

Federal Assurance Policy

Special Education Local Plan

FAP 11

LOCAL COMPLIANCE ASSURANCES

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

Legal References:

EDUCATION CODE

56205 (a)(11)

FEDERAL REFRENCES

20 USC 1412(a)(11)

Federal Assurance Administrative Regulation

Special Education Local Plan

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LOCAL COMPLIANCE ASSURANCES

The local education agencies (LEAs) within the Trinity County SELPA shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special instruction or related services, a system of procedural safeguards that include records, an impartial hearing with an opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. Compliance with procedural safeguards of Section 615 of the Individuals with Disabilities Education Act is one means of meeting this requirement.

The LEAs within Trinity County SELPA recognize the need to identify and locate every qualified disabled person residing within this LEA who is not receiving a public education and take appropriate steps to notify those persons and their parents or guardians of the LEA's duties under Section 504 of the Rehabilitation Act of 1973. Specifically, the LEA shall make efforts to identify students with physical and/or mental impairments, which substantially limit a major life activity in order to provide those students with appropriate educational opportunities. Major life activities include, but are not limited to seeing, hearing, speaking, walking, breathing, learning, working, caring for oneself, and performing manual tasks. The LEA's governing board further adopts a policy of nondiscrimination in provision of educational services. Eligible disabled students under this act between the ages of 3 and 22 who have not graduated are covered by these procedures.

The LEAs recognize that special procedures and guidelines may be necessary when disciplining an identified 504 student in order to ensure that the student is not disciplined for conduct, which is caused by his or her disability. Parents or guardians who allege the LEA has violated the provisions of Section 504 may:

- File a complaint with the Section 504 Coordinator, who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution; or
- File complaint with the Office of Civil Rights

Federal and state law requires the California Department of Education (CDE), as the state education agency (SEA), to enforce local compliance with laws guaranteeing children with disabilities a free appropriate public education (20 U.S.C. Section 1412(a)(11); 34 C. F. R. Section 300.600; Ed. Code Section 56000). CDE has established a process to monitor complaints and timelines associated with complaints through individual compliance complaint investigations, the coordinated compliance review (CCR), and the quality assurance process (QAP). A complaint investigation is a formal inquiry required by federal and state law when it is alleged that a public education agency (PEA) has not followed a special education law or regulation. An investigation is required when it is alleged that:

LOCAL COMPLIANCE ASSURANCES (continued)

FAAR 11(a)

- A due process final decision has not or is not being implemented;
- The health, safety, and welfare of a student or students are of concern;
- Federal law (Part B of IDEA) is not being followed;
- The student's IEP is not being implemented as written
- A public agency, other than the local education agency (LEA), has failed or refused to comply with an applicable law or regulation relating to the provision of free appropriate public education to students with disabilities (Government Code Section 7570, i.e., mental health, etc).

IDEA Resolution Meeting

The LEAs within the Trinity County SELPA will follow the timelines and processes established by the CDE as it relates to compliance issues under IDEIA 2006. Upon receipt of the notice of the parent's due process complaint the LEA will within the 15 day time line for local resolution convene a meeting with the parent and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process complaint. The purpose of the meeting is for the parent of the child to discuss the due process complaint, and the facts that form the basis of the due process complaint, so that the LEA has the opportunity to resolve the dispute. The meeting shall not include an attorney of the LEA, unless the parent is accompanied by an attorney. The resolution meeting may not be held if parents and LEA agree in writing to waive the meeting. Any agreement made at the resolution meeting is a legally binding agreement. It is to be in writing and signed by both parent and LEA representative with authority to bind the LEA. A party may void the agreement within three business days of the agreement's execution.

If the LEA has not resolved the due process complaint to the satisfaction of the parent within 30 days of the receipt of the due process complaint, the due process hearing may occur.

Due Process Timelines upon receipt of the complaint:

- Resolution meeting – within 15 days
- Sufficiency of complaint – within 15 days
- Response to parent – within 10 days if LEA has not already sent a prior written notice

LEAs acknowledge their responsibility and liability to their fellow SELPA LEA members by following federal and state laws, and timelines related to the filed complaint. LEAs recognize that any prolonged and substantial noncompliance, determined through CDE monitoring or investigation may result in CDE imposed sanctions that may have a negative effect on the SELPA or the LEA members of the Trinity County SELPA.

The SELPA director will inform the Trinity County Office of Education Superintendent and SELPA Steering Committee at a public meeting of a LEA's prolonged and substantial noncompliance. The item will be placed on the public meeting agenda.

The Trinity SELPA Director is available to preside over a resolution meeting if the LEA requests the SELPA Director to facilitate the meeting.

COMPLIANCE ASSURANCES (continued)

FAAR 11(b)

The SELPA Director and LEA Superintendent will provide supportive documentation to the LEA complaint investigation findings.

- Attempts to resolve the case locally.
- Interact with CDE in an attempt to resolve the issues.
- Requests for mediation through Administrative Hearing Office (AHO).

The SELPA Steering Committee will:

- Provide a directive to LEA through an action.
- Ask the SELPA Director to mediate with one or all parties.

Legal References:

EDUCATION CODE

56195.8(b)(3) 56501.5

Local Policy

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LOCAL COMPLIANCE ASSURANCES

The LEAs within the Trinity County SELPA recognize that the primary responsibility for the implementation of 504 Plans rests with the LEA.