________ Age: __________

Date of Incident: ______ Time Incident Began: ______ Time Incident Ended: ______

Setting and location of incident: ______________________________________________________

District of Residence: ___________________________

Student Information: Special Education [ ] General Education [ ]

Describe antecedent events and positive behavior interventions utilized prior to the emergency behaviors (please describe how any existing behavior plan was implemented by the staff):

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

Describe emergency behavior and interventions utilized:

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

Name(s) of staff involved:

District utilizes the following SELPA approved Crisis Program:

- The following interventions were used during this incident:
  - Physical Restraint
  - Standing Restraint
  - Seated Restraint
  - Wall-assisted Restraint
  - Floor-assisted Restraint
  - Continuous Physical Prompts (student was actively resisting and exhibiting distress)
  - Physical Escort (student was actively resisting and exhibiting distress)

Injuries sustained by student (attach incident report):

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

Injuries sustained by others (including other students and staff):

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

Description of any property damage:

________________________________________________________________________________

Other pertinent information:

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

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________________________________________________________________________________
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<td>Parent, Guardian or Residential Care Provider**</td>
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<tr>
<td>Special Education Director</td>
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</tr>
</tbody>
</table>

*California Ed. Code requires that an "emergency intervention report shall be immediately be completed and maintained in the individual's file".

**California Ed. Code requires parent or guardian or residential provider shall receive a report within one school day. The report may be verbal or in writing.

Signature of Person Completing this Report: ____________________________
Title: ___________________________________________________________________
Date: ___________________________________________________________________
1. The parent, guardian, and/or residential care provider, if appropriate, shall be notified within one school day when an emergency intervention is used.

2. The "Behavioral Emergency Report" shall immediately be completed by staff involved in the intervention.

3. The "Behavioral Emergency Report" shall immediately be forwarded to and reviewed by the designated responsible administrator.


5. The responsible administrator will forward a copy of this form to the appropriate SELPA Program Coordinator or the Special Education Director.

**Writing a General Education Behavioral Emergency Report**

To prevent emergency interventions from being used in lieu of planned, systematic behavioral interventions, the parent, guardian, or residential care provider, if appropriate, shall be notified within one school day if an emergency intervention is used or serious property damage occurs (property damage to the level that a general education student can be suspended or expelled for ARTICLE 1. Suspension or Expulsion [48900 - 48927] (f). A "Behavior Emergency Report" (BER) shall immediately be completed and maintained in the file of the student. All staff members' involved write down notes about the occurrence as soon as possible. Those involved meet to jointly complete the report form, using their notes for reference. The BER must include all of the following:

- The name and age of the student;
- The setting and location of the incident;
- The name(s) of the staff or other persons involved;
- A description of the incident and the emergency intervention(s) used;
- Whether the student has a current systematic behavioral intervention plan; and
- Details of any injuries sustained by the student, staff, or any other related individuals

All Behavioral Emergency Reports shall immediately be forwarded to, and reviewed by, a designated responsible administrator

**Follow-up Meeting Requirements**

Anytime a BER is written regarding a student who does not have a positive behavioral intervention plan. The designated responsible administrator shall:

- Within 24 hours: Contact parent/guardian;

***If this student is a special education student, please make sure to complete the behavior emergency report on the SELPA version of this report!!! Thank you!!
BEHAVIOR EMERGENCY REPORTING

This document explains the definition of a behavior emergency report, a sample report, decision tree and other helpful tools.

Determining the proper designation, writing legally compliant plans, and maintaining records.

Anjanette Pelletier
Associate Superintendent

Karen Breslow
SELPA Program Coordinator

Natasha King
SELPA Manager
This document was prepared to support and guide Special Education Administrators and District Level staff in defining a behavior emergency. It also provides definitions for each are provided. The unique process for ensuring legal compliance is detailed. And, finally, the maintenance of behavior emergency records is also briefly described. To assist in the process required for these students, information is displayed in the following pages for the definition of a how to write a behavior emergency report, the Timelines to follow, maintenance of records per district and SELPA level, two decision trees regarding problem behaviors and behavior plans, a sample behavior emergency intervention report, and, a behavioral emergency report checklist.
Behavioral RtI has long been a dream of consultants working with students with challenging behaviors. It is rapidly being implemented in school districts across the country. But what if the student already has an IEP for a disability? Special education law applies, but so does behavioral RtI for all students. To fully understand the following flowchart, the reader will need to become familiar with the central principles of behavioral RtI which include universal screening, fidelity of treatment at all Tiers, and making decisions based on student progress monitoring data. Once familiar with the processes of behavioral RtI, the next step is understanding the content of interventions and selecting them for implementation at each of the three Tiers. To the extent practicable we are mandated to select evidence based interventions to distribute across the tiers. See: RTI and Behavior: A Guide to Integrating Behavioral and Academic Supports by Sprague, Cook, Browning Wright & Sadler, 2008 to develop a thorough understanding of this process.

The flowchart (see below) illustrates how federal IDEA law for students with IEPs intersects with behavioral RtI.

Under “consideration of special factors” requirements, the IEP team must consider whether the student has behaviors that are impeding learning of the student or the student's peers. If the team's answer is yes, the behavior is impeding learning, then the IEP team is required to address that with strategies, including positive behavioral interventions, strategies and supports. These must be specified in the IEP document. By carefully following the flowchart sequences, the reader will see how this legal requirement intersects with behavioral RtI that many districts are now beginning to implement.

YES: It is impeding learning of student or peers.

In an RtI environment, when the student is exhibiting behavior impeding learning, the RtI team will look at the quality of Tier 1 to determine if improvements need to be made. RtI teaming is about all classes in the school, not just general education classroom. However, the IEP team must now simultaneously specify positive supports due to the YES determination of behavior impeding learning the team concluded. This can be either the addition of Tier 2 supports, if none have been tried yet, or the improvement of fidelity in Tier 2 if it is already being implemented with the student.

If Tier 2 positive supports are not effective, the IEP team may develop a behavior intervention plan based on the function of the behavior. This is a Tier 3 intervention. If that is ineffective, the team will maximize interventions that are available at Tier 3 including an improved behavior plan, or possibly the related service of Cognitive Behavioral Therapy, family services or wraparound mental health.
MAYBE: It is impeding learning of student or peers.

In an RtI environment, if the IEP team is not sure the problem behavior has risen to the level of "behavior impeding learning" the IEP team will consider next steps. Minimally, the IEP team will specify goals in the IEP and progress monitor to be sure the behavior does not rise to the "impedes learning" level. The RtI team will examine Tier 1 environment for areas in need of improvement if the student is non responsive to Tier 1 indicated in the universal screening. If the RtI team believes Tier 2 is now required because progress monitoring data indicates that need, those Tier 2 interventions will be applied.

NO: It is NOT impeding learning of student or peers.

In this scenario, the IEP team has determined that the student has problem behaviors, but they are not interfering with learning. In this case, the IEP team will want to examine the Tier 1 environment to determine if changes there would eliminate the problem behaviors. Perhaps the Instructional strategies, curriculum and student characteristics are not in alignment, and the student requires some changes to be behaviorally and academically successful. If, however, the Tier 1 classroom environment does not need adjustment, then the student is nonresponsive to Tier 1 and Tier 2 default behavior interventions should be implemented.

Throughout this process, the supports are increased, decreased, and maintained depending on the student's progress monitoring data. This data is collected not only by the IEP team process, but in an RtI environment, using RtI logic, it will also be collected through the RtI process used for all students in all classrooms.
Behavioral RtI for Students with IEPs

Under consideration of special factors in IEP content, at each IEP team meeting, whether a problem behavior is present and whether it is impacting educational performance is discussed.

IEP team determines if behavior is impeding learning of student or peers

No

More data needed; develop goals for specific interventions, strategies, & supports (can be tier 2 or tier 3 interventions) and develop goals in IEP

Effective?

Continue Tier 1

Ineffective?

Revise interventions, add interventions, evaluate least restrictive environment for IEP team placement decisions; consider if assessment for ED warranted

Maybe

Effective?

Continue Tier 1

Ineffective?

Alter IEP and BIP as needed

Yes

Specify strategies, including positive behavioral interventions, strategies & supports (can be tier 2 or tier 3 interventions) and develop goals in IEP

Ineffective?

Tier 2 used; add more Tier 2 interventions or move to Tier 3 interventions if not responsive to selected Tier 3 interventions; add Tier 3 interventions

Effective?

Continue interventions, monitor for readiness for lower tiers as success is attained

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WHEN EMERGENCY INTERVENTIONS ARE USED IN CALIFORNIA FOR A STUDENT WITH AN IEP

A problem behavior requiring an emergency intervention for safety occurs

Principal files Behavioral Emergency Report (BER), contacts parents and schedules an IEP meeting
Note: May also file site incident report

IEP team considers BOTH:

Is a Functional Behavioral Assessment needed?

Yes
IEP team initiates a FBA, then subsequently develops a positive behavioral intervention plan if IEP team decides one is needed after FBA report is reviewed

No
IEP team must write rationale for no FBA

Is an "Interim Behavior Plan" required?

Yes
Develop an interim plan (can be a positive behavioral intervention plan)

No
IEP team must write rationale for no interim plan

If no FBA or Interim Plan, then IEP team further considers:
"If behavior impedes learning of the student or others" and "behavioral/instructional approaches are needed" and "strategies, including positive behavioral interventions strategies and supports," are needed because of this behavior that required an emergency intervention

Adapted from Diana Browning Wright
IEP team determines if behavior is impeding learning of student or others

- **No**
  - Tier 1 Supports
    - Effective?
      - Continue
    - Ineffective?
      - Tier 2 or Tier 3 supports; specify strategies including positive behavioral interventions, strategies & supports (e.g., a Behavior Intervention Plan) or other interventions

- **Maybe?**
  - Goals to monitor progress; consider Tier 2 supports
    - Effective?
      - Continue
    - Ineffective?
      - Tier 2 or Tier 3 supports; specify strategies including positive behavioral interventions, strategies & supports (e.g., a Behavior Intervention Plan) or other interventions

- **Yes**
  - Tier 2 or Tier 3 supports; specify strategies including positive behavioral interventions, strategies & supports (e.g., a Behavior Intervention Plan) or other interventions
    - Effective?
      - Continue
    - Ineffective?
      - Develop a BIP based on an FBA if not previously done
        - Ineffective?
          - Must examine BIP and alter or reconduct FBA
BEHAVIORAL EMERGENCY INTERVENTION REPORT

*To be completed by appropriate staff member when a behavioral emergency and emergency intervention occurs.

* An emergency intervention is defined as any intervention that "may only be used to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the individual or others and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior" (5 CCR Section 3052[i]).

Report Date: ______ Report Completed by: ______ School Site: ______

Pupils Name: ______ Birth Date: ______ Age: ______

Date of Incident: ______ Time Incident Began: ______ Time Incident Ended: ______

Setting and location of incident: ____________________________

District of Residence: ____________________________

Describe antecedent events and positive behavior interventions utilized prior to the emergency behaviors (please describe how any existing behavior plan was implemented by the staff):

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

Describe emergency behavior and interventions utilized:

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

Name(s) of staff involved:

District utilizes the following SELPA approved Crisis Program:

- The following interventions were used during this incident:
  - Physical Restraint
  - Standing Restraint
  - Seated Restraint
  - Wall-assisted Restraint
  - Floor-assisted Restraint
  - Continuous Physical Prompts (student was actively resisting and exhibiting distress)
  - Physical Escort (student was actively resisting and exhibiting distress)

Injuries sustained by student (attach incident report):

__________________________________________________________________________

Injuries sustained by others (including other students and staff):

__________________________________________________________________________

Description of any property damage:

__________________________________________________________________________

Other pertinent information:

__________________________________________________________________________

__________________________________________________________________________
Check one:

☐ Student does not have a current Behavior Intervention Plan: Within two days of the behavioral emergency, the designated responsible administrator shall schedule an IEP meeting to review the emergency report, to determine the necessity for a Behavior Assessment and to determine the need for an interim Behavior Plan or Behavior Intervention Plan.

☐ Student does not have a current Behavior Intervention Plan: The IEP Team agreed a behavior assessment was warranted and an assessment plan was signed by the student's parent or guardian.

☐ Student has an existing Behavior Intervention Plan: When an incident involving a previously unseen serious behavior problem occurs or where a previously designated intervention is not effective, student should be referred to the IEP team to be reviewed and determine if the incident constitutes a need to modify the plan.

**COPIES OF BEHAVIORAL EMERGENCY INCIDENT REPORTS WERE SENT TO:**

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<th>NAME</th>
<th>DATE</th>
</tr>
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<tbody>
<tr>
<td>Site Administrator*</td>
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<td></td>
</tr>
<tr>
<td>Parent, Guardian or Residential Care Provider**</td>
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</tr>
<tr>
<td>SELPA Office (a copy of the report must be submitted to the local SELPA office)</td>
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<tr>
<td>District of Residence*</td>
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<td>Student's File*</td>
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<tr>
<td>Special Education Director</td>
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</tbody>
</table>

*California Ed. Code requires that an "emergency intervention report shall be immediately be completed and maintained in the individual's file".

**California Ed. Code requires parent or guardian or residential provider shall receive a report within one school day. The report may be verbal or in writing.

Signature of Person Completing this Report: ________________________________

Title: ________________________________

Date: ________________________________
BEHAVIORAL EMERGENCY REPORT CHECKLIST

Note date and initials of person responsible.

1. The parent, guardian, and/or residential care provider, if appropriate, shall be notified within one school day when an emergency intervention is used. / 

2. The "Behavioral Emergency Report" shall immediately be completed by staff involved in the intervention. / 

3. The "Behavioral Emergency Report" shall immediately be forwarded to and reviewed by, the designated responsible administrator. / 

4. Copy placed in student’s file. / 

5. If the "Behavioral Emergency Report" was written regarding a student who does not have a behavioral intervention plan, the designated responsible administrator shall, within two days, schedule an IEP to determine whether a Behavior Assessment should be conducted and/or an interim behavior plan developed or an existing BIP revised. Parent notice is given and consent must be obtained prior to commencement of Behavior Assessment. / 

6. If the "Behavioral Emergency Report" was written regarding a student who has a behavioral intervention plan, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective should be referred to the IEP team to review and determine if the incident constitutes a need to modify the plan. / 

7. The responsible administrator will forward a copy of this form to the appropriate SELPA Program Coordinator and the Special Education Director. /
Writing a Behavioral Emergency Report

To prevent emergency interventions from being used in lieu of planned, systematic behavioral interventions, the parent, guardian, or residential care provider, if appropriate, shall be notified within one school day if an emergency intervention is used or serious property damage occurs [property damage to the level that a general education student can be suspended or expelled for ARTICLE 1. Suspension or Expulsion [48900 - 48927] (f)]. A "Behavior Emergency Report" (BER) shall immediately be completed and maintained in the file of the student. All staff members’ involved write down notes about the occurrence as soon as possible. Those involved meet to jointly complete the report form, using their notes for reference. The BER must include all of the following:

- The name and age of the student;
- The setting and location of the incident;
- The name(s) of the staff or other persons involved;
- A description of the incident and the emergency intervention(s) used;
- Whether the student has a current systematic behavioral intervention plan; and
- Details of any injuries sustained by the student, staff, or any other related individuals.

All Behavioral Emergency Reports shall immediately be forwarded to, and reviewed by, a designated responsible administrator. If the student is receiving services from a nonpublic school, nonpublic agency, and/or residential treatment center, a copy of the report must be sent to the SELPA per the Master Contract within 72 hours. The SELPA Behavior Emergency Report is included with this document and is available on the SM COE website: smcoe.org under document finder.

Follow-up Meeting Requirements

The flow chart in this packet provides a picture of this process. Anytime a BER is written regarding a student who does not have a positive behavioral intervention plan, the designated responsible administrator shall:

- Within 24 hours: Contact parent/guardian;
- Within 48 hours: Schedule an IEP team meeting to review the BER and determine the need for a behavior assessment and/or need for an interim plan;
- Within 72 hours: The BER will be sent to the student's district Special Education Director and the SELPA Program Coordinator (Natasha King, nking@smcoe.org);
- At the IEP Meeting: The IEP team shall document in the IEP Team Meeting Notes Page the reasons for not conducting a Behavioral Assessment and/or not developing an interim plan OR initiate a Behavioral Assessment;
- Ensure the behavior assessment is completed as soon as possible so the results and recommendations for development or modification of a positive behavior intervention plan are available for review by the IEP team.

Anytime a BER is written regarding a student who has a behavior intervention plan, an incident involving a previously unseen serious behavior problem, or where a previously designated intervention is ineffective, the administrator shall refer the incident to the IEP team to review and determine if the incident constitutes a need to modify the BIP.

- Minor modifications to the BIP to improve program effectiveness can be made by without an entire IEP present. Any minor modification must be added to the BIP only if the parent is notified of the need and is able to review the existing program evaluation data (i.e., Incident reports, point sheets, progress reports, etc.) prior to the implementation of any changes. The parent must also be informed of the right to question any modification to the plan by going through the IEP procedures.
- Significant changes require the teacher and qualified designee to conduct additional behavior assessment(s). Proposed changes to the BIP are to be based on the behavior assessment results.

An IEP Team or behavioral intervention planning team capitalizes on the experience and expertise for all its members. The student’s parents, as well as all school staff have an integral part in the planning and intervention process.
## Resources and References for Revised PENT BIP Desk Reference

Compiled by:
- Ann England, M.A., CCC-SLP-L, PENT Leader, Assistant Director, Diagnostic Center, Northern California
- Rebecca Valero, PENT Leader, Behavior Specialist, West Contra Costa Unified School District/SELPA
- Rebecca Peck, PENT Leader, Behavior Intervention Specialist, Livermore Valley Joint USD
- Shari Gent, M.S., Education Specialist, Diagnostic Center, Northern California
- Denise Keller, M.A. BCBA, PENT Leader Mendocino County SELPA
- Vanessa Smith, M.A. BCBA, PENT Leader, Diagnostic Center, Southern California

### CALIFORNIA DEPARTMENT OF EDUCATION (CDE)

<table>
<thead>
<tr>
<th>Resource</th>
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<tbody>
<tr>
<td>Education Code Ch. 5.5. Behavioral Interventions</td>
<td><a href="http://www.cde.ca.gov/sp/se/ac/blpltr090513attachment.asp">http://www.cde.ca.gov/sp/se/ac/blpltr090513attachment.asp</a></td>
</tr>
<tr>
<td>Excerpts Related to Behavioral Intervention from Assembly Bill 86, The Education Omnibus Trailer Bill, Chapter 48, Statutes of 2013</td>
<td><a href="http://www.cde.ca.gov/sp/se/ac/bip.asp">http://www.cde.ca.gov/sp/se/ac/bip.asp</a></td>
</tr>
<tr>
<td>Changes to State of CA requirements for behavioral intervention plans (BIP) Monitor for upcoming guidance letters</td>
<td><a href="http://www.cde.ca.gov/sp/se/ac/syllabusofguidance.asp">http://www.cde.ca.gov/sp/se/ac/syllabusofguidance.asp</a></td>
</tr>
<tr>
<td>Bullying &amp; Hate-Motivated Behavior Prevention</td>
<td><a href="http://www.cde.ca.gov/sp/se/ac/syllabusofguidance.asp">http://www.cde.ca.gov/sp/se/ac/syllabusofguidance.asp</a></td>
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<tr>
<td>This guide, developed by the CDE, in collaboration with the LACOE, responds to California teachers and administrators faced with a growing need to successfully manage unwanted behavior in the classroom. The guide addresses a wide range of student behavior problems in order to create &quot;environments conducive to learning,&quot; as required in the NCLB.</td>
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### U.S. DEPARTMENT OF EDUCATION AND OFFICE OF SPECIAL EDUCATION PROGRAMS (OSEP)

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<th>Resource</th>
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<tr>
<td>PBIS (Positive Behavioral Interventions and Supports)-OSEP Technical Assistance Center</td>
<td><a href="http://www.pbis.org/">http://www.pbis.org/</a></td>
</tr>
<tr>
<td>* Dear Colleague Guidance Letter</td>
<td><a href="http://www2.ed.gov/about/offices/list/occ/letters/colleague-201401-title-1.pdf">http://www2.ed.gov/about/offices/list/occ/letters/colleague-201401-title-1.pdf</a></td>
</tr>
</tbody>
</table>
## BEST BEHAVIOR SCHOOLS

| Institute on Violence and Destructive Behavior (IVDB) | http://darkwing.uoregon.edu/~lvcb/index.html |
| Community-Based Prevention and Intervention (BEST Behavior Schools) | |

## ASSOCIATIONS

| Professional Association for CA School Psychologists | California Association of School Psychologists http://www.casponline.org/ |
| APBA (Association of Professional Behavior Analysts) | http://www.apbahome.net/index.php |
| CalABA (California Association for Behavior Analysis) | http://www.calaba.org/ |
| ABAI (Association for Behavior Analysis International) | http://www.abainternational.org/ |
| APBS (Association for Positive Behavior Support) | http://www.apbs.org/ |
| NAADD (National Association for the Dually Diagnosed) | http://thenaad.org/ |

## CALIFORNIA TECHNICAL ASSISTANCE CENTER ON PBIS

| CalTAC PBIS Inc. | http://www.pbiascaltec.org/ |

## NATIONAL DISSEMINATION CENTER FOR CHILDREN WITH DISABILITIES (NICHCY)

| Behavior Assessment, Plans, and Positive Supports | http://nichcy.org/schoolage/behavior/behaviasessment |

## JOURNALS/PUBLICATIONS

| Journal of Positive Behavior Interventions | http://mnl-plb.sagepub.com/ |
| Beyond Behavior | http://www.ccbn.net/publications/beyondbehavior |
| Behavioral Disorders | http://www.ccbn.net/publications/behavioraldisorders |
| Teaching Exceptional Children | http://www.cec.sped.org/ |

## ARTICLES

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<tr>
<td>School-Wide Positive Behavior Support and Response to Intervention by George Sugai, Ph.D.</td>
<td>RTI ACTION NETWORK: <a href="http://www.rtinetwork.org/learn/behavior-supports/schoolwidebehavior">http://www.rtinetwork.org/learn/behavior-supports/schoolwidebehavior</a></td>
</tr>
</tbody>
</table>
Effects of training on the use of the Behavior Support Journal of Positive Behavior Interventions, 179-189

Establishing and evaluating the substantive adequacy of positive behavior support plans by Cook, C. R., Brown, D., Mayer, G. R., & Gele, B. (2007)

A preliminary study on the effects of training using behavior support plan quality evaluation guide (BSP-QE) to improve positive behavioral support plans by Browning-Wright, D., Mayer, G. R., Cook, C. R., Gele, D., Kraemer, B. R., & Gele, B. (2007)

| BOOKS |
|-----------------|-------------------|
| TITLE | AUTHOR(S)/PUBLISHER |
What is a Behavior Intervention Plan (BIP)?

A Behavior Intervention Plan can be used as a "proactive action plan to address behavior(s) that are impeding learning of the student or others." It is assumed that lesser interventions at Tier I and Tier II have not been successful. BIPs are appropriate for all students. If developed for a student with an IEP or 504 plan, this becomes a part of those documents. This BIP includes "positive behavioral interventions, strategies and supports." “Behavior Intervention Plans should focus on understanding 'why' the behavior occurred (i.e., 'the function' or 'communicative intent') then focus on teaching an alternative behavior that meets the student's need in a more acceptable way. This includes making instructional and environmental changes, providing reinforcement, reactive strategies and effective communication."—all of which will be explained and outlined in this manual. (Diana Browning Wright, Behavior/Discipline Trainings, 2006)

Why Do I Have to Write One?

Every student is entitled to make yearly academic growth. No Child Left Behind (NCLB) and Individuals with Disabilities Education Act Reauthorization 2004 (termed either IDEA or IDEIA) are in alignment.

The educational experience of the student must address the instructional strategies and curriculum and tasks that will allow this student to progress. Consequently, any behaviors that interfere with the learning process need to be addressed for the benefit of the student, his or her peers and to enhance the general learning environment for all.

Furthermore, when all implementers (teachers, paraprofessionals, administrators, support providers, etc.) have participated as a team in developing a plan, each member is able to address the problem in a consistent way. When parents, and where possible, the student, have also participated, home-school communication systems can be more effective.

Who Should Be on a Behavior Intervention Team?

The members of the Behavior Intervention Team will depend upon the specific needs of the student in question. In some cases the team may consist of regular education teachers, an administrator and a counselor. In other cases the Student Study Team, 504 team or IEP team may form the Behavior Intervention Team.
### Successful Behavior Plan Phases

Each phase of the behavior planning process needs to be accomplished in order to facilitate success of the plan.

#### Addressing the Problem Behavior
- Teacher/staff member makes personal contact with parent/guardian to establish a working relationship, discuss concerns and brainstorm possible solutions
- Classroom interventions are implemented and data collection on outcomes begins
- If classroom interventions are unsuccessful, teacher informs other professionals that this student exhibits behavior that is interfering with the learning of student and/or peers

#### Understanding the Problem Behavior
- Teacher may consult with other professionals (counselor, administrator, psychologist, program specialist, language/speech specialist, nurse, etc) to understand the cause of the misbehavior and brainstorm solutions
  * Teacher collected data is evaluated: checklists, observations, event records

#### Developing a Behavior Intervention Plan
- The Behavior Intervention Plan Team meets to formally discuss and strategize on:
  1. contributing environmental factors,
  2. functional factors (why the student is misbehaving)
     (If the student has an IEP, this is an IEP team function.)
- A formal plan of action, the BIP, is developed with behavior goals are developed.
- Roles/responsibilities are assigned. Many people can be designated on the BIP.
- A system of communication between the involved parties is formalized

#### Implementing the Behavior Intervention Plan
- The environment and/or curriculum is changed to support both functionally equivalent replacement behavior (FERB) AND general positive behaviors
- New appropriate behaviors and FERB is taught and reinforced
  * Goal(s) acquisition is continuously monitored as specified
- Four reactive strategy phases are outlined and followed
- The communication plan to progress monitor the interventions is followed

#### Monitoring/Evaluating the Plan
- Team members monitor the success of the plan and document progress
- The team re-convenes to review progress, as appropriate
  * If unsuccessful, team plans next steps (revise, redo, assess, etc.)
AGGRESSIVE BEHAVIOR: STUDENTS WITH IEPs AND 504 PLANS
Diana Browning Wright

INTRODUCTORY REVIEW:

What if the student who engages in aggressive behavior has an IEP/504?

Remember: 10 days of FAPE free removals (i.e., in school or out of school suspensions) must be followed by an IEP meeting to conduct a manifestation determination for every removal (both in and out of school suspension) that occurs past 10 days even if the behavior is the same behavior over and over! During the removal, the Principal must make sure there is no "pattern" constituting a de facto change in placement due to the removal. If the behavior is a manifestation of the disability, we must conduct a Functional Behavioral Assessment (and implement interventions).

CHANGES IN LAW IMPACTING COURSES OF ACTION FOR AGGRESSION:

1. What if the student who engages in aggressive behavior has an IEP and the parents revoke placement, or if there is no IEP, the parent won't allow assessment or placement?

Parent Revocation of Consent for Special Education and Related Services, 34 C.F.R. 300.300

1. Parent may refuse or fail to respond to a request for the "initial provision of special education and related services to a child with a disability. If so, the LEA may not pursue mediation and/or due process hearing seeking an agreement or ruling that services be provided to the child. 34 C.F.R. 300.300(b)(3)(i).

2. If a parent fails or refuses to give written consent for the provision of special education and related services to a child with a disability, the LEA will not be in violation of the requirement to provide FAPE, and is not required to convene an IEP meeting or develop an IEP. 34 C.F.R. 300.300(b)(3)(ii) and (iii).

3. If, at any time subsequent to the initial provision of special education and related service, the parent of a child revokes consent in writing for the continued provision of special education and related services, the LEA:
   a. May not continue to provide special education and related services to the child;
   b. Must provide prior written notice (PWN) before ceasing the provision of special education and related services;
   c. May not use mediation or due process hearing procedures seeking to obtain an agreement or ruling permitting the provision of special education and related services to the child;
   d. Will not be in violation of the FAPE requirement;
e. Is not required to convene an IEP meeting or develop an IEP. 34 C.F.R. 300.300(b)(4)(i) through (iv).

2. What if the aggressive behavior required SRO involvement, or local law enforcement, can we disclose educational records?

NEW FERPA REGULATIONS (Effective January 8, 2009) Published at Federal Register, Vol. 73, No. 237, Tuesday, December 9, 2008.
http://edocket.access.gpo.gov/2008/ES-28864.htm

A. Definition of "Education Records," 34 C.F.R. 99.3(b)(6)

FYI: Owasso Ind. Sch. Dist v. Falvo, 534 U.S. at 435 (2002) – The new regs essentially adopt the US Supreme Court's Falvo decision, which allows teachers to conduct group grading of classroom assignments within the classroom, even though that grade may become a part of a student's protected educational records.

There are some significant changes regarding how personally identifiable information (PII) may be disclosed. The definition of PII was changed:

"Personally Identifiable Information The term includes, but is not limited to—(a) The student's name; (b) The name of the student's parent or other family members; (c) The address of the student or student's family; (d) A personal identifier, such as the student's social security number, student number, or biometric record; (e) Other Indirect Identifiers, such as the student's date of birth, place of birth, and mother's maiden name; (f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates."

B. Outsourcing to Third Parties Who Qualify as "School Officials" with A "Legitimate Educational Interest," 34 C.F.R. 99.31(a)(1)(i)(B)

1. School officials may disclose, without obtaining informed parental consent, personally-identifiable information about a student to the following individuals:
   - School attorneys to whom a school district has outsourced legal services (even though the attorney is never hired as an employee of the school district).
   - Parent volunteers who serve on official committees, serve as teacher's aides, or any function for which they need access to student records to perform their duties.
- **Non-teaching Staff.** At the school's discretion, personally-identifiable information from education records may be disclosed to bus drivers, school nurses, practicum and fieldwork students, unpaid interns, consultants, contractors, volunteers, and other outside parties providing institutional functions, provided that notice is given to parents and appropriate training has been provided.

- **School Resource Officers** may review personally-identifiable information from education records ONLY if they are "employed by the agency" and therefore under the "direct control" of the school district, and if appropriate notice has been given.

- **Outside Police Agencies** – Police officers and/or sheriff's deputies who are not directly employed by the school district DO NOT qualify as "school officials" and therefore are NOT entitled to have access to education records unless there is a health or safety emergency, a lawfully issued subpoena or court order, or some other FERPA exception. (Note from Diana Browning Wright): As was discussed in the Fall Institute, Investigation of a student's threat of violence would be considered a safety emergency.)

C. **Personally-Identifiable Information**, 34 C.F.R. 99.3 and 99.31(b)

1. The only parties who have a right to access education records under FERPA are parents and eligible students. "Journalists, researchers, and other members of the public have no right under FERPA to access education records for school accountability or other matters of public interest, including misconduct by individuals running for public office." Comments, p. 74831.

2. Records that identify a student by a nickname, initials, or personal characteristics are considered "personally-identifiable information" only if a "reasonable person in the school community" who does not have personal knowledge about the situation could identify the student with "reasonable certainty." Comments, p. 74831.

3. If a teacher posts grades using a special code known only to the student and the teacher to identify the student, this code is not considered "personally identifiable information." Comments, p. 74831.

4. Parents and students generally do not waive their FERPA rights by sharing information with the media or other members of the general public. Comments, p. 74831.
3. What if the student who engages in aggressive behavior has a 504 plan or we don't think s/he needs one but the parents do?

IV. NEW ADA/SECTION 504 AMENDMENTS (Effective January 1, 2009), Codified as Public Law 110-325 (42 U.S.C. 12101) – September 25, 2008

Section 504 was revised in order to overturn previous Supreme Court decisions which restricted the right of individuals with certain health and life conditions from suing employers, alleging discrimination on the basis of disability. However, the law amends the definitions of “major life activity” and “substantial limitation: as contained in the Section 504 of the Rehabilitation Act of 1973. We may see an increase in identification of students who are eligible for 504 plans now for students who do not qualify for IEPs.

A. Revised Definition of “Major Life Activity: " Now includes, but is not limited to, "caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working."

B. Revised Definition of ‘Substantial Limitation”

1. "An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability."
2. "An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active."
3. "The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as --
   - Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
   - Use of assistive technology;
   - Reasonable accommodations or auxiliary aids or services; or
   - Learned behavioral or adaptive neurological modifications.
4. The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

C. Interventions that Work Do Not Affect Determination of Disability Status

The purpose of the amendments is to ensure that the use of medication or assistive technology devices does not affect a student’s eligibility status. For example, a student who is diagnosed by a pediatrician with ADHD and whose symptoms are controlled with daily medication may STILL qualify as eligible for a 504 plan if, without the medication, he/she would meet eligibility standards.
Subject: Agenda Item #: 5.1
Approve updated Policy on Independent Educational Evaluation

Action Requested:
Approve

Discussion:
The Associate Superintendent has reviewed and obtained input about an updated Independent Educational Evaluation Policy at the LEA Administrator’s meeting. The purpose was to update resources for timelines, contracting and providing for IEEs at the request of parents. The updated policy also includes helpful forms for LEAs to consider for use.

The policy update and forms can be found here.

Three main adjustments were made:
1. Addition of forms and a letter to potential IEE providers for inclusion on a SELPA wide IEE list
2. Update to Approved Providers definitions based on education code
3. Update to Cost Containment structure based on survey of area providers

The policy language was reviewed and input provided by the LEA Administrators on September 13, 2019.

Financial Summary:
None

Prepared By: Anjanette Pelletier, Associate Superintendent
Dear Independent Educational Evaluator,

You are receiving this letter because you have been on the Independent Educational Evaluator (IEE) list for San Mateo County SELPA or your name was suggested to us by a School District. We are reaching out to see if you want to participate on the IEE list, and if so, please respond to the following:

<table>
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<tr>
<th>Name:</th>
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<tr>
<td>Company:</td>
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<td>Contact Information:</td>
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<td>Credentials:</td>
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<tr>
<td>Provide full evaluations:</td>
<td>Yes: ________ No: ________</td>
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<td>If yes, do you charge one flat fee? ________</td>
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<td>Please provide an average cost per assessment:</td>
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<td>Provide partial evaluations:</td>
<td>Yes: ________ No: ________</td>
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<td>If yes, do you have a specific fee? ________</td>
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<tr>
<td>Provide specific requested assessments:</td>
<td>Yes: ________ No: ________</td>
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<td>If yes, is there a fee per assessment?</td>
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Thank you for taking the time to respond to this requested information. We look forward to hearing from you as soon as possible. Please respond, via postal mail (101 Twin Dolphin Drive, Redwood City, CA 94065), or fax at 650.802.5474 attention Natasha King, or send a pdf copy to nkling@smcoe.org. SELPA will collate a list of IEE participants and share regionally with district and parents when appropriate.

Best, San Mateo SELPA Team
Special Education Local Plan Area

IEE Participation Agreement

Name: 
Address: 
Phone: 

Assessment Type: 

Qualifications: 

<table>
<thead>
<tr>
<th>License/Certification</th>
<th>Title</th>
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Please read and check:

- I have read the Independent Education Evaluation Policy
- I have read the Independent Educational Evaluation Definitions/Requirements document and agree with the Definitions, Local Limitations for Evaluators, Requirements, Minimum Qualifications for Evaluators and Cost Limitations for Evaluators sections.
- Yes, I would like to be included in the Master list of Independent Educational Evaluators.
- I agree to submit a copy of my current license should districts contract for my services. Please be aware that each district may require different documents for contract completion, which may include verification of insurance, TB Test, and Livescan Fingerprinting clearance.
- No, I am no longer interested; please remove my name from the List of Independent Educational Evaluators.

Thank you so much for taking the time to respond to this requested information. We look forward to hearing from you as soon as possible. Please respond via postal mail at the address listed below, via fax at 650.802.5474 attention to Natasha King, or sending a pdf copy to nking@smcoe.org. SELPA will collate a list of IEE participants and share regionally with district and parents when appropriate.

Best,
San Mateo SELPA Team
INDEPENDENT EDUCATIONAL EVALUATIONS

Policy and Procedures

Definitions

*Independent educational evaluation* (IEE) means an evaluation conducted by a qualified evaluator who is not employed by the LEA of residence.

*Public expense* means that the LEA pays for the full cost of the evaluation (in accordance with cost recommendations described herein) or ensures that the evaluation is otherwise provided at no cost to the parent.

Policy and Procedures

Parents of a student with a disability have the right to an Independent Educational Evaluation (IEE) subject to the provisions of federal and state law, at public expense if they disagree with an evaluation completed by the LEA and the LEA does not pursue its option to file a request for a due process hearing with the California Office of Administrative Hearings to establish the appropriateness of its assessment 34. CFR §300.502 (b)(2)(i). If necessary, the LEA should request clarification regarding which evaluation(s) are in dispute. The term "evaluation" includes any individual assessment of a child that results in a report that is used by the IEP team to determine eligibility and services.

Parents must indicate in writing to the LEA or inform the LEA at an IEP meeting that they:

1. Disagree with the LEA’s evaluation and
2. That they are requesting an IEE at public expense.

The LEA may ask for the parent’s reason(s) for disagreeing with the LEA’s evaluation, but the parent is not required to provide those reasons. The LEA may offer to conduct another evaluation of its own with parent consent. If the parent agrees to another LEA evaluation, this would not be considered an IEE and the LEA should work with the parent to appropriately document the agreement of the parent to both the new LEA evaluation and to the withdrawal of the parent IEE request pending the completion of the new LEA assessment. The LEA should ask parent to revoke their request for an IEE in writing, or ask them to sign that they agreed to the withdrawal of the request and to a new LEA assessment.

If the parent does not agree to another LEA evaluation, the LEA must respond to the parent’s request by ensuring an IEE is provided at public expense in a timely manner or promptly submit a request...
for a due process hearing in accordance with this policy. The LEA may not unnecessarily delay either providing the IEE at public expense or initiating a due process hearing to defend the appropriateness of its evaluation. In addition, a copy of the Procedural Safeguards and Parent Rights should be provided anytime a parent requests an IEE. Parents may only request one publicly funded independent evaluation for each evaluation completed by the LEA. (34 CFR §300.502 (a-e))

Responding to an IEE Request

Once the parent communicates their disagreement with the LEA’s evaluation and requests an IEE at public expense in writing or at an IEP meeting, the following procedures will be followed:

1. The LEA’s administrator responsible for special education will be notified.

2. The LEA will provide to the parents a copy of the San Mateo County SELPA policy and procedures including criteria for IEEs and a copy of procedural safeguards and parental rights, and options for an IEE at public expense (Options A, B, C and D) as follows:

   A. A staff member from another LEA in the SELPA

   B. A staff member from another SELPA

   C. A nonpublic agency provider

   D. A provider on the SELPA IEE list

3. The parents will communicate to the LEA, in writing, their preferred option; OR

4. The LEA will determine whether the LEA will initiate due process to establish the appropriateness of its evaluation or proceed with obtaining an IEE.

If the LEA determines that it will initiate a due process hearing to establish the appropriateness of its evaluation, the LEA will notify the parent of such decision in writing prior to filing a due process hearing complaint. This written notice shall include all of the elements of prior written notice as required by section 300.503(b) of Title 34 of the Code of Federal Regulations.

If the LEA agrees to provide an IEE at public expense, the LEA will work collaboratively with the parent, at parent request, to identify potential IEE evaluator(s). Alternatively, parent may provide, in writing, his or her preferred evaluator(s). LEA and parent may utilize the Agreement for Independent Educational Evaluation form and/or parent will be required to sign a release and exchange of information authorizing the LEA to communicate directly with the parent’s chosen independent evaluator. Please note: An LEA Assessment Plan is NOT completed because the LEA is
not conducting the assessment and is not responsible for the timelines and/or results of the IEE assessments.

The LEA may directly contract with the independent evaluator for the IEE. Alternatively, the LEA may issue payment to the independent evaluator for the costs of the IEE following its receipt of the items listed below. Or, the LEA may reimburse the parent for the costs of a procured IEE in a timely manner in accordance with the LEA's policies and procedures and in the amount no greater than the actual cost to the parent.

If the LEA initiates a due process hearing and the hearing officer issues a final decision finding that the LEA's evaluation is appropriate, the parent will still have the right to obtain an IEE, but not at the LEA's expense. If a hearing officer orders an IEE as part of a due process hearing decision, the costs of the IEE must be at LEA's expense. (Education Code ("EC") Section (f) 56329)

If the parent obtains an IEE at private expense or through an agency other than the LEA and shares the IEE with the LEA, the results of the IEE:

1. Must be considered by the LEA, if the evaluation meets the agency criteria set forth below, in any decision made with respect to the provision of a free appropriate public education ("FAPE") to the student; and
2. May be presented as evidence at a due process hearing or other proceeding regarding the student.

LEA Criteria

The criteria under which an IEE is obtained at public expense, including the location limitations for the evaluator, minimum qualifications of the evaluator, and cost containment criteria, must be consistent with the criteria set forth in this policy, and consistent with the criteria that the LEA uses when it initiates an evaluation.

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

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

Geographical Limitations for Evaluators

Evaluators will be located within the greater Bay Area including: San Mateo, Marin, Sonoma, Napa, San Francisco, Contra Costa, Alameda, and Santa Clara Counties. Evaluators outside of this area will be approved only on an exceptional basis, providing parents can demonstrate the necessity of using personnel outside the specified area in order to obtain an appropriate evaluation. Any expenses beyond that directly related to preparation of the evaluation (i.e., food, lodging, transportation, etc.) are not covered in the cost of the independent evaluation.

Minimum Qualifications for Evaluators

Evaluators with credentials other than those listed below will not be approved unless the parent can demonstrate the appropriateness, under the specific facts of a given case, of using an evaluator meeting other qualifications. (Ed. Code 56320 (b)(3))

<table>
<thead>
<tr>
<th>Type of Assessment</th>
<th>Qualifications</th>
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| Academic Achievement | Credentialed Special Education Teacher  
|                     | School Psychologist               
|                     | Licensed Educational Psychologist |
|                     | Licensed Clinical Psychologist   |
| Adaptive Behavior   | Credentialed Special Education Teacher  
|                     | School Psychologist               
<p>|                     | Licensed Educational Psychologist |
|                     | Licensed Clinical Psychologist   |</p>
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<tr>
<th>Special Education Local Plan Area</th>
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San Mateo County Office of Education • 101 Twin Dolphin Drive • Redwood City, CA 94065-1064 • (650) 802-5464 • Fax (650) 802-5474

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<thead>
<tr>
<th>Assistive Technology</th>
<th>Credentialed or Licensed Speech/Language Pathologist</th>
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<tr>
<td></td>
<td>Credentialed Assistive Technology Specialist</td>
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<td></td>
<td>Credentialed Special Education Teacher with appropriate training</td>
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<tr>
<th>Auditory Acuity</th>
<th>Licensed Educational Audiologist</th>
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<td>Licensed or Credentialed Speech/Language Pathologist</td>
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<tr>
<th>Behavioral</th>
<th>Credentialed Special Education Teacher</th>
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<td>School Psychologist</td>
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<td></td>
<td>Licensed Educational Psychologist</td>
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<td>Licensed Marriage and Family Therapist</td>
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<td>Licensed Clinical Psychologist</td>
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<td>Licensed Psychiatrist</td>
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<td>Licensed Social Worker</td>
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<td>Board Certified Behavior Analyst</td>
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<th>Cognitive</th>
<th>School Psychologist</th>
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<td>Licensed Educational Psychologist</td>
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<td>Licensed Clinical Psychologist</td>
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### Health (including neurological)
- Licensed Physician
- Nurse

### Motor
- Licensed Physical Therapist
- Registered Occupational Therapist
- Credentialed Teacher of the Physically Impaired
- Adaptive Physical Education Teacher

### Occupational Therapy
- Licensed Occupational Therapist

### Speech and Language
- Credentialed or Licensed Speech/Language Pathologist

### Social/Emotional
- School Psychologist
- Licensed Educational Psychologist
- Licensed Clinical Psychologist
- Licensed Psychiatrist

### Visual Acuity/Developmental Vision
- Licensed Ophthalmologist
- Optometrist

### Functional Vision
- Credentialed Teacher of the Visually Impaired
Vision Perception

- Credentialed Special Education Teacher
- School Psychologist
- Licensed Educational Psychologist
- Licensed Clinical Psychologist

Transition

- Credentialed Special Education Teacher

Cost Containment Criteria for Evaluations

The cost of an IEE shall be comparable to those costs that the LEA incurs when it uses its own employees or contractors to perform a similar assessment. Costs include: observations, administration and scoring of tests, report writing, and attendance in person or by phone at an IEP team meeting. Reimbursement will be in an amount no greater than the actual cost to the parent and will be subject to proof of payment.

Based on the cost limitations contained in the San Mateo County SELPA LEAs and region, the cost of a psycho-educational IEE should be approximately $4,500.00 absent extraordinary circumstances. The cost of a speech and language, occupational therapy, and/or adaptive physical education should be approximately $1,500.00 unless there are extenuating additions such as the need to include assistive technology assessments. The cost of other types of IEEs will be considered on a case-by-case basis. Guidelines for all IEE costs are calculated by considering time required for the assessment and the appropriate comparable LEA employee hourly rate. Costs above these amounts will not be approved unless the parent can demonstrate that such costs reflect unique circumstances justifying the selection of an evaluator whose fees fall outside these criteria. An LEA will not necessarily be required to fund the attendance of the assessor at the IEP team meeting convened to consider the IEE.

When insurance will cover all or partial costs of the IEE, the LEA will request that the parent voluntarily have their insurance pay the IEE costs covered by their insurance. However, parents will not be asked to have insurance cover independent evaluation costs if such action would result in a financial cost to the parents including, but not limited to the following:

A. A decrease in available lifetime coverage or any other benefit under an insurance policy,
B. An increase in premiums or the discontinuance of the policy or

C. An out-of-pocket expense such as payment of a deductible amount incurred in filing a claim unless the parent is willing to have the LEA reimburse them for the amount of the deductible.

Independent evaluators must agree to release their assessment information, provide prior to the IEP meeting a written IEE assessment report, submit copies of any and all assessment protocols utilized to conduct the IEE, and provide detailed invoices including dates of assessment, observations and hourly rates, if applicable, to the LEA prior to receipt of payment for services.

All independent educational evaluators must utilize testing and assessment materials and procedures which are selected and administered so as not to be racially, culturally, or sexually discriminatory. Tests and other assessment materials must be provided and administered in the student's primary language or other mode of communication, unless there are stated reasons why this provision and administration are not clearly feasible. All assessment instruments utilized must have been validated for the specific purpose for which they are used, and be administered by trained personnel in conformity with the instructions provided by the publisher. All written reports must meet the requirements of the IDEA and California Ed. Code Section 56327.

The results of the IEE will be considered in the determination of eligibility, program decisions, and placement of the student with disabilities as required by the Individuals with Disabilities Education Act. However, the results of an IEE will not control the LEA’s determinations and may not be considered if not completed by a qualified professional, as determined by the LEA.

LEAs should consider that contracting with an NPA or other assessor for both assessment and services could compromise the reliability of the assessment performed. Please refer to the Master Contract for language related to use of the same contractor for assessment and direct services.

Reference:

Legal Authority:

20 U.S.C. 1414(a) - (c) - Evaluations and re-evaluations;

20 U.S.C. 1415(b)(1) - Right to independent educational evaluations;

34 CFR 300.502 - Independent Educational Evaluations;

34 CFR 300.503 - Independent Educational Evaluations;

Comments to 34 CFR 300.502 Independent educational evaluations;

Education Code section 56327;
34 CFR 300.300 Parent Consent - Evaluation;
34 CFR 300.304-306 Procedures for evaluations and Determination of eligibility;
Education Code 56329 Independent educational assessments;
Education Code 56381 Reassessments.
Education Code 56329 Notice to parents or guardians; independent educational assessment; hearings; proposals for publicly financed nonpublic placements
Education Code 56509(c) Due process rights of pupil and parent
Approved SELPA Governing Board November 3, 2009
Approved SELPA Governing Board February 24, 2015
Meeting Date: October 15, 2019

Subject: 
Agenda Item #: 5.2 
Approve updated Parentally Placed Students – Private School Policy

Action Requested: 
Approve

Discussion: 
The Associate Superintendent has reviewed and obtained input from the LEA Administrators regarding an updated Parentally Placed Students – Private School Policy. Adjustments were made to ensure clear communication and references to updated resources related to compliance, timelines and communication with private schools located within San Mateo County to ensure parentally-placed eligible children receive appropriate access to special education services.

Three main adjustments were made:
1. Language was adjusted regarding the San Mateo County alignment with federal guidelines related to District of Location assessment responsibilities.
2. Language was adjusted to provide updated resources to LEAs related to documentation.
3. Adjustments were made to reflect updated reference material provided by county counsel on compliance related timelines and documentation.
4. 

This is the final version of the Parentally-Placed Students – Private School Policy language presented to the board. The LEA Administrators reviewed and provided input and edits on September 13, 2019 and on October 11, 2019.

Financial Summary: 
None

Prepared By: Anjanette Pelletier, SELPA Associate Superintendent
POLICY

PARENTALLY-PLACED PRIVATE SCHOOL STUDENTS WITH DISABILITIES

DEFINITIONS

District of Location: As used in this policy, District of Location (DOL) refers to the district where the private school or facility is located. DOL is referred to as Local Educational Agency (LEA) in federal and state laws regarding parentally-placed private school students.

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

Private School or Facility: As used in this policy, private school or facility means: (1) private full-time day school pursuant to California Education Code Section 48222 (including religious schools); (2) private tutor pursuant to California Education Code Section 48224; and/or (3) any other educational institution, program, arrangement, or facility not sponsored, maintained, or managed by the school district and for which the school district does not collect average daily attendance funds.

Private School Children with Disabilities: As used in this policy, private school children with disabilities means children with disabilities enrolled by a parent in a private elementary or secondary school or facility, other than students with disabilities placed by the school district in a nonpublic, nonsectarian school pursuant to EC 56365. (EC 56170)

Representatives of Private School Students: As used in this policy, representatives of private school students may include private school administrators, teachers, students and parents.

Districts within the San Mateo County Special Education Local Plan Area (SELP A) shall:

Locate, identify, and evaluate all students ages three (3) to twenty-two (22) with disabilities voluntarily enrolled by their parents in private schools, including religious schools, who may be eligible for special education services; and

Offer a free appropriate public education (FAPE) to all students ages three (3) to twenty-two (22) with disabilities voluntarily enrolled by their parents in private schools, including religious schools, who are determined to be eligible for special education services. Local education agencies shall provide FAPE to all students ages three (3) to twenty-two (22) with disabilities who are determined to be eligible for special education who are enrolled in public schools.
Consultation with Private School Representatives

To ensure timely and meaningful consultation, the DOL shall consult with representatives of private schools and representatives of parents of parentally-placed private school children with disabilities during the design and development of special education and related services for children with special education needs. Such consultation shall be pursuant to PL 108-446 Section 612 (10)(A)(ii)(V)(iii)(I-V) and Education Code Section 56172(b) & (c):

1. The child find process and how parentally-placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;
2. The determination of the proportionate amount of federal funds available to serve parentally-placed private school children with disabilities, including the determination of how the amount was calculated;
3. The consultation process among the DOL, private school officials, and representatives of parents of parentally-placed private school children with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed private school children with disabilities identified through the child find process can meaningfully participate in special education and related services;
4. How, where, and by whom special education and related services will be provided for parentally-placed private school children with disabilities, including a discussion of types of services, including direct services and alternate service delivery mechanisms, how such services will be apportioned if funds are insufficient to serve all children, and how and when those decisions will be made; and
5. How, if the DOL disagrees with the views of the private school officials on the provision of services or the types of services, the DOL will provide to the private school officials a written explanation of the reasons why the DOL chose not to provide services directly or through a contract. (20 U.S.C. 1412(a)(10)(A)(iii))
6. Timely and meaningful consultation as described above will be facilitated primarily by the SELPA for all private schools within San Mateo County SELPA boundaries, with appropriate LEAs included. The SELPA will maintain evidence of its efforts to obtain representatives of private schools participation, including copies of invitation letters, surveys of needed supports, and sign in sheets at annual meetings. The DOL retains its obligation to engage in additional consultation if required or appropriate with private schools within the DOL boundaries.
7. A private school official has the right to submit a complaint to the CDE, if:
   a. The DOL’s consultation was not meaningful and timely, or
   b. The DOL did not give due consideration to the views of the private school official.
8. If a complaint is filed:
   a. The private school official must provide the basis of the complaint of noncompliance
   b. The DOL must forward the appropriate documentation to the CDE.
9. If the private school official is dissatisfied with the decision of the CDE, he/she may appeal the decision to the U.S. Department of Education.
**Child Find**

The DOL shall undertake the following child find activities with regard to private school students ages three (3) to twenty-two (22):

1. Consult with representatives of private school children with disabilities regarding the child find process, including but not limited to, criteria for special education eligibility and special education referral procedures under federal and state laws and regulations, and
2. Distribute materials to representatives of private school children with disabilities regarding the child find process, including but not limited to, criteria for special education eligibility and special education referral procedures under federal and state laws and regulations.
3. The proportionate share of federal funds described in Section VI (B), below, shall not be used for child find activities.

The DOL shall ensure child find activities undertaken for private school students are comparable to activities undertaken for students with disabilities ages three (3) to twenty-two (22) in public schools.

**Special Education Referral**

Students must be referred for special education instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized.

If after considering and, where appropriate, utilizing general education resources, representatives of private school students with disabilities, determine that a private school student may be eligible for special education services, a referral shall be directed to the Director of Special Education of the DOL.

If the private school conducted a Student Study Team (SST) meeting, the DOL shall request that the private school provide a copy of the SST documents to the DOL when private school representatives determine that a private school student may be eligible for special education services.

**Initial Individualized Education Program (IEP) Team Meeting**

Upon identifying and locating a student suspected of having a disability, the DOL shall conduct an appropriate and timely initial assessment of the child's needs, if a current assessment has not been performed by the DOR.

DOL shall make eligibility decisions in accordance with applicable state and federal laws and regulations.

If the parents of a private school child with a disability are clearly not interested in enrolling their child in public school, and if the child is eligible for special education and related services as a child with a disability, the DOL may develop an Individual Service Plan (ISP) in accordance with this policy and federal and state laws and regulations.

In order to ensure that the parents' intentions are clear, the DOL shall request that the parents sign a statement similar to the following **printed on LEA letterhead**:
Certification of Parents' Decision Not to Enroll in Public School

We hereby certify that we are not interested in enrolling our child, [NAME], to attend public school at [SCHOOL DISTRICT]. We are not interested in the development of an IEP for our child and we do not wish to attend a meeting where our District of Residence (DOR) could make an offer of a free appropriate public education. We are interested in an Individual Service Plan from the DOL, the school district where the private school in which we are parentally placing our child is located. We have received the San Mateo County SELPA Notice of Procedural Safeguards and Parents’ Rights, and we understand the notice. We understand that our DOR will receive a copy of this certification.

If the parents of a private school child with a disability are interested in enrolling their child in public school, or are unsure of their intentions, the DOR IEP team shall develop an IEP for the child.

If the parents of a private school child with a disability agree with, and consent to, the IEP developed by the DOR, the IEP shall be implemented by the DOR without undue delay following the IEP meeting.

If the parents of a private school child with a disability agree with, but decline the IEP developed by the DOR IEP team, the IEP team shall ask the parents to their agreement with the following statement on the student’s IEP form:

I agree that the District of Residence has offered my child a free appropriate public education, including an appropriate placement and services. However, I am voluntarily placing my child in a private school.

The district shall not be required to pay for the cost of education, including special education and related services, of a student with a disability at a private school if the district made FAPE available to the student and the parent of the child elected to place the child in the private school or facility. (EC 56174)

A private school student with disabilities may receive a different amount of services than a student with disabilities enrolled in a public school receives pursuant to paragraph (2) of subsection (a) of Section 300.455 of Title 34 of the Code of Federal Regulations. No private school student with disabilities is entitled to any amount of service the student would receive if enrolled in a public school pursuant to paragraph (3) of subsection (a) of Section 300.455 of Title 34 of the Code of Federal Regulations.

If the parents voluntarily place their child in a private school, the DOR shall request that the DOL develop an Individual Service Plan (ISP) on the SELPA ISP form in accordance with this policy and federal and state laws and regulations.

Student Count of Parentally-Placed Private School Students with Disabilities

The DOL shall determine the manner in which to conduct the annual count of the number of private school students with disabilities. The student count shall be conducted for attendance on CALPADS Census Day from the prior year. The student count shall be conducted by mail and follow-up phone call, by e-mail, or via in-person contact as needed.

The student count shall be used to determine the proportionate amount of federal funds that the DOL must spend on providing special education and related services to private school students with disabilities in the fiscal year following the date on which the student count is conducted.
The Individual Service Plan

No parentally-placed private school child with a disability has an individual right to receive some or all of the special education services that the child would receive if enrolled in public school.

Pursuant to federal and state law and regulations, the DOL shall spend a proportionate share of federal funds made available under the Part B grant program for local assistance to provide special education and related services to private school students with disabilities ages three (3) to twenty-two (22) eligible for special education services. Decisions about the services that shall be provided to private school children with disabilities are made after consulting, in a timely and meaningful way, with representatives of private school children with disabilities, as described in Section I(A) (1-4) of this policy.

Following timely and meaningful consultation, the DOL will inform the private schools located within the DOL’s attendance boundaries of their determination of the type or nature of services to be provided on behalf of children with disabilities enrolled in the private school. Such notification may be provided via email, letter or at ISP meetings. The DOL may wish to utilize the following language to inform the private schools of their determination:

After consulting with representatives of private school students with disabilities as required by law, the School District determined that the following services shall be provided to private school students with disabilities ages three (3) to twenty-two (22) who are determined to be eligible for special education services:

1. 
2.

Transportation

If the ISP team determines that transportation is necessary for the student to benefit from or participate in the services provided in the student’s ISP, a private school student with a disability shall be provided transportation, as outlined in the ISP, depending upon the scheduling of the services. Such transportation may be provided:

1. From the student’s school or the student’s home to a service site other than the private school;
2. From the service site to the private school or to the student’s home, depending on the timing of the services.

The DOL shall not provide transportation from the student’s home to the private school.

The cost of transportation described in this section shall be included in calculating whether the DOL has spent a proportionate amount of federal funds on private school children with disabilities.

Each private school student with a disability who has been designated to receive services under this policy shall have an ISP that describes specific special education and related services that the DOL shall provide to the student as determined by the DOL pursuant to this policy. The DOL shall ensure that a representative of the private school attends meetings involving student’s ISP. If the private school representative cannot attend, the DOL shall use other methods to ensure participation by the private
school, including individual or conference telephone calls.

The services offered pursuant to this policy shall be reviewed by the DOL at least annually by means of a DOL-wide survey and/or consultation with representatives of private school students with disabilities ages three (3) to twenty-two (22).

The services provided pursuant to this policy may be provided at a private school, including a religious school, to the extent consistent with law. The location of the services shall be set out in the student’s ISP. Service providers, if any, shall be hired and supervised by the DOL.

The DOL shall keep title to and control all property, equipment, and supplies acquired for the benefit of private school students with disabilities.

The DOL shall not use its proportionate share of federal funding to finance the existing level of instruction in a private school or to otherwise benefit the private school.

IEP Meetings/Assessments after the Initial IEP Team Meeting

All students with disabilities eligible for special education who reside in the DOR are entitled to receive FAPE from the DOR if they are enrolled in public school. One year after an eligible private school student’s initial IEP team meeting, and annually thereafter, the DOR shall notify the child’s parents in writing (in a letter and form created on DOR letterhead) that the DOR:

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

Unless Paragraph VII (C), below applies, the parents shall be requested to send the document back to the DOR and indicate their agreement with one of the following statements:

I understand that the DOR continues to offer my child a free appropriate public education (including appropriate special education and related services) if my child is enrolled in public school, and I would like my child to continue to receive services pursuant to the ISP. I am not interested in enrolling my child in public school. (In this case, the DOR will forward within three (3) business days a copy of this document to the DOL.)

Or

I understand that the DOR continues to offer my child a free appropriate public education (including appropriate special education and related services) if my child is enrolled in public school, and I would like to schedule an IEP meeting for my child.

Notwithstanding Paragraph VII (A) and (B), above, the DOL shall conduct an assessment at least every three (3) years in order to determine the student’s continuing eligibility for special education. If the parent of the student does not consent to reassessment, the student is no longer considered eligible for special education, and is not included in the count of private school students.

Private Preschool Students with Disabilities
If, after appropriate assessment, the DOL IEP team determines that a preschool child with a disability is eligible for special education services, the DOR will develop an IEP offering appropriate special education and related services. Upon enrollment in the DOR, the eligible preschool child shall be considered a public school student. The DOR shall provide the eligible preschool child with a disability with FAPE in accordance with federal and state laws and regulations.

If:

1. The DOL determines that a preschool child with a disability is eligible for special education services and the DOR develops an IEP offering placement and related services; and
2. The parent agrees with the IEP developed by the DOR IEP team, but declines public preschool placement in order to parentally place their child in a private school; then,
3. The eligible preschool child with a disability shall be considered a parentally-placed private school student. In such case, the DOR may wish to consider any other potential offer for educational services, as privately placed preschool children cannot be provided an ISP child in accordance with this policy and federal and state laws and regulations.

Dispute Resolution

When FAPE is not at issue, special education due process procedures are not available to parents for resolving disagreements about the services provided to private school children unilaterally placed by their parents.

No DOL or DOR is required to pay for the cost of educating a student with a disability in a private school (including special education and related services) if: (1) the DOR made FAPE available to the child, and (2) the parents voluntarily elected to place their child in a private school.

Disputes regarding whether the DOR made FAPE available to the student, (as well as the initial location, identification, and assessment of the parentally-placed private school student with disabilities by the DOL and/or the DOR, as appropriate), may be resolved pursuant to local policies and procedures and/or by filing a request for a due process hearing with the Office of Administrative Hearings.

Disputes regarding the SELPA's policy regarding Parentally-Placed Private School Students with Disabilities may be resolved pursuant to local policies and procedures, and/or by filing a complaint with the California Department of Education pursuant to Title V of the California Code of Regulations, section 4600 et seq. Complaints may be sent to:

California Department of Education Special Education Division
Procedural Safeguards Referral Service 1430 N Street Suite 2401
Sacramento, California 95814 Attn: PSRS Intake

Legal Citations: Title 20 United States Code Section 1412(a)(10)(A) California Education Code Sections 56170-56177

Approved by Administrators Council: 11/16/06
Approved by SELPA Governing Board: 1/09/07
Updated 9/15/13
Updated 9/13/19
San Mateo County SELPA Governing Board

Board Agenda Item

Meeting Date: October 15, 2019

Subject: Agenda Item #: 6.1
Update on New Local Plan Template document and Timeline for completion by June 2020

Action Requested:
Discuss

Discussion:
AB 1808 added new requirements for SELPAs and COEs:

1. Superintendent to consult with SELPA Administrator to confirm Local Plans and LCAP are aligned
2. A template be developed for Local Plans
3. County Superintendent to approve Local Plan
4. Local Plans to be reviewed every 3 years
5. To be posted to LEA, SELPA and COE internet websites

Language from the bill states:

(c) A complete copy of the local plan, annual budget plan, annual service plan, annual assurances support plan, and policies and procedures shall be held on file in the special education local plan area office and at each participating local educational agency, and shall be accessible to any interested party.

The local plan, per ed code, has three prongs:
• Local Agreements;
• Governance and Administration; and
• Annual Plans (Budget, Service) - (Updated Annually, Held Locally)
  and any necessary Attachments - Interagency Agreements (Held Locally)

• The Local Plan on the new template must be submitted to the CDE by June 30, 2020. As of July 1, 2020, the requirement to post local plans on the websites for the SELPA, each district and COE goes into effect.

A proposed timeline for completion of the San Mateo County Local Plan Template transition will be shared.

Financial Summary:

Prepared By: Anjanette Pelletier, Associate Superintendent
San Mateo County SELPA Local Plan Work Group Process

Tentative Schedule

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<th>Date</th>
<th>Group</th>
<th>Task</th>
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<tr>
<td>9/13/19</td>
<td>LEA Administrators</td>
<td>Share Current Local Plan, inform of need to form committee, share draft Template</td>
</tr>
<tr>
<td>10/15/19</td>
<td>SELPA Governing Board</td>
<td>Inform of need for transition to Template, review requirements and timeline</td>
</tr>
<tr>
<td>10/22/19</td>
<td>Community Advisory Committee</td>
<td>Share Current Local Plan, inform of need to form committee and transition to Template, request participants for workgroup</td>
</tr>
<tr>
<td>Nov.-Dec.</td>
<td>SELPA Staff</td>
<td>Transition content to Template, highlight areas for consideration of language change, share out information with workgroup</td>
</tr>
<tr>
<td>Dec-Feb</td>
<td>Local Plan Workgroup</td>
<td>Review sections and edits completed to date, make any additional recommendations for changes</td>
</tr>
<tr>
<td>January 24, 2020</td>
<td>LEA Administrators</td>
<td>Local Plan Input session</td>
</tr>
<tr>
<td>January 2020</td>
<td>CBOs</td>
<td>Local Plan Input Session</td>
</tr>
<tr>
<td>February 11, 2020</td>
<td>CAC</td>
<td>Local Plan First Reading</td>
</tr>
<tr>
<td>March 27, 2020</td>
<td>LEA Administrators</td>
<td>Local Plan First Reading</td>
</tr>
<tr>
<td>March 31, 2020</td>
<td>SGB</td>
<td>Local Plan First Reading</td>
</tr>
<tr>
<td>April 17, 2020</td>
<td>LEA Administrators</td>
<td>Local Plan Second Reading</td>
</tr>
<tr>
<td>April 2020</td>
<td>CBOs</td>
<td>Local Plan Second Reading</td>
</tr>
<tr>
<td>May 12, 2020</td>
<td>SGB</td>
<td>Local Plan Second Reading</td>
</tr>
<tr>
<td>May 12, 2020</td>
<td>CAC</td>
<td>Local Plan Second Reading</td>
</tr>
<tr>
<td>June 16, 2020</td>
<td>Superintendents’ Council</td>
<td>Action - Approve Local Plan Public Hearing - Sections D and E Local Plan Template Sections D and E - Annual Budget and Services Plan on the agenda for Approval</td>
</tr>
<tr>
<td>June 2020</td>
<td>SELPA Staff</td>
<td>Submit for Approval by governing board of each school district Submit to CDE for Approval by June 30, 2020</td>
</tr>
</tbody>
</table>

Note: Template Section C is due on July 1, 2021

Process to Approve Local Plan 2019-20

<table>
<thead>
<tr>
<th>Committee</th>
<th>1st Read</th>
<th>2nd Read</th>
<th>Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Advisory Committee (CAC)</td>
<td>2/11/20</td>
<td>5/12/20</td>
<td></td>
</tr>
<tr>
<td>LEA Administrators</td>
<td>1/24/20</td>
<td>3/27/20</td>
<td></td>
</tr>
<tr>
<td>CBOs - Fiscal Advisory Committee</td>
<td>1/2020</td>
<td>4/20</td>
<td></td>
</tr>
<tr>
<td>SELPA Governing Board</td>
<td>3/31/20</td>
<td>5/12/20</td>
<td>6/16/20</td>
</tr>
</tbody>
</table>
Subject: SELPA Update

Agenda Item #: 6.2

Action Requested: None

Attended Coalition for Adequate Funding and SELPA Meetings

Participated in two State Superintendent of Public Instruction Transition Workgroups - Improving Special Education Outcomes and Improving Education Finance. Both workgroups held several meetings and report documents were submitted to the SPPI by mid summer.

Participated in two workgroups focused on updating or creating guidance documents related to implementation of Continuation of Care Reform (CCR).

The Integrated Core Practices Model is a guiding practice document utilized by child welfare, county mental health and probation departments. The document required updating in order to integrate the roles and practices of educational systems, including COEs and SELPAs into the system of care for supporting foster youth and system served youth. A final draft of the education subcommittee’s recommendations were submitted in September and the final updated ICPM is anticipated to be released Spring of 2020.

AB 2083 is a related bill that was passed to required interagency collaboration and cooperation to further the implementation of CCR. The AB 2083 Workgroup was tasked with developing a set of guidelines to integrate with the ICPM and to provide an MOU template and set of resources for local use as partnerships move towards required MOU completion in 2021. I was the ACSA representative for this work and was able to represent San Mateo County and our long history of positive collaborative work in this arena.

Participated in beta testing of the CALPADS-Special Education interface with Cabrillo Unified during the summer, and hosted several county-wide presentations related to the CASEMIS to CALPADS transition. Interfacing with CALPADS staff at the LEA level, supporting collaboration and communication between LEA staff in sped and CALPADS areas, and ensuring that we have the capacity to support questions during this transition have been a primary focus for the SELPA team during the summer and early fall. CALPADS special education functionality went live September 10, Census Day was October 2, and we are now working with LEAs and CALPADS staff to upload reports and move towards the approval process at the LEA and SELPA levels. LEAs have until Dec 6 to upload and approve their data and SELPA has until Dec 20th to approve. This is critical because LEA funding and special ed funding will be based on meeting these deadlines. Superintendent support for this process is critical.

Performance Indicator Review (PIR) approvals started arriving in September. Several LEAs were asked to make minor adjustments to their PIRs (primarily adjusting dates) and all LEAs (25 PIRs, 23 LEAs) are working now on implementation and documentation of their PIR actions for the 18-19 Plan.

Disproportionality review participants were identified and informed on September 21 based on 18-19 Data. All LEAs selected (17 out of 30) are reviewing and collating the required documents for submission to CDE by October 30. SELPA facilitates a secure transfer protocol - Share File – for all submissions. Most LEAs review between 10 and 30
files, depending on ADA size. SELPA completes a SELPA-wide Policy and Procedure review that LEAs can add to with local practice or documentation. We anticipate that CDE will review and provide LEAs with required corrective actions before December 1. (All Dispro monitoring from 17-18 was completed in September 2019) SELPA hosted the CDE for a regional training on completion of the 18-19 Dispro process on September 19 and received positive feedback about the coordination and organization of the resources for LEAs from CDE staff.

Facilitated IEP training for a new cohort of staff from LEAs was well attended, and we are also provide the training to nearby SELPAs to improve our community of practice and potential for sharing resources.

Had introductory meetings with all new LEA Special Ed leaders - we have 8 new leaders who joined us at new districts so ensuring they have information about available connections, resources, and the supports SELPA can provide was a priority starting in August.

Presented to the IMPACT clinical staff for the San Mateo Family Clinics at their monthly convening regarding special education referrals, eligibility and available resources, including mental health services in the schools.

Met with several private schools to consult regarding PD offerings, referrals for children enrolled in private schools for elementary and transitioning to HS districts, and to maintain open communication about collaboration opportunities.

Provided CBOs and fiscal staff with mental health allocation documents and working with fiscal staff to complete the required end of year reporting documents including: Excess Cost Calculation worksheets and SEMA/SEMB support for Maintenance of Effort reporting. Reports are due to CDE this year on November 15. Multiple LEAs required individual support in completion of excess cost calculations, SEMA/SEMB worksheets and to support LEAs in completing MOE exemption worksheets. SELPA will complete the subsequent year tracking sheets for each LEA – this work is in progress. CDE has been auditing these very carefully from last year, so we are grateful that our fiscal support: Minette Manio and our new fiscal analyst Aruna Datta has been very thoughtfully been reviewing all submissions for accuracy and compliance prior to our submission.

Regional Private School meeting held on October 11th. Private School Proportionate Share presentation and funding exhibits were shared with LEA Administrators as well. This is our annual opportunity to meet with all local Private Schools who attend, to provide them with an opportunity to consult on our special education related services and request supports, trainings and information related to Child Find activities throughout the SELPA.

SELPA PD calendar for the year is published on the website. There continue to be challenges with scheduling and attendance – the impact of staffing issues at the local level means limited release time available for PD attendance. We have expanded offerings for Paras, but again attendance is a challenge. We will be attempting to video archive an upcoming training to see if we can get additional persons exposed to material in this manner.

SELPA is again hosting an ACSA Special Education Academy. This is our fourth year of providing ACSA sponsored PD to special ed leaders in our region. This year we have 28 participants, 5 from San Mateo County, 15 from Santa Clara County and the remainder from Monterey or farther.

Presented to the San Mateo County Board of Education about how SELPA provides resources and supports to member LEAs. Provided the Board members with access to my Padlet – https://padlet.com/apelletier3 - which has resources curated and collated for use by member LEAs and the public. Additionally, there are links to Karen Breslow’s padlet – https://padlet.com/kbreslow - where she curates PD and other resources for LEAs for their local use. SGB members
may be especially interested in the Padlet entitled SELPA Technical Assistance PIR-LCAP Alignment, which includes multiple resources for implementation and monitoring of PIRs and alignment activities for LCAP/Dashboard indicators.

First Community Advisory Committee - Resource Parent Council meeting is on October 22. A presentation on the role of the CAC, the upcoming Local Plan Template transition and an overview of the schedule for the year will be presented. LEAs received a flyer to send out to all parents. LEA representation has been requested at all meetings. An email will be going out to all Superintendents regarding the role of the CAC, the ed code requirements around appointment of a locally determined parent member to the CAC, and the processes SELPA has used to communicate in the past about meetings and membership.

Participated in review of the Oxford Day Academy Charter renewal with the SMCOE team providing review of the special education sections and collaboration on quality and impact indicators.

KIPP Schools has received approval to open a new high school in the Sequoia Union catchment area. They are intending to apply to be a SELPA member, and we will have an application process for them starting in December 2019.

Prepared By: Anjanette Pelletier, Associate Superintendent, SELPA
Board Agenda Item

Subject: Board Member Comments

Action Requested:
Discussion

Board Members will be provided with an opportunity to share information relevant to special education, the operation of the SELPA, or other information of interest to the special education community as a whole.

Financial Summary:

Prepared By: Anjanette Pelletier, Associate Superintendent
Subject: County Superintendent Update  

Agenda Item #: 6.4  

Action Requested: 
Discussion  

Nancy Magee, County Superintendent, will provide an update on the San Mateo County Office of Education programs and services.  

Financial Summary:  

Prepared By:  
Anjanette Pelletier, Associate Superintendent
Board Agenda Item

Meeting Date October 15, 2019

Subject: Agenda Item #: 7.1

Spotlight Presentation: Staff from San Mateo County Office of Education – Special Olympics

Staff from SMCOE will present an update on the Special Olympics reorganization.

Financial Summary:

Prepared By: Anjanette Pelletier, SELPA Associate Superintendent
## Board Agenda Item

**Meeting Date:** October 15, 2019

### Subject: CLOSED SESSION – Employee Evaluation – Associate Superintendent, SELPA

### Agenda Item #: 8.1

**Action Requested:**

None

Adjourn to Closed Session to complete Public Employee performance evaluation and review goals for Associate Superintendent, SELPA.

**Prepared By:** Anjanette Pelletier, SELPA Associate Superintendent
Board Agenda Item

Meeting Date: October 15, 2019

Subject: Return to Open Session – Employee Evaluation – SELPA Associate Superintendent

Agenda Item #: 9.1

Action Requested:
None

Return to Open Session to report any action taken during Closed Session.

Prepared By: Anjanette Pelletier, SELPA Associate Superintendent