

Part B. Governance and Administration

Special Education Local Plan Area—Local Plan Requirements You can click on the bookmark links to skip ahead.

1. [Geographic Service Area Covered by the Local Plan](#)
2. [SELPA Regional Governance and Administrative Structure of the Local Plan. Roles and Structure of the Single LEA Administration](#)
2. [SELPA Regional Governance and Administrative Structure of the Local Plan. Roles and Structure of the Single LEA Administration \(continued\)](#)
3. [SELPA's regional policy making process for coordinating and implementing the Local Plan](#)
4. [Roles of the County Office of Education \(COE\)and/or any other administrative supports to coordinate and implement the local plan.](#)
5. [Policies and procedures for the participation of charter schools in the local plan](#)
6. [Representation and participation of the SELPA community advisory committee \(CAC\) in the development of the local plan](#)
7. [SELPA's process for regular consultations regarding the plan development](#)
8. [Description: Responsible local agency \(RLA\), Administrative Unit \(AU\), or other agency responsible for performing tasks such as the receipt and distribution of funds, provision of administrative support, and coordination and implementation of the plan](#)
9. [Contractual agreements and SELPA's system for determining the responsibility of participating agencies](#)
10. Multi-LEA Local Plans (not applicable to OUSD)
- 11a. [Roles of Responsible Local Agency/Administrative Unit \(RLA/AU\), the SELPA administrator: hiring, supervision, evaluation, and discipline of the SELPA administrator and staff employed in support of the local plan](#)
- 11b. [Roles of Responsible Local Agency/Administrative Unit \(RLA/AU\), the SELPA administrator: local method to distribute federal & state funds](#)
12. [Distribution of specialized equipment and services in a manner that minimizes the necessity to serve students in isolated sites](#)

Policies, Procedures, and Programs (23 policy areas with related legal assurances)

Administration of Regionalized Operations and Services. Coordinated Systems of/for:

1. [Coordination of the SELPA and Implementation of the Local Plan](#)
2. [Identification and Assessment](#)

3. Procedural Safeguards
 4. Staff Development and Parent/Guardian Education
 5. Curriculum Development and Alignment with the Core Curriculum
 6. Internal program review, evaluation of the effectiveness of the local plan, and implementation of the local plan accountability system
 7. Data Collection and Management
 8. Interagency Agreements
 9. Services to Medical Facilities
 10. Services to Licensed Children's Institutions and Foster Family Homes
 11. Preparation and Transmission of Required SELPA Reports
 12. Fiscal and Logistical Support of the CAC
 13. Transportation Services for Individuals with Exceptional Needs
 14. Career & Vocational Education and Transition Services
 15. Assurance of Full Educational Opportunity
 16. Fiscal Administration and Allocation of State and Federal Funds
 17. Direct Instructional Program Support by Program Specialists
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Special Education Local Plan Area Services

1. Programs for Early Childhood from Birth to 5 Years of Age
2. Method by Which to Address Questions or Concerns to the SELPA Plan Body or Administrators
3. Dispute Resolution Process Including Mediation and Final/Binding Arbitration to Resolve Disputes
4. Process to Ensure Referral of Students for Special Ed Instruction and Services only after the Resources of the General Education have Been Considered and Appropriately Utilized
5. Process to Oversee and Evaluate Placements in Nonpublic Schools and Method for Ensuring All Requirements of Each Student's IEP are being Met
6. Process to Provide FAPE to Students Age 18 to 21 [In County Jail Still Eligible, or Age 22 Specific Circumstances]

1. Geographic Service Area Covered by the Local Plan

Oakland Unified School district, hereafter referred to as OUSD, is a diverse, urban district of moderate size in the Bay Area of Northern California. As is typical of the surrounding area, Oakland is culturally, linguistically, **ad** socioeconomically diverse. The City of Oakland is home to over 430,000 people, and the District serves all residents of Oakland, along with specific areas of the neighboring cities of Berkeley and Emeryville. The geographic area of the City of Oakland stretches across almost 78 square miles, and it is the largest city and county seat for Alameda County. Within Oakland Unified, there are approximately 34,400 students in grades TK-12 enrolled in 80 district-operated public school campuses, and there are an additional 18,000+ students enrolled in Oakland's public charter schools, one of which is supported by OUSD SELPA. In addition to services within public schools, the SELPA supports Oakland residents who require placement in nonpublic facilities, embeds with local hospitals, provides home-based instruction when required per IEPs, and facilitates a Special Education preschool and young adult program. Currently, there are over 6,900 students eligible for special education within the OUSD SELPA.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. *Are charters served by our SELPA? We heard that there are no charters in our SELPA. What does "supported by the OUSD SELPA" mean?*
- b. *This description does not include General Education and Special Education students from 0-22. It only names Tk-12th grade students.*
- c. *Do the 6,900 students that are named as receiving Special Education include students who are 0-5 years old and students up to age 22? Revise this section to reflect the fact that our SELPA serves students from ages 0-22.*
- d. *Include as well the approximate number of students served within each of the following contexts named in this description: nonpublic facilities, local hospitals, home-based instruction, infant programs [not named specifically, please name], and young adult program.*

2. SELPA Regional Governance and Administrative Structure of the Local Plan. Roles and Structure of the Single LEA Administration. (EC 56195.1(b)(1)-(3)(c); EC 56205 (a)(12).

The Governing Body of Oakland Unified School District (OUSD) is the School Board of OUSD. 56205(a)(12) (A) 56195.1

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

(a) If of sufficient size and scope, under standards adopted by the board, submit to the superintendent a local plan for the education of all individuals with exceptional needs residing in the district in accordance with Chapter 3 (commencing with Section 56200).

Oakland Unified School District meets the criteria of 56195.1 (a) in that its size and scope allows it to be considered its own Special Education Local Plan Agency.

The OUSD SELPA submits to the superintendent, to its governing body, a local plan for the education of all individuals with exceptional needs.

The governing body of Oakland Unified School District SELPA (OUSD SELPA) is the Oakland Unified School District School Board of Education.

Responsibilities of OUSD's SELPA Board of Education:

1. Exercise authority over, assume responsibility for, and be fiscally accountable for special education programs operated by the SELPA;
2. By approving the Local Plan, enter into an agreement with other agencies participating in the plan, for purpose and delivery of services and programs;

3. Review and approve revisions of the OUSD SELPA Local Plan for Special Education;
4. Participate in the governance of the OUSD SELPA through its designated representatives: the Chief Academic Officer and Special Education Executive Director, who have the authority to act as the Board designee to approve and amend policies as necessary,

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. *Referring to disabled students (identity-first language) or students with disabilities (person-first language) as students with "special needs" or "exceptional needs" has come to be considered as euphemistic, paternalistic, and damaging. Relevant sources:*
 - [Baglieri Susan and Priya Lalvani. Undoing Ableism: Teaching about Disability in K-12 Classrooms, page 54](#)
 - [Federico Waitoller and King Thorius, Kathleen. Sustaining Disabled Youth: Centering Disability in Asset Pedagogies, page xvi](#)
 - [Oliver, David. "'I am not ashamed': Disability Advocates, Experts Implore You to Stop Saying 'Special Needs'." USA Today, June 11, 2021.](#)
 - https://www.huffpost.com/entry/what-to-call-disabled-person_l_5d02c521e4b0304a120c7549*We request that OUSD adopt disability positive (non-euphemistic) language within this important document.*

- b. *We reviewed the governance structure of 3 single-district SELPAs (Fresno, Long Beach, Sacramento City). Two of them maintain within the SELPA Board the responsibility to approve and amend policies related to Special Education, Fresno and Long Beach. Why has OUSD chosen not to do so? Doing so would increase the SELPA Board's responsibility for understanding such policies and making sure that they are followed by everyone, as well as allow for public education and comment related to such policies. We ask that you include in this section that we will ensure that the School Board adopts Special Education policies at a public meeting with the opportunity for public comment.*
 - https://sped.fresnounified.org/wp-content/uploads/FUSD_LP_SectionB_May2021-English.pdf
 - <https://www.lbschools.net/departments/special-education/selpa/local-plan>
 - <https://selpa.scusd.edu/selpa-local-plan-section-b>

- c. *In the absence of a designated Board committee or other Board structure to review the development, implementation, and impact of the Local Plan, a regular agenda item with designated public comment should be scheduled for this purpose at meetings of the full Board. This item must be scheduled to occur no fewer than four times per year and with a minimum of 30 minutes for presentation and comment. This is in addition to formal Local Plan hearings. We request that you add language to this section for the addition of those 4 agenda items as described so that the SELPA Board can adopt them as a practice.*

2. SELPA Regional Governance and Administrative Structure of the Local Plan. Roles and Structure of the Single LEA Administration (continued)

GOVERNANCE, STRUCTURE, AND ADMINISTRATIVE SUPPORT

The OUSD SELPA, pursuant to section 56195 of the California Education Code, has the responsibility to adopt a plan in accordance with California Education Code 56200 to assure that special education and services for all eligible individuals with disabilities residing in the geographic area served by OUSD SELPA are delivered.

SELPA POLICY

Policies governing OUSD SELPA shall be adopted by the Oakland Unified Board of Education and are included as part of the Local Plan. Prior to submission, input is received from parents and staff and may be solicited from public and nonpublic agencies and members of the public at large. The Community Advisory Committee (CAC) reviews the OUSD Local Plan and can recommend modifications, which are reviewed by the SELPA Director and/or a Special Education administrator designee.

There shall be a local plan Committee within the CAC that consists of at least five persons, the majority of whom must be parents of students served by the SELPA. The Local Plan Committee will receive a copy of the drafted local plan from the drafting body and will convene meetings to review its contents and make recommendations for edits before reporting a synopsis of such recommendations to the CAC at large.

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

1. Receipt and distribution of special education funds to its district's accounts for the operation of special education programs and services;
2. Receipt and distribution of special education funds to accounts exclusively designated for SELPA use;
3. The employment of staff to support SELPA functions;
4. Administration of the Local Plan and assuring that the SELPA is in compliance with all applicable laws and regulations.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. *Are you referring to one or two local plan committees? Who is the "drafting body"? It is difficult to know who is being referenced in this paragraph.*
- b. *The Local Plan Subcommittee of the CAC is not the same as the Local Plan Committee that is described within the CA Education Code 56195.9. The structure and process for subcommittees of the CAC must be determined by the membership of the CAC through its bylaws amendment process. We raised this concern upon adoption of the 2021-24 Local Plan and did not receive any response. We ask that you distinguish in this section between the Local Plan Committee and the Local Plan Subcommittee of the CAC [here described as "within the CAC"]. We also ask that you remove the language that defines the membership of the CAC's Local Plan Subcommittee. The intention here might have been to describe the membership of the Local Plan Committee to which the CAC sends parent members.*
- c. *We request that the following AU function be added: "5. The training and ongoing development of all district staff around issues pertaining to disability access, universal design, and accommodations for disabled students."*

3. SELPA's regional policy making process for coordinating and implementing the Local Plan. (EC 56195.7(i)(j)(1)(2).

The Oakland Unified SELPA ensures that a full continuum of programs and service options are available to all students. OUSD does not use county programs, but instead services students across the spectrum of disability impact.

OUSD has assured that:

1. Program options, as appropriate to the student's need, are available at local neighborhood schools;
2. The vast majority of special education programs, to the maximum extent appropriate to the student's needs, are housed on regular school campuses;
3. When factors related to an individual student's needs prevent the OUSD SELPA from directly providing a required service for a student, the service may be provided by a Nonpublic School or Residential Placement, as agreed upon by the student's IEP team.

The underlined text can be simpler.

In determining the appropriate LRE placement for students with disabilities, IEP teams follow the decision-making guidelines indicated below:

1. Determine if the student can be served in a general education classroom setting at the student's neighborhood school with supplemental aids and services that can be indicated in the IEP;

This does not follow our current enrollment policy and the shift to the integration of students with IEPs into the General Education school options and enrollment process.

2. Determine if the student can be served by the special education services provided at the student's neighborhood school campus. The IEP shall specify the extent to which the student will not be in the general education classroom setting and activities;

This does not follow our current enrollment policy and the shift to the integration of students with IEPs into the General Education school options and enrollment process.

3. Determine if the student can be served in a special education program within another OUSD public school campus that provides a more highly-specialized level of care;

4. Consider the LRE and discuss if a NPS placement is **warranted** once all options have been exhausted within the public school system;

5. Take steps to ensure that the placement of ethnically and culturally diverse students is not disproportionate by addressing cultural factors in the IEP team process to rule out a more restrictive placement that is tied to factors other than disability impact.

Comments, Questions, and Suggestions from Local Plan Subcommittee

- a. *We are very concerned that this approach to school/program placement is discriminating against disabled students in a district that promotes school choice for other students within its enrollment policies and practices. Please explain here how our SELPA is ensuring "full educational opportunity" by promoting access to the full array of school options and the options process. This includes schools with unique*

programmatic offerings such as schools with unique Linked Learning offerings, culturally-responsive schools, dual language schools, a variety of extracurricular and elective programs, alternative schools, etc.

- b. Are you trying to say "students of color" when you are saying "ethnically and culturally diverse students?" Please consider using direct and concrete language.*
- c. How are "cultural factors in the IEP team process" being addressed? Please explain in this section.*
- d. Statement #5 above is very wordy and confusing.*

4. Roles of the County Office of Education (COE) and/or any other administrative supports to coordinate and implement the local plan. [EC 56195.1(c); EC 56205(a)(12)(D)(i); EC 56195.5]

The Oakland Unified SELPA ensure that a full continuum of programs and service options are available to all students. OUSD does not use county programs and instead serves students across the spectrum of disability impact.

OUSD has ensured that:

1. Program options, as appropriate to the student's needs, are available at local neighborhood school;
2. The vast majority of special education programs, to the maximum extent appropriate to the student's needs, are housed on regular school campuses;
3. When factors related to an individual student's needs prevent the OUSD SELPA from directly providing a required service for a student, the service may be provided by a Nonpublic School or Residential Placement, as agreed upon by the student's IEP team.

In determining the appropriate LRE placement for students with disabilities, IEP teams follow the decision-making guidelines indicated below:

1. Determine if the student can be served in a general education classroom setting at the student's neighborhood school with supplemental aids and services that can be indicated in the IEP;
2. Determine if the student can be served by the special education services provided at the student's neighborhood school campus. The IEP shall specify the extent to which the student will not be in the general education classroom setting **ad** activities;
3. Determine if the student can be served in the special education program within another OUSD public school campus that provides a more highly-specialized level of care;
4. Consider the LRE and discuss if a nonpublic school placement is warranted once all options have been exhausted within the public school system.
5. Take steps to ensure that the proper placement of ethnically and culturally diverse students is not disproportionate.

Comments, Questions, and Suggestions from Local Plan Subcommittee

- a. This is close to a copy of the answer to #3. Why is some of the text in item 4 different from the same text in the preceding section? Why was the language about addressing cultural factors removed? Please reconcile the language in these two sections.*

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

Yes. No further answer is required if the answer is Yes.

Comments, Questions, and Suggestions from Local Plan Subcommittee

a. Please cite the four pages of charter-related policy included in the 2021-24 Local Plan. Or please provide a direct reference.

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

The OUSD SELPA has established a Community Advisory Committee (CAC) for special education.

The OUSD CAC is comprised of parents with disabilities enrolled in public or non-public schools within the Oakland SELPA, and currently includes students and adults with disabilities, special education providers, and other school personnel within the Oakland SELPA, along with persons concerned with the education of persons with disabilities. Representatives of nonpublic agencies, local community organizations, and other OUSD employees may participate as well. The Oakland SELPA has established procedures for the operations of the CAC and the state regulations for CAC responsibilities.

The CAC convenes monthly and engages in collaborative planning of the agenda and communication to members and participation between members and Special Education Department administrators.

Voting members are elected by their peers to leadership roles within the committee on an annual basis.

The CAC operates under the following provisions of the education codes:

56190: Each plan submitted under Section 56195.1 shall establish a community advisory committee.

The committee shall serve only in an advisory capacity.

56191: The members of the community advisory committee shall be appointed by, and responsible to, the governing board of each participating district or county office, or any combination thereof participating in the local plan. Appointment shall be in accordance with a locally determined selection procedure that is described in the local plan.

Where appropriate, this procedure shall provide for selection of representatives of groups specified in Section 56192 by their peers.

Such procedure shall provide that terms of appointment are for at least two years and are annually staggered to ensure that no more than one half of the membership serves the first year of the term in any one year.

56192: The Community Advisory Committee shall be composed of parents of individuals with exceptional needs enrolled in public or private schools, parents of other pupils enrolled in school, pupils and adults with disabilities, regular education teachers, special education teachers and other school personnel, representatives of other public and private agencies, and persons concerned with the needs of individuals with exceptional needs. At least the majority of such committee shall be composed of parents of pupils enrolled in schools participating in the local plan, and at least the majority of such parents shall be parents of individuals with exceptional need.

Comments, Questions, and Suggestions from Local Plan Subcommittee

- a. See comments and suggestions about the use of the term "exceptional needs" in Section #2 towards the beginning of this document.
- b. How can we take out the word "only" out of the following Ed Code sentence: "The committee shall serve only in an advisory capacity." This demeans the service of committee members. It is sufficient to say that the committee shall serve in an advisory capacity. While the OUSD SELPA might not on its own be able to change this. It could offer commentary here that affirms the value of the CAC and its role.

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

In accordance with EC 56194, the Community Advisory Committee has the authority and fulfills the responsibilities that are defined for it in the local plan. The responsibilities include the following:

- (a) Advising the policy and administrative entity of the special education local plan area regarding the development, amendment, and review of the local plan. The entity shall review and consider comments from the community advisory committee.
- (b) Recommending annual priorities to be addressed by the plan.
- (c) Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan.
- (d) Encouraging community involvement in the development and review of the local plan.
- (e) Supporting activities on behalf of individuals with exceptional needs.
- (f) Assisting in parent awareness of the importance of regular school attendance.

The Local Plan is developed and updated cooperatively by a committee of representatives of teachers, administrators, charter school personnel, and members of the CAC to ensure adequate and effective participation and communication. District employees may be elected by their peers to serve on the Local Plan committee. Directors of charter schools may participate or select a representative to serve on the Local Plan committee.

After this committee update, the plan will be presented to the CAC Local Plan subcommittee before proceeding to the CAC at large, which will be provided with 30 days for feedback and recommendations prior to the plan being presented to the Board of Education.

The local plan will be reviewed every three years and whenever new legislation, guidelines, or major changes in funding or services indicate the need to consider modifications to the Local Plan. The process used to amend and review the Local Plan will include cooperative involvement by the group described above.

Comments, Questions, and Suggestions from Local Plan Subcommittee

- a. *We should follow the process for a Local Plan Committee that is outlined by CA Education Code and posted on the CDE website: <https://www.cde.ca.gov/sp/se/ds/lclpln.asp>*

Here is the initial Ed Code language from the document linked above: "The Local Plan for special education must be developed and updated cooperatively by a committee of representative special and general education teachers and administrators selected by the groups they represent; and with the participation of parent member(s) from the community advisory committee (CAC), or parents selected by the CAC. SELPAs are responsible for making certain there is adequate and effective participation and communication."

The question for this section asks that we describe the process for the development of the Local Plan by the Local Plan committee as described in the referenced Education Code. While the response in this section cites important Ed Code requirements related to consultation with the CAC and the CAC's responsibilities, it does not answer the question.

- b. *The claim was made during the development of the 2021-24 Local Plan, that the SELPA Board did not need to adopt the plan. Ed Code and the CDE website clearly states that adoption is required. Can you please state the same in this section? We request that you state here that the Local Plan committee will present a draft plan to the SELPA Board for adoption.*

- c. *This segment of the Local Plan must state that the Local Plan Subcommittee of the CAC is separate from the Local Plan Committee.*

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

OUSD is designated as the Administrative Unit (AU) for the OUSD SELPA.

It shall be responsible for functions such as, but not limited to:

1. Receipt and distribution of special education funds for the operation of special education programs and services;
2. Receipt and distribution of special education funds to accounts exclusively designated for SELPA use;
3. The employment of staff to support SELPA functions;
4. Assuring that the SELPA is in compliance with all applicable laws and regulations.

Funds allocated for special education programs shall be used for services for students with disabilities.

Federal funds under Part B of IDEA may be used for the following activities:

1. For costs of special education and related services and supplementary aids and services provided in a regular class or other educationally related setting to a child with a disability in accordance with the IEP of the child;
2. To develop and implement a fully integrated and coordinated services system.

The SELPA Director is responsible to monitor the appropriate use of all funds allocated for special education programs. Final determination and action regarding the appropriate use of special education funds shall be made through the Annual Budget Plan process, which includes conducting a public hearing. The Director, with the assistance of the Administrative Unit, will prepare all program and fiscal reports required of the SELPA by the state. The OUSD Board of Education agrees to review and approve the SELPA-wide annual service and budget plans and any subsequent modifications.

Comments, Questions, and Suggestions from Local Plan Subcommittee

- a. As in the answer to question #2, please add: "The training and ongoing development of all district staff around issues pertaining to disability access, universal design, and accommodations for disabled students."*

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

Oakland LEA is responsible for implementing those services assigned to it and provided for in the Budget Plan.

However, when OUSD is unable to provide an appropriate program for an individual student, it shall arrange for an appropriate placement, through an IEP team meeting, with other agencies as required to meet the needs of the student.

Participating agencies may enter into additional contractual arrangements with OUSD to meet the requirements of applicable federal and state laws. OUSD actively seeks agencies that may partner with the SELPA to ensure the provision of high-quality services in accordance with the students' IEPs and facilitates the contracting process on an annual basis and when new needs arise.

Each participating agency agrees to carry out the duties and responsibilities assigned to it within the plan. Each agency shall provide special education services to all eligible students, including students attending charter schools where OUSD SELPA has granted that charter.

In addition, each agency shall cooperate to the maximum extent possible with other agencies to serve individuals with disabilities who cannot be served in OUSD programs who require access to services not available through OUSD employees. Such cooperation ensures that a comprehensive array of services and levels of care are available to students within the SELPA.

The SELPA's contract with a nonpublic school (NPS) includes evaluation of the child's placement at least annually through an IEP team meeting. The SELPA reviews all evaluations conducted by the school to ensure that they were appropriate and valid for measuring student progress and reviews IEP drafts in advance of meetings to assure compliance with state and federal regulations. The SELPA may choose to administer

assessments as necessary, with parental consent, to **determine** whether the student is making appropriate educational progress, and the SELPA conducts periodic visits to all nonpublic schools for the purpose of ensuring compliance with each student's IEP and determining if students are ready to return to the LRE of a public school program.

Comments, Questions, and Suggestions from Local Plan Subcommittee

- a. *A previous section stated that charter schools in the geographical area that choose to be part of our SELPA are served by it. Are agencies that provide services for our SELPA not required to do the same? Why does this section specify that they will only serve students in charter schools that were granted a charter by OUSD?*

10. For multi-LEA local plans, specify:

NOT APPLICABLE

11. Roles of Responsible Local Agency/Administrative Unit (RLA/AU), the SELPA administrator, and the individual LEAs associated with the SELPA related to:

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

Oakland Unified School District is a single-district SELPA and is therefore governed by OUSD's Board of Education. All SELPA staff are recruited and hired by OUSD's Talent Division in alignment with district board policies and, where applicable, contractual agreements with labor bargaining units.

No Comments, Questions, and Suggestions from Local Plan Subcommittee

11. Roles of Responsible Local Agency/Administrative Unit (RLA/AU), the SELPA administrator, and the individual LEAs associated with the SELPA related to:

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

The Chief Academic Officer and Chief Financial Officer work directly with the SELPA Director to develop and finalize the budget for Special Education and the SELPA. The District utilizes a goal-based budgeting process that aligns funds to priorities for service delivery and student learning. These priorities align with the district's vision and goals, as well as the District's LCAP, with the aim to improve education outcomes for all students who have an IEP. The budget development process entails reviewing all current site-based and central human resources, **equipment**

and materials, determining where resources may need to be augmented or shifted on the basis of enrollment projections, and evaluating proposed expenditures to ensure equity across the system. The proposed budget is developed mid-year and needs to be approved and adopted by the Board of Education each school year.

Comments, Questions, and Suggestions from Local Plan Subcommittee

- a. *The reference to a goals-based process of aligning funds to priorities through our LCAP contradicts the fact that most if not all Special Education actions and expenditures are excluded from our LCAP. The OUSD LCAP Coordinator has expressed that Sbecause pecial Education is a Base program it is not reflected in the LCAP.*
- b. *Please document here what comprehensive budget document exists that includes all Special Education services and expenditures regardless of the funding source of those expenditures., as well as how stakeholders can access that document. Also, please explain how that document (in part or in whole) aligns to the priorities, goals, and metrics outlined in the LCAP. The alternative would be for the LCAP to incorporate or reference all Special Education services and expenditures not currently included within it.*
- c. *At a minimum, Special Education reading supports, curricula, and programs should be included within our LCAP, as well as actions to recruit and retain Special Education staff. These are current areas of strategic improvements and investments that are not currently described in the LCAP.*

11. Roles of Responsible Local Agency/Administrative Unit (RLA/AU), the SELPA administrator, and the individual LEAs associated with the SELPA related to:

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

This section of the Local Plan was blank when presented to the CAC for review.

Comments, Questions, and Suggestions from Local Plan Subcommittee

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

This section of the Local Plan was blank when presented to the CAC for review.

Comments, Questions, and Suggestions from Local Plan Subcommittee

Policies, Procedures, and Programs

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

Domain and Citation	Language requested By CDE	Does OUSD match?	If No, what is our language?
1. Free Appropriate Public Education: 20 USC Section 1412(a)(1)	"It shall be the policy of this LEA that a free appropriate public education is available to all children with disabilities residing in the LEA between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school."	We are working to change the board policy to match.	
2. Full Educational Opportunity: 20 USC Section 1412(a)(2)	It shall be the policy of this LEA that all children with disabilities have access to educational programs, non-academic programs, and services available to non-disabled children.	We are working to change the board policy to match.	
3. Child Find: 20 USC Section 1412(a)(3)	It shall be the policy of this LEA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, who are in need of special education and related services, are identified, located, and evaluated. A practical method has been developed and implemented to determine which children with disabilities are currently receiving needed special education and	We are working to change the board policy to match.	

	related services.		
4. Individualized Education Program (IEP) and Individualized Family Service Plan (IFSP): 20 USC Section 1412(a)(4)	It shall be the policy of this LEA that an IEP, or an IFSP that meets the requirements of 20 USC Section 1436 (d), is developed, implemented, reviewed, and revised for each child with a disability who requires special education and related services in accordance with 20 USC Section 1414 (d). It shall be the policy of this LEA that an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions.	Yes	
5. Least Restrictive Environment: USC Section 1412(a)(5)	It shall be the policy of this LEA that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the general educational environment, occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.	We are working to change the board policy to match.	
6. Procedural Safeguards: 20 USC Section 1412(a)(6)	It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards according to state and federal laws and regulations.”	No	In order to protect the rights of students with disabilities and their parents/guardians, the district shall follow all procedural safeguards as set forth in law. Parents/guardians shall receive written notice of their rights, including the right to a due process hearing for any

			dispute related to the identification, assessment or educational placement of a child or the provision of a free, appropriate education to the child.
7. Evaluation: 20 USC Section 1412(a)(7)	It shall be the policy of this LEA that a reassessment of a child with a disability shall be conducted at least once every three years or more frequently, if appropriate.	We are working to change the board policy to match.	
8. Confidentiality: 20 USC Section 1412(a)(8)	It shall be the policy of this LEA that the confidentiality of personally identifiable data, information, and records maintained by the LEA relating to children with disabilities and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act, non-academic programs, and services available to non-disabled children."	We are working to change the board policy to match.	
9. Part C to Part B Transition: 20 USC Section 1412(a)(9)	It shall be the policy of this LEA that children participating in early intervention programs under the Individuals with Disabilities Education Act (IDEA), Part C, and who will participate in preschool programs, experience a smooth and effective transition to preschool programs in a manner consistent with 20 USC Section 1437(a)(9). The transition process shall begin prior to the child's third birthday."	Yes	
10. Private Schools: 20 USC Section 1412(a)(10)	It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private schools	Yes	

	shall receive appropriate special education and related services pursuant to LEA coordinated procedures. The proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents.		
11. Local Compliance Assurances: 20 USC Section 1412(a)(11)	It shall be the policy of this LEA that the local plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs, and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the IDEA; the Federal Rehabilitation Act of 1973, Section 504 of Public Law; and the provisions of the California EC, Part 30."	We are working to change the board policy to match.	
12. Interagency: 20 USC Section 1412(a)(12)	It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for free appropriate public education are provided, including the continuation of services during an interagency dispute resolution process.	We are working to change the board policy to match.	
13. Governance: 20 USC Section 1412(a)(13)	It shall be the policy of this LEA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the	Yes	

	<p>local plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Education Agency.</p>		
<p>14. Personnel Qualifications</p>	<p>It shall be the policy of this LEA to ensure that personnel providing special education related services are appropriately and adequately prepared and trained, and that those personnel have the content knowledge and skills to serve children with disabilities. This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the California Department of Education (CDE) about staff qualifications."</p>	<p>We are working to change the board policy to match.</p>	
<p>15. Performance Goals and Indicators: 20 USC Section 1412(a)(15)</p>	<p>It shall be the policy of this LEA to comply with the requirements of the performance goals and indicators developed by the CDE and provide data as required by the CDE."</p>	<p>We are working to change the board policy to match.</p>	
<p>16. Participation in Assessments: 20 USC Section 1412(a)(16)</p>	<p>It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs described in 20 USC Subsection 6311. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments where necessary and as indicated in their respective Reps..</p>	<p>Yes</p>	

<p>17. Supplementation of State, Local, and Federal Funds: 20 USC Section 1412(a)(17)</p>	<p>It shall be the policy of this LEA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA, and will be used to supplement and not to supplant state, local, & other federal funds.”</p>	<p>We are working to change the board policy to match.</p>	
<p>18. Maintenance of Effort: 20 USC Section 1412(a)(18) https://www.law.cornell.edu/uscode/text/20/1412</p>	<p>It shall be the policy of this LEA that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in federal laws and regulations.”</p>	<p>Yes</p>	
<p>19. Public Participation: 20 USC Section 1412(a)(19)</p>	<p>It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity for comments are available to the general public, including individuals with disabilities and parents of children with disabilities, and are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA.</p>	<p>Yes</p>	
<p>20. Suspension and Expulsion: 20 USC Section 1412(a)(22)</p>	<p>The LEA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies, procedures, and practices related to the development and implementation of the IEPs will be revised.</p>	<p>We are working to change the board policy to match.</p>	
<p>21. Access to Instructional</p>	<p>It shall be the policy of this LEA to provide instructional materials to blind students or other students with print disabilities in a</p>	<p>Yes</p>	

Materials: 20 USC Section 1412(a)(23)	timely manner according to the state-adopted National Instructional Materials Accessibility Standard.		
22. Over-identification and Disproportionality: 20 USC Section 1412(a)(24)	It shall be the policy of this LEA to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities.	Yes	
23. Prohibition on Mandatory Medicine: 20 USC Section 1412(a)(25)	It shall be the policy of this LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services.	We are working to change the board policy to match.	

Administration of Regionalized Operations and Services

Coordinated Systems of/for:

<p>1. Coordination of the SELPA and Implementation of the Local Plan</p>
<p>Oakland Unified (OUSD) is the Administrative Unit for OUSD SELPA. Within OUSD SELPA, there is a SELPA Director who is supervised by the Executive Director of Special Education. The Executive Director determines the roles and responsibilities of the SELPA Director, and these are approved by the Board of Education. The SELPA Director is responsible for ongoing coordination of the SELPA and ensuring implementation of the local plan. In collaboration with members of the CAC, teachers, department administrators, and representatives from the charter school within the SELPA, the SELPA Director creates the Local Plan, Annual Service Plan, and Annual Budget Plan and reviews it for approval by all requisite parties.</p> <p>The SELPA Director is responsible for the implementation of the plans, including:</p>

- ongoing communication with stakeholders and individual LEA administrators;
- Facilitation of Memoranda of Understanding with partners outside of Oakland Unified to clarify the responsibilities of each party and the scope of work relative to the local plan's implementation;
- The hiring, training, evaluation, and assignment of duties to Special Education personnel, who will be jointly responsible for implementation of the local plan;
- Continuous assessment of the efficacy of plan implementation;
- Coordinated support for the Community Advisory Committee

Program Specialists are assigned to a group of schools, including charter partners, within the SELPA. Each Program Specialist is an experienced, credentialed Special Educator who is knowledgeable about Special Education law, the development of Individual Education Programs, instructional methodologies, and evidence-based practices to support the needs of students with disabilities. As it pertains to implementing the local plan, Program Specialists will:

- Review the plan to understand its contents, and provide feedback during the plan development process;
- Engage with Special Education teachers and staff at assigned school sites to provide support and training in the implementation of the plan;
- Conduct routine site visits at assigned schools to provide in-person support in the implementation of compliant, comprehensive IEPs

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

Executive Director, SELPA Director, Other Directors

[Instructional Coaches, Directors and Coordinators]

- What is a "program specialist?" How is a "program specialist" distinct from a director, coordinator, or instructional coach? The roles of which we are aware are named above these questions in dark red. Please describe here who are program specialists and what they do. Please explain how they connect with and/or are distinct from the other roles.*

2. Identification and Assessment

The Individuals with Disabilities Education Improvement Act (IDEA) (20 U.S.C. § 1400 et. seq) and California Education Code §56301 require every local educational agency (LEA) to identify, locate, and evaluate students enrolled with known or suspected disabilities to determine whether a need for special education and related services exists. LEAs/Districts are obligated to develop and implement a plan to locate all IDEA-eligible students, including but not limited to, students who are homeless or ~~wards of the state~~ [foster youth.] The process an LEA/district develops to locate and identify students with disabilities is known as Child Find. To fulfill their Child Find obligation, each LEA/district conducts what are known as Child Find activities. Such activities may include the following: This says "may." Which activities is the OUSD SELPA doing?

- The use of a child find letter to parents or the responsible party of a child who may need special education or related services, in their primary language; ??? [If this happens, how/when does it happen? To whom is this letter sent? The reference to "the party of a child" is vague. All children, some children? Please specify.]
- Inclusion of targeted questions regarding areas of need and/or previous Special Education services in enrollment packets; [Does this happen? If so, can you name and/or link the specific enrollment document where this shows up?]
- Carefully screening files and enrollment documentation of all students transferring into the LEA/district to identify students who may have been receiving special services in their prior LEA/district; [How do we know that it is happening? Spell out how it is supposed to work?]
- Complete a California Longitudinal Pupil Achievement Data System (CALPADS) record search for all students transferring into the LEA/district, looking for reported Special Education data to identify students who may be eligible for special education; [Who does this and when does it happen? What happens if CALPADS surfaces a student with an IEP that is not currently served by the OUSD SELPA? Spell out the steps here.]
- Providing information in languages spoken in the community to parents that explains the LEA's/district's special services and whom to contact if they suspect their student may have a disability; [Where does this information reside? On the OUSD website? Elsewhere? Please specify.]
- Utilizing a clear referral system;
- Providing annual in-service activities to assist all staff in making appropriate referrals and on the Child Find process and obligation;
- Review of files for all students with a health plan to screen for suspected disabilities;
- Publication of a child find notice in the LEA/district newsletter or website. This notice may also be included in the enrollment packet and sent home annually to parents; [Please specify all of the locations where this child find notice is published.]
- Creation of a poster or other document for display in the main office (and other prominent areas) which includes whom to contact if there is a student suspected to be eligible under IDEA.
- A parent or a public agency may initiate a request for an initial evaluation to determine if a student qualifies as a student with a disability under the Individuals with Disabilities Act (IDEA) (34 CFR §300.301). Additionally, the IDEA's "Child Find" mandate requires that LEAs/districts seek out potentially IDEA-eligible students and refer those students for an evaluation. For more information relating to Child Find please see the section of this procedural guide titled, "Child Find Basics."

More specifically, referrals for special education assessment and eligibility may be submitted by the following persons:

- The holder(s) of educational rights (e.g., biological parent, adoptive parent, other individuals identified through court order)
- Student's caregiver [Add caregiver to the list of persons who can make a referral. This person is a part of the foster youth adult team.]
- Student Study Team/Student Intervention Team (SST)
- School staff
- Student (may self-refer)
- Community agency
- Court officers
- Any individual with knowledge of a child who may have a disability or may need related services

All referrals for special education and related services shall initiate the assessment process and shall be documented. When a verbal referral is made, a staff member of the LEA/district or Special Education Local Plan Area (SELPA) shall offer to assist the individual in making a written request for assessment for special education.

Upon receipt of the written referral, it is recommended to document the information received as part of the referral and any correspondence to assist with determining the appropriateness of the request. Under C. R. Sec. 3021(a), there is no specific language requirement for a request to be valid, however, it should be in writing. In the event the parent[person] makes a verbal request for assessment, the LEA/district shall assist in putting their request in writing. In the event a referral is made on behalf of the student, it is recommended that the LEA/district confirm the referral request with the holder of educational rights.

Once the written request has been received by the LEA/district, the LEA/district personnel will:

- Notify the holder of education rights that a referral was made;
- Develop an Assessment Plan
- Deliver the completed assessment plan and a copy of Procedural Safeguards to the holder of educational rights within 15 calendar days from receipt of the referral.

If the referral is received and it is determined that additional information is needed before proceeding with the development of an assessment plan, a meeting (such as an SST) should be convened with the holder of education rights and the referring party (if not referred by the holder of educational rights) to explore educational concerns as well as relevant background and health information.

After a careful review of student data, if it is determined that the student is receiving a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) and further assessment is not warranted, the LEA/district must notify the holder of education rights within 15 days with a [Prior Written Notice](#) PWN outlining why the requested assessment will not be initiated. The LEA/district shall include data in the PWN which illustrates that the student is not suspected to be eligible for special education services under any of the 13 eligibility categories of the IDEA.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. *Please note word-level suggestions included above.*
- b. *This section states that Child Find activities may include a list of possible activities? This is a plan. Which ones is the OUSD SELPA planning to do? Please identify the activities that OUSD will undertake. Please note specific comments and questions about those activities above.*
- c. *"When a verbal referral is made, a staff member of the LEA/district or Special Education Local Plan Area (SELPA) shall offer to assist the individual in making a written request for assessment for special education." Alternative language suggested: "When an individual makes a verbal referral for special education assessment to any OUSD staff, that staff shall either: support the individual in making a written referral or connect that individual with another staff person who can do so. The staff person who received the verbal referral must then inform a Special Education case manager at the site of the verbal referral."*

- d. *The SST or other meeting to gather additional information must happen within the 15 day window for providing an assessment plan to the education rights holder. Please clarify that here.*
- e. *What triggers a Prior Written Notice? Please state here what would warrant one.*
- f. *Please state how the SELPA is going to ensure that they are effectively identifying and assessing foster youth, given their unique needs.*

3. Procedural Safeguards

Procedural safeguards refer to the educational rights of students with disabilities ages three through 21 and their parents, legal guardians, or surrogate parents under the Individuals with Disabilities Education Act (IDEA) and the California Education Code. Adult students with disabilities who have reached the age of 18, referred to as the age of majority, are also entitled to these rights unless deemed unable to make their own educational decisions under California law.

Although LEAs/districts must provide the parent of a student with a disability with notice of the procedural safeguards at least once per year, it is recommended that the parent be provided a copy for review at the start of each IEP meeting. Local Educational Agencies (LEAs) should ensure the parent(s) understand the notice by offering to review the document together, providing ample opportunities for questions or clarification, and documenting receipt on the signature page of the IEP document.

The “Notice of Procedural Safeguards and Parents’ Rights” document can be found in multiple languages in the “Procedural Safeguards” section of the Oakland Unified SEIS Document Library. [\[Please lead parents and others to the “Family Resources” section of the OUSD Special Education web page. Include that reference here.\]](#)

In addition to the requirement to provide notice of procedural safeguards at least once per year, a copy must also be provided to parents [34 CFR §300.504; EDC §56301(d)(2);EDC§56321; and EDC§56341.1(g)(1)]:

- Upon initial referral or parental request for evaluation.
- When sending out an Assessment Plan and/or Prior Written Notice.
- Upon receipt of the first state complaint in the school year. [\[We cannot confirm that this is happening. No CAC member present in this review has received a notice of procedural safeguards in this way.\]](#)
- Upon receipt of the first due process complaint in the school year. [\[We cannot confirm that this is happening. No CAC member present in this review has received a notice of procedural safeguards in this way.\]](#)
- In accordance with disciplinary procedures.
- Upon parental request.

Under IDEA, the procedural safeguards notice must be:

- Written in a language understandable to the general public; and
- Provided in the native language of the parent or in another mode of communication that is used by the parent, unless it is clearly not feasible to do so. [34 CFR §300.504(d)]

If the native language or other mode of communication used by the parent is not a written language, then the school must take steps to ensure that:

- The notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

- The parent understands the content of the notice; and
- There is written evidence that these requirements have been met. 34 CFR §300.503(c) [Where can this evidence be found? How is it recorded? Please specify here.]

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- Please note word-level suggestions included above.*
- The procedural safeguards for parents who do not use a written language require that interpreters can confirm that they understand. This must be reflected in our interpretation policy and must be communicated to all staff. Please state here how that requirement will be communicated to interpreters, administrators, and other staff involved in the IEP process for these families.*
- If the Procedural Safeguards do not include information for how to contact the Local Parent Training and Information Center, please state here that they will and ensure that those safeguards are revised accordingly.*

4. Staff Development and Parent & Guardian Education

The SELPA Director collaborates with Special Education Executive Director, Directors, and Coordinators [Are these program managers?] to develop the scope and sequence for professional development within the SELPA. The annual plan is prepared each July and features content based on district department goals and feedback from Special Education staff.

New Special Education employees within the SELPA must participate in an onboarding professional learning sequence, which includes:

- Using the Special Education Information System
- Understanding the Procedural Safeguards and Special Education Law
- The IEP Process
- Formal and Informal Assessment Systems and Data Collection Tools
- Tools for Successful Collaboration with Families
- Staff Batteries ???
- Positive Behavior Interventions and a Function- Based Approach to Behavior Planning
- Additional training in District-adopted curricula for OUSD employees
- Online content is available, as well, including self-paced videos specific to IEP development and compliance.
- Program Specialists will co-facilitate at least two IEP team meetings with all new Special Education teachers within the SELPA.
- The Directors for Related Services and Psychological Services will ensure all personnel receive evidence-based professional learning at least monthly. [Does this really happen? Are ALL personnel accessing these "opportunities?" Are there supports and incentives in place for them to do so?]
- The SELPA Director will collaborate with Special Education Directors and Coordinators [Program Managers?] and leaders from the job classes that perform paraprofessional duties to prepare monthly professional development opportunities for paraprofessionals, which will include CPR

training, physical care basics, prompting strategies, implementation of IEPs, a function-based approach to behavior interventions, and responding to behavioral emergencies. [Does this really happen?! Are paraeducators accessing these "opportunities?" Are there supports and incentives in place for them to do so?]

The SELPA Director will collaborate with Special Education Family Engagement Specialist to ensure there are opportunities for parent and family education in live and asynchronous formats. Such sessions may include, but need not be limited to, sessions focused on assistive technology, parents' rights, transition and young adulthood, agency coordination and linkages, and how to provide school program alignment and support to children with disabilities within the home setting.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. *Please note word-level suggestions, comments, and questions included above.*
- b. *What does "staff batteries" mean? Explain it within the document or use simpler language.*
- c. *Who are "program specialists" in OUSD? Please specify that above.*
- d. *Please describe how the Directors of Related Services and Psychological Services are ensuring that all personnel receive evidence-based professional learning at least monthly. What actions are taken to ensure it for all job classifications?*
- e. *Are "coordinators" and "program managers" the same? Please clarify the language above as utilized in the staff introductions at the CAC meeting*
- f. *We must incorporate parent and student input into the range of professional development options currently available. There continues to be a focus on professional development based on PBIS and functional behavior analysis. This is not regarded as best practice by many former students, parents, and professionals in the field. Not to suggest that these should be entirely upended [that is not realistic] but that there needs to be more professional development around neuro-affirming approaches that can benefit all of our learners.*

5. Curriculum Development and Alignment with the Core Curriculum

The Executive Director of Special Education is responsible for ensuring schools have appropriate curriculum for students with disabilities and ensuring its alignment with the core curriculum. Mild/Moderate instructional programs shall utilize General Education core materials with supplementary/intervention curriculum aligned to Common Core State Standards [CCSS], while Moderate-Extensive Support Needs programs shall be provided with modified, core replacement materials aligned to Common Core Connectors. The Executive Director will engage with leadership from the General Education curriculum office to ensure that each Special Educator has access to the site adopted core instructional materials and to ensure Special Education curricular purchases are aligned to general materials.

The Executive Director will create a curricular committee to oversee the adoption, training on, and implementation of curriculum within Special Education programs. The committee will:

- Research new adoptions as needed, ensuring that all materials considered are research-based and free from bias;
- Oversee the inventory, ordering, and distribution of adopted materials;

- Create a professional learning plan relative to the curricular adoptions that includes opportunities for new staff to fully understand and be prepared to use all curriculum required;
- Prior to making a new adoption, the Department leadership will solicit feedback from Special Education teachers within the SELPA.
- The Executive Director and Special Education Directors and Coordinators [[Program Managers](#)] will work with site administrators to ensure adopted materials are being utilized in classrooms when appropriate. Each year, the team will develop and implement fidelity monitoring plans, which may include observational walkthroughs at school sites.
- The Director for Related Services will develop professional development experiences to ensure that all related services professionals are familiar with the CCSS [[this acronym needs to be referenced when the term for it first shows up](#)] and district-adopted curriculum and align their services with access to the standards

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- How and when was it determined that Moderate-ESN students would be provided with “modified, core replacement materials” instead of the core materials aligned to Common Core State Standards? How are these “modified, core, replacement materials” selected? By whom? Has it occurred to those who make these decisions regarding curriculum selection and implementation that all students are legally entitled to access to grade level curriculum, regardless of placement? Without necessarily having to advocate for it through the IEP process? Why must students who, for a variety of reasons, are not yet able to demonstrate what they know, be consistently forced to prove readiness to a robust, academically rigorous curriculum? Please explain here why this across-the-board choice was made for all students in Moderate-ESN programs.*

6. Internal program review, evaluation of the effectiveness of the local plan, and implementation of the local plan accountability system

The SELPA Director, in partnership with the Executive Director, the Chief Academic Officer, and Special Education leadership body, will engage in a system to review the efficacy of the local plan in supporting the needs of students with disabilities within the SELPA. Program review activities will be ongoing and **can** include, but need not be limited to:

[[Again, this is a plan. Please specify which activities you are planning to conduct and how often.](#)]

- Observation of classroom instruction;
- Special Education file reviews and Educational Benefit audits;
- Review of progress on goals for focus populations within the SELPA;
- Family and student focus groups to collect feedback and identify strengths and areas for improvement;
- Review of District and Statewide assessment measures, student discipline and attendance data, and wellness survey data;
- Interviews with participating charter leaders and in-person visits to assess efficacy of special education services provided at charter sites.

Findings from the program review activities will result in action plans that are coordinated with other California Department of Education plans (e.g. Indicator Review, Significant Disproportionality, Data Identified **Noncompliance** processes) whenever possible to ensure collaboration between teams and streamlining of work.

At least annually, the SELPA Director will collaborate with the CAC to review the local plan and complete development of the annual service plan. This will include an opportunity for members of the community to hear updates regarding the program review results, highlight areas of student growth, identify areas that require more intensive support, and for community members to provide feedback regarding implementation of the plans. The Local Plan subcommittee shall be provided with an opportunity to review the annual service plan 30 days prior to its presentation to the committee at large to enable the body to review the service plan during a standing subcommittee meeting and provide recommendations and feedback.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. *Local Plan development, implementation review, and review of efficacy (metrics and other data) require more than annual meeting or engagement. The Local Plan Subcommittee should collaborate with the SELPA Director to identify points in the year for engaging in this review within and outside CAC meetings.*
- b. *We need alignment between the LCAP metrics and the Local Plan metrics. This requires a joint PSAC-CAC meeting to which all administrators (in Special Education and not) commit and for which they provide information.*
- c. *Who is the “Special Education leadership body referenced above? Please specify who makes up that body.*
- d. *Is there a way to write in a specified number of classroom observations, across placements and networks, that can also be conducted by assigned CAC members? Or by x number of members in the CAC working group for teaching and curriculum (yay! Another CAC working group in the making?) This type of program walkthroughs and observations happen with parents/committee members in other areas of OUSD instruction.*

7. Data collection and management

OUSD SELPA utilizes support from specialists within the OUSD Research, Assessment, and Data (RAD), in addition to Special Education Department personnel, to ensure a coordinated system of data collection and management. RAD staff maintain dashboards that report contemporaneous data for a variety of queries, including:

- Enrollment and Attendance;
- Discipline;
- IEP Timeliness;
- Statewide and District Test Scores

Such dashboards can be disaggregated to focus specifically on students with IEPs and are utilized by a variety of stakeholders to make data-driven decisions.

The SELPA's Information Systems Analyst monitors our electronic records system, Special Education Information System (SEIS) on a daily basis. Monitoring includes:

- Opening and tracking pending referrals for special education;
- Monitoring pupil counts and processing transfers into and out of SELPA;
- Ensuring each student has a valid SSID;
- Correcting any CALPADS reporting errors proactively;

The SELPA has two-way integration between SEIS and the OUSD student information system, Aeries, to ensure there is consistency between data sets for several demographic areas (e.g. family names, addresses, dates of birth, etc). The information systems analyst ensures data is prepared and complete prior to all mandatory reporting periods, including for Winter and Spring counts, DINC, and other COE-required activities. Special Education program specialists work with the teachers on their assigned caseload to ensure that student-level data is collected, monitored and compiled on an ongoing basis. All case managers utilize SEIS to report data relative to individual students' IEP goals at report card periods and prior to annual or triennial IEPs. Teams may utilize such data, in combination with available district data, to determine the services and placement necessary for each student with an IEP.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. The metrics on the dashboards do not reflect all areas of greatest need for Special Education (e.g. access to a full educational opportunity, Special Education staff retention, etc. Where is the comprehensive community-facing dashboard for Special Education students, families, staff, and other stakeholders that we were told would be available to us in 2023-24? Stakeholders should not have to go to separate dashboards to filter and DIY data sets for disabled students with IEPs.*
- b. Please state if the SELPA information systems include whether a student is a foster youth or unhoused. If so, is it used to identify and secure appropriate support for those students? If used to identify and support those students, please explain how in this section.*

8. Interagency Agreements

The SELPA may need to enter into agreements with other agencies (e.g. Regional Centers, California Children's Services) to ensure that a full continuum of services and supports are available to students within the SELPA and to ensure compliant implementation of IEPs. Interagency agreements are created by the Executive Director in collaboration with OUSD's Legal Department. Each agreement shall clearly delineate the scope of work to be performed by the agency, the responsibilities of each party, and the duration of the agreement. Agreements must be reviewed annually, or as stipulated in the executed MOU.

In the event that there is an area of concern or disagreement between agencies, the parties should seek to resolve concerns through informal collaboration before proceeding with any formalized dispute resolution process. The Executive Director will be the primary party of contact for OUSD SELPA.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. We ask that you provide the CAC with a complete list of these agreements and a link to their content. Those agreements come up in the consent calendar of the School Board in a way that limits awareness of their importance and limits our ability to understand all of the services provided to students in our SELPA.*

9. Services to Medical Facilities

California state law affords all students enrolled in a public school the right to access the Home and Hospital Instruction ("HHI") Program. The HHI Program serves students with temporary disabilities for whom it is impossible or unadvisable to attend regular classes, regardless of their disability status. Examples of when HHI may be appropriate for a student include when the student is in the home or hospital setting for a temporary period due to pneumonia, a communicable disease, a broken limb significantly impacting mobility, or is unable to attend school due to a substantial life event that has caused a major emotional impact that is expected to be temporary in nature. Medical documentation of a return date, written by a physician, is a required element of HHI.

A temporary disability is defined as a physical, mental, or emotional disability incurred while a student is enrolled in regular day classes or an alternative education program, and after which the student can reasonably be expected to return to regular day classes or the alternative education program without special intervention" ([CDE Home and Hospital Instruction Program Summary](#)). A temporary disability does not include a disability for which a student is identified as an individual with exceptional needs pursuant to EDC §56026.

The primary outcome of HHI is to maintain a student at their former level of performance while recovering from the temporary disability so as not to jeopardize the student's future performance upon returning to their education program.

A school must begin HHI services within five days of determining eligibility. While out of school due to a temporary disability, a student may receive individual instruction either in the home, hospital, other residential facility, or as otherwise specified in the student's Individualized Education Program (IEP). A student may receive one clock hour of instruction per calendar day of school, up to five hours per week through the HHI program. Services are not provided over the summer or holiday breaks. Additionally, electives such as foreign languages or PE are typically not provided through HHI.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. Create independent study and home-based program options for disabled students. As an example, Sojourner Truth is no longer an independent study option for any student. These options are often life-saving for disabled students with sensory, mental health, and other disability needs that are not being met in highly stressful, unsafe, and chaotic school settings. Some of these students are being harmed by environments that cannot be adjusted to meet their accessibility, socio-emotional, and psychological needs. The school setting is sometimes the source of the "substantial life event" or series of such events that exacerbate or produce disability.*

10. Services to Licensed Children's Institutions and Foster Family Homes

For foster youth within Oakland SELPA's OUSD schools, the Special Education Executive Director and Coordinators will ensure the coordination of services for students in LCIs and foster family homes, including the immediate provision of Special Education services upon enrollment in OUSD.

OUSD's Student Welcome Center (enrollment) office will notify the Special Education Department immediately when a student residing in a FF placement or LCI completes enrollment. Special Education Coordinators will review the child's IEP and determine an appropriate interim placement within 24 hours. When a foster youth enrolls in a charter school within the SELPA, the charter school shall notify the SELPA Director and ensure services are initiated within 24 hours. [Please add the following text to protect the rights and support the unique needs of Foster youth with IEPs:] An IEP meeting will be scheduled within 30 days to discuss the youth's education program and make any needed modifications.

Oakland SELPA has an independent duty to identify students who may be eligible for special education services. Because foster youth experience instability at home, caregivers or education rights holders may miss signs that a youth has a disability. Oakland SELPA will train teachers, counselors, foster youth services staff, and other personnel to look for signs that a foster youth has a suspected disability and could benefit from special education services. Due to the instability of foster youth and the inconsistency of adult caregiving that they experience, the following should trigger child-find activities for foster youth even when the same do not do so for other students: (1) poor grades; (2) withdrawal or depression; (3) acting out or disciplinary problems; (4) poor attendance; (5) inattention or failure to complete work; or (6) social skills deficits or failure to make friends. If the SELPA knows that a student lives in a Licensed Children's Institution, such as a Short-Term Residential Treatment Program (STRTP), and the student does not have an IEP, the SELPA will refer that student for special education assessment and assessment for educationally-related mental health services.

The Special Education Coordinators will collaborate with OUSD's Foster Youth Services Liaison to ensure appropriate support for Foster Youth with disabilities ~~and to ensure an accurate understanding of each youth's educational rights status~~, including notifying the appropriate foster youth liaison of the student's placement location and case manager information. [Please add the following text to protect the rights and support the unique needs of Foster youth with IEPs:] Special Education Coordinators will make diligent efforts to identify and involve a foster youth's education rights holder. If the Special Education Coordinator does not know who holds education rights or is unable to reach the ERH after multiple attempts, they will call the youth's social worker/probation officer and attorney.

In the event that a foster youth under the age of majority does not have an educational rights holder at the time of enrollment or at any point during enrollment within the SELPA, the SELPA Director will work with Special Education Coordinators and the Foster Youth Liaison to locate and appoint a temporary educational rights designee. [Please add the following text to protect the rights of Foster youth with IEPs:] The SELPA will appropriately notify the Juvenile Court if a surrogate is appointed.

Foster youth have other people serving them who may contribute to an IEP meeting including a non-ERH caregiver, social worker, attorney, CASA, or outside mental health professional. Special Education Coordinators will make efforts to involve additional service providers and invite them to a foster youth's IEP meeting.

If a foster youth with an IEP is suspended, their Special Education Coordinator will ensure that timely notification has been provided to their education rights holder, County social worker, and attorney as required by AB 740. The Coordinator will ask the youth's education rights holder whether they would like to hold an amendment IEP meeting to determine whether further assessments and/or a modification in the youth's

services are necessary to address the unmet need. If a foster youth with an IEP is suspended for ten days in a school year, the Special Education Coordinator will convene a “manifestation determination” IEP meeting to determine whether the behavior leading to the suspension was related to the student’s disability or the school’s failure to implement the IEP. If the behavior was substantially related to the youth’s disability, or caused by the school’s failure to implement the IEP, the student will not be further disciplined. The youth’s IEP team will determine whether further assessments and/or a modification in the youth’s services are necessary to address the unmet need. The youth’s education rights holder, County social worker, and attorney must be invited to the manifestation determination meeting.

The SELPA Director will arrange for annual training on the legal requirements associated with foster youth and students who are in transitional housing to ensure all Special Education Department and site-based staff are fully-informed of the rights of such youth and their families. When a foster youth leaves the SELPA, the Special Education Coordinator will collect feedback from teachers and other service providers about current progress towards IEP goals. Within two days of disenrollment, the Coordinator will forward all special education records, including all IEPs and assessments, to the youth’s new school.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. *The text in blue was added to the section above and the two questions below were drafted by members of the Foster Youth Advisory Committee in collaboration with members of the Community Advisory Committee and East Bay Children Law Offices. Please incorporate that text and answers to the questions to the greatest extent possible.*
- b. *If the person registering the youth does not have a copy of the child’s IEP, how will the District get a copy and by when?*
- c. *What about students with non-public school placements? How will they be provided services while placement is secured? (It will definitely take longer than 24 hours.)*

11. Preparation and Transmission of Required Special Education Local Plan Area Reports

The SELPA Director will ensure the timely preparation and transmission of required reports to the California Department of Education in the manner required by the Department, including the Special Education Local Plan, Annual Service Plan, and Annual Budget Plan. The CAC Local Plan subcommittee shall receive notice of the date when plans are submitted. The administrative leaders of each participating charter LEA will engage with the Executive Director for the purpose of exchanging any data or fiscal information that may be required to prepare and complete local plan area reports.

When needed, the SELPA director will collaborate with other OUSO personnel (e.g. fiscal services, community schools) to ensure a complete and accurate report. The OUSD SELPA Information System Analyst will ensure transmission of all documents related to the Local Plan, Service Plan and Budget Plan via COE designated channels.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. *Please add the following text to the section above: Transmission of the Special Education Local Plan will occur only after all members of the Community Advisory Committee for Special Education have had the opportunity to formally adopt its recommendations and feedback*

for the Local Plan at one of its legally-noticed public meetings and after CAC members have had the opportunity to present their those recommendations and feedback to the SELPA Board.

- b. Transmission of the Special Education Plan will follow the CAC presentation of their feedback and recommendations to the SELPA Board and the adoption of the Local Plan by said Board, in that order.*

12. Fiscal and logistical support of the CAC

The Executive Director or an administrative designee when needed, will be the primary SELPA representative to provide logistical support to the CAC. As the AU, OUSD may select additional personnel (e.g. family engagement liaisons) to provide direct support to the CAC, as well. The Executive Director, and additional OUSD staff as necessary, will participate in planning meetings with CAC officers and will attend each convening to represent the SELPA and respond to community questions and concerns.

The AU staff will support the development of the annual calendar and monthly agendas, ensure CAC meetings are posted in accordance with policy and legal requirements, broadcast upcoming CAC information to the community, and coordinate space and other operational logistics for the convenings. The AU will make funds or equipment available for the following CAC needs:

- Duplication of materials (e.g. copies of agendas);
- Refreshments for participants;
- Technology necessary to facilitate meetings (e.g. projectors, screens);
- CAC members who require technology to access meetings may be provided with a loaner computer to utilize for this purpose.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. Some of our members urgently need computers to fully participate in all of the meetings and activities of the CAC. Please provide us with these loaner computers ahead of the 2024-25 school year. Please state that members who need those computers will be provided with them during or before the first CAC meeting of the school year. Thanks!*
- b. Language interpretation in the major spoken languages of OUSD [Spanish, Mam, Arabic, Cantonese, and Vietnamese] must be consistently provided at the monthly meetings of the CAC. This interpretation provides a rare point of entry and access for the families of students with IEPs who face additional barriers to gaining information and seeking support, as well as to many students themselves. Please specify here that interpretation will be provided and specify the languages.*
- c. ASL interpretation is an essential service and accessibility accommodation, especially within a CAC context. Please state here whether the AU will provide that service and whether it will offer notice to parents and students needing the service that it will be provided.*

13. Transportation services for individuals with exceptional needs

Education Code Section 56040(a) states that every individual with exceptional needs who is eligible to receive special education instruction and related services shall receive that instruction and those services at no cost to their parents or, as appropriate, to them. “Related services” refers to transportation and such developmental, corrective, and other supportive services required to assist a student with a disability to benefit from special education [34 CFR 300.34(a)]. Transportation as a related service includes travel to and from school and between schools, travel in and

around school buildings, and specialized equipment (such as special or adapted buses, lifts, and ramps) if required to provide special transportation for a student with a disability [34 CFR 300.34(c)(16i-iii)].

LEAs/districts should not automatically assign students to transportation based on the students' disability without considering the student's individual needs and the continuum of placements [Hopkinton (MA) Pub. Schs., 108 LRP 41626 (OCR 2007)].

For students with medical needs, 34 CFR 300.34(a)(ii) limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the student, including breathing, nutrition, or operation of other bodily functions, while being transported to and from school.

It is the responsibility of the IEP team to determine whether transportation is required to assist a student with a disability to benefit from special education and related services, as well as how the transportation services should be implemented. Parent participation in the IEP process, including decisions relating to the least restrictive environment for transportation, is required. The IEP document should describe the transportation services to be provided, including transportation to enable a student with disabilities an equal opportunity to participate in nonacademic and extracurricular activities to the maximum extent appropriate. The Individuals with Disabilities Education Act's (IDEA's) Least Restrictive Environment (LRE) mandate applies to all aspects of special education and related services, including the provision of transportation services.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. *Field trips and other off-site instructional activities are often part of the educational program of students and part of the curriculum. Please specify here the responsibility to provide transportation for students with IEPs to and from field trips and activities that are part of the educational program and curriculum of students.*

14. Career and vocational education and transition services

The Career Transition Services department works closely with the California Department of Education, through the Workability 1 grant, and the Department of Rehabilitation, through the Transition Partnership Program, to provide Transition Services and Supports to students with disabilities aged 14 and above. All students who are transition aged receive direct transition services, typically in the form of college awareness and/or career awareness. Services are aligned to each student's Individual Transition Plan, which guides their post-secondary goals, interests and needs. Services are provided by Career Transition Services case managers and Special Education teachers and are designed to:

- Support students in identifying their strengths, skills and interests;
- Aligning interests to potential career paths;
- Supporting job skill development, including writing resumes and participating in interviews;
- Exploring college opportunities and navigating the admissions process;
- Identifying local employers aligned to career paths and facilitating the initial outreach process;

- Supporting students in being self advocates and connections with agency partners.

Students are identified by Case Managers, parents/ families, school site support staff, and Linked Learning partners to receive additional support and services through the Transition Partnership Program. Case Managers in the Career Transition Services department coordinate with teachers at school sites in Middle and High Schools to schedule workshops to provide access to Transition Instruction and support to students across the District while identifying students that are interested in and could benefit from additional and more individualized support. Our programs actively collaborate with District offices, Linked Learning, to ensure that students with special needs are active participants in available Career Technical Education (CTE) programming and opportunities as they work towards continuing their education and transitioning to career and the world of work.

Students with disabilities are afforded opportunities to participate in district dual and concurrent enrollment programs to earn college credit while in high school, and participating students receive reasonable accommodations to facilitate their participation in such programs.

Our Young Adult Transition Program provides opportunities for students with mild/moderate disabilities aged 18-22 to access Community College programming through the Dual/ Concurrent Enrollment relationship between the Oakland Unified School District and the Peralta Community College District. Young Adult Program students are able to access classes, programs, and activities that are appropriate, of interest, and provided by the Peralta Community College District with coordinated in program and Community College supports, Young Adult Program teacher and support staff interventions, and on going check-ins and reviews of accessibility, success, and skill development in-line with Individualized Transition Plans.

Our Young Adult Transition Program also provides opportunities for students to develop their vocational skills through a variety of work experiences and opportunities. Our programming prioritizes opportunities and experiences that participate in and lead to Competitive Integrated Employment for our young adult students with disabilities. Our teachers and programs partner with local businesses and our Career Transition Services department to carve out experiences that will provide the appropriate support and learning opportunities for students to build the skills that will lead to long-term direct-hire opportunities in competitive and integrated employment settings

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. Related to the explanation underlined above: How do the staff and others "identify students to receive additional support and services through the Transition Partnership Program"? What criteria do the staff use for identifying students?*
- b. How do Special Education staff guarantee that activities are undertaken to support the individualized transition plan of students with IEPs when the services provided by Transition Partnership Program are not available to those students, and especially for all students in self-contained programs who do not participate in General Education Linked Learning classes and projects, and in other Linked Learning experiences such as internships and career-exploration field trips?*
- c. Please describe the SELPA's plan and related activities for ensuring access for all students with IEPs to all diploma pathways recognized by the State: Diploma with State minimum credit requirements for graduation, alternative diploma, and A-G diplomas. How is the SELPA*

working with principals, counselors, and other staff to inform them of the various options and to ensure that those options are made available to individual students? How is the SELPA informing parents, guardians, and caregivers of these graduation pathways early enough for students to be able to access any one of them if needed?

- d. What specific plans and activities are underway to expand access to high school diplomas for students who are learning in self-contained programs and to minimize the use of certificates of completion?*
- e. Specify as well how the SELPA is ensuring that students with IEPs who are credit-deficient can access additional time for graduation through a 5th year of continuation school, through the Young Adult Program, or through credit recovery options? This type of support is part of the transition planning process for students preparing for postsecondary education and life. Please note the State guidance that "In accordance with Section 300.102 (a)(3) of Title 34 of the Code of Federal Regulations, the award of a diploma of graduation from high school does not change a local educational agency's **obligation** to provide a free appropriate public education until twenty-two years of age, or otherwise constitute a change in placement." Source: <https://www.cde.ca.gov/sp/se/lr/om082523.asp>*

15. Assurance of Full Educational Opportunity

It is the policy of OUSD SELPA and the OUSD school board that students with disabilities be afforded full opportunities to participate in school activities including extracurricular and non-academic enrichment activities- alongside typically-developing peers (BP6159). IEP teams must consider all school day minutes when determining a FAPE for each eligible child, including consideration of any support a child may need to fully participate in nonacademic times (e.g. lunch, recess). Accommodations or supplemental aids required will be documented in the child's IEP.

All field trips, experiential learning opportunities and enrichment activities at school sites must include students with IEPs. The District will ensure that accommodations are provided when necessary to facilitate the participation of students with disabilities.

The Coordinator for Young Adult and Transition Services will oversee the enrollment of students into Career and Technical Education and ensure students with disabilities who have an interest in a specific CTE program or educational pathway have the accommodations and adaptations required to participate therein.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. Academic and other interventions provided to students outside of the regular school day and specified within School Plans for Student Achievement as supplementing the educational program of the school and supporting SPSA goals for all students and for specific groups of students must be available to all eligible students with IEPs. Accommodations for such activities (e.g. after school reading intervention, Extended Day hours, interventions that stem from a COST referral and process, Summer Bridge or Orientation programming funded by the school budget and staffed by school employees or contracted staff, etc.) must be provided to those students as specified in their IEPs. Please explain here how students with IEPs will gain access to those targeted interventions that are provided to other students on the basis of academic proficiency measures, grade level, language fluency needs, socioeconomic disadvantage, etc.*

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

Funds will be utilized in accordance with Education Code section 56836.01. The Annual Budget Plan will describe how funds are distributed, and the plan must be approved by the Board of Education before submission and implementation. The Executive Director is responsible for the administration and allocation of funds specific to Special Education. The Executive Director will engage with the Chief Academic Officer, Chief Financial Officer, and any assigned financial representatives to ensure that the Special Education budget utilizes all funds in a manner consistent with their purpose.

Federal Funds may be used only:

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

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. Please explain what is meant here by "even if one or more nondisabled children benefit from those services?" At what point would a service that is principally-directed to a particular child with an IEP or to a group of children with IEPs stop being principally directed to them? Could "one or more nondisabled children" mean a greater number of nondisabled children than disabled children? Given the lack of access that students with IEPs experience to support outside of that provided by Special Education staff or through Special Education service, this is a critical question.*

17. Direct instructional program support that may be provided by program specialists in accordance with EC Section 56368

Program Specialists shall be utilized in accordance with Education Code 56368. Program Specialists employed by individual LEAs will be selected, supervised and evaluated by the LEA. For most participating LEAs, Program Specialist support will be provided by the AU (OUSD). Program Specialists are supervised by Special Education Coordinators and serve the SELPA under the overall direction of the Executive Director. Each Program Specialist must be an experienced Special Education Professional with either a special education credential or pupil personnel services credential. Program Specialists are required to have advanced training and knowledge pertaining to Special Education law and specialized instruction, and the development and implementation of Individual Education Programs.

Program Specialists may support with the following:

- Conduct observations of students and provide consultative support to service providers;
- Support development of special education programs at assigned sites, including scheduling, curriculum distribution and training, and recommendations for specific equipment, materials or tools;

- When needed, support facilitation of IEP team meetings;
- Conduct routine classroom observations to ensure adherence to best practices for instruction and behavior;
- Make recommendations regarding the placement of students into Special Education programs;
- Provide professional learning to general education faculty
- Monitor the compliance of IEPs and provide training and guidance if areas of correction are identified;
- Other, related duties as assigned

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. Please see the section in this draft document for our questions about "program specialists." Those questions are repeated in other sections of this document.*

Special Education Local Plan Area Services

1. Programs for Early Childhood from Birth to 5 Years of Age

OUSD SELPA offers a full range of Special Education services for eligible students from birth and for all students eligible under part B for preschool through age five. We pride ourselves on implementing services and programming that are evidence-based for early learners and led by experienced, credentialed early childhood specialists.

Services for students under Part C focus on children with low incidence disabilities, including those who are deaf, blind, or who have orthopedic impairments. To the extent possible, services take place within the family's home environment with a heavy emphasis on parent/family engagement and consultation to model strategies to support their child. All services are provided by credentialed specialists aligned to the category of disability they support.

Consultation with families focuses on modeling instructional strategies providing training on the use of devices or equipment recommended for the child, making recommendations for adaptations to the home environment to support early skill development, and coordination of services across agencies.

An exception to the home environment instructional milieu is offered for infants and toddlers who are deaf, as interaction with other deaf children is an important component of their early communication development.

OUSD SELPA has an early childhood Diagnostic Assessment Center that ensures a complete, multidisciplinary evaluation for each child prior to their third birthday for students with IFSPs, or when a referral is received and a suspected area of disability is indicated.

OUSD SELPA maintains a full continuum of programming for preschool-aged students with IEPs, which includes:

- **Speech-Language services:** A credentialed Speech Language Pathologist provides services specific to IEP goals at the neighborhood school of the family. Services may be direct, consultative, or a combination of both based on IEP team discussion and agreement;

- Special Education consultation within a general education preschool classroom: A credentialed early childhood education specialist provides consultative support to a general education preschool teacher regarding the implementation of IEP goals, accommodations, and adaptations
- Inclusive services within a general education preschool classroom: Special Education personnel provide specialized Individual and Small Group instruction for students within a mainstream preschool classroom. This level of care enables specific work toward IEP goals while allowing the student to benefit from integration with typical peers and access to general education preschool curricula.
- Separate-setting instruction on a public campus: OUSD SELPA maintains programs for students whose disability impact requires small-group, specialized instruction for most or all of their instructional day on public campuses, allowing integration for activities such as meals, motor breaks and special events.
- Separate-setting instruction at a Special Education preschool facility: OUSD SELPA offers separate-setting, specialized instruction at our Special Education preschool center, Burbank. Burbank features several mild-moderate and moderate-intensive programs, with instructional routines that focus on building early pragmatic and communication skills, **preacademics**, and behavioral intervention.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- Please explain what activities the SELPA is undertaking to support the transition of preschool students to Transitional Kindergarten and Kindergarten.*

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

Within OUSD SELPA, there are a variety of methods that members of the public can use to raise questions or concerns, including any of the following:

- CAC meetings are publicized in advance of the meeting. At our CAC meetings each month, there is a dedicated time in the agenda for community concerns. Special Education Coordinators and the Executive Director are present to speak with individuals about their concerns or questions and can help parents/guardians connect directly with site staff when necessary to facilitate next steps;
- Contact information for the Special Education leadership team is posted on the OUSD Special Education website and available in hardcopy format at school campuses so families may reach out via phone or email to receive an individual response. Families may request an in-person meeting at any time to discuss questions or concerns, and a meeting will be scheduled within 30 calendar days;
- Families may visit the Special Education offices to speak with a representative;
- Families may request an IEP team meeting with their child’s case manager and ask that a representative from the Special Education Department attend.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. Please explain here how families can get answers to their questions and concerns in their home language.
- b. Also: please explain how all parents, guardians, and caregivers of students with IEPs are proactively informed at the start of the school year about the various avenues to raise questions and concerns (examples: electronic messages, letters delivered through mail service or through case managers during IEP meetings and other points of contact, through personal phone calls from case managers, through classroom meetings, etc.)
- c. Please add a statement to this section indicating that all parents, guardians, and caregivers of students with IEPs will receive standardized written information about the Community Advisory Committee for Special Education and its schedule of meetings at their initial, annual, and triennial IEP meetings.

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

In the event of a dispute between the SELPA and local education agencies or the county office, it is the intent of the OUSD SELPA governing board that the dispute be resolved at the lowest level possible. The governing body of the OUSD SELPA is the OUSD School Board. This board exercises authority over, assumes responsibility for, and is fiscally accountable for special education programs operated by the SELPA. The options for resolving disputes include informal resolution, alternative dispute resolution, and formal mediation. In disputes with parents and guardians, to protect the rights of students with disabilities, the district shall follow all procedural safeguards as set forth by the law.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. Please explain here what is meant by "the lowest level possible." What specific steps should parents, guardians, and caregivers take to resolve their disputes?
- b. What is the first point of contact for parents and guardians to access the dispute resolution process? Please identify it here.
- c. How will all parents, guardians, and caregivers be proactively informed in a standardized way of their option to seek a dispute resolution process? Is this explicitly mentioned and offered in writing during the review of procedural safeguards that occurs during IEP meetings? Please include this explanation in this section.

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

The parent(s) of a student will be contacted whenever there is a concern about their child's academic, behavioral, or social-emotional performance beginning in elementary school. Concerns may be addressed in a Coordination of Services Team (COST) or a Student Study Team (SST) meeting. COST can refer the student to the most appropriate intervention based on the concerns noted in the referral. This may include academic intervention groups, after-school supports, site-based mental health programming, or other school resources. An SST is a multi-disciplinary team that considers, plans, and assesses general education interventions and supports for students experiencing academic, speech/language, and/or social-emotional/behavioral difficulties. The purpose of the SST is to problem-solve and to identify supports in the general education setting to allow a student to be successful. Early intervention planning for students through the SST process is a function of the

general education program. The SST process provides an opportunity for an in-depth focus on improving school success one student at a time. The SST process may be initiated by school staff or the parent/student. [\[Please identify here who in the adult team of a foster youth can initiate this type of meeting?\]](#) During an SST meeting, the Student Study Team will document concerns and current strategies being implemented or that will be implemented to attempt to address the student's concerns related to their learning. Areas that are important to discuss and document during the SST meeting are:

- Developmental/medical history
- Attendance/school enrollment history
- Review of current health, including hearing and vision
- Social-Emotional skills
- Behavior
- Academics:
 - Current academic performance, results of past interventions, results of current interventions.
 - Current or past services provided by LEA/district and/or private provider.

While pre-referral interventions are important and can provide timely support to many students, LEAs/districts may not mandate pre-referral processes as an alternative to Special Education assessment where there is a suspected area of disability. Given that often students are not enrolled in an OUSD school at age three, the pre-referral process is different for our youngest learners. If a parent, guardian, day care provider, doctor, or any other community member has concerns about the development of a young child, they can reach out to our Diagnostic Center to learn more about the process of referral. While anyone can ask questions about this process on behalf of a child, the legal guardian is the only person who can initiate an intake for special education.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. *Please specify here who can initiate a COST referral. It is our understanding that any person concerned about the welfare of a student can do so: a teacher, parent or guardian, caregiver, other school staff, the student, etc. This is explained for SST meetings and can be explained for COST referrals.*
- b. *Why can referrals for young children not be undertaken by people other than parents when this can happen in the case of older children? Couldn't medical professionals, for example, reliably refer children and set in motion the process to seek parental consent for assessment? Please explain.*
- c. *What is the process to ensure a smooth transition to Special Education services for children already receiving services through other disability providers such as Regional Centers? How does OUSD ensure that students already eligible for specialized support do not experience delay in accessing district Special Education services?*

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

The determination that a student requires a nonpublic school placement based on the impact of their disability shall be made by the IEP team after careful consideration of any less restrictive placement alternatives. Once a student is placed in a nonpublic school setting, an OUSD SELPA case manager will be assigned to represent the SELPA and ensure compliant implementation of the student's IEP. The IEP team will meet at least annually, with meetings recommended every six months to monitor student progress and determine when the student may be able to return to the LRE.

The NPS case manager will work with NPS site leadership to ensure progress notes for all IEP goal areas are made available at required reporting periods. When data indicate that the child has made sufficient progress to consider a transition to a less restrictive environment, the case manager will propose an IEP team meeting to discuss.

The SELPA will consider strategies to support successful transition back to a public program when appropriate (or from a residential facility to a day program), including partial or dual enrollment, additional bridge services that may be needed, and mental health considerations.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

a. Is one of the criteria used to evaluate NPS placements whether they use physical restraint/management of students? How are those evaluations undertaken to protect students?

6. Description of the process by which the SELPA will fulfill the obligations to provide free and appropriate public education (FAPE) to a student age 18 to 21 (or age 22 under the circumstances described in EC 56026(c)(4)) who has been incarcerated in a county jail and remains eligible for special education services: The obligation to make FAPE available extends to those otherwise-eligible adults in county jail, age 18 to 21, who:

(a) had been identified as a child with a disability and had received services in accordance with an IEP, but left school prior to their incarceration; or (b) did not have an IEP in their last educational setting, but had actually been identified as a child with a disability. (EC Section 56040)

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

Adults who are age 18 through 22 years, who have not graduated with a high school diploma, who at the time they turned 18 years were identified as an individual with exceptional needs and had an individualized education program (IEP) under the IDEA, are also entitled to a FAPE (hereinafter, "eligible adults"). This applies to adults incarcerated in California adult jails and prisons, as well. However, an individual aged 18 through 22 years, who, in the educational placement prior to his or her incarceration in an adult correctional facility who did not have an IEP, is not entitled to a FAPE.

Special considerations relative to the IEP apply to this population. This includes:

- The requirements of items (aa) and (bb) of 20 U.S.C. § 1414(d) (1) (A) (i) (VIII) (relating to transition planning and transition services), do not apply with respect to such individuals whose eligibility under the IDEA will end, because of their age, before such individuals will be released from county jail.
- If an individual with a disability is convicted as an adult under State law and incarcerated in an adult county *jail*, the individual's IEP team may modify the individual's IEP or placement notwithstanding the least restrictive environment (LRE) requirements and IEP content if there is a bona fide security or compelling penological interest that cannot otherwise be accommodated.
- Pursuant to a California Department of Education directive, the district of residence (DOR) will be responsible for providing special education and related services to eligible inmates in the jails operated by the Alameda County Sheriff's department, until there is a judicial, legislative, executive, or regulatory decision that impacts the directive, for each eligible inmate between the ages of 18 and 22. Alameda County Jail representatives must notify OUSD SELPA of any Oakland resident who is eligible for services who has entered their facility.
- Upon receiving notification that an adult student who meets the criteria set forth above has been incarcerated at the Alameda County Jail and is a permanent resident of Oakland, Special Education Coordinators will review the student's most recent IEP and assign a case manager (special education teacher).
- The Special Education teacher and any other required service providers will collaborate with representatives from the Alameda County Jail to ensure a thorough understanding of and adherence to safety and access protocols in effect within the facility.
- In the event that there is a provision of the IEP that is not able to be implemented based upon the security protocols or procedures in place within the jail, the case manager will convene an IEP team meeting to discuss and propose modifications to the IEP.

Comments, Questions, and Suggestions from the CAC Local Plan Subcommittee

- a. Who is currently providing Special Education services to students in county jails? Is there a dedicated team? How is timely provision of services assured? How quickly does a case manager/teacher/related services provider begin direct instruction and other support for these students?*
- b. How are students in county jails provided with accommodations in the rigid jail context? Can IEP-defined accommodations (sensory, mobility, visual, auditory, cognitive, etc.) be assured for these students through their Special Education service and the staff providing that service?*
- c. How are guardianship and other legal arrangements for students entering adulthood addressed in cases when such students need those arrangements? Do special education staff support those processes and the family members that could be involved in them? Are students with disabilities entitled to specific advocacy arrangements?*