

A severe orthopedic impairment is persistent and significantly restricts an individual's normal physical development, movement, and activities of daily living.

As a result, this impairment may affect the pupil's educational performance. Accompanying sensory, intellectual, behavioral, learning, and medical problems often occur that may affect the pupil's school performance.

3. Hearing Impairment

The student with a hearing impairment is one whose hearing loss adversely affects his or her developmental growth or educational performance, or both, to such an extent that special education and related services are required. Hearing impairment is defined as an impairment which is permanent that adversely affect an individual's:

- Expressive and/or receptive communication.
- Developmental growth, and or educational performance and makes it difficult, but does not preclude, the processing for linguistic information through hearing, with or without amplification.

Mendocino Low Incidence Funding Committee Guidelines:

1. LIF Equipment Fund

- A. **Documentation needed:**
Appropriate required documents (see forms) submitted including current assessment/screening report by specialist knowledgeable in the specific Low Incidence disability with recommendation for equipment
- B. **Equipment Covered:**
Equipment must meet the unique needs of the student and be adaptive and specialized
- C. **Equipment not covered:**
Lost or stolen equipment will not be replaced, but will be considered for reimbursement if there are funds at the end of the year.

2. LIF Service Fund

- A. **Documentation needed:**
Appropriate required documents (see forms) submitted including current assessment/screening report by specialist knowledgeable in the specific Low Incidence disability with recommendation for services
- B. **Services Covered:**

- **Repair of Audiological equipment**
- **Reimbursement for Repair of previously purchased LIF Equipment (with the exception of Audiological equipment). Districts are required to repair LIF equipment and then seek reimbursement from LIF Service Fund.**
- **Direct services to the LIF student such as interpreters, note takers, readers, transcribers, and others in accordance with Ed.Code Section 56026.5 will be considered at the end of the year if money is available**
- **Warranty Renewal**
- **Replacement of batteries on previously purchased LIF equipment**

C. Services not covered:

- **Assessments**
- **Assistive Technology services**

CHAPTER 14.—EXTENDED SCHOOL YEAR GUIDELINES

EXTENDED SCHOOL YEAR

When considering ESY for any student, the IEP team must consider data collected during the previous year(s) to determine the student's need based on regression and recoupment. After a three month summer break it is reasonable to expect that, after eight weeks of instruction and re-teaching, the student should have regained or recouped last Spring's performance levels. It is common that the re-teaching time be equal to the length of the break. If data shows that this is not the case, a regression/recoupment problem may exist.

Extended School Year (ESY) services are special education and related services that are required by an individual student beyond the 180-day school term/year. The services provided must be consistent with the student's individual education program so that the student will receive a free appropriate public education (FAPE). "Extended School" year services shall be provided for each individual with exceptional needs, who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for prolonged periods, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factor may not be used to deny an individual an extended year program if the individualized education program (IEP) team determines the need for such a program and included extended year in the individual program pursuant to subsection (f)." (CCR-Title 5, Division 1, Chapter 3, section 3043).

The key issues for ESY focus on regression and recoupment. Although there are no state or federal regulations addressing when a child requires these services, there have been court cases that provide districts with guidance. It is the issues of regression and recoupment that provide a framework upon which to base discussion on the needs of the student.

From a Sixth Circuit court decision {Cordrey v. Euckert [17EHLR 104]}, they noted that **"the school district has no purely custodial duty to provide for handicapped children while similar provision is not made for others. Therefore, begin with the proposition that providing an extended school year is the exception and not the rule..."** Therefore, districts will consider all appropriate factors in determining whether the benefits a student has been credited with during the regular school year would be at significant risk for regression if not provided with ESY.

If the student does not require ESY, the student **could** be considered for regular summer school services offered within the school district.

WHEN SHOULD ESY BE RECOMMENDED?

Since the need for ESY is based on an unacceptable regression or recoupment as demonstrated by the student, there needs to be some discussion on what might be acceptable for most students. There was a study completed by Tilley Cox and Staybrook (1986) that found that most students experience some

regression during summer break. Using standardized test, they found the rate of regression for regular education students was 4%. They also found students with mild handicaps, hearing impairments and serious behavior disorders regressed at approximately the same rate as their regular education peers. They found that for students with moderate to severe handicaps, there was an increased rate of regression and a slower rate of recoupment. According to the study, the areas that were most impacted for those students were language, gross motor, fine motor and self-help skills. Therefore, it is reasonable for those students with moderate to severe challenges to be considered for an ESY program that would concentrate on skill regression and recovery.

When considering ESY for any student, the IEP must consider data collected during the previous year(s) to determine the student's need based on regression and recoupment. This decision should be based on a multi-faceted measurement, although there may be rare instances where the IEP team might consider ESY services based on a single criterion. In either case, the IEP team must decide a child's eligibility for ESY services based on data collected that reflects his/her regression/recoupment capacity.

ESY services are to be considered for students between the ages of three to twenty one or students who have not graduated from high school with a diploma.

Districts that have year round calendars require a timeline for consideration of ESY or a comparable program at the end of the student's track year. The timeline for year round would be to call a meeting three months prior to the end of the student's year. ESY services would still be provided if the team determines the services are warranted. The district would have to determine the number of days the student would require. Each district would then identify the support provided during intercession. It is important to remember that the number of days recommended for ESY is based on student data collected to support student need (CCR 3043, d(1),(1)).

HOW SHOULD ESY ELIGIBILITY BE DETERMINED?

The child's individual education program (IEP) plan should be the foundation for determining the need for ESY. This can be achieved through ongoing assessment/review of the goals/objectives. The IEP team meets to review the student's progress, considering a variety of measurements to provide a baseline that documents the regression and recoupment rate. Pinkerton (1990) identified four points at which data should be collected regarding student progress: 1) at the end of the school year, 2) at the end of the summer program (if applicable), 3) at the beginning of the next school year, and 4) at the end of the current school year. The assessment must be based on the IEP objectives so that progress can be matched directly to each benchmark outlined and the data can be compared to support evaluation of service effectiveness.

There have been several recent court cases, which help clarify issues of regression/recoupment. In SS, JD, SS v. Henricoe County School Board (38 IDELR 261, 326 F.3d 560 [4th Cir. 2003]), the Hearing Officer found that ESY services "were not for the purpose of achieving goals not met during the school year." In MM v. School District of Greenville County, (37 IDELR 183, 303 F.3d 523 [4th Cir. 2002]), the court ruled the "ESY services are only necessary to FAPE when the benefits accrued by

a disabled child during a regular school year will be significantly jeopardized if he is not provided with an educational program during the summer months.”

Prior access to, or lack of ESY, is not a factor in determining need. Each student should be considered for services based on, but not limited to, the following factors:

Degree of impairment, regression rate for students, rate of progress, behavioral and physical problems, curricular areas which would be adversely impacted, and vocational needs

The severity of the handicap is a primary consideration in determining eligibility for ESY. The IEP team should consider the following when discussing ESY eligibility:

- Student's age
- Severity of the disability
- Presence of medically diagnosed health impairments
- Attainment of self-sufficiency

Younger students with medically diagnosed health impairments are more likely to be referred for ESY due to degenerative diseases and/or high absenteeism as a result of the health impairment. Additionally, the ability to maintain self-sufficiency skills for our more mentally and physically challenged students will continue to be a key issue in ESY eligibility.

Once services are determined as necessary based on data collected and regression/recoupment rate, the IEP team must include a statement that included a description of the services required by the child's IEP in order to receive FAPE.

LEAs are not required to create programs in order to provide ESY services. An example would be a student who requires an integrated setting. If the LEA does not provide summer services for non-disabled students, the LEA is not required to create a new program (Tuscaloosa County Board of Education, 35 IDELER 172 (SEA AL 2001)).

WHAT EXTENDED SCHOOL YEAR SERVICES SHOULD BE INCLUDED IN A CHILD'S IEP?

The extended school services should concentrate on the areas most impacted by regression and inadequate recoupment. These services may look markedly different in ESY as determined by the IEP team. **(The decision is not driven by the setting in which the student is educated during the comprehensive school year).** This may also be true for the amount the duration of services as based on the individual child's needs. Related services must also be considered as they relate to the child's benefiting from special education.

Several court cases have referred to the “availability of alternative resources” when considering **ESY** services. The LEA could consider community programs that are available to students. If there are programs which meet the needs of the student, there must be a discussion regarding whether or not **ESY** would then be required for FAPE.

The LEA must be cautious when identifying services provided by community agencies such as a Parks and Recreation program. These outside agencies have no “requirement to maintain the student in their program”.

WHAT IS THE DIFFERENCE BETWEEN ESY AND SUMMER SCHOOL?

Summer school classes are not special education, and therefore are not required. Summer school classes are not based upon a child’s individual needs and do not require an IEP. Summer school classes are not required in order for a child to receive FAPE which is in contrast with those services provided in **ESY**. In addition, a school district can choose not to provide summer school.

WHAT EXTENDED SCHOOL YEAR IS AND IS NOT

Extended School Year (ESY) is:

- Based only on the individual student’s specific critical skills that are critical to his /her overall education progress as determined by the IEP team
- Designed to maintain student mastery of critical skills and objectives represented on the IEP and achieved during the regular school year
- Designed to maintain a reasonable readiness to begin the next year
- Focused on specific critical skills where regression, due to extended time off, may occur
- Based on multi-criteria and not solely on regression
- Considered as a strategy for minimizing the regression of skill, in order to shorten the time required to gain the same level of skill proficiency that the child exited with at the end of the school year

Extended School Year (ESY) is not:

- It is not a mandated 12-month service for all students with disabilities
- It is not required to function as a respite care service
- It is not funded by General Fund
- It is not required or intended to maximize educational opportunities for any student with disabilities

- It is not necessary to continue instruction on all the previous year's IEP goals during the ESY period
- It is not compulsory. Participation in the program is discretionary with the parents, who may choose to refuse the ESY service. There may be personal and family concerns that take precedence over ESY
- It is not required solely when a child fails to achieve IEP goals and objectives during the school year
- It should not be considered in order to help students with disabilities advance in relation to their peers
- It is not for those students who exhibit random regression solely related to transitional life situation or medical problems which result in degeneration
- It is not subject to the same LRE environment considerations as during the regular school year as the same LRE options are not available. Additionally, LRE for some students may be home with family members
- It is not a summer recreation program for students with disabilities
- It is not to provide a child with education beyond that which is prescribed his/her IEP goals and objectives

Adapted from www.slc.sevier.org 2003

FEDERAL REGULATIONS

Individuals with Disabilities Education Act (34 CFR Part 300 §300.309. Extended school year services.

(a) General.

- (1) Each public agency shall ensure that extended school year services are available as necessary to provide FAPE.
- (2) Extended school year services must be provided only if a child's IEP team determines, on an individual basis, in accordance with §§300.340-300.350, that the services are necessary for the provision of FAPE to the child.
- (3) In implementing the requirements of this section, a public agency may not –
 - (i) Limit extended school year services to particular categories of disability; Or
 - (ii) Unilaterally limit the type, amount, or duration of those services.

(b) Definition.

As used in this section, the term extended school year services means special education and related services that –

(1) Are provided to a child with a disability –

- (i) Beyond the normal school year of the public agency
- (ii) In accordance with the child's IEP; and
- (iii) At no cost to the parents of the child; and

(2) Meet the standards of the SEA.

CALIFORNIA CODE OF REGULATIONS (CCR) 3043

§3043 Extended School Year

Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program pursuant to subsection (f).

(a) Extended year special education and related services shall be provided by a school district, special education local plan area, or county office offering programs during the regular academic year.

(b) Individuals with exceptional needs who may require an extended school year are those who:

- (1) Are placed in special classes or centers; or
- (2) Are individuals with exceptional needs whose individualized education programs specify an extended year program as determined by the Individualized Education Program Team.

(c) The term "extended year" as used in this section means the period of time between the close of one academic year and the beginning of the succeeding academic year. The term "academic year" as used in this section means that portion of the school year during which the regular day school is maintained, which period must include less than the number of days required to entitle the district, special education services region, or county office to apportionments of state funds.

(d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays. For reimbursement purposes:

- (1) A maximum of 55 instructional days excluding holidays shall be allowed for individuals in special classes or centers for the severely handicapped; and

- (2) A maximum of 30 instructional days excluding holidays shall be allowed for all other eligible pupils needing extended year.
- (e) A local governing board may increase the number of instructional days the extended year period, but shall not claim revenue for average daily attendance generated beyond the maximum instructional days allowed in subsection (d)(1) and (2).
- (f) An extended year program when needed, as determined by the Individualized Education Program team, shall be included in the pupil's individualized education program.
- (g) In order to qualify for average daily attendance revenue for extended year pupils, all of the following conditions must be met:
- (1) Extended year special education shall be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age unless otherwise specified in the individualized education program to meet a pupil's needs.
 - (2) The special education and related services offered during the extended year period are comparable in standards, scope and quality to the special education program offered during the regular academic year.
- (h) If during the regular academic year an individual's Individualized Education Program specifies integration in the regular classroom, a public education agency is not required to meet that component of the individualized program if no regular summer school programs are being offered by that agency.
- (i) This section shall not apply to schools which are operating a continuous school program pursuant to Chapter 5 (commencing with Section 37600) of Part 22, Division 3, Title 2, of the Education Code.

[Authority cited: Section 56 100(a) and (j), Education Code. Reference: Sections 37600, 41976.5 and 56345, Education Code; 34 C.F.R. 300.346]

EXTENDED SCHOOL YEAR (ESY) TIMELINE

First 8 weeks of school:
<ul style="list-style-type: none"> • Collect data and re-teach • Compare to Spring data to determine if the student recouped his/her skills from previous year (This data should be the basis of the ESY eligibility discussion at the annual IEP) • Instruction and ongoing data collection • As soon as a student is found eligible for ESY at the annual review IEP, document the reasons why ESY is recommended on the summary page or on an addendum IEP • Include data supporting the recommendation for ESY • Continue instruction and document progress on progress reports
Following the first and second grading period
<p style="text-align: center;">*For new students or any student for whom you were unable to gather regression/recoupment data during the first 8 weeks of school, review data before and after any break from school (e.g. Thanksgiving, Winter or Spring break) to determine if student may have a significant regression/recoupment problem</p> <ul style="list-style-type: none"> • Use data collected as the basis for ESY eligibility discussion at the annual review IEP or addendum meeting • Re-teaching time should equal the length of the break (1 week break = 1 week re-teaching and then retest) • As soon as students are found eligible for ESY, the reasons for eligibility are documented on the IEP summary sheet or addendum • Continue instruction and document progress on progress report
Two to three months prior to the end of the school year
<ul style="list-style-type: none"> • Notify district administrator for students eligible for ESY • Be sure to include documentation to support decision • Continue to teach and gather data for last quarter/trimester of the school year • If the data indicates the student has a need for ESY, convene an IEP team meeting • If the team determines services are warranted, notify the district administrator as explained above • Each District submits an Extended Session Budget Estimate to the SELPA by the end of May
When should ESY Data Collection occur?
<p style="text-align: center;">Recommended times for data collection:</p> <ul style="list-style-type: none"> • At the end of regular school year • At the end of summer program • At the beginning of subsequent school year • Before and after school vacations; • Ongoing collection of information throughout the school year • Before/after student has been out of school for other reasons

Adapted from ESY Timeline, www.kyrene.org/resource/esy

CHAPTER 15 – SPECIAL EDUCATION TRANSPORTATION GUIDELINES

The following guidelines are derived from the Special Education Transportation Guidelines developed by California Department of Education in response to EC Section 41851.2 which required the state Superintendent of Public Instruction (SSPI) to develop special education transportation guidelines for use by individualized education program (IEP) teams that clarify when special education transportation services are required. In addition, appendices have been added to provide samples for local education agencies (LEAs) developing procedures.

The guidelines should be utilized to plan and implement transportation services to pupils that require this service to benefit from special education instruction and/or related services. They are applicable to all individuals with exceptional needs enrolled in school programs birth to age 22.

INTRODUCTION

EC section 56040 states: “Every individual with exceptional needs, who is eligible to receive educational instruction, related services or both under this part shall receive such educational instruction, services, or both, at no cost to his or her parents or, as appropriate, to him or her.” Special education transportation is defined as a related service in the federal regulation (34 CFR. Section 300.24). Transportation is required to be provided if it is necessary for the student to benefit from special education instruction. In addition, as required for any special education program, the service must be provided to meet the criteria for a free, appropriate public education (FAPE).

EC Section 56441.14 states: “Criteria and options for meeting the special education transportation needs of individuals with exceptional needs between the ages of three and five, inclusive, shall be included in the local transportation policy.”

EC Section 41850(d) defines “special education transportation” as: “The transportation of severely disabled special day class pupils, and orthopedically impaired pupils who require a vehicle with a wheelchair lift, who received transportation in the prior fiscal year, as specified in their individualized education program”.

EC Section 41850(b) “home-to-school transportation services” includes all of the following:

- The transportation of pupils between their homes and the regular full-time day school they attend, as provided by a school district or county superintendent of schools.
- The payment of moneys by a school district or county superintendent of schools to parents or guardians of pupils made in lieu of providing for the transportation of pupils between their homes and the regular full-time day schools they attend
- Providing board and lodging to pupils by a school district or county superintendent of schools made in lieu of providing for the transportation of pupils between their homes and the regular full-time day schools they attend

- The transportation of pupils between the regular full-time day schools they would attend and the regular full-time occupational training classes they attend, as provided by a regional occupational center or program
- The transportation of individuals with exceptional needs as specified in their individualized education programs, who do not receive special education transportation as defined in subdivision (d), stated above

Examples that IEP teams may consider under EC 41850(b) include:

- Pupils with severe disabilities who are not placed in special day classes or otherwise enrolled in programs serving pupils with profound disabilities
- Pupils with orthopedic disabilities who do not use wheelchairs or require lifts
- Students beginning special education who did not receive transportation under an IEP in the prior fiscal year
- Pupils with other health impairment, learning disabilities or other cognitive disabilities
- Pupils who live beyond reasonable distance to their school and would not, without transportation, have access to appropriate special education instruction and related services at no cost

RECOMMENDATIONS AND CONSIDERATIONS BY RESPONSIBLE PARTY

It is recommended that all LEAs and County Offices of Education that provide any special education transportation take the following issues and concepts under consideration to assist with preparation for organizing a transportation system and providing services that will allow for students' placement in the least restrictive environment while also allowing for the most cost-effective special education transportation system.

TRANSPORTATION POLICIES

Each LEA providing special education is required to adopt policies for the program and services it operates, consistent with EC Section 56195.8(b)(5) which states:

“Transportation, where appropriate, which describes how special education transportation is coordinated with regular home-to-school transportation. The policy shall set forth criteria for meeting the transportation needs of special education pupils. The policy shall include procedures to ensure compatibility between mobile seating devices, when used, and the securement systems required by Federal Motor Vehicle Safety Standard No. 222 (49 C.F.R. 571.222) and to ensure that school bus drivers are trained in the proper installation of mobile seating devices in the securement systems”.

It is recommended these policies focus upon pupil needs as the primary consideration for determining transportation services and that these policies also address the needs of pupils who may be eligible for transportation services as required by the Rehabilitation Act of 1973, Section 504. A sample Board Policy and Administrative Regulation are included in the Appendices.

DELIVERY OF SERVICES

The person responsible for implementation of the IEPs should be knowledgeable of transportation policies and/or procedures that address the responsibilities of the IEP team in regard to transportation and the delivery of services to eligible students in their least restrictive environment.

This includes consideration of services that are provided in the setting appropriate to the needs of the student at the pupil's neighborhood school, or within the district or SELPA. Consideration should be taken regarding the effect that the location of the placement will have on the length of time that a student has to and from school each day. Placements should not be made solely on a "space available" basis. If a student is receiving services outside of his/her residence area, the placement should be reviewed at least annually in order to determine if a placement closer to the student's residence would be appropriate.

LOCATION OF PROGRAMS/PLACEMENT OF PUPILS

The efficiency of a transportation system for special education is partially dependent on the location of the program sites and the placements of students. A demographic and geographic review that analyzes the present locations of programs, program needs, and populations served should take place. Program service regions with clearly defined service areas can then be established, using residence areas of the neighborhood schools. While this also involves the issue of facilities, a mission statement and policies developed by the agency may promote the comprehensive commitment to all pupils and the acceptance of pupils with exceptional needs in a broad variety of settings.

ADDITIONAL POLICY CONSIDERATIONS

Other subjects that need policy and procedures directives may include:

- Control of pupil's medicine transported between home and school on a vehicle
- Students suspension
- Physical intervention and management
- Authority to use special harnesses, vest, and belts
- Early closing of schools due to inclement weather or other emergencies
- Authority to operate special equipment
- When no adult is home to receive pupils
- When and how to involve community emergency medical and or law enforcement personnel
- Use of mobility aides
- Control and management of confidential information
- Use of bus aides
- Student Emergency Form (Sample included in Appendices)
- Other

COORDINATION OF CALENDARS AND SCHEDULES

Coordination of student attendance calendars at all school sites that provide special education services is necessary to fully utilize transportation services and to minimize the number of required days of transportation service.

The standardization of calendars should include the following coordination:

- Starting and ending dates of school years
- Bell schedules (starting and ending times)
- Vacation/intersession breaks
- Staff development days
- Minimum day schedules

This coordination should be done so that all significant transportation implications are addressed and transportation resources are effectively utilized.

LENGTH OF SCHOOL DAY, RELATED SERVICES, EXTRACURRICULAR EVENTS

It should be noted that the use of alternative starting times for all special education students at a site could lead to program compliance concerns.

Pupils receiving special education and related services must be provided with an educational program in accordance with their IEP for at least the same length of time as the regular school day for their chronological peer group, unless otherwise stated in a student's IEP. In addition, there may be occasions where the needs of the pupil require receiving therapy or some other related services that cannot be provided during the "established" school day.

If provisions for "early or late" transportation are made for pupils within the general education program due to extra-curricular events, provisions for equal opportunity to these events for pupils with exceptional needs who require special transportation must also be made.

USE OF POLICY AND RESOURCE INFORMATION

An overview of all available transportation resources should be provided to all administrators, IEP team leaders/case managers or chairpersons and other IEP team members who are authorized to recommend the type of special education service and the location where the service will be provided. A sample letter to parents and staff is included in the Appendices.

GUIDELINES FOR INDIVIDUALIZED EDUCATION PROGRAM (IEP) TEAMS

LOCAL EDUCATION AGENCY RULES AND POLICIES

All pupils, including those receiving specialized instruction and services, are subject to the rules and policies governing regular transportation offerings within the local education agency, unless the specific needs of the eligible pupil or the location of the special education program/services dictate that special education transportation is required.

PRIMARY CONSIDERATION: PUPIL NEEDS

The specific needs of the pupil must be the primary consideration when an IEP team is determining any transportation needs. These may include, but are not limited to:

1. Pupil's medical diagnosis and health needs
2. Consideration of whether long bus rides could affect a pupil's health (e.g. duration, temperature control, need for services, health emergencies)
3. Pupil's general ability and/or strength to ambulate/wheel
4. Approximate distance from school or the distance needed to walk or wheel oneself to the school
5. Consideration of pupil's needs in inclement or very hot weather
6. Physical accessibility of curbs, sidewalks, streets, and public transportation systems
7. Pupil's capacity to arrive at school on time
8. Pupil's capacity to avoid getting lost, to avoid dangerous traffic situations and to avoid other potentially dangerous or exploitative situations on the way to and from school
9. Behavioral Intervention Plans specified by the pupil's IEP and consideration of how to implement such plans while a pupil is being transported
10. Other transportation needs mid-day or other transportation needs as required on a pupil's IEP (e.g., occupational or physical therapy or mental health services at another site, community based classes, etc.) must also be taken into consideration when the IEP team discusses a pupil's placement and transportation needs

Sample Transportation Requirements Assessment, Individualized Transportation Plan, and IEP Supplement Page are included in the Appendices.

TRANSPORTATION STAFF AND IEP TEAM MEETINGS

Effective practice requires that procedures are developed for communication with transportation personnel. Transportation staff may be invited to IEP team meetings when:

- the pupil needs the use of adaptive or assistive equipment
- school bus equipment is required to be modified
- the pupil exhibits severe behavioral difficulties and a behavior intervention plan is to be implemented
- the pupil is medically fragile and requires special assistance
- the pupil has other unique needs

TRANSPORTATION OPTIONS

Considering the identified needs of the pupil, transportation options may include, but not be limited to:

- Walking
- Riding the regular school bus
- Utilizing available public transportation (any out-of-pocket costs to the pupil or parents may be reimbursed by the LEA)
- Riding a special bus from a pick up point
- Portal-to-portal special education transportation via a school bus
- Taxi
- Reimbursement of parent's driving with a parent's voluntary participation to provide transportation in lieu of other alternatives
- Other mode as determined by the IEP team

When developing specific IEP goals and objectives related to the pupil's use of public transportation, the IEP team may wish to consider a blend of transportation services as the pupil's needs evolve.

Specialized transportation as a related service must be written on the pupil's IEP with specificity and should be approved by the transportation or special education administrator. It is recommended that services be described in sufficient enough detail to inform the parties of how, when and from where to where transportation will be provided. As needed, detailed arrangements for the reimbursement of parents, which includes the amount and frequency of the reimbursement, should be provided. A sample contract for in lieu transportation is included in the Appendices.

SUSPENSION FROM THE SCHOOL BUS

Occasionally pupils receiving special education services are suspended from bus transportation (EC 48900-48900.7, Grounds for Suspension). Per the Office of Civil Rights, Letter of Finding Complaint No. 04-89-1246, December 8, 1989, the suspension of a pupil receiving special education services can constitute a significant change of placement if the district:

1. Has been transporting the student
2. Suspends the student from transportation as a disciplinary measure
3. Does not provide another mode of transportation

A significant change in placement requires a meeting of the IEP team to review the pupil's IEP. During the period of any exclusion from bus transportation, *the* pupil must be provided with an alternative form of transportation at no cost to the pupil or parent in order to be assured of having access to the required special education instruction and services. EC 48195.5:

EC Section 48915.5 (j) reads: "If an individual with exceptional needs is excluded from school bus transportation, the pupil is entitled to be provided with an alternative form of transportation at no cost to the pupil or parent."

EC Section 48915.5 (C) reads: If an individual with exceptional needs is excluded from school bus transportation, the pupil is entitled to be provided with an alternative form of transportation at no cost to the pupil or parent or guardian provided that transportation is specified in the pupil's individualized education program.

SUMMARY

The LEA providing special education is required to adopt policies for the programs and services it operates, consistent with agreements with other districts or county offices stated as part of the local plan for special education. These policies describe how special education transportation is coordinated with regular home to school transportation and set forth criteria that are consistent with these guidelines for meeting the transportation needs of pupil's receiving special education.

Transportation policies and an overview of all available transportation resources should be provided to all administrators, IEP team leaders, case managers, chairpersons and other IEP team members who are authorized to recommend the type of special education service and the location where the service will be provided.

The specific needs of the pupil must be the primary consideration when an IEP team is determining transportation services. The combination of planning and providing information to IEP teams maximizes appropriate placements and efficient cost-effective transportation systems.

Special Education Rights of Parents and Children
Under the Individuals with Disabilities Education Act, Part B, and the
California Education Code
Notice of Procedural Safeguards
Revised October 2016

Note: The term school district is used throughout this document to describe any public education agency responsible for providing your child's special education program. The term assessment is used to mean evaluation or testing. Federal and state laws are cited throughout this notice using English abbreviations, which are explained in a glossary on the last page of this notification.

What is the Notice of Procedural Safeguards?

This information provides you as parents, legal guardians, and surrogate parents of children with disabilities from three (3) years of age through age twenty-one (21) and students who have reached age eighteen (18), the age of majority, with an overview of your educational rights or procedural safeguards.

The Notice of Procedural Safeguards is required under the Individuals with Disabilities Education Act (in English, referred to as IDEA) and must be provided to you:

- When you ask for a copy
- The first time your child is referred for a special education assessment
- Each time you are given an assessment plan to evaluate your child
- Upon receipt of the first state or due process complaint in a school year, and
- When the decision is made to make a removal that constitutes a change of placement

(20 USC 1415[d]; 34 CFR 300.504; EC 56301[d] [2], EC 56321, and 56341.1[g] [1])

What is the Individuals with Disabilities Education Act (IDEA)?

IDEA is a federal law that requires school districts to provide a "free appropriate public education" (in English, referred to as FAPE) to eligible children with disabilities. A free appropriate public education means that special education and related services are to be provided as described in an individualized education program (in English, known as IEP) and under public supervision to your child at no cost to you.

May I participate in decisions about my child's education?

You must be given opportunities to participate in any decision-making meeting regarding your child's special education program. You have the right to participate in IEP team meetings about the identification (eligibility), assessment, or educational placement of your child and other matters relating to your child's FAPE. (20 USC 1414[d] [1]B-[d][1][D]; 34 CFR 300.321; EC 56341[b], 56343[c])

The parent or guardian, or the local educational agency (LEA), has the right to participate in the development of the IEP and to initiate their intent to electronically audiotape the proceedings of

the IEP team meetings. At least 24 hours prior to the meeting, the parent or guardian shall notify the members of the IEP team of their intent to record a meeting. If the parent or guardian does not consent to the LEA audiotape recording an IEP meeting, the meeting shall not be recorded on an audiotape recorder.

Your rights include information about the availability of FAPE, including all program options, and all available alternative programs, both public and nonpublic. (20 USC 1401[3], 1412[a][3]; 34 CFR 300.111; EC 56301, 56341.1[g][1], and 56506)

Where can I get more help?

When you have a concern about your child's education, it is important that you contact your child's teacher or administrator to talk about your child and any problems you see. Staff in your school district or special education local plan area (SELPA) may answer questions about your child's education, your rights, and procedural safeguards. Also, when you have a concern, this informal conversation often solves the problem and helps to maintain open communication.

You may also want to contact one of the California parent organizations (Family Empowerment Centers and Parent Training Institutes), which were developed to increase collaboration between parents and educators to improve the educational system. Contact information for these organizations is found on the CDE special education California Parent Organizations Web page at <http://www.cde.ca.gov/sp/se/qa/caprntorg.asp>.

Additional resources are listed at the end of this document to help you understand the procedural safeguards.

What if my child is deaf, hard of hearing, blind, visually impaired, or deaf-blind?

The State Special Schools provide services to students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind at each of its three facilities: the California Schools for the Deaf in Fremont and Riverside and at the California School for the Blind in Fremont. Residential and day school programs are offered to students from infancy to age 21 at both State Schools for the Deaf. Such programs are offered to students aged five through 21 at the California School for the Blind. The State Special Schools also offer assessment services and technical assistance. For more information about the State Special Schools, please visit the California Department of Education (CDE) Web site at <http://www.cde.ca.gov/sp/ss/> or ask for more information from the members of your child's IEP team.

Notice, Consent, Assessment, Surrogate Parent Appointment, and Access to Records

Prior Written Notice

When is a notice needed?

This notice must be given when the school district proposes or refuses to initiate a change in the identification, assessment, or educational placement of your child with special needs or the

provision of a free appropriate public education. (20 USC 1415[b][3] and (4), 1415[c][1], 1414[b][1]; 34 CFR 300.503; EC 56329 and 56506[a])

The school district must inform you about proposed evaluations of your child in a written notice or an assessment plan within fifteen (15) days of your written request for evaluation. The notice must be understandable and in your native language or other mode of communication, unless it is clearly not feasible to do so. (34 CFR 300.304; EC 56321)

What will the notice tell me?

The Prior Written Notice must include the following:

1. A description of the actions proposed or refused by the school district
2. An explanation of why the action was proposed or refused
3. A description of each assessment procedure, record, or report the agency used as a basis for the action proposed or refused
4. A statement that parents of a child with a disability have protection under the procedural safeguards
5. Sources for parents to contact to obtain assistance in understanding the provisions of this part
6. A description of other options that the IEP team considered and the reasons those options were rejected; and
7. A description of any other factors relevant to the action proposed or refused. (20 USC 1415[b][3] and [4], 1415[c][1], 1414[b][1]; 34 CFR 300.503)

Parental Consent

When is my approval required for assessment?

You have the right to refer your child for special education services. You must give informed, written consent before your child's first special education assessment can proceed. The parent has at least fifteen (15) days from the receipt of the proposed assessment plan to arrive at a decision. The assessment may begin immediately upon receipt of the consent and must be completed and an IEP developed within sixty (60) days of your consent.

When is my approval required for services?

You must give informed, written consent before your school district can provide your child with special education and related services.

What are the procedures when a parent does not provide consent?

If you do not provide consent for an initial assessment or fail to respond to a request to provide the consent, the school district may pursue the initial assessment by utilizing due process procedures.

If you refuse to consent to the initiation of services, the school district must not provide special education and related services and shall not seek to provide services through due process procedures.

If you consent in writing to the special education and related services for your child but do not consent to all of the components of the IEP, those components of the program to which you have consented must be implemented without delay.

If the school district determines that the proposed special education program component to which you do not consent is necessary to provide a free appropriate public education to your child, a due process hearing must be initiated. If a due process hearing is held, the hearing decision shall be final and binding.

In the case of reevaluations, the school district must document reasonable measures to obtain your consent. If you fail to respond, the school district may proceed with the reevaluation without your consent. (20 USC 1414[a][1][D] and 1414[c]; 34 CFR 300.300; EC 56506[e], 56321[c] and [d], and 56346).

When may I revoke consent?

If at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency:

1. May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with 34 CFR Section 300.503 before ceasing such services
2. May not use the procedures in subpart E of Part 300 34 CFR (including the mediation procedures under 34 CFR Section 300.506 or the due process procedures under 34 CFR Sections 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child
3. Will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services
4. Is not required to convene an IEP team meeting or develop an IEP under 34 CFR Sections 300.320 and 300.324 for the child for further provision of special education and related services

Please note, in accordance with 34 CFR Section 300.9 (c)(3), that if the parents revoke consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

Surrogate Parent Appointment

What if a parent cannot be identified or located?

School districts must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a disability when a parent cannot be identified and the school district cannot discover the whereabouts of a parent.

A surrogate parent may also be appointed if the child is an unaccompanied homeless youth, an adjudicated dependent or ward of the court under the state Welfare and Institution Code, and is referred to special education or already has an IEP. (20 USC 1415[b][2] ; 34 CFR 300.519; EC 56050; GC 7579.5 and 7579.6)

Nondiscriminatory Assessment

How is my child assessed for special education services?

You have the right to have your child assessed in all areas of suspected disability. Materials and procedures used for assessment and placement must not be racially, culturally, or sexually discriminatory.

Assessment materials must be provided and the test administered in your child's native language or mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer.

No single procedure can be the sole criterion for determining eligibility and developing FAPE for your child. (20 USC 1414[b][1]–[3], 1412[a][6][B]; 34 CFR 300.304; EC 56001[j] and 56320)

Independent Educational Assessments

May my child be tested independently at the district's expense?

If you disagree with the results of the assessment conducted by the school district, you have the right to ask for and obtain an independent educational assessment for your child from a person qualified to conduct the assessment at public expense.

The parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

The school district must respond to your request for an independent educational assessment and provide you information about where to obtain an independent educational assessment.

If the school district believes that the district's assessment is appropriate and disagrees that an independent assessment is necessary, the school district must request a due process hearing to prove that its assessment was appropriate. If the district prevails, you still have the right to an independent assessment but not at public expense. The IEP team must consider independent assessments.

District assessment procedures allow in-class observation of students. If the school district observes your child in his or her classroom during an assessment, or if the school district would have been allowed to observe your child, an individual conducting an independent educational assessment must also be allowed to observe your child in the classroom.

If the school district proposes a new school setting for your child and an independent educational assessment is being conducted, the independent assessor must be allowed to first observe the proposed new setting. (20 USC 1415[b][1] and [d][2][A]; 34 CFR 300.502; EC 56329[b] and [c])

Access to Educational Records

May I examine my child's educational records?

You have a right to inspect and review all of your child's education records without unnecessary delay, including prior to a meeting about your child's IEP or before a due process hearing. The school district must provide you access to records and copies, if requested, within five (5) business days after the request has been made orally or in writing. (EC 49060, 56043[n], 56501[b][3], and 56504)

How Disputes Are Resolved

Due Process Hearing

When is a due process hearing available?

You have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of FAPE. The request for a due process hearing must be filed within two years from the date you knew or should have known about the alleged action that forms the basis of the due process complaint. (20 USC 1415[b][6]; 34 CFR 300.507; EC 56501 and 56505[i])

Mediation and Alternative Dispute Resolution

May I request mediation or an alternative way to resolve the dispute?

A request for mediation may be made either before or after a request for a due process hearing is made.

You may ask the school district to resolve disputes through mediation or alternative dispute resolution (ADR), which is less adversarial than a due process hearing. The ADR and mediation are voluntary methods of resolving a dispute and may not be used to delay your right to a due process hearing.

What is a pre-hearing mediation conference?

You may seek resolution through mediation prior to filing a request for a due process hearing. The conference is an informal proceeding conducted in a nonadversarial manner to resolve

issues relating to the identification, assessment, or educational placement of a child or to a FAPE.

At the prehearing mediation conference, the parent or the school district may be accompanied and advised by nonattorney representatives and may consult with an attorney prior to or following the conference. However, requesting or participating in a prehearing mediation conference is not a prerequisite to requesting a due process hearing.

All requests for a prehearing mediation conference shall be filed with the Superintendent. The party initiating a prehearing mediation conference by filing a written request with the Superintendent shall provide the other party to the mediation with a copy of the request at the same time the request is filed.

The prehearing mediation conference shall be scheduled within fifteen (15) days of receipt by the Superintendent of the request for mediation and shall be completed within thirty (30) days after receipt of the request for mediation unless both parties agree to extend the time. If a resolution is reached, the parties shall execute a legally binding written agreement that sets forth the resolution. All discussions during the mediation process shall be confidential. All prehearing mediation conferences shall be scheduled in a timely manner and held at a time and place reasonably convenient to the parties. If the issues fail to be resolved to the satisfaction of all parties, the party who requested the mediation conference has the option of filing for a due process hearing. (EC 56500.3 and 56503)

Due Process Rights

What are my due process rights?

You have a right to:

1. Have a fair and impartial administrative hearing at the state level before a person who is knowledgeable of the laws governing special education and administrative hearings (20 USC 1415[f][1][A], 1415[f][3][A]-[D]; 34 CFR 300.511; EC 56501[b][4])
2. Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities (EC 56505 [e][1])
3. Present evidence, written arguments, and oral arguments (EC 56505[e][2])
4. Confront, cross-examine, and require witnesses to be present (EC 56505[e][3])
5. Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions (EC 56505[e][4])
6. Have your child present at the hearing (EC 56501[c][1])
7. Have the hearing be open or closed to the public (EC 56501[c][2])
8. Receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony within five (5) business days before a hearing (EC 56505[e][7] and 56043[v])
9. Be informed by the other parties of the issues and their proposed resolution of the issues at least ten (10) calendar days prior to the hearing (EC 56505[e][6])
10. Have an interpreter provided (CCR 3082[d])
11. Request an extension of the hearing timeline (EC 56505[f][3])
12. Have a mediation conference at any point during the due process hearing (EC 56501[b][2]), and

13. Receive notice from the other party at least ten days prior to the hearing that the other party intends to be represented by an attorney (*EC 56507[a]*). (*20 USC 1415[e]*; *34 CFR 300.506, 300.508, 300.512 and 300.515*)

Filing a Written Due Process Complaint

How do I request a due process hearing?

You need to file a written request for a due process hearing. You or your representative needs to submit the following information in your request:

1. Name of the child
2. Address of the residence of the child
3. Name of the school the child is attending
4. In the case of a homeless child, available contact information for the child and the name of the school the child is attending, and
5. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s)

Federal and state laws require that either party filing for a due process hearing must provide a copy of the written request to the other party. (*20 USC 1415[b][7]*, *1415[c][2]*; *34 CFR 300.508*; *EC 56502[c][1]*)

Prior to filing for a due process hearing, the school district shall be provided the opportunity to resolve the matter by convening a resolution session, which is a meeting between the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request. (*20 USC 1415[f][1][B]*; *34 CFR 300.510*)

What does a resolution session include?

Resolution sessions shall be convened within fifteen (15) days of receiving notice of the parents' due process hearing request. The sessions shall include a representative of the school district who has decision-making authority and not include an attorney of the school district unless the parent is accompanied by an attorney. The parent of the child may discuss the due process hearing issue and the facts that form the basis of the due process hearing request.

The resolution session is not required if the parent and the school district agree in writing to waive the meeting. If the school district has not resolved the due process hearing issue within thirty (30) days, the due process hearing may occur. If a resolution is reached, the parties shall execute a legally binding agreement. (*20 USC 1415[f][1][B]*; *34 CFR 300.510*)

Does my child's placement change during the proceedings?

The child involved in any administrative or judicial proceeding must remain in the current educational placement unless you and the school district agree on another arrangement. If you are applying for initial admission of your child to a public school, your child will be placed

in a public school program with your consent until all proceedings are completed. (20 USC 1415[j]; 34 CFR 300.518; EC 56505[d])

May the decision be appealed?

The hearing decision is final and binding on both parties. Either party may appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision. (20 USC 1415[i][2] and [3][A], 1415[i]; 34 CFR 300.516; EC 56505[h] and [k], EC 56043[w])

Who pays for my attorneys' fees?

In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you as parent of a child with a disability if you are the prevailing party in the hearing. Reasonable attorneys' fees may also be made following the conclusion of the administrative hearing, with the agreement of the parties. (20 USC 1415[i][3][B]-[G]; 34 CFR 300.517; EC 56507[b])

Fees may be reduced if any of the following conditions prevail:

1. The court finds that you unreasonably delayed the final resolution of the controversy
2. The attorneys' hourly fees exceed the prevailing rate in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience
3. The time spent and legal services provided were excessive, or
4. Your attorney did not provide to the school district the appropriate information in the due process request notice.

Attorneys' fees will not be reduced, however, if the court finds that the State or the school district unreasonably delayed the final resolution of the action or proceeding or that there was a violation of this section of law. (20 USC 1415[i][3][B]-[G]; 34 CFR 300.517)

Attorneys' fees relating to any meeting of the IEP team may not be awarded unless an IEP team meeting is convened as a result of a due process hearing proceeding or judicial action. Attorneys' fees may also be denied if you reject a reasonable settlement offer made by the district/public agency ten (10) days before the hearing begins and the hearing decision is not more favorable than the offer of settlement. (20 USC 1415[i][3][B]-[G]; 34 CFR 300.517)

To obtain more information or to file for mediation or a due process hearing, contact:

Office of Administrative Hearings
Attention: Special Education Division
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833-4231
(916) 263-0880
FAX (916) 263-0890

School Discipline and Placement Procedures for Students with Disabilities

School Discipline and Alternative Interim Educational Settings

May my child be suspended or expelled?

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of student conduct from his or her setting to:

- An appropriate interim alternative education setting, another setting, or suspension for not more than ten (10) consecutive school days, and
- Additional removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct

What occurs after a removal of more than ten (10) days?

After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the public agency must provide services to enable the child to continue to participate in the general education curriculum and progress toward meeting the goals set out in the child's IEP. Also, a child will receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur.

If a child exceeds ten (10) days in such a placement, an IEP team meeting must be held to determine whether the child's misconduct is caused by the disability. This IEP team meeting must take place immediately, if possible, or within ten (10) days of the school district's decision to take this type of disciplinary action.

As a parent you will be invited to participate as a member of this IEP team. The school district may be required to develop an assessment plan to address the misconduct or, if your child has a behavior intervention plan, review and modify the plan as necessary.

What happens if the IEP team determines that the misconduct is not caused by the disability?

If the IEP team concludes that the misconduct was not a manifestation of the child's disability, the school district may take disciplinary action, such as expulsion, in the same manner as it would for a child without a disability. (20 USC 1415[k][1] and [7]; 34 CFR 300.530)

If you disagree with the IEP team's decision, you may request an expedited due process hearing, which must occur within twenty (20) school days of the date on which you requested the hearing. (20 USC 1415[k][2]; 34 CFR 300.531[c])

Regardless of the setting the school district must continue to provide FAPE for your child. Alternative educational settings must allow the child to continue to participate in the general

curriculum and ensure continuation of services and modifications detailed in the IEP. (34 *CFR* 300.530; *EC* 48915.5[b])

Children Attending Private School

May students who are parentally placed in private schools participate in publicly funded special education programs?

Children who are enrolled by their parents in private schools may participate in publicly funded special education programs. The school district must consult with private schools and with parents to determine the services that will be offered to private school students. Although school districts have a clear responsibility to offer FAPE to students with disabilities, those children, when placed by their parent in private schools, do not have the right to receive some or all of the special education and related services necessary to provide FAPE. (20 *USC* 1415[a][10][A]; 34 *CFR* 300.137 and 300.138; *EC* 56173)

If a parent of an individual with exceptional needs who previously received special education and related services under the authority of the school district enrolls the child in a private elementary school or secondary school without the consent of or referral by the local educational agency, the school district is not required to provide special education if the district has made FAPE available. A court or a due process hearing officer may require the school district to reimburse the parent or guardian for the cost of special education and the private school only if the court or due process hearing officer finds that the school district had not made FAPE available to the child in a timely manner prior to that enrollment in the private elementary school or secondary school and that the private placement is appropriate. (20 *USC* 1412[a][10][C]; 34 *CFR* 300.148; *EC* 56175)

When may reimbursement be reduced or denied?

The court or hearing officer may reduce or deny reimbursement if you did not make your child available for an assessment upon notice from the school district before removing your child from public school. You may also be denied reimbursement if you did not inform the school district that you were rejecting the special education placement proposed by the school district, including stating your concerns and intent to enroll your child in a private school at public expense.

Your notice to the school district must be given either:

- At the most recent IEP team meeting you attended before removing your child from the public school, or
- In writing to the school district at least ten (10) business days (including holidays) before removing your child from the public school. (20 *USC* 1412[a][10][C]; 34 *CFR* 300.148; *EC* 56176)

When may reimbursement not be reduced or denied?

A court or hearing officer must not reduce or deny reimbursement to you if you failed to provide written notice to the school district for any of the following reasons:

- The school prevented you from providing notice
 - You had not received a copy of this Notice of Procedural Safeguards or otherwise been informed of the requirement to notify the district
 - Providing notice would likely have resulted in physical harm to your child
 - Illiteracy and inability to write in English prevented you from providing notice, or
 - Providing notice would likely have resulted in serious emotional harm to your child
- (20 USC 1412[a] [10] [C]; 34 CFR 300.148; EC 56177)

State Complaint Procedures

When may I file a state compliance complaint?

You may file a state compliance complaint when you believe that a school district has violated federal or state special education laws or regulations. Your written complaint must specify at least one alleged violation of federal and state special education laws. The violation must have occurred not more than one year prior to the date the complaint is received by the California Department of Education (CDE). When filing a complaint, you must forward a copy of the complaint to the school district at the same time you file a state compliance complaint with the CDE. (34 CFR 300.151–153; 5 CCR 4600)

Complaints alleging violations of federal and state special education laws or regulations may be mailed to:

California Department of Education
Special Education Division
Procedural Safeguards Referral Service
1430 N Street, Suite 2401
Sacramento, CA 95814

For complaints involving issues **not** covered by federal or state special education laws or regulations, consult your district's uniform complaint procedures.

To obtain more information about dispute resolution, including how to file a complaint, contact the CDE, Special Education Division, Procedural Safeguards Referral Service, by telephone at (800) 926-0648; by fax at 916-327-3704; or by visiting the CDE Web site at <http://www.cde.ca.gov/sp/se>.

Glossary of Abbreviations Used in This Notification

ADR	Alternative Dispute Resolution
CFR:	<i>Code of Federal Regulations</i>
EC	<i>California Education Code</i>
FAPE	Free Appropriate Public Education
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program
OAH:	Office of Administrative Hearings
SELPA:	Special Education Local Plan Area
USC:	<i>United States Code</i>



Student _____ DOB _____ School _____

* Days refer to calendar days, excluding days between pupil's regular school sessions, terms or days in excess of 5 school days. An IEP will be developed within 30 days of the beginning of the following school year for students referred 20 days or less prior to the end of the regular school year.

** I/T = Initial/ Triennial/ Re-evaluation
 A = Annual
 WN = When Needed

	STEPS	FORM <i>Italics = SELPA form</i>	LEGAL TIMELINES	MANDATORY	DATE
1.	Written referral received	Referral for Sp. Ed. Receipt of Referral		I/T	
2.	Referral entered in Special Education Referral Log				
3.	Case Carrier assigned (Name):				
4.	Assignment of Surrogate Parent (if necessary)	<i>Request for Surrogate</i>		WN	
5.	IEP team notified and Assessment Plan developed	Notice of Meeting		I/T & A	
6.	Assessment Plan and copy of Parent/Student Procedural Safeguards presented and explained to parent. Prior Written Notice must be completed for all initial IEP's.	Assessment Plan with and without Medi-Cal Prior Written Notice	Within 15 days*	I/T & WN I/T & A	
7.	Written consent for assessment obtained or IEP due date	Assessment Plan	Allow 15 days*	I/T & WN	
8.	Written consent for exchange of information (as needed)	<i>Multi-Agency Authorization to Exchange Info</i>		WN	
9.	Date for IEP meeting established, parent notified.	Notice of Meeting		I/T & A	
	Other members notified	Notice of Meeting		I/T & A	
10.	Parent response received or personal contact made	Notice of Meeting		I/T & A	
11.	Meeting held to review results of assessments	Present Levels of Academic Achievement	Within 60 days* of #7	I/T & A	
	Eligibility Determined and IEP developed if appropriate	Info/ Eligibility		I/T & A	
	Individual Transition Plan-Required for age 15 and up, younger as appropriate	Individual Transition Plan		I/T & A I/T & A	
	Present Levels / Results of Assessment	Present Levels		I/T & A	
	Special Factors	Special Factors		I/T & A	
	Statewide Assessment	Statewide Assessment		I/T & A	
	Functional Behavioral Assessment/ Behavior Intervention Plan	Behavior Intervention Plan		WN	
	Specific Learning Disability Team Determination	Specific Learning Disability 1 Specific Learning Disability 2		I/T & WN	
	Specific Learning Disability Discrepancy Documentation	Specific Learning Disability 1 Specific Learning Disability 2		I/T & WN	
	Program & Test Accommodations Modifications and Supports	Statewide Assessment IEP At A Glance		I/T & A	
	Annual Goals	Goal A Goal B		I/T & A	
	Services Offer of FAPE	Services Offer of FAPE		I/T & A	
	Educational Setting Offer of FAPE	Educational Setting Offer of		I/T & A	
	Extended School Year Eligibility	ESY Worksheet		WN	

Continued on back



**Mendocino County
SELPA**

Special Education Local Plan Area

PROCEDURAL CHECKLIST

Reviewed 6/18/15

* Days refer to calendar days, excluding days between pupil's regular school sessions, terms or days in excess of 5 school days. An IEP will be developed within 30 days of the beginning of the following school year for students referred 20 days or less prior to the end of the regular school year.

** I/T= Initial/ Triennial/ Re-evaluation
A= Annual
WN= When Needed

	STEPS	FORM	LEGAL TIMELINES	MANDATORY	DATE
2.	Signature and Parent Consent Informed consent for Medi-Cal Community Advisory Committee (CAC) Information IEP Team Meeting Notes	Signature and Parent Consent IEP Team Meeting Notes		I/T & A I/T & A I/T & A WN Recommended	
	IEP Amendment /Addendum	Amendment			
3.	IEP implemented and Special Education file initiated including:		As soon as possible		
	a. Procedural Checklist	Procedural Checklist		I/T & A	
	b. Log of Access to Student Records	Log of Access to Student Records			
	c. Parent Contact Record	Parent Contact Record			
4.	Case carrier notifies all teachers regarding IEP implementation	IEP-at-a Glance			
5.	District transportation notified as appropriate (follow district procedures) Services				
5.	Data Exit - Drop	Data Exit - Drop			
	For graduating/exiting Transition-aged Sp Ed students	Post Secondary Exit Page 1 Post Secondary Exit Page 2			
7.	When complete, notify CASEMIS operator Affirm/Attest within 7 days in SEIS				

OTHER FORMS

Form Name	SEIS	Document Library	Notes
Multi-Agency Authorization to Exchange Info		X	
Program & Test Accommodations Modifications		X	
Request for Surrogate Parent		X	
MH Referral to BHRS/RQM (Behavioral Health & Recovery Services – Redwood Quality Management)		X	
Manifestation Determination	X		
Interim Special Education Services	X		
Prior Written Notice	X		



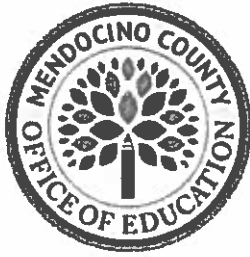
Mendocino County
SELPA
Special Education Local Plan Area

PROCEDURAL CHECKLIST

Reviewed 6/18/15

Prior Written Notice when Parent Revokes Special Education Services	X		
Revocation of Consent	X		
Individual Service Plan (Private School)	X		
Triennial Reevaluation Determination	X		





2240 Old River Road
Ukiah, CA 95482-6156

Ph. (707) 467-5001
Fax (707) 462-0379

WARREN GALLETTI
Superintendent of Schools

INTEGRITY CUSTOMER SERVICE ACCOUNTABILITY TEAMWORK INNOVATION PASSION

IEP Meeting Agenda

1. Purpose of the IEP Meeting
2. Introductions
3. Review of Rights
4. Background Information
5. Review of Assessments and Needs Determination
6. Parent Concerns / Feedback
7. Specify Eligibility for Services
8. Develop Goals
9. Transition Plan and/or Behavior Plan (as needed)
10. Review of Program / Service Options
11. Recommendation / Offer of FAPE
12. Wrap Up / Summarize Notes and Decisions



2018-2019 Designation of CIF Representatives to League

Please complete the form below for each school under your jurisdiction and **RETURN TO THE CIF SECTION OFFICE (ADDRESSES ON REVERSE SIDE)** no later than June 29, 2018.

Mendocino Unified School District/Governing Board at its May 17, 2018 meeting,
(Name of school district/governing board) (Date)

appointed the following individual(s) to serve for the 2018-2019 school year as the school's league representative:

PHOTOCOPY THIS FORM TO LIST ADDITIONAL SCHOOL REPRESENTATIVES


NAME OF SCHOOL Mendocino High School
 NAME OF REPRESENTATIVE Tobin Hahn POSITION Principal
 ADDRESS 10700 Ford Street CITY Mendocino ZIP 95460
 PHONE 707-937-5871 FAX 707-937-5629 E-MAIL thahn@mendocinoursd.org

 NAME OF SCHOOL MENDOCINO HIGH SCHOOL
 NAME OF REPRESENTATIVE NOAH GOLD POSITION ATHLETIC DIRECTOR
 ADDRESS 10700 FORD ST. CITY MENDOCINO ZIP 95460
 PHONE 707-937-5871 FAX 707-937-5629 E-MAIL ADMENDO@MCN.ORG

 NAME OF SCHOOL _____
 NAME OF REPRESENTATIVE _____ POSITION _____
 ADDRESS _____ CITY _____ ZIP _____
 PHONE _____ FAX _____ E-MAIL _____

 NAME OF SCHOOL _____
 NAME OF REPRESENTATIVE _____ POSITION _____
 ADDRESS _____ CITY _____ ZIP _____
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If the designated representative is not available for a given league meeting, an alternate designee of the district governing board may be sent in his/her place. **NOTE:** League representatives from public schools and private schools must be designated representatives of the school's governing boards in order to be eligible to serve on the section and state governance bodies.

Superintendent's or Principal's Name Tobin Hahn Signature 
 Address 10700 Ford St. City Mendocino Zip 95460
 Phone 707-937-5871 Fax 707-937-5629

**PLEASE MAIL OR FAX THIS FORM DIRECTLY TO THE CIF SECTION OFFICE.
 SEE REVERSE SIDE FOR CIF SECTION OFFICE ADDRESSES.**

CIF SECTION OFFICES

CIF CENTRAL SECTION

Jim Crichlow, Commissioner
P.O. Box 1567
Porterville, CA 93258
Phone: (559) 781-7586
Fax: (559) 781-7033

CIF CENTRAL COAST SECTION

Duane Morgan, Commissioner
333 Piercy Road
San Jose, CA 95138
Phone: (408) 224-2994
Fax: (408) 224-0476

CIF LOS ANGELES SECTION

John Aguirre, Commissioner
10660 White Oak Avenue, Suite 216
Granada Hills, CA 91344
Phone: (818) 767-0800
Fax: (818) 767-0802

CIF NORTH COAST SECTION

Gil Lemmon, Commissioner
5 Crow Canyon Court, Suite 209
San Ramon, CA 94583
Phone: (925) 263-2110
Fax: (925) 263-2120

CIF NORTHERN SECTION

Elizabeth Kyle, Commissioner
2241 St. George Lane, Suite 2
Chico, CA 95926
Phone: (530) 343-7285
Fax: (530) 343-5619

CIF OAKLAND SECTION

Alphonso Powell, Commissioner
900 High Street
Oakland, CA 94601
Phone: (510) 434-2218
Fax: (510) 434-3351

CIF SAC-JOQUIN SECTION

Michael Garrison, Commissioner
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Lodi, CA 95241
Phone: (209) 334-5900
Fax: (209) 334-0300

CIF SAN DIEGO SECTION

Jerry Schniepp, Commissioner
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San Diego, CA 92108
Phone: (858) 292-8165
Fax: (858) 292-1375

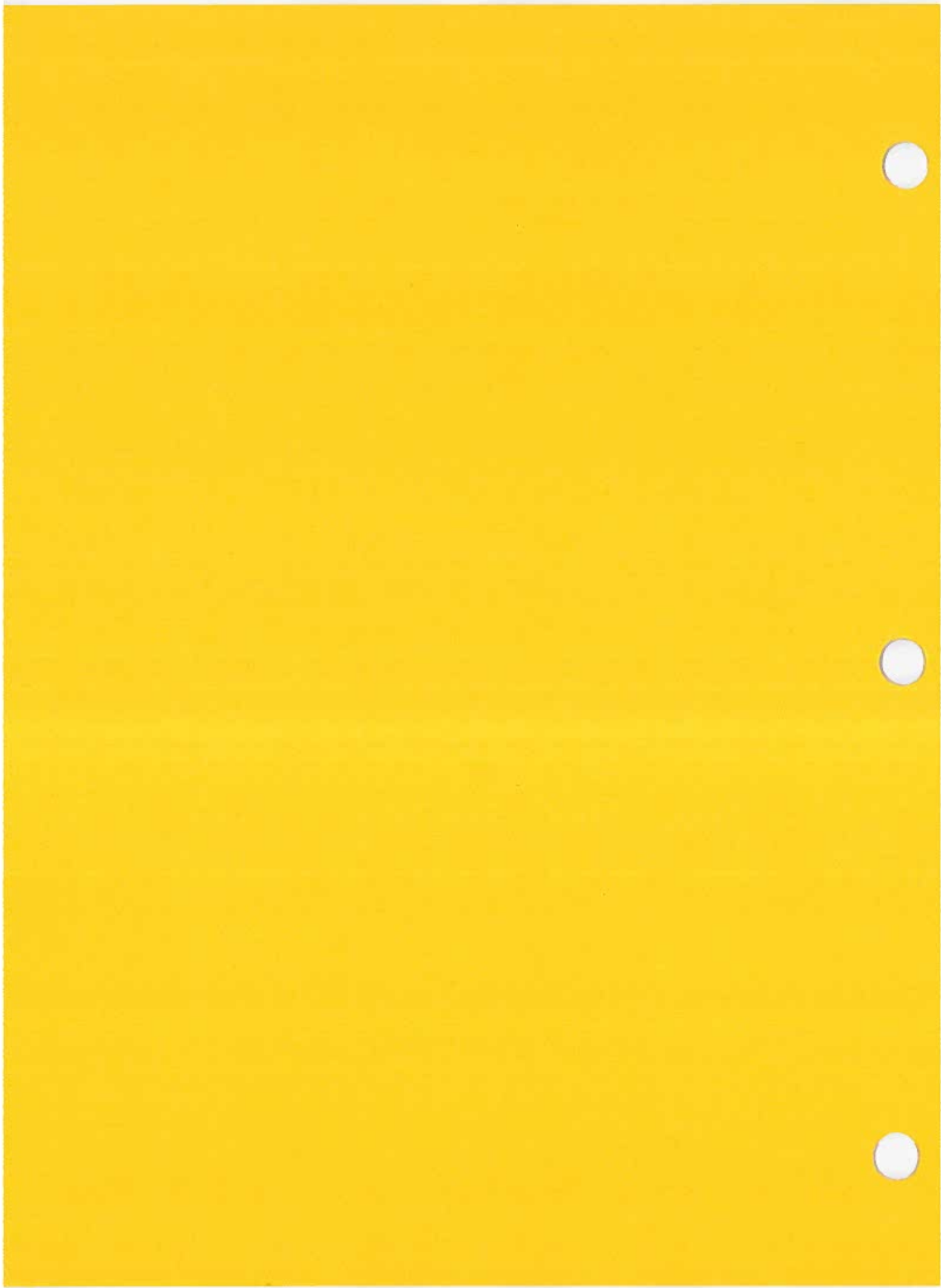
CIF SAN FRANCISCO SECTION

Don Collins, Commissioner
555 Portola Drive, Bungalow 2
San Francisco, CA 94131
Phone: (415) 920-5185
Fax: (415) 920-5189

CIF SOUTHERN SECTION

Rob Wigod, Commissioner
10932 Pine Street
Los Alamitos, CA 90720
Phone: (562) 493-9500
Fax: (562) 493-6266





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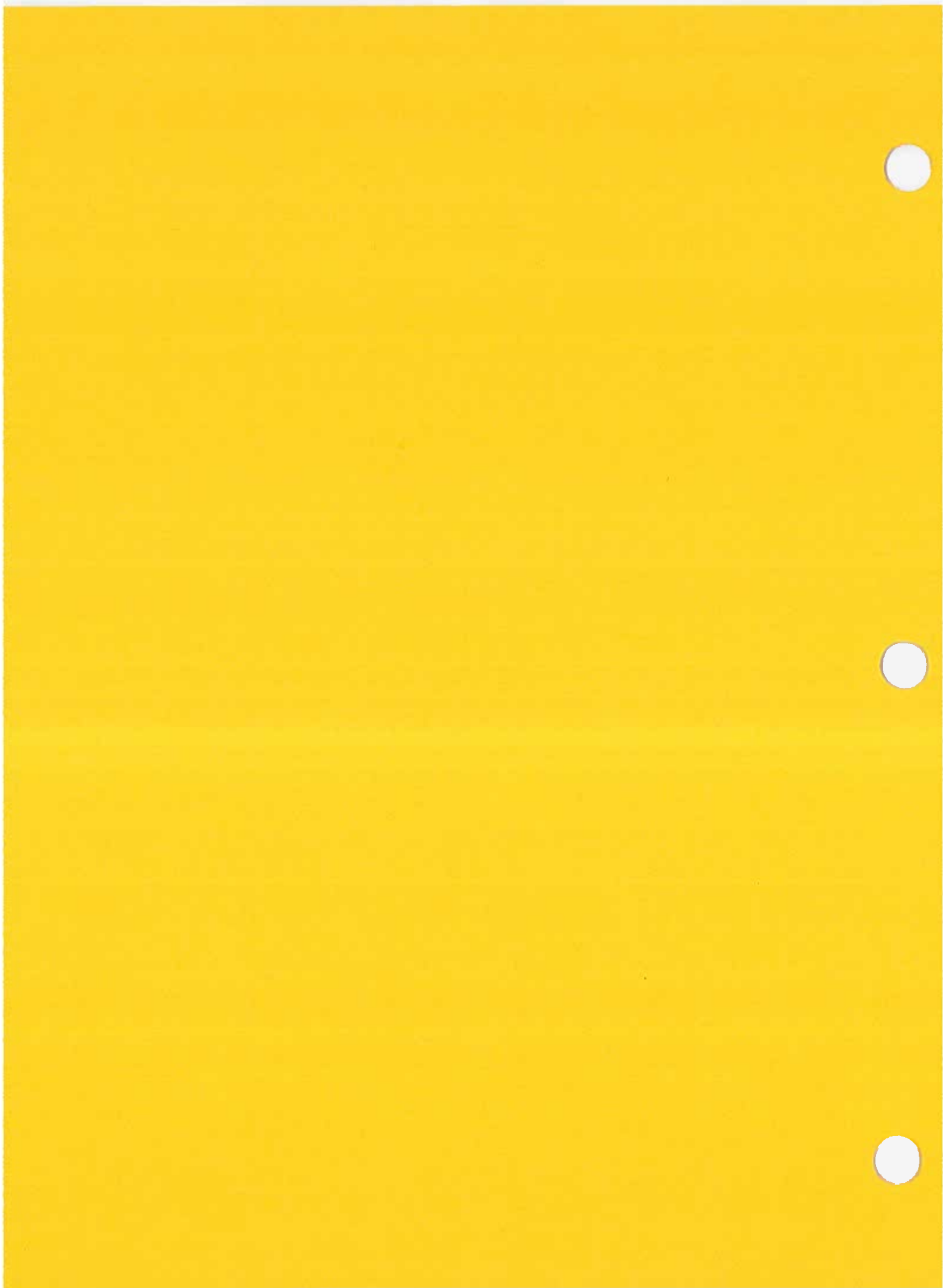
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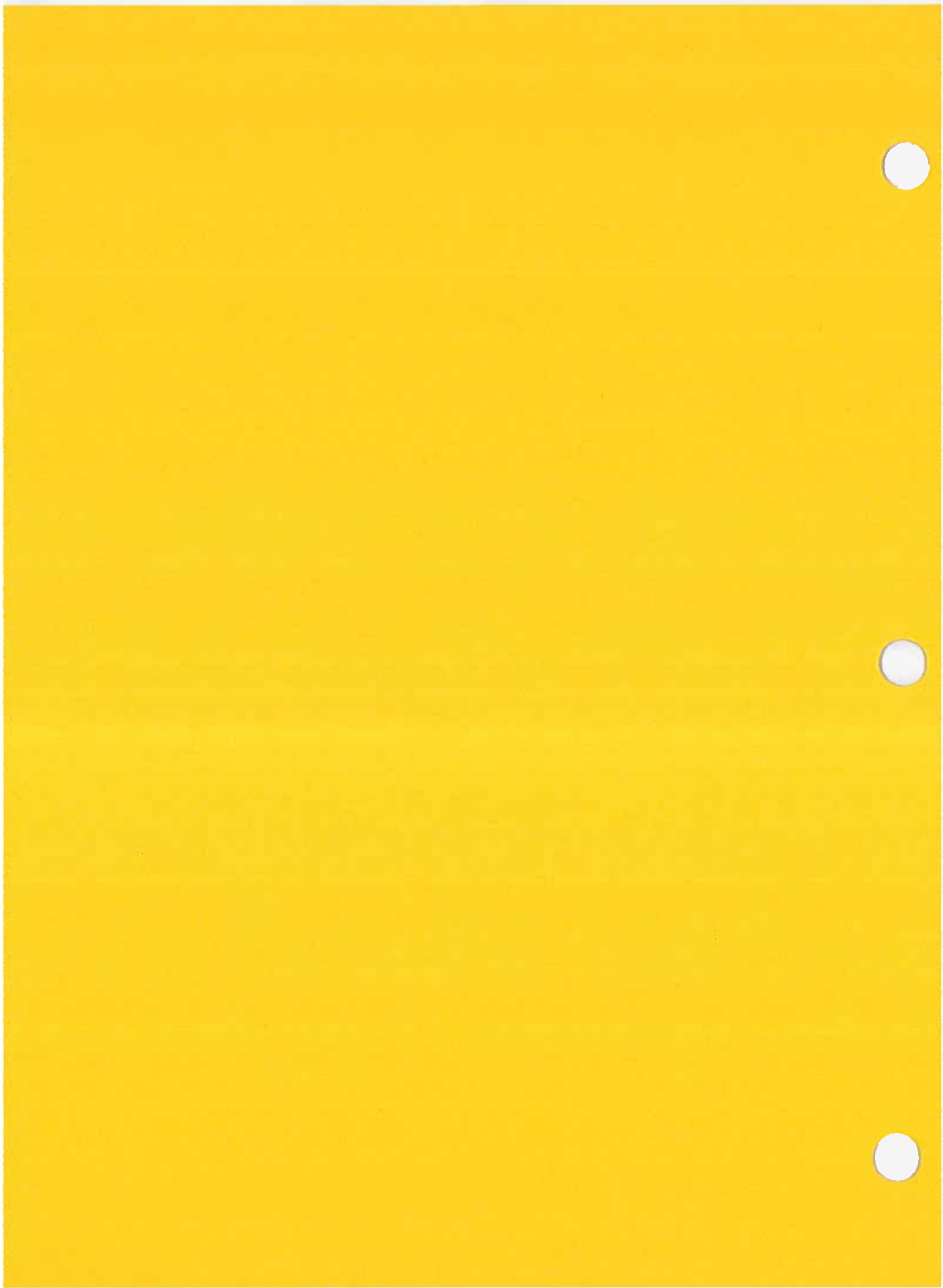
Mendocino Unified School District
 2018-19 Proposed Principals and Management
 to be Approved by Board May 1, 2018

	step 1	2	3	4	5	6	7	8	9	10	11							
HS Principal	97,490	101,052	104,614	108,177	111,740							215 days						
MS/GS Principal	97,490	101,052	104,614	108,177	111,740							215 days						
MUSD Business Manager	78,748	81,505	84,356	87,309	90,355	93,528	96,802	100,189	103,656	107,327		224 days						
MCN Business Manager	91,276											224 days						
MCN Assistant Business Manager	73,517											224 days						
Special Education Director	85,715	86,915	88,132	89,365	90,617	91,886	93,172	94,477	95,798	97,140	98,499	195 days						
Preschool Site Supervisor	43,716	46,686	49,656	52,626	55,597	58,565	61,537	64,506	66,572	68,638	70,705	180 days						
	step 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
Executive Asst. to Superintendent	50,689	52,634	54,657	56,761	58,951	61,226	63,593	66,055	68,616	71,279	74,050	76,930	79,924	83,039	86,278	89,647	93,152	
Maintenance Supervisor																		224 days
Transportation Supervisor - 12 month																		
With 4% Educational Increment	52,717	54,739	56,843	59,031	61,309	63,675	66,137	68,698	71,361	74,131	77,012	80,007	83,121	86,361	89,730	93,233	96,878	
Transportation Supervisor - 10 month	42,233	43,842	45,530	47,280	49,112	51,005	52,978	55,035	57,171	59,389	61,691	64,092	66,574	69,180	71,868	74,675	77,607	186.5 days
with 4% Educational Increment	43,922	45,596	47,352	49,171	51,076	53,045	55,097	57,237	59,458	61,766	64,159	66,657	69,237	71,946	74,743	77,662	80,711	
Lead Aide - 10 month	41,893	43,489	45,164	46,900	48,717	50,595	52,552	54,592	56,711	58,911	61,194	63,577	66,039	68,624	71,290	74,074	76,983	185 days
with 4% Educational Increment	43,569	45,228	46,970	48,776	50,666	52,619	54,655	56,776	58,981	61,259	63,643	66,120	68,680	71,368	74,142	77,037	80,062	

Mendocino Unified School District
 2019-20 Proposed Principals and Management
 to be Approved by Board May 17, 2018

	step	1	2	3	4	5	6	7	8	9	10	11							
HS Principal		101,390	105,095	108,799	112,505	116,210							215 days						
MS/GS Principal		101,390	105,095	108,799	112,505	116,210							215 days						
MUSD Business Manager		81,898	84,765	87,731	90,801	93,980	97,269	100,674	104,197	107,844	111,620		224 days						
MCN Business Manager		94,927											224 days						
MCN Assistant Business Manager		76,458											224 days						
Special Education Director		89,144	90,391	91,657	92,940	94,241	95,561	96,899	98,256	99,630	101,026	102,439	195 days						
Preschool Site Supervisor		45,465	48,554	51,643	54,731	57,821	60,907	63,998	67,086	69,235	71,383	73,533	180 days						
	step	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
Executive Asst. to Superintendent		52,716	54,739	56,843	59,032	61,309	63,675	66,137	68,697	71,361	74,130	77,012	80,007	83,121	86,361	89,729	93,233	96,878	224 days
Maintenance Supervisor																			
Transportation Supervisor - 12 month																			
With 4% Educational Increment		54,825	58,929	59,117	61,393	63,761	66,222	68,782	71,446	74,215	77,096	80,092	83,207	86,446	89,815	93,319	96,962	100,753	
Transportation Supervisor - 10 month		43,922	45,596	47,351	49,171	51,077	53,045	55,098	57,236	59,458	61,765	64,159	66,656	69,237	71,947	74,742	77,662	80,711	186.5 days
with 4% Educational Increment		45,679	47,420	49,246	51,138	53,120	55,167	57,302	59,526	61,836	64,237	66,725	69,323	72,006	74,824	77,732	80,768	83,939	
Lead Aide - 10 month		43,569	45,229	46,970	48,776	50,666	52,618	54,655	56,776	58,980	61,268	63,642	66,120	68,680	71,368	74,141	77,037	80,062	185 days
with 4% Educational Increment		45,311	47,037	48,849	50,727	52,693	54,723	56,842	59,047	61,340	63,720	66,189	68,765	71,427	74,222	77,106	80,119	83,264	





Mendocino Unified School District

Bylaws of the Board

Board Bylaw 9100

Bylaw adopted by Board 10/17/02; Under Revision
5/17/18

Organization

Annual Organizational Meeting The Board shall hold an annual organizational meeting within the time limits prescribed by law. (Education Code 35143)

At this meeting the Board shall:

1. Elect a president if necessary and elect a clerk ~~and/or vice president~~ from its members.
2. Appoint a secretary to the Board.
3. Authorize signatures.
4. Develop a schedule of regular meetings for the year.
5. Develop a Board calendar for the year.
6. Designate Board representatives to the-negotiating teams and to various committees.

~~**Election of Clerk:** The Board shall each year elect one of its members to be clerk. After serving one year as clerk, the elected member may serve one year as president of the Board.~~

Election of Officers: The Board shall each year elect one of its members to be clerk. This member shall be one who previously has not served in office, unless all of the Board's members have previously served in office. After serving one year as clerk, the elected member may will serve one year as president of the Board unless he/she declines.

When the only members who have not served as officers are new to the Board, the Board may elect as clerk a Board member who has served in office.

No member is obligated to serve as an officer on the Board. If a member chooses not to fulfill the clerk or president position, the Board will nominate and elect a trustee to fill the seat.

Legal Reference:

Education Code

5017 Term of Office

35143 Annual organizational meeting

35145 Public meetings

Government Code

54953 Meetings to be open and public; attendance

Attorney General Opinions

68 OPS. CAL. ATTY.GEN 65 (1985)

59 OPS. CAL. ATTY.GEN 619 (1976)

Mendocino Unified School District

Bylaws of the Board

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Bylaw adopted by Board 3/18/93
Revised 10/17/02

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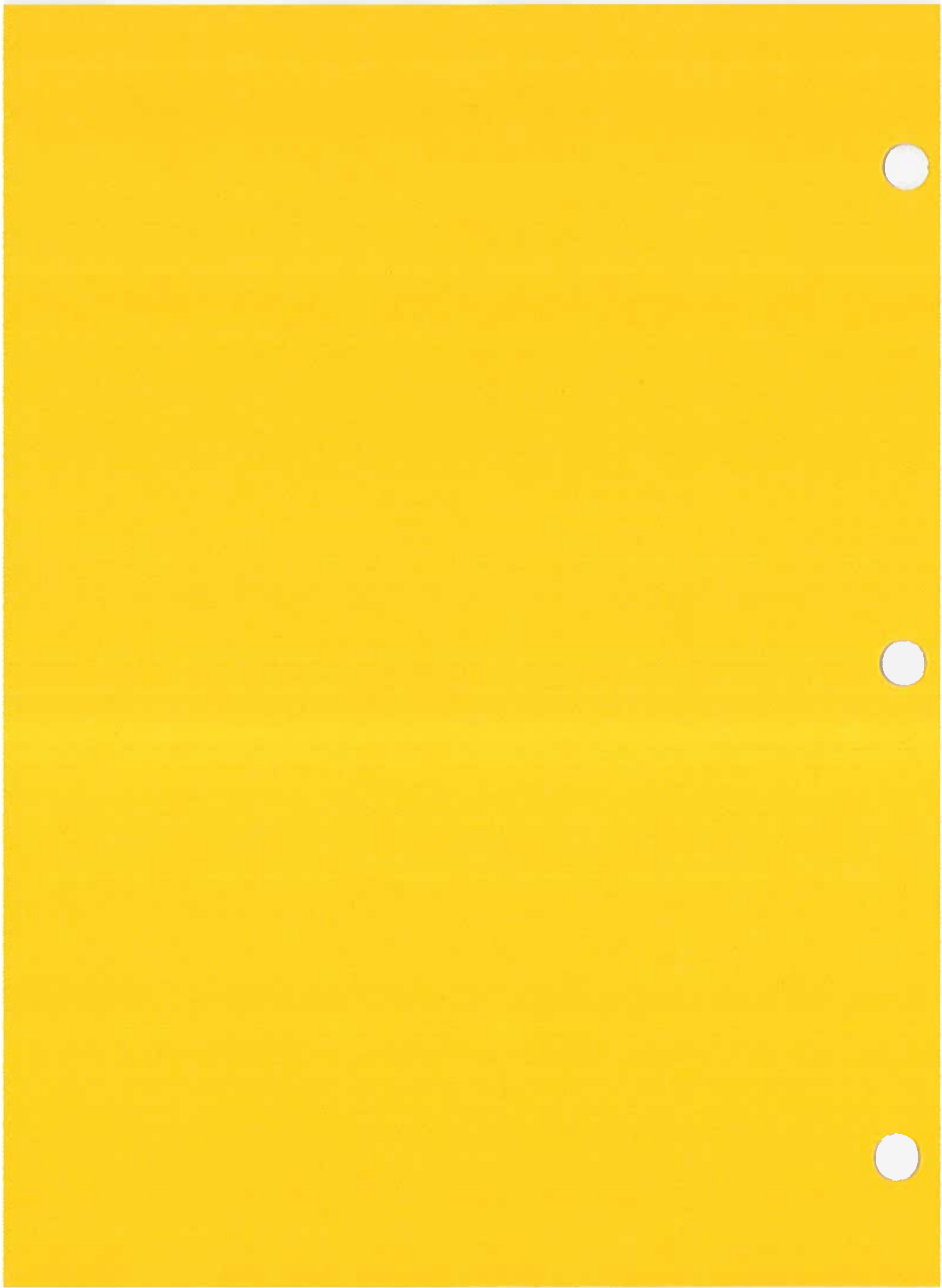
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Resolution 2018-07
Mendocino Unified School District Resolution
Mendocino, California
Mendocino County, California

Resolution of intention to levy and collect assessments within the assessment district for Fiscal Year 2018-2019; preliminary approval of engineer's report and providing for notice of hearings

WHEREAS, school districts in the State of California are authorized, subject to duly noticed public hearings and other requirements as specified by law, to form a maintenance assessment district to defray the cost of improvements as defined in Streets and Highways Code section 22525;

WHEREAS, such maintenance assessment districts may be formed under the Landscaping and Lighting Act of 1972 (the "Act") commencing with Streets and Highways Code section 22500 et seq.;

WHEREAS, a resolution initiating proceedings was duly adopted by this Board on **April 19, 2018**;

NOW, THEREFORE, the Board of Trustees of the Mendocino Unified School District resolves as follows:

1. Adopts the foregoing recitals as true and correct.
2. It is the intention of this Board to levy and collect assessments pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) during fiscal year **2018-2019**.
3. The general location of the maintenance assessment district and the boundaries thereof are coterminous with the boundaries of the Mendocino Unified School District.
4. As set forth in the Resolution Initiating Proceedings, the name of the maintenance assessment district is the "Mendocino Unified School District Maintenance Assessment District" (hereafter abbreviated as "Maintenance District").
5. Pursuant to the Resolution Initiating Proceedings, an Engineer's Report has been duly prepared, filed with the Secretary of the Board, duly considered by this Board, and is hereby deemed sufficient and preliminarily approved. Existing improvements include maintenance, servicing, and semi-annual refinishing and refurbishment of gym floors at Mendocino High School; maintenance or servicing of all recreational facilities and grounds of the District available for public use on an annual basis. The Engineer's Report shall constitute and be the Engineer's Report for all subsequent proceedings except as may be modified in any such subsequent proceedings. Reference is hereby made to the Engineer's Report on file with the Secretary, for a full and detailed description of the improvements, the boundaries of the proposed Maintenance District, and the proposed assessments upon assessable lots and parcels of land within the Maintenance District.
6. This Board hereby directs that notice be given of a public hearing which shall be held at the following time, date, and place: The public hearing shall be held on **Thursday, June 21, 2018 at 5:00 p.m.** at Mendocino K-8 Multi-Purpose Room, at 44261 Little Lake Road, Mendocino, California 95460, for the purpose of considering all oral and written statements made or filed by any interested persons regarding the levy and collection of the assessment and whether the Board should adopt a resolution ordering the improvements, confirming the diagram for the Maintenance District, confirming the proposed assessments and approving the final Engineer's Report and assessments therein as originally adopted or as modified.
7. At the hearing, any interested person may protest the levy and collection of the assessment. Before the conclusion of the public hearing, any interested person may file a written protest with the Secretary of the Board or may mail a written protest before the public hearing, which must be received before the conclusion of the public hearing on **June 21, 2018**, to the District Offices located at 44141 Little Lake Road, Mendocino, California 95460 or, having previously filed a written protest, may file a written withdrawal of that protest before the conclusion of the hearing. A written protest shall state all grounds for objection. A protest by a property owner shall contain a description sufficient to identify the property owned by that owner or owners.
8. The assessment will not increase from that levied and collected during Fiscal Year **2017-2018**.

PASSED AND ADOPTED this **May 17, 2018**, by the governing board of the Mendocino Unified School District, Mendocino County, California, by the following vote:

President	Michael Schaeffer	_____
Clerk	Mark Morton	_____
Member	Jessica Grinberg	_____
Member	Windspirit Aum	_____
Member	Jim Gay	_____

Continued:

Page 2: Resolution 2018-07

I, Mark Morton, Clerk of the Board of Trustees of the Mendocino Unified School District, do hereby certify that the foregoing resolution was regularly introduced, passed, and adopted by the Board of Trustees at its meeting held on May 17, 2018.

Mark Morton, Clerk
Board of Trustees
Mendocino Unified School District

Michael Schaeffer, President,
Board of Trustees
Mendocino Unified School District
Mendocino County, California

Mendocino Unified School District

Maintenance Assessment District

Engineer's Report
(Fiscal Year 2018-19)

Submitted by
Jason Morse, Superintendent
Reviewed by
Mark Quattrocchi, Architect

Mendocino Unified School District
May 17, 2018
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Method of Assessment	3
Assessment Diagram and Plans and Specifications	3
Public Use and Availability of District Facilities	4
Summary of Assessment Amounts	4
Certifications.....	5

Governing Board
Michael Schaeffer (Comptche), President
Jessica Grinberg (Mendocino), Clerk
Jim Gay (Greenwood)
Mark Morton (Caspar)
Windspirit Aum (Albion)

For the 2018-19 fiscal year, there is no surplus or deficit in the improvement fund and section 22569(d) does not apply. The net assessed amount is, as set forth above, the estimate of the costs for the fiscal year 2018-19 of approximately \$88,800. The net assessment is based on approximately 2,960 improved parcels at \$30.00 per parcel.

Maintenance personnel will be used to maintain, service, and repair as necessary the District's facilities available to the public. District maintenance and utility staffing and operational expenditures will be used approximately 6.4% for maintenance and service in connection with public recreational events at District school sites.

The proposed assessment per improved parcel and total net amount to be assessed is less than the cost the District pays for maintenance, service, and improvements as a result of the public use and availability of District facilities.

The exterior boundaries of the Maintenance District are identical to the boundaries of the Mendocino Unified School District. For purposes of the Maintenance Assessment District, the Mendocino County Assessment Roll constitutes the Diagram.

I do hereby assess the net amount to be assessed upon all assessable lots or parcels of land within the Maintenance Assessment District by apportioning that amount among the several lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the maintenance of the improvements, as more particularly set forth in the list attached on page 4 which also lists exempt parcels, and by this reference made a part of this Assessment.

The Assessment is made upon the lots or parcels of land within the Maintenance Assessment District in proportion to the estimated benefits to be received by the lots or parcels, respectively, from the maintenance of the improvements.

Each lot or parcel of land assessed is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Mendocino for the fiscal year 2018-19 and includes all of each parcel, excepting those portions within existing public roads or right-of-way. For a more particular description of the property, reference is hereby made to the deeds and maps on file and record in the office of the County Recorder of the County Mendocino.

Dated: 5/9/18



Superintendent

Mendocino Unified School District Maintenance Assessment District

Assessment Roll

Reference is hereby made to the Assessment Roll in and for said assessment proceedings on file in the Office of the Secretary of the Board of Trustees, said assessment roll being too bulky to be bound with this Engineer's Report. The Assessment roll identifies the Mendocino County Assessor's Parcel Number of each lot or parcel, within the Maintenance Assessment District, that is being assessed, the address of the lot or parcel, the name and address of the owner of the lot or parcel, and an assessment amount.

Method of Assessment

The amounts to be assessed against the parcels of property to pay the cost and expenses of the work and improvements are based upon the benefits to be derived by the properties in the assessment district, which is comprised of parcels located within the Mendocino Unified School District boundaries, as defined by the Mendocino County tax code areas. Such benefits include, but are not limited to, enhanced property values, availability of recreational facilities, preservation of green space, contribution to a clean and safe community, and other general benefits.

Attached is a Summary of Assessment Amounts for various land uses found within the Mendocino Unified Maintenance Assessment District. The listing is not all inclusive of all types of land use that may be found within the District, but does represent the major land use categories. The list identifies which land use parcels are to be assessed and the method by which they are assessed.

Any property owner who feels that the amount of his/her assessment is in error as a result of incorrect information being used to apply the foregoing method, may file an appeal with the Superintendent of the Mendocino Unified School District. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the Superintendent shall promptly review the information provided by the property owner and if he finds that the assessment should be modified, he shall have the authority to make the appropriate changes in the assessment roll. If any such changes are approved after the assessment roll has been filed with the County of collection, the Superintendent is authorized to refund to the property owner the amount of any approved reduction.

Assessment Diagram and Plans and Specifications

Reference is hereby made to the Assessment Diagram in and for said assessment proceedings on file in the office of the Secretary of the Board of Trustees, said Assessment Diagram being too bulky to be bound with this Engineer's Report. For the purposes of the Mendocino Unified Maintenance Assessment District, the Assessor's Roll constitutes the Assessment Diagram.

Any Plans and Specifications that may be required, or that are applicable to the maintenance work included in the Maintenance Assessment District will be on file in the Office of the Secretary of the Board of Trustees.

Public Use and Availability of District Facilities

The Mendocino Unified School District ("District") makes available to members of the public residing in the District and other public members its facilities and playgrounds. The District is unique in this respect as almost all community recreational functions use these facilities.

The High School gymnasium and the K-8 gymnasium are used for large public functions in addition to recreational activities available to the public. The playgrounds at the small grammar schools and the Mendocino K-8 School are made available to the public for recreational activities.

The District's playing fields and gymnasiums are available to the public for a variety of sporting activities such as basketball, badminton, football, baseball, soccer, volleyball, and other sporting events. The Performing Arts Center and the High School gymnasium host public events for the community as a whole. There are other cultural uses of the District's facilities for public use.

The Mendocino Community High School and the Albion School are used by the public for cultural and recreational uses which require ongoing maintenance.

Because of the heavy use of the District's facilities, as set forth in this Report, it is necessary to defray the cost of maintenance, servicing, and improvements under the Landscaping and Lighting Act of 1972 (Streets and Highways Code section 22500).

Property values are enhanced by the presence of well-maintained public facilities for community recreational uses.

Summary of Assessment Amounts

<u>Land Use of Parcel</u>	<u>Amount</u>	<u>Notes Related to Assessment Amount Charged</u>
Unimproved	Exempt	
Church	Exempt	
Cemetery	Exempt	
Public Property	Exempt	
Public Utility Property	Exempt	
Improved	\$30	As defined by County Assessor's parcel identification

Mendocino Unified School District
Maintenance Assessment District

Certifications
Fiscal Year 2018-19

1. I, the Secretary of the Board of Trustees of the Mendocino Unified School District, hereby certify that the foregoing Assessment with the diagram was filed with me on May 17, 2018.

Superintendent / Secretary of the Board of Trustees

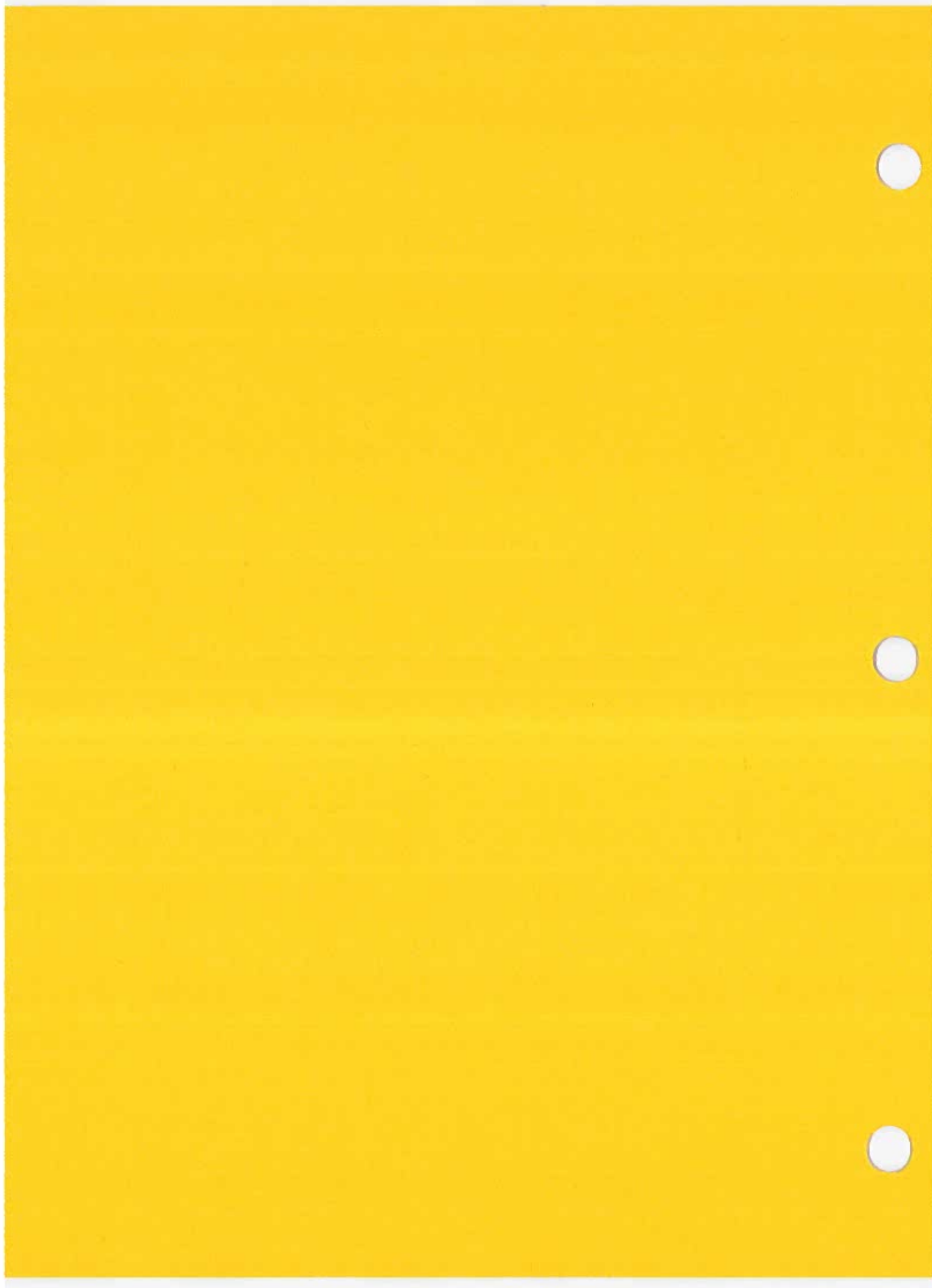
2. I, the Secretary of the Board of Trustees of the Mendocino Unified School District, hereby certify that the foregoing Assessment was approved and confirmed by the Board of Trustees of the Mendocino Unified School District on June 21, 2018 by Resolution _____.

Superintendent / Secretary of the Board of Trustees

3. I, the Secretary of the Board of Trustees of the Mendocino Unified School District, hereby certify that a certified copy of the assessment and diagram was filed in the Office of the County Auditor of the County of Mendocino, California, on May 22, 2018.

Superintendent / Secretary of the Board of Trustees





**Resolution 2018-08
Mendocino Unified School District Resolution
Mendocino, California
Mendocino County, California**

Resolution of the Board Relating to Participating in Self-Funding Excess Liability Plan

WHEREAS, the Board of the Mendocino Unified School District, along with other public educational agencies of the State of California, have been studying self-funding of excess liability; and

WHEREAS, these public educational agencies have determined there is a need for a self-funding system for excess liability coverage by combining their respective efforts to establish, operate, and maintain a Joint Powers Agency for self-funding of excess liability;

WHEREAS, Title 1, Division 7, Chapter 5, Article I (Section 6500 et seq.) of the Government Code of the State of California, authorizes joint exercise by two or more public agencies of any power common to them;

WHEREAS, California law authorizes public educational agencies to establish Self-funded Programs;

WHEREAS, This public educational agency sought to examine its options for alternative sources of excess liability coverage and notified SELF of its intent to withdraw as of the 2018/2019 program year subject to a final vote by the Northern California Schools Insurance Group Board of Directors.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. This public educational agency hereby rescinds its previously submitted resolution to withdraw from SELF JPA and the Excess Liability Program effective July 1, 2018.
2. The Board of Directors of Mendocino Unified School District hereby declares its desire to continue its membership in the Schools Excess Liability Fund Excess Liability Program uninterrupted.
3. The Board instructs staff to take all necessary steps to implement this resolution.

PASSED AND ADOPTED this **May 17, 2018**, by the governing board of the Mendocino Unified School District, Mendocino County, California, by the following vote:

President	Michael Schaeffer	_____
Clerk	Mark Morton	_____
Member	Jessica Grinberg	_____
Member	Windspirit Aum	_____
Member	Jim Gay	_____

I, Mark Morton, Clerk of the Board of Trustees of the Mendocino Unified School District, do hereby certify that the foregoing resolution was regularly introduced, passed, and adopted by the Board of Trustees at its meeting held on May 17, 2018.

Mark Morton, Clerk
Board of Trustees
Mendocino Unified School District

Michael Schaeffer, President,
Board of Trustees
Mendocino Unified School District
Mendocino County, California

April 26, 2018

**RE: URGENT MESSAGE TO ALL MEMBERS OF NCSIG
REQUEST FOR BOARD RESOLUTION BEFORE 06/15/18
RESCIND THE PRIOR NOTICE OF WITHDRAWAL SENT TO SELF**

Dear NCSIG /SELF Member,

Last fall NCSIG management asked members to submit a SELF Notice of Withdrawal after reviewing SELF's financial reports. This action was a necessary step to extend the timeline for further review of our excess liability option. We recognize and appreciate the extra work you performed to afford us the extended time for due diligence.

The NCSIG Board of Directors held a special meeting on April 24, 2018 to discuss the NCSIG 2018-19 excess liability insurance options, reviewing both the SELF (Schools Excess Liability Fund) and SAFER (Schools Association for Excess Risk) programs.

Both SELF and SAFER made comprehensive presentations to the NCSIG Board followed by extensive Q&A to each of the program representatives and highly engaged deliberations by the NCSIG Board and NCSIG administration.

The two potential outcome options were as follows: The NCSIG Board move to either: 1) vote to request NCSIG administration promptly contact those NCSIG members who submitted a timely SELF Notice of Withdrawal to rescind the aforementioned Notice of Withdrawal with a new resolution submitted to SELF by 06/01/18 or 2) maintain the Notice of Withdrawals and those NCSIG members who submitted a SELF Notice of Withdrawal resolution by 12/31/17 will move to SAFER for excess liability coverage from \$5M to \$50M for 2018/19.

The NCSIG Board voted to request NCSIG administration promptly contact those NCSIG members who submitted a timely SELF Notice of Withdrawal to rescind the aforementioned Notice of Withdrawal with a new resolution submitted to SELF by 06/01/18.

Per my post-meeting discussion with SELF administration, the timeline to rescind the aforementioned Notice of Withdrawal with a new resolution submitted to SELF has been extended to 06/15/18.





Hence, NCSIG administration is requesting that each NCSIG member who submitted a timely SELF Notice of Withdrawal to rescind the previously submitted Notice of Withdrawal with a new resolution submitted to SELF by 06/15/18 in order to continue excess coverage to \$55 million with SELF effective 07/01/18.

A sample resolution with your Public Educational Entity name prefilled has been enclosed for completion. A fillable form will also be sent by email with a copy of this letter.

Kindly send a copy of the completed resolution to NCSIG via email to jmoll@iwins.com and dgulden@iwins.com immediately following your board meeting and no later than 06/15/18. We have confirmed with SELF it is not necessary to send the original by certified mail, therefore scanned copy to NCSIG is sufficient documentation.

In closing, I apologize for any inconvenience the withdrawal / rescission process may have created, but I am completely confident that this excess liability program review was a necessary task to ensure that due diligence was effectively exercised by NCSIG for the benefit of the membership.

Sincerely,



Erik J. Knak, ARM, MBA
NCSIG JPA Manager

Enclosure – Sample Resolution



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Large area of extremely faint, illegible text occupying the middle and lower middle sections of the page.



**Resolution 2017-19
Mendocino Unified School District
Mendocino, California
Mendocino County, California**

**RESOLUTION DECLARING WITHDRAWAL OF MEMBERSHIP IN THE SCHOOLS
EXCESS LIABILITY FUND JPA**

WHEREAS, California public educational agencies have determined there is an need for stable excess liability coverage to protect their agency against unforeseen liability claims; and

The Mendocino Unified School District presently has \$5,000,000 in liability limits through its membership with the Northern California Regional Liability Excess Fund Joint Powers Authority and Schools Association for Excess Risk; and

The Mendocino Unified School District desires to seek quotations for additional limits of liability; and

In order for the Mendocino Unified School District to be able to make an informed decision on this matter, it must give notice of withdrawal to the Schools Excess Liability Fund Joint Powers Authority by December 31, 2017.

NOW, THEREFORE IT BE RESOLVED that the Board of Trustees of Mendocino Unified School District notifies the Schools Excess Liability Fund Joint Powers Authority of its intent to withdraw from that Joint Powers Authority effective July 1, 2018, subject to a final vote by the Northern California Schools Insurance Group Board of Directors.

PASSED AND ADOPTED by the MUSD Board of Education of the Mendocino Unified School District this December 14, 2017 by the following vote:

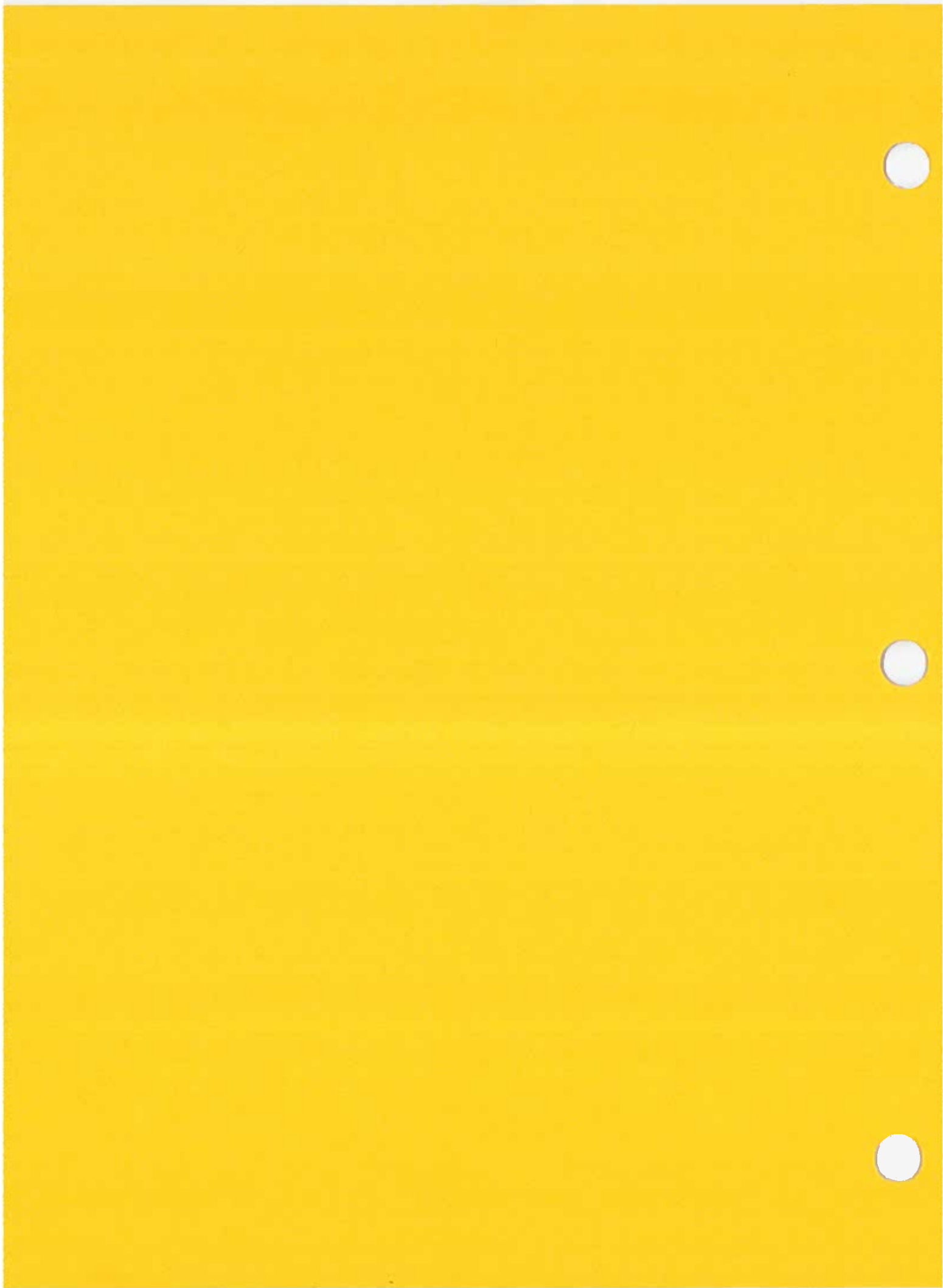
President Michael Schaeffer	<i>ayk</i>
Clerk Jessica Grinberg	<i>ayk</i>
Trustee Mark Morton	<i>ayk</i>
Trustee Windspirit Aum	<i>absent</i>
Trustee Jim Gay	<i>ayk</i>

STATE OF CALIFORNIA
COUNTY OF MENDOCINO

I, Jessica Grinberg, Secretary of the Mendocino Unified Board of Trustees, do hereby certify that the foregoing is a full, true, and correct copy of the resolution adopted by the Board of Trustees at a regularly called and conducted meeting held on said date.


Clerk/Secretary of Board of Trustees





Resolution 2018-09
Mendocino Unified School District
Mendocino, California
Mendocino County, California

**RESOLUTION IN THE MATTER OF THE DELEGATION OF AUTHORITY
TO PURCHASE SUPPLIES, EQUIPMENT AND SERVICES**

WHEREAS, pursuant to Education Code Section 17605, the governing board by majority vote may delegate to any officer or employee of the district the authority to purchase supplies, materials, apparatus, equipment, and services;

WHEREAS, for the efficient operation of the district the governing board considers it to be in the district's best interests for the Superintendent to have the authority to enter into contracts for the purchase of supplies, materials, apparatus, equipment, and services;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Pursuant to Education Code Section 17605 the governing board, by majority vote, hereby delegates to the Superintendent the authority to enter into contracts on behalf of the district.
2. The delegation hereunder shall be for the purchase of supplies, materials, apparatus, equipment, and services that the Superintendent deems necessary and appropriate for the operation of the district.
3. This delegation shall expire on **June 30, 2019**.
4. Every 60 days the Superintendent shall submit to the governing board, for its review, all transactions entered into pursuant to this delegation.
5. Nothing in this delegation shall be construed as authorization to make purchases in excess of the amount specified in Public Contract Code Section 20111.

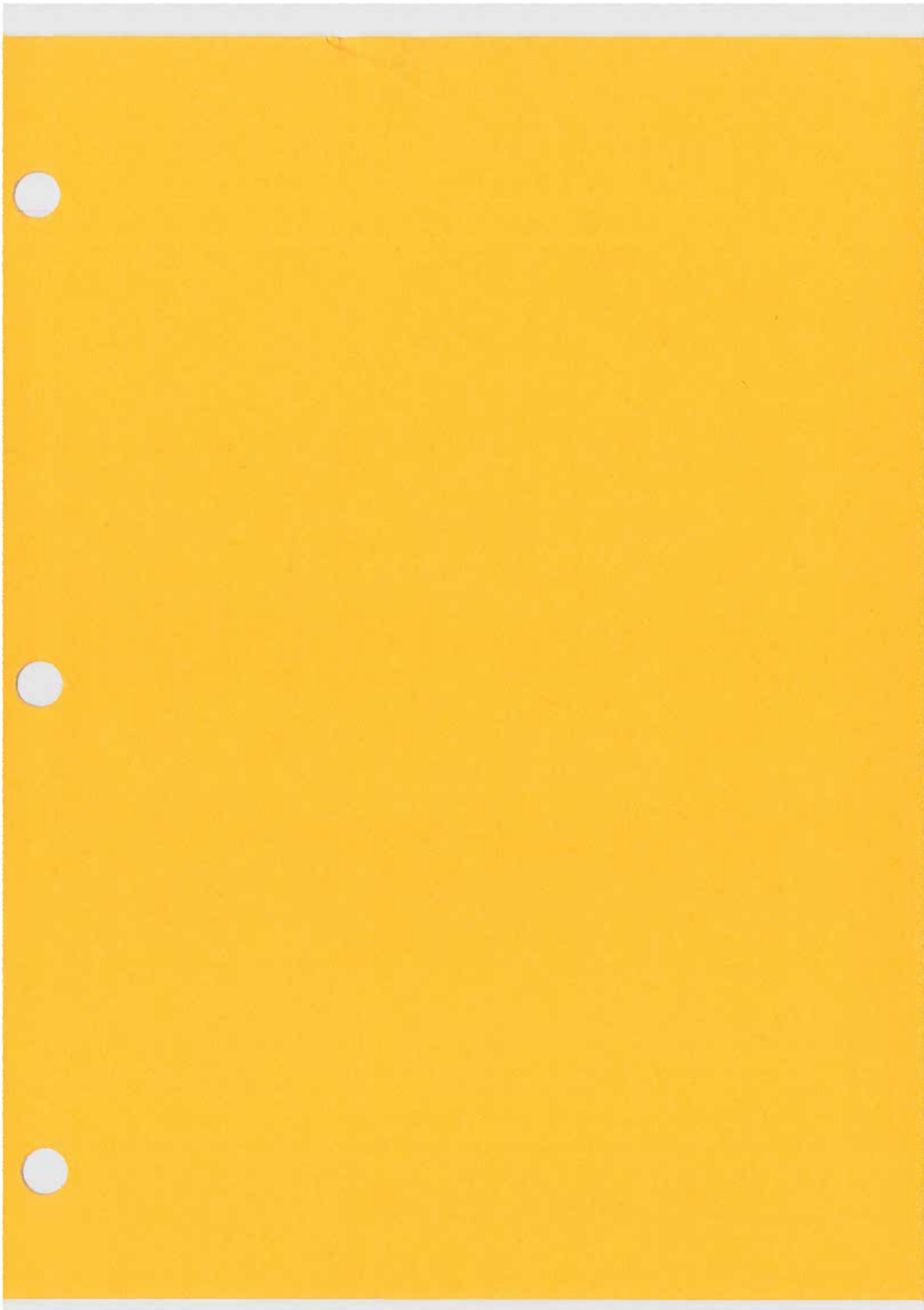
This resolution was adopted at a duly-called meeting by the Board of Trustees of the Mendocino Unified School District on **May 17, 2018** by the following vote:

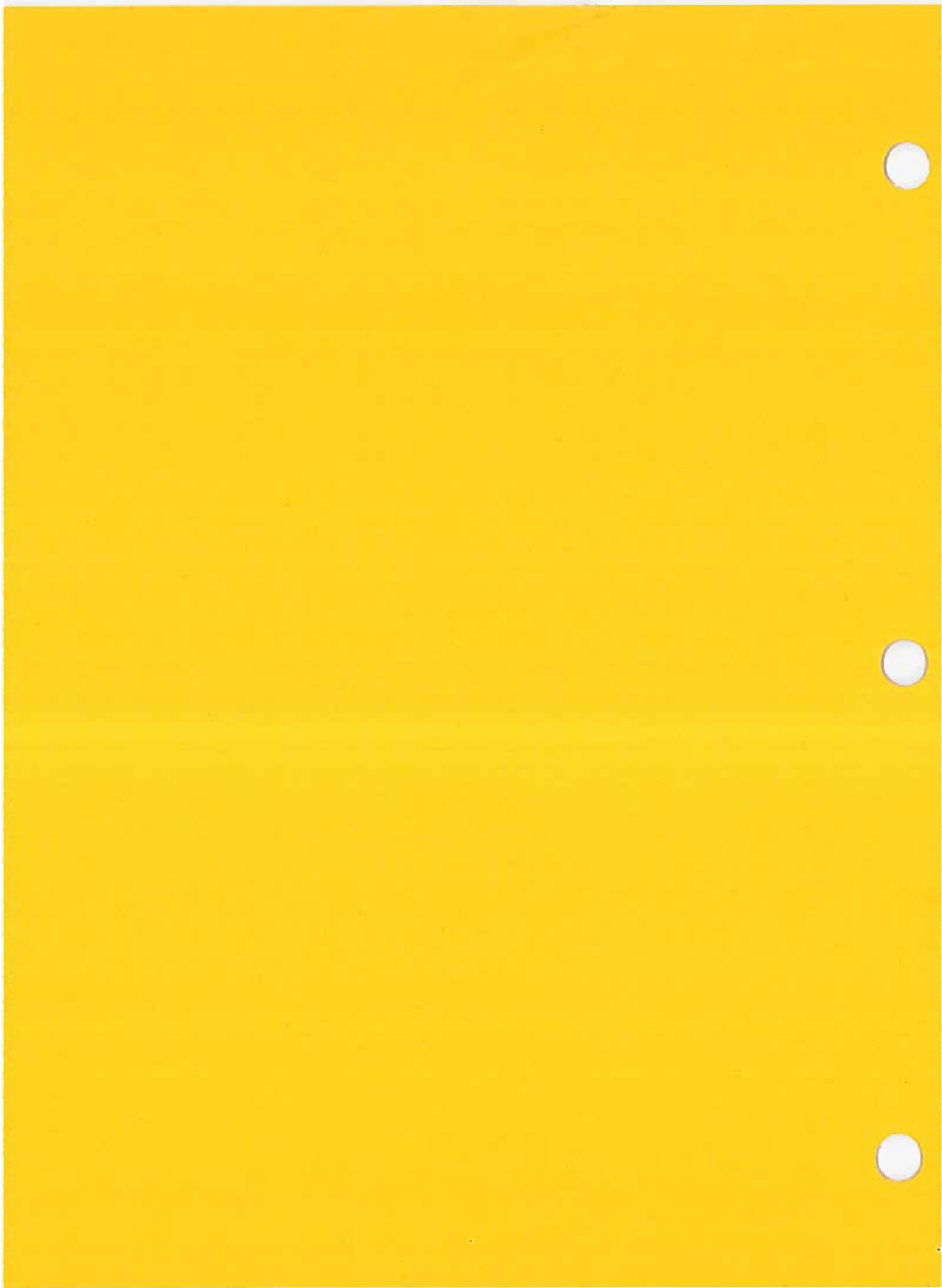
President	Michael Schaeffer	_____
Clerk	Mark Morton	_____
Member	Jessica Grinberg	_____
Member	Windspirit Aum	_____
Member	Jim Gay	_____

Michael Schaeffer, President
Board of Trustees

I, Mark Morton, Clerk of the Board of Trustees of the Mendocino Unified School District, do hereby certify that the foregoing resolution was regularly introduced, passed, and adopted by the Board of Trustees at its meeting held on **May 17, 2018**.

Mark Morton, Clerk
Board of Trustees
Mendocino Unified School District
Mendocino County, California





Community Relations

Volunteer Assistance

Duties of Volunteers

The Superintendent or designee may assign volunteers to:

- 1. Assist certificated personnel in the performance of their duties, including in the supervision of students and in the performance of instructional tasks which, in the judgment of the certificated personnel to which the volunteer is assigned, may be performed by a person not licensed as a classroom teacher. (Education Code 35021, 45343, 45344, 45349)*
- 2. Serve as nonteaching aides under the immediate supervision and direction of certificated personnel to perform non-instructional work which assists certificated personnel in the performance of teaching and administrative responsibilities. (Education Code 35021)*
- 3. Supervise students during lunch, breakfast, or other nutritional periods (Education Code 35021, 44814, 44815)*
- 4. Work on short-term facilities projects pursuant to the section below entitled "Volunteer Facilities Projects"*
- 5. Perform other duties in support of district or school operations as approved by the Superintendent or designee*

Volunteers shall not be authorized to assign grades to students, and shall not be used to assist certificated staff in performing teaching or administrative responsibilities in place of regularly authorized classified employees who have been laid off. (Education Code 35021, 45344)

Basic Skills Proficiency Requirement

Volunteers who supervise or provide instruction to students pursuant to Education Code 45349 shall submit evidence of basic skills proficiency to the Superintendent or designee. (Education Code 45344.5, 45349)

Criminal Background Check

Prior to assuming a volunteer position working with students in a district-sponsored student activity program, a volunteer shall obtain fingerprint clearance through the Department of Justice and Federal Bureau of Investigation. At his/her discretion, the volunteer may choose to meet this requirement by obtaining an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing. Student activity programs include, but are not limited to, scholastic programs, interscholastic programs, and extracurricular activities sponsored by the district or a school booster club, such as cheer team, drill team, dance team, and marching band. (Education Code 49024)

conviction for a crime where the victim was a minor under age 16 shall not serve as a volunteer in any capacity in which he/she would be working directly and in an unaccompanied setting with minors on more than an incidental and occasional basis or have supervision or disciplinary power over minors. (Education Code 35021, 45349; Penal Code 290.95)

Tuberculosis Assessment/Examination

Upon initial volunteer assignment, a volunteer shall have on file with the school a certificate showing that he/she has submitted to a tuberculosis risk assessment and, if tuberculosis risk factors were identified, was examined and found to be free of infectious tuberculosis. (Education Code 49406)

The District will reimburse volunteers for the costs of TB Tests or TB Assessments at the same rate charged to the District by the Mendocino Coast Clinic. Volunteers may also participate in the yearly TB Clinic provided by the District.

The Superintendent or designee may exempt from the tuberculosis risk assessment and/or examination those volunteers whose functions do not require frequent or prolonged contact with students. (Education Code 49406)

Note: See AR 5148.2 - Before/After School Programs for information about health screening and fingerprint clearance requirements for volunteers in the After School Education and Safety program and 21st Century Community Learning Center program pursuant to Education Code 8483.4 and 35021.3.

Volunteer Facilities Projects

All volunteer facilities projects shall have approximate start and completion dates and shall be approved by the principal in advance. Projects also shall be approved in advance by the Superintendent or designee if they involve the following types of work:

- 1. Alterations, additions, or repairs to buildings and grounds*
- 2. Construction involving wall or roof penetration, drilling, or nailing*
- 3. Structural modifications*
- 4. Electrical, electronic, plumbing, or heating and cooling work*
- 5. Painting*
- 6. Installation of carpet, playground equipment, benches, sprinkler systems, marquees or signs*
- 7. Paving*
- 8. Tree planting, pruning, or removal*

The Superintendent or designee shall ensure that volunteers possess the appropriate license and/or have sufficient expertise required for the project. He/ she shall also ensure that such projects comply with building and safety codes and other applicable laws and collective bargaining agreements. The district shall provide on-site assistance and supervision for such projects as necessary.

(3/10 7/10) 12/14

Community Relations

Volunteer Assistance

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4. Work on short-term facilities projects pursuant to the section below entitled "Volunteer Facilities Projects"
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(3/10 7/10) 12/14