

California Association of Health and Education Linked Professions  
Joint Powers Authority (CAHELP JPA)  
**DESERT/MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEETING**  
*October 23, 2019 – 11:30 a.m.*  
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

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## **AGENDA**

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### **1.0 CALL TO ORDER**

### **2.0 PUBLIC PARTICIPATION**

Citizens are encouraged to participate in the deliberation of the Desert/Mountain Charter SELPA Executive Council. Several opportunities are available during the meeting for the Council to receive oral communication regarding the presentations of any items listed on the agenda. Please ask for recognition either before a presentation or after the presentation has been completed. Please complete and submit a “Registration Card to Address the Desert/Mountain Charter SELPA Executive Council” to the Recording Secretary and adhere to the provisions described therein.

### **3.0 ADOPTION OF THE AGENDA**

3.1 **BE IT RESOLVED** that the October 23, 2019 Desert/Mountain Charter SELPA Executive Council Meeting Agenda be approved as presented.

### **4.0 INFORMATION/ACTION**

#### **4.1 Desert/Mountain Charter SELPA Policy and Procedures Chapters 6 and 22 (ACTION)**

Policies and procedures governing the operation of special education programs within the Desert/Mountain Charter SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Program Team. Policies and Procedures are modified as necessary in order to ensure that special education programs are operated in an efficient, effective and legally compliant manner. Suggested revisions to Charter SELPA Policy and Procedures and SELPA Forms are submitted to the D/M Charter SELPA Steering Committee for consideration and approval.

4.1.1 **BE IT RESOLVED** that the Desert/Mountain Charter SELPA Policy and Procedures Chapters 6 and 22 be approved as presented.

#### **4.2 Desert/Mountain Charter SELPA Forms D/M 151, 157, and 175 (ACTION)**

Forms used in the operations of special education programs within the Desert/Mountain Charter SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Program Team. Forms are modified as necessary in order to support the operations of special education programs in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Forms are submitted to the D/M Charter SELPA Steering Committee for consideration and approval.

4.2.1 **BE IT RESOLVED** that Desert/Mountain SELPA Forms D/M 151, 157, and 175 be approved as presented.

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### 4.3 Desert/Mountain Charter SELPA Executive Council Meeting Dates and Times

The CAHELP JPA CEO seeks consideration in a change of dates and times for the January 22, 2020 and April 8, 2020 Desert/Mountain Charter SELPA Executive Council Meetings.

4.3.1 **BE IT RESOLVED** that the Desert/Mountain Charter SELPA Executive Council approves the change of dates and times for the January 22, 2020 and April 8, 2020 Desert/Mountain Charter SELPA Executive Council Meetings.

## 5.0 CONSENT ITEMS

It is recommended that the Desert/Mountain Charter SELPA Executive Council consider approving several Agenda items as a Consent list. Consent Items are routine in nature and can be enacted in one motion without further discussion. Consent items may be called up by any Committee Member at the meeting for clarification, discussion, or change.

5.1 **BE IT RESOLVED** that the following Consent Items be approved as presented:

5.1.1 Approve the March 20, 2019 Desert/Mountain Charter SELPA Executive Council Meeting Minutes.

## 6.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

### 6.1 Introduction of New Members

Jenae Holtz will introduce the new Desert/Mountain Charter SELPA members.

### 6.2 Legislative Updates

Jenae Holtz will present the latest in State and Federal law related to students with disabilities and school law.

### 6.3 Responsibilities of Desert/Mountain Charter SELPA Steering Meeting Remote Attendance

Jenae Holtz will lead a discussion regarding the responsibilities of attending Desert/Mountain Charter SELPA Steering Meetings remotely.

### 6.4 Combining of CAHELP JPA Steering Meetings and Finance Committee Meetings

Jenae Holtz will lead a discussion on the combining of CAHELP JPA Steering Meetings and Finance Committee Meetings

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6.5 Professional Learning Summary

Heidi Chavez will present an update on the SELPA's professional development.

6.6 Resolution Support Services Summary

Kathleen Peters will present an update on the SELPA's resolution support services.

6.7 Compliance Update

Peggy Dunn will present an update on compliance items from California Department of Education (CDE).

6.8 Desert/Mountain SELPA, Desert/Mountain Charter SELPA Compliance Monitoring Guide Draft

Peggy Dunn will present the Desert/Mountain SELPA, Desert/Mountain Charter SELPA Compliance Monitoring Guide Draft.

**7.0 INFORMATION ITEMS**

**8.0 DESERT/MOUNTAIN CHARTER SELPA EXECUTIVE COUNCIL MEMBERS COMMENTS / REPORTS**

**9.0 CEO COMMENTS**

**10.0 MATTERS BROUGHT BY CITIZENS**

This is the time during the agenda when the Desert/Mountain Charter SELPA Executive Council is again prepared to receive the comments of the public regarding items on this agenda or any school related special education issue.

When coming to the podium, citizens are requested to give their name and limit their remarks to three minutes.

Persons wishing to make complaints against Desert/Mountain Charter SELPA Executive Council personnel must have filed an appropriate complaint form prior to the meeting.

When the Desert/Mountain Charter SELPA Executive Council goes into Closed Session, there will be no further opportunity for citizens to address the Council on items under consideration.

**11.0 ADJOURNMENT**

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The next regular meeting of the Desert/Mountain Charter SELPA Executive Council will be held on Wednesday, January 22, 2020, at 11:30 a.m., at the Desert Mountain Educational Service Center, Aster/Cactus Room, 17800 Highway 18, Apple Valley, CA 92307.

*Individuals requiring special accommodations for disabilities are requested to contact Jamie Adkins at (760) 955-3555, at least seven days prior to the date of this meeting.*



## Revised Desert/Mountain Charter SELPA Policies & Procedures

Section	Proposed Revision(s)	Rev. Date
<b>Chapter 6: Transition Services</b>	<ul style="list-style-type: none"> <li>• Language to Section J - SELPA Managed Programs updated to include the additional programs operated by the Career Technical Education (CTE) team at the SELPA:               <ul style="list-style-type: none"> <li>• California Career Innovations (CCi);</li> <li>• Employment Network (EN);</li> <li>• Paid Internship Program (PIP); and</li> <li>• WIOA GenerationGo!</li> </ul> </li> <li>• Deleted information on vocational assessment.</li> </ul>	<b>10/17/19</b>



DESERT / MOUNTAIN  
CHARTER SELPA

## Chapter 6: Transition Services

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SECTION A: INFANT TO PRESCHOOL

SECTION B: PRESCHOOL TO GRADE SCHOOL

SECTION C: TRANSITION INTO REGULAR CLASS

SECTION D: TRANSITION FROM ELEMENTARY SCHOOL LOCAL  
EDUCATION AGENCY (LEA) TO HIGH SCHOOL LEA

SECTION E: TRANSITION SERVICE LANGUAGE

SECTION F: COURSE OF STUDY

SECTION G: HIGH SCHOOL TO WORK

SECTION H: CAREER AND VOCATIONAL EDUCATION PROGRAM

SECTION J: SELPA-MANAGED PROGRAMS

APPENDIX A: QUICK REFERENCE ARRAY OF WORKABILITY I (WAI)  
SERVICES

APPENDIX B: SELPA FORMS D/M 135A-135C – PRIOR WRITTEN NOTICE  
(PWN) AND FORM D/M 139 – SUMMARY OF PERFORMANCE

APPENDIX C: SELPA FORM D/M 68D – TRANSITION PLAN

### Introduction

Successful transitions are well-planned, thoughtful actions designed to accomplish particular outcomes. Planning and communication are essential to provide a smooth transition and to encourage and sustain collaboration among the families and agencies involved to ensure appropriate services for the child. A transition plan includes several systems and will serve as a guide to participants throughout the transition process.

This policy is to provide Charter Local Education Agencies (LEAs) with the legal requirements and preferred practices regarding transition for young, middle, and high school students with

Interagency access is accomplished through the IEP process. All children have the right to access services offered by the community agencies; however, the school system is not financially responsible for services beyond the scope of the IEP. Methods chosen to accomplish written goals are at the discretion of the education professionals.

## Section J – SELPA-Managed Programs

The Career Technical Education (CTE) team currently operates the programs listed below. These programs are not mandated under state law, but are available to children who meet the specific criteria imposed by the funding source or the Charter SELPA Community Advisory Committee (CAC).

*NOTE: All services may not be available in all areas. Please check with the Program Specialist assigned to the Charter LEA with any questions regarding these programs.*

- **California Career Innovations (CCi).** The core and research interventions serve as the framework for CCi and provide an array of opportunities available to students. Embedded within each of these interventions are multiple activities and tasks. The interventions are guided by a person-driven approach leading to Person-Driven Plans (PDPs) and Individualized Career Action Plans (ICAPs). The ultimate outcomes for CCi students are Postsecondary Education (PSE) and/or Competitive Integrated Employment (CIE) in a career related position.
- **Employment Network (EN).** The goal of EN is to help individuals become employed and work their way off benefits completely, but not immediately. EN can offer adults returning to the workforce a clear vision of what to expect concerning their disability benefits. Information about Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) rules and procedures are clearly explained. Pre-employment assistance, job development, and SSA benefits planning, provide individuals returning to work the necessary services and supports to be successful.
- **Paid Internship Program (PIP).** The PIP is a collaborative effort between the Inland Regional Center (IRC) and the SELPA CTE team. The purpose of the program is to increase the vocational skills and abilities of the students served who choose, through IRC's Individualized Program Plan (IP) process, to participate in the internship. The acquisition of work experience and skills should lead to full-time Competitive Integrated Employment (CIE) in the same job.
- **Transition Partnership Program (TPP):** This is an interagency contract with the Department of Rehabilitation (DR) and the CAHELP JPA. The TPP builds partnerships between LEAs and the DOR for the purposes of successfully transitioning high school students with disabilities into meaningful employment and/or postsecondary education. The focus is to help a select number of students between the ages of 16 – 21 with an IEP or 504 plan, or documented disability.

- **WorkAbility I Project (WAI).** WAI is funded by the California Department of Education (CDE), Special Education Division. Each WAI program site receives an annual grant award letter, which declares the funds for the program based on the number of students served and the number of students placed for paid work experience. Each program develops practices and procedures to implement the WAI program within their own LEA. Considerations include who will deliver the curriculum, scheduling, and availability of students within their school day.

The array of services guidelines provided by CDE include work-based, school-based, and community-based activities. An array of services is completed for each student served in the WAI program on an annual basis.

A student in the WAI program must be provided curriculum integration of work readiness skills, career/vocational assessment, and a minimum of one connecting activity and one work-based learning service. The array of services link provides a basis for ensuring program consistency.





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~~sophomore year and continue to receive services one year post high school if they are demonstrating school success in the areas of behavior and responsibility, while at the same time, receiving special education services or a Section 504 plan. Children need to complete a TPP application packet available from their TPP teacher and provide proof of disability with a current IEP and psychological report. The Charter SELPA enters into a contractual agreement with the DR on an annual basis to provide these services to high school member LEAs.~~

- ~~• **Vocational Assessment:** The Charter SELPA provides support for classroom interest inventory analysis, hands-on vocational evaluation, and an assessment of aptitudes through both the TPP and WorkAbility I. Support for the development of the capacity of school staff to provide children with vocational assessments is also available through Charter SELPA staff development. Vocational assessment should be ongoing throughout the secondary school years to determine the child's present levels of performance and upon which postsecondary goals must be based.~~
- **WorkAbility I Project (WAI).** WAI is funded by the California Department of Education (CDE), Special Education Division. Each WAI program site receives an annual grant award letter, which declares the funds for the program based on the number of students served and the number of students placed for paid work experience. Each program develops practices and procedures to implement the WAI program within their own LEA. Considerations include who will deliver the curriculum, scheduling, and availability of students within their school day.

The array of services guidelines provided by CDE include work-based, school-based, and community-based activities. An array of services is completed for each student served in the WAI program on an annual basis.

A student in the WAI program must be provided curriculum integration of work readiness skills, career/vocational assessment, and a minimum of one connecting activity and one work-based learning service. The array of services link provides a basis for ensuring program consistency. ~~WorkAbility I is a statewide cooperative program that encourages children with disabilities to complete high school and acquire marketable job skills. The services provided to children who participate in the WorkAbility I program are defined by the Array of Services found in Appendix A. Funding for the program is based on the number of children "served" and "placed." Children are considered served if they have completed career vocational assessment(s) and have participated in career exploration activities, if the program has utilized partnership collaboration and/or parent involvement, and if the children have prepared for a worksite and/or have participated in a work-based learning opportunity.~~

~~For grant-determined number of these "placed" children, WorkAbility I assists children in obtaining a job in the community. The wages the child earns are paid by the program for a limited number of hours in the hopes that the employer will hire the child. A child may access this paid work experience service by requesting an application from the special education teacher. This application must be completed as requested, and the child will then be scheduled for an interview with the WorkAbility I Case Technician. Following the~~

~~interview, a decision will be made concerning the child's readiness for job placement. Collaborative efforts between the teacher, WorkAbility staff, and parents prepare the child for employment. Preparation includes pre-employment skills, job-seeking skills, job attainment, and retention of employment.~~



## Revised Desert/Mountain Charter SELPA Policies & Procedures

Section	Proposed Revision(s)	Rev. Date
<p><b>Chapter 22: Supports and Services</b></p>	<p>Updated <b>Appendix B: Determining the Need for a Temporary Intensive Supports Assessment (TISA)</b>; this appendix was formerly called Determining the Need for Special Circumstance Instructional Assistance (SCIA). In general, references to Special Circumstance Instructional Assistance or SCIA were changed to Temporary Intensive Supports Assessment or TISA, to include references to SELPA forms D/M 157A – D/M 157J, which are currently being revised to reflect the TISA language and process be effective for the 2019/2020 school year.</p> <p><i>Title 20 USC § 1401(26), 34 C.F.R. § 300.34; 5 CCR § § 3001 and 3052, and Education Code § 56363(a)</i></p>	<p><b>8/22/19</b></p>



DESERT / MOUNTAIN  
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## Chapter 22: Supports and Services

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SECTION A: LEAST RESTRICTIVE ENVIRONMENT (LRE): A  
CONTINUUM OF SERVICES AND PLACEMENT

SECTION B: RELATED SERVICES

SECTION C: SERVICE ANIMALS

SECTION D: ASSISTIVE TECHNOLOGY

APPENDIX A: GUIDELINE STATEMENT: LEAST RESTRICTIVE  
ENVIRONMENT (LRE) CONTINUUM OF PLACEMENT OPTIONS, THE  
HOLLAND FACTORS

APPENDIX B: DETERMINING THE NEED FOR TEMPORARY INTENSIVE  
SUPPORTS ASSESSMENT (TISA)

APPENDIX C: TRANSPORTATION GUIDELINES/FLOWCHART

APPENDIX D: CARS+ GUIDANCE FOR RSP TEACHERS

APPENDIX E: SELPA REFERRAL PROCEDURES

### Introduction

It is the philosophy of the Desert/Mountain Charter Special Education Local Plan Area (SELPA) that children with disabilities be provided a free appropriate public education (FAPE) in the least restrictive environment (LRE). This philosophy is in accordance with state and federal mandates.

If a related service or services cannot be provided by a Charter Local Education Agency (LEA), the Charter LEA may contract with a California Department of Education (CDE) certified nonpublic, nonsectarian school or agency (NPS/NPA) in accordance with the requirements of a Master Contract and an Individual Service Agreement (ISA). For mental health services, employees, vendors or contractors of the State Department of Mental Health, or any designated local public mental health agency, may provide related services in accordance with procedures outlined in local interagency agreements.

*NOTE: All services may not be available in all areas. Please check with the program specialist assigned to the specific Charter LEA with any questions regarding this chapter.*

# **APPENDIX B: Determining the Need for Temporary Intensive Supports Assessment (TISA)**

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Section A: Rationale

Section B: Least Restrictive Environment (LRE)

Section C: Factors for Special Circumstances

Section D: Temporary Intensive Supports Assessment

Section E: Procedures for Requesting Temporary Intensive Supports Assessment (TISA)

Section F: Training

## **Introduction**

The purpose of this section is to provide Charter Local Education Agency (LEA) personnel information and guidance in determining a student’s need for temporary intensive supports. A recommendation for temporary intensive supports is a significant programmatic decision and one that should only be made after a comprehensive discussion of other options considered and clear documentation of as to why those options are not appropriate. While some students may need temporary intensive supports to receive a free appropriate public education (FAPE), for other students, the assignment of such supports may be unnecessary and inappropriately restrictive.

A goal for all students with disabilities is to promote and maximize independence. Charter LEAs are responsible for developing and implementing individualized education programs (IEPs) that promote such independence. When an IEP team determines that a student needs temporary intensive supports, it should always be considered a time-limited recommendation and specific conditions/goals must be established to fade the use of such supports.

California Education Code states,

***E.C. § 56363 (a)** As used in this part, the term “designated instruction and services” means “related services” as that term is defined in Section 1401(26) of Title 20 of the United States Code and Section 300.34 of Title 34 of the Code of Federal Regulations. The term “related services” means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable an individual with exceptional needs to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purpose only) as may be required to assist an individual with exceptional needs to*

*benefit from special education, and includes the early identifications and assessment of disabling conditions in children.*

## **Section A: Rationale**

Every Charter LEA within the Desert/Mountain Charter Special Education Local Plan Area (SELPA) is required to provide a full continuum of placement options for students with identified disabilities who are receiving special education services. The Individuals with Disabilities Education Act (IDEA 2004) and California laws and regulations describe a continuum of alternative placements such as instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions [*Title 34 of the Code of Federal Regulations (CFR) 300.551(b)(1)*]. Both federal and state laws also contain provisions to ensure that children with disabilities are educated to the maximum extent possible with children who are not disabled, and that children are removed from the general education environment only when the nature and severity of the disability is such that education in the regular classroom cannot be satisfactorily achieved with the use of related services.

## **Section B: Least Restrictive Environment (LRE)**

By law, services to students with special needs must be delivered in the "least restrictive environment." When an IEP team is considering temporary intensive supports for a student, all aspects of the student's program must be considered with the intent of maximizing student independence. The teacher(s) is responsible for the design and implementation of the student's program.

## **Section C: Factors for Temporary Intensive Supports**

Whenever temporary intensive supports are being considered by an IEP team for a student with special needs, the following factors need to be considered:

### **Personal Independence**

First and foremost, an important goal for all special education students is to encourage, promote, and maximize independence. If not carefully monitored, temporary intensive supports can easily and unintentionally foster dependence. A student's total educational program must be carefully evaluated to determine where support is indicated. Natural support and existing staff support should be used whenever possible to promote the least restrictive environment.

The general categories to be considered for temporary intensive supports include:

1. Health/Personal Care Issues
2. Behavioral Support
3. Instruction
4. Inclusion/Mainstreaming



## Section D: Temporary Intensive Supports Assessment

1. IEP teams should identify the need for related services based on appropriate documentation and assessment. If the IEP team recommends such services, the following statements must be considered for inclusion in the IEP:
  - a) The related service is necessary to the child to benefit from his/her special education program;
  - b) The program modifications or supports for school personnel are necessary to assist the child to:
    - (1) Advance appropriately toward the annual goals;
    - (2) Be involved in and progress in the general curriculum;
    - (3) Participate in extracurricular and other nonacademic activities; and
    - (4) Be educated and participate with other disabled and non-disabled children.
2. The IEP team shall address the means for reviewing and evaluating the necessity of continuing temporary intensive services to the student. It is recommended that these intensive supports be monitored every six months and reconsidered at every annual IEP.
3. The IEP team shall also include a statement of the anticipated frequency and duration for the services and modifications.
4. If it is determined that additional personnel support is required, the IEP team should periodically review the effectiveness of this additional support. A systematic, written plan needs to address how additional personnel support will be monitored.
5. For services requiring additional personnel support as a result of a student's behavioral difficulties, the student's IEP needs to include appropriate goals. In addition, a Behavioral Intervention Plan (BIP) should be developed in accordance with Sections 3001 and 3052 in Title 5 of the California Code of Regulations (CCR). The BIP needs to include a provision describing how and when support, including personnel, will be utilized to implement the plan, and when the plan will be reviewed and modified.
6. When determining the need for additional personnel support due to an instructional need, the IEP team must utilize appropriate assessment information to support this recommendation. The written plan must be developed by the IEP team in collaboration with a general and special education teachers specifying how the additional personnel will be utilized to support the teacher in implementing the student's goals and objectives and what attempts will be made to transition other available classroom resources and supports.
7. When a need for additional support is due to medical need, a specialized health care plan will need to be developed. (Utilize D/M SELPA Form 93, 94, and 95, as appropriate)

8. When temporary intensive supports in the form of personnel are being considered for a specific student, a Charter LEA representative shall be required to participate in the decision-making process of the IEP meeting.

## **Section E: Procedures for Requesting a Temporary Intensive Supports Assessment (TISA)**

Temporary intensive supports may be provided for students with disabilities when additional support is necessary to the student in order to meet his or her goals and to benefit educationally. Whenever possible, additional assistance is assigned to a school environment, class, or case manager. Occasionally, however, a student requires individual support for a designated period of time to address a unique need. By law, services to students with special needs must be delivered in the "least restrictive environment." When the IEP team is considering a temporary intensive support, all aspects of the student's program must be considered. A request for Temporary Intensive Supports Assessment (TISA) is made only after other site interventions have proven to be ineffective. A student's educational program must be carefully evaluated to determine when and where the additional support is required. Additionally, the IEP team must plan for periodic reviews to assess the continued need for this type of individualized assistance.

It is expected that students enrolling in a non-public school (NPS) will not require temporary intensive supports. For students currently in NPS, if the need for temporary intensive supports becomes evident, the NPS should contact the student's Charter LEA of residence to initiate a referral for a Temporary Intensive Supports Assessment (TISA). The Charter LEA will evaluate the student and present findings and recommendations to the IEP team. Whether in public school or NPS, if the student already has designated temporary intensive supports, it is recommended that the Charter LEA conduct an evaluation to determine the continued need for that level of support prior to the next annual IEP meeting. When a student new to the Charter LEA enrolls with an existing IEP that indicates assistance is needed, a temporary substitute should be assigned until the evaluation process is completed.

- **Step 1: Referral for Temporary Intensive Supports Assessment (TISA)**  
If the principal and special education team at the site believe extra support may be necessary to meet the student's goals, they must conduct an assessment of the student's needs prior to an IEP meeting, at which time this topic will be considered. The *Referral for Temporary Intensive Supports Assessment (D/M 157A)* needs to be completed. Use the *Student Needs for Additional Support Rubric (D/M 157B)* to assist in quantifying the severity of student need. Supporting documentation should include *Review of IEP Goals (D/M 157C)*, *Review of Behavioral Intervention Plan (BIP) (D/M 157D)* and review of other documents as appropriate, such as a nurse's assessment, health report, discipline records, independent assessments, etc.

If the parent requests additional support, the school principal, designee, or special education director shall confer with the parent to clarify his or her concerns, discuss options, and assist the parent in completing the *Referral for Temporary Intensive Supports Assessment (D/M 157A)*. The parent should sign as the person requesting

referral. The 15-day timeline for developing the evaluation plan begins on the date of the parent signature.

If Temporary intensive supports are is requested during an IEP meeting without a previous referral, the procedure for requesting TISA must be initiated at that time. The IEP meeting should be completed and the referral for a TISA should be indicated in the IEP notes. Another IEP meeting will need to be scheduled to review the results of the evaluation.

Submit the *Referral for Temporary Intensive Supports Assessment (D/M 157A)*, *Student Needs for Additional Support Rubric (D/M 157B)*, *Review of IEP Goals (D/M 157C)*, and *Review of Behavioral Intervention Plan (BIP) (D/M 157D)* if appropriate, with additional supplemental documentation, if necessary, to the director of special education. The TISA evaluation should be completed by any certificated staff who received training in the completion of such evaluation, and by an individual who can objectively consider all circumstances and make recommendations in the best interest of the student.

- **Step 2: Assessment Plan and Parent Permission**

The director of special education will assign the referral to appropriate staff who will be responsible for securing written parent permission/consent on an *Assessment Plan (D/M 66)*, within 15 days of completion of the referral.

- **Step 3: Parent/Teacher/Student Interviews**

Best practices would be for the interviews to be completed at the beginning of the evaluation process. The TISA case manager/coordinator should complete the *TISA Parent Interview (D/M 157E)* and the *TISA Teacher Interview (D/M 157F)* to identify specific areas of concern. When appropriate the *TISA Student Interview (D/M 157G)* should be completed.

- **Step 4: Complete Observations**

It is necessary for, and the responsibility of the TISA case manager/coordinator to ensure that observations of the student are conducted, using the *TISA Student Observation Worksheet (D/M 157H)*. The TISA case manager/coordinator, in addition to the other appropriate assessors, will review strategies, materials, modifications, and/or accommodations currently in place to assist the student toward achieving goals and objectives. To the maximum extent possible and whenever appropriate, quantifiable data should be collected as part of the observation process. The data collected will later be used to develop independence goals, should the IEP team determine that temporary intensive supports are needed. When necessary and appropriate, the assessors should also utilize the *TISA Evidence-Based Classroom practices Observation Checklist (D/M 157 Appendix A)* in order to assist the IEP team in determining the educational environment of the student.

- **Step 5: Develop TISA Evaluation Report**

When an IEP team is considering temporary intensive supports for a student, all aspects of the student's program must be considered with the intent of maximizing student

independence. The *TISA Evaluation Report (D/M 157I)* should address the areas of concern identified in the referral, background information and educational history, summary of interviews, and summary of observations, and include the assessor's results and recommendations. The TISA case manager/coordinator will ensure the *TISA Evaluation Report (D/M 157I)* is developed.

- **Step 6: Review Evaluation at IEP Meeting**

Within 60 days following the receipt of parent consent to evaluate for temporary intensive supports, an IEP team shall review the results of the evaluation and recommendations at an IEP meeting. If the IEP team determines a need for temporary intensive supports, it is written on the IEP with specific goals, monitoring strategies, fading strategies, and review dates. Regardless of the circumstances that may indicate the need for support, it is imperative for every IEP to address the skills that will be taught in order for the temporary intensive supports to be faded. The level of support required for the student to advance appropriately toward annual goals needs to be defined. A systematic, written plan should specify how additional support should be utilized and monitored. The *TISA Initial Plan (D/M 157J)* should be used to develop the initial plan. An IEP meeting should be convened if necessary to modify the temporary intensive supports. Discussion at this meeting should be concluded with a written plan outlining the team's criteria and possible timeline for phasing out the necessity for temporary intensive supports.

To assist Charter LEAs in developing appropriate independence and fading plans, IEP teams should refer to the *TISA Terms and Definitions of Fading (D/M 157 Appendix B)*, *TISA Checklist to Support Independence (D/M 157 Appendix C)*, and the *TISA Independence/Fading Resources (D/M 157 Appendix D)*.

- **Step 7: Request/Assign Temporary Intensive Support: Personnel**

When an IEP team has determined that temporary intensive supports in the form of additional staff is required, the special education director or designee will process the appropriate paperwork in accordance with Charter LEA procedures.


- **Step 8: Annual Review**

The goal for any student with special needs is to encourage, promote, and maximize independence. Periodic observations and review of data may be required to assess the effectiveness of this additional support and to monitor the duration of services. The IEP team should identify the next scheduled observation date, often within six months and no later than the next annual IEP review, to continually monitor the effectiveness of the temporary intensive supports provided to the student. The *TISA Annual Review Fading Plan (D/M 157K)* should be used to review and determine the current needs of the student.


## **Section F: Training**

It is critical that all staff receive appropriate training on the student's health issues, curriculum modifications, the student's instructional environment, behavioral interventions, using and fading prompts, data collection and reporting, etc.

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DESERT/MOUNTAIN SPECIAL EDUCATION LOCAL PLAN AREA DESERT/MOUNTAIN CHARTER SPECIAL EDUCATION LOCAL PLAN AREA 17800 HIGHWAY 18 • APPLE VALLEY, CA 92307 (760) 552-6700 • (760) 242-5363 FAX			
<b>SCIA Checklist</b>			
<b>STUDENT INFORMATION</b>			
Student Name:		Date of Birth:	Age:
Disability:		Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:		Program/Placement:	
General Education Teacher:		Contact Phone:	
Special Education Teacher:		Contact Phone:	
SCIA Case Manager/Coordinator:		Contact Phone:	
<b>DIRECTIONS:</b> The following information to be completed by the school site staff. Initial and date as items are completed.			
		<b>Initial</b>	<b>Date</b>
<b>STEP 1: Make Referral</b>			
<input type="checkbox"/>	Complete SCIA Rubric (D/M 157C & D)		
<input type="checkbox"/>	Complete Review of IEP Goals (D/M 157E)		
<input type="checkbox"/>	Complete Review of BIP (D/M 157F)		
<input type="checkbox"/>	Review other records, as appropriate		
<input type="checkbox"/>	Complete Referral for SCIA (D/M 157B)		
<input type="checkbox"/>	Send Packet to district Director of Special Education		
<b>STEP 2: Complete Assessment</b>			
<input type="checkbox"/>	Complete Assessment Plan (D/M 66)		
<input type="checkbox"/>	Obtain written parent permission to assess and provide parents with a copy of the Procedural Safeguards (D/M 77)		
<b>STEP 3: Complete Interviews</b>			
<input type="checkbox"/>	Complete Parent Interview (D/M 157G)		
<input type="checkbox"/>	Complete Teacher Interview (D/M 157H)		
<input type="checkbox"/>	Complete Student Interview (D/M 157I)		
<b>STEP 4: Complete Evaluation</b>			
<input type="checkbox"/>	Complete Observational Evaluation for SCIA (D/M 157J)		
<input type="checkbox"/>	Complete Assessments		
<b>STEP 5: Develop Evaluation Report</b>			
<input type="checkbox"/>	Develop SCIA Evaluation Report (D/M 157K)		
<b>STEP 6: Review Evaluation at IEP Meeting</b>			
<input type="checkbox"/>	Hold IEP meeting (within 60 days of receipt of consent)		
<input type="checkbox"/>	SCIA Not Recommended - process ends as per IEP		
<input type="checkbox"/>	SCIA Recommended - develop IEP goals to be supported by SCIA		
<b>STEP 7: Request / Assign SCIA</b>			
<input type="checkbox"/>	Request/Assign SCIA (LEA Personnel Forms)		
<b>STEP 8: Observational Review</b>			
<input type="checkbox"/>	Observational Review to Determine Continued Need for SCIA (D/M 157L)		
	will be completed by		
	Name/Title	Date	

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<b>Referral for SCIA</b>		
<b>STUDENT INFORMATION</b>		
Student Name:	Date of Birth:	Age:
Disability:	Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:	Program/Placement:	
General Education Teacher:	Contact Phone:	
Special Education Teacher:	Contact Phone:	
SCIA Case Manager/Coordinator:	Contact Phone:	
<p><b>DIRECTIONS:</b> Please complete the following information. Submit the Referral for SCIA and the following forms: SCIA Rubric (D/M 157C and D), Review of IEP Goals (D/M 157E), and Review of Behavioral Intervention Plan (BIP) (D/M 157F) to the special education office.</p>		
Reason for referral:		
Areas of student need based on SCIA Rubric (D/M 157C and D):		
Concerns identified on Review of IEP Goals (D/M 157E):		
Concerns identified on Review of BIP (D/M 157F):		
Previous interventions and results: <i>(including frequency, duration, and location)</i>		
Other unique needs:		
This referral is made at the request of the: <input type="checkbox"/> Teacher <input type="checkbox"/> Case Manager <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Other:		
Individual Requesting Referral:	Date:	
Site Administrator/Designee:	Date:	

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## SCIA Student Needs for Additional Support Rubric

### STUDENT INFORMATION


Student Name:		Date of Birth:		Age:		Teacher:		Review Date:	
Disability:		Program Placement:							

Health/Personal Care Rating	Behavior Rating	Instruction Rating	Inclusion/Mainstreaming Rating
<p><b>0</b> General good health. No specialized health care procedure, medications taken, or time for health care. Independently maintains all "age appropriate" personal care.</p>	<p>Follows adult directions without frequent prompts or close supervision. Handles change and redirection. Usually gets along with peers and adults. Seeks out friends.</p>	<p>Participates fully in whole class instruction. Stays on task during typical instruction activity. Follows direction with few to no additional prompts.</p>	<p>Participates in some core curriculum within general education class and requires few modifications. Can find classroom. Usually socializes well with peers.</p>
<p><b>1</b> Mild or occasional health concerns. Allergies or other chronic health conditions. No specialized health care procedures. Medication administration takes less than 10 minutes. Needs reminders to complete "age appropriate" personal care activities.</p>	<p>Follows adult direction but occasionally requires additional encouragement and prompts. Occasional difficulty with peers or adults. Does not always seek out friends but plays if invited.</p>	<p>Participates in groups at instructional level but may require additional prompts, cues or reinforcement. Requires reminders to stay on task, follow directions, and to remain engaged in learning.</p>	<p>Participates with modifications and accommodations. Needs occasional reminders of room and schedule. Requires some additional support to finish work and be responsible. Needs some social cueing to interact with peers appropriately.</p>
<p><b>2</b> Chronic health issues, generic specialized health care procedure. Takes medication. Health care intervention for 10-15 minutes daily (diet, blood sugar, medication). Requires reminders and additional prompts or limited hands-on assistance for washing hands, using bathroom, wiping mouth, shoes, outdoors, zippers, etc. Occasional toileting accidents.</p>	<p>Has problems following directions and behaving appropriately. Can be managed adequately with a classroom behavioral management plan, but unable to experience much success without behavioral intervention plan implementation.</p>	<p>Cannot always participate in whole class instruction. Requires smaller groups and frequent verbal prompts, cues, or reinforcement. On task about 50% of the time with support. Requires more verbal prompts to follow directions.</p>	<p>Participates with visual supervision and occasional verbal prompts. Requires visual shadowing to get to class. Needs modifications and accommodations to benefit from class activities. Regular socialization may require adult facilitation.</p>
<p><b>3</b> Very specialized health care procedure and medication. Limited mobility. Physical limitations requiring assistance (staircase, walker, gait trainer, or wheelchair). Special food prep or feeding. Health related interventions 15-45 minutes daily. Frequent physical prompts and direction assistance for personal care. Food prep required regularly. Requires toilet schedule, training, direct help, and diapering.</p>	<p>Serious behavioral problems almost daily. Defiant and/or prone to physical aggression. Requires a Behavioral Intervention Plan (BIP) and behavioral goals and objectives on the IEP. Requires close visual supervision to implement BIP. Medication for ADD/ADHD or other behaviors.</p>	<p>Difficult to participate in a large group. Requires low student staff ratio, close adult proximity and prompts including physical assistance to stay on task. Primarily complies only with 1:1 directions and monitoring. Cognitive abilities and skills likely require modifications not typical for class as a whole. Needs additional support(s) as determined by the IEP team.</p>	<p>Participation may require additional staff for direct instructional and behavioral support. Requires direct supervision going to and from class. Always requires modifications and accommodations for class work. Requires adult to facilitate social interaction with peers.</p>
<p><b>4</b> Specialized health care procedure requiring care by specially trained employee (G tube, tracheostomy, catheterization). Takes medication, requires positioning or bracing multiple times daily. Health related interventions 45 minutes daily. Direct assistance with most personal care. Requires two-person lift. Direct 1:1 assistance 45 or more minutes daily.</p>	<p>Serious behavioral problems with potential for injury to self and others, runs away, aggressive on a daily basis. Functional Behavioral Analysis (FBA) has been completed and the student has a well-developed BIP, which must be implemented to allow the student to safely attend school. Staff has been trained in the management of assaultive behaviors.</p>	<p>Cannot participate in a group without constant 1:1 support. Requires constant verbal and physical prompting to stay on task and follow directions. Regularly requires specific 1:1 instructional strategies to benefit from the IEP. Cognitive abilities and skills require significant accommodations and modifications not typical for the class group.</p>	<p>Always requires 1:1 staff in close proximity for direct instruction, safety, mobility, or behavior monitoring. Requires 1:1 assistance to go to and from class 80% of the time. Requires adult to facilitate social interaction with peers and remain in close proximity at all times.</p>

\* Attach a copy of documentation indicating frequency and duration over a period of time to determine further consideration of special circumstance instructional assistance.


If monthly ratings of 3's and 4's, in two or more areas, continue with needs assessment process.

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<b>Summary of SCIA Rubric</b>		
<b>STUDENT INFORMATION</b>		
Student Name:	Date of Birth:	Age:
Disability:	Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:	Program/Placement:	
Parent/Guardian:	Contact Phone:	
<b>DIRECTIONS:</b> Please mark the boxes that best describes the health/personal care, behavior, instruction, and program supports for the student.		
<b>HEALTH / PERSONAL CARE</b>		
<input type="checkbox"/> Specialized Health Plan	<input type="checkbox"/> G-Tube	<input type="checkbox"/> Medications
<input type="checkbox"/> Diaper Changing	<input type="checkbox"/> Feeding Full Support	<input type="checkbox"/> Seizures Weekly
<input type="checkbox"/> Other:	<input type="checkbox"/> Suctioning	<input type="checkbox"/> Food Preparation
<input type="checkbox"/> Lifting / Transfers		
<b>BEHAVIOR</b>		
<input type="checkbox"/> Behavior Plan in Place	<input type="checkbox"/> Physically Aggressive Weekly	<input type="checkbox"/> Non-compliant in Class
<input type="checkbox"/> Runs Away Weekly	<input type="checkbox"/> ADHD Medicated	<input type="checkbox"/> Mental Health Client
<input type="checkbox"/> Other:		
<b>INSTRUCTION</b>		
<input type="checkbox"/> Discrete Trial / ABA	<input type="checkbox"/> Physical Prompts 80% +	<input type="checkbox"/> Verbal Prompts 80% +
<input type="checkbox"/> Assistive Technology	<input type="checkbox"/> PECS	<input type="checkbox"/> Signing 80% +
<input type="checkbox"/> Other:		
<b>INCLUSION / MAINSTREAM</b>		
<input type="checkbox"/> Direct Adult Instruction	<input type="checkbox"/> Physical Support/Positioning	<input type="checkbox"/> Safety Supervision 80% +
<input type="checkbox"/> Other:	<input type="checkbox"/> Close Visual Supervision 80% +	
Describe <u>each</u> area of intensive need marked above and indicate if there is an IEP goal/objective written to address the area. Use additional paper if needed to describe all of the needs.		
Describe interventions used to support referred student in <u>each</u> of the areas marked above. Provide data that documents the prior success or failure of interventions and attach. School day description and assistance needed.		



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<b>SCIA Review of IEP Goals</b>				
<b>STUDENT INFORMATION</b>				
Student Name:	Date of Birth:	Age:		
Disability:	Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female		
School Site:	Program/Placement:			
General Education Teacher:	Contact Phone:			
Special Education Teacher:	Contact Phone:			
SCIA Case Manager/Coordinator:	Contact Phone:			
<b>* PROGRESS CODE</b> 1 = No Progress      2 = 1 - 50% Met 3 = 51 - 99% Met    4 = Goal Met		<b>** LEVELS OF ASSISTANCE</b> P = Physical Prompt    M = Modeling V = Verbal Cue        I = Independent		
AREA	Measurable Goal	Progress Code *	Assistance Levels **	Comments (Including frequency, duration, location of assistance requested)
ACADEMIC				
MOTOR				
COMMUNICATION				
SELF-HELP				
SOCIAL / EMOTIONAL AND BEHAVIOR				
PRE-VOCATIONAL				
OTHER				

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<b>SCIA Review of BIP</b>		
<b>STUDENT INFORMATION</b>		
Student Name:	Date of Birth:	Age:
Disability:	Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:	Program/Placement:	
General Education Teacher:	Contact Phone:	
Special Education Teacher:	Contact Phone:	
Behavior Case Manager:	Contact Phone:	
<p><b>DIRECTIONS:</b> The following information to be completed by the school site staff. Initial and date as items are completed.</p>		
What are the targeted behaviors in the Behavioral Intervention Plan (BIP)?		
[Empty text box for targeted behaviors]		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	The request for SCIA is related to the identified targeted behaviors in the BIP.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	All interventions are developmentally appropriate for the student.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	BIP is written with enough clarity and detail for any new staff to understand and implement.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	All implementers have a copy of the plan.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	The BIP is being fully implemented.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	All implementers understand and/or have training in the strategies contained in the plan.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Behavior support for the plan is adequate.
The student is making progress in the targeted behaviors. Indicate supporting evidence (e.g., grades, rate of homework completion, duration of on-task behavior, frequency and quality of social interactions).		
[Empty text box for supporting evidence]		
<b>Actions:</b>		
<input type="checkbox"/>	BIP is appropriate, and no modifications are needed	
<input type="checkbox"/>	Revise BIP	
<input type="checkbox"/>	Develop BIP	
<input type="checkbox"/>	Additional staff training needed. Describe:	
<input type="checkbox"/>	Other:	
Comments:		
[Empty text box for comments]		

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**SCIA Parent Interview**

**STUDENT INFORMATION**

Student Name:		Date of Birth:		Age:	
Disability:		Grade:		Gender:	<input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:		Program/Placement:			
General Education Teacher:		Contact Phone:			
Special Education Teacher:		Contact Phone:			
SCIA Case Manager/Coordinator:		Contact Phone:			

Interviewee Name: \_\_\_\_\_ Interviewed By: \_\_\_\_\_

What does your child's typical school day look like? \_\_\_\_\_

What's working? When is he/she successful? \_\_\_\_\_

What are areas of difficulty or concern? \_\_\_\_\_


What staff supports are provided? \_\_\_\_\_

What natural supports from other students and/or other school programs does your child respond to? \_\_\_\_\_


What skills would you like your child to develop to be more independent? \_\_\_\_\_

Is there anything else you would like us to consider? \_\_\_\_\_

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<b>SCIA Teacher Interview</b>		
<b>STUDENT INFORMATION</b>		
Student Name:	Date of Birth:	Age:
Disability:	Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:	Program/Placement:	
General Education Teacher:	Contact Phone:	
Special Education Teacher:	Contact Phone:	
SCIA Case Manager/Coordinator:	Contact Phone:	
Interviewee Name:	Interviewed By:	
What does the child's typical school day look like?		
What's working? When is he/she successful?		
What are areas of difficulty or concern?		
What staff supports are provided?		
What natural supports from other students and/or other school programs does the child respond to?		
What skills would you like the child to develop to be more independent?		
Is there anything else you would like us to consider?		

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<b>SCIA Student Interview</b>		
<b>STUDENT INFORMATION</b>		
Student/Interviewee Name:		Date of Birth:
Disability:	Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:	Program/Placement:	
General Education Teacher:		Contact Phone:
Special Education Teacher:		Contact Phone:
SCIA Case Manager/Coordinator:		Contact Phone:
Interviewed By:		
What does your typical school day look like? █		
What do you like about school? When are you successful? █		
When do you have problems during your school day? █		
How do school staff members help you during the day? █		
Who else helps you in school? █		
What programs do you participate in that help you? █		
What are some things you would like to learn to help you to be more independent? █		
Is there anything else you would like us to know about you? █		

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<b>Observational Evaluation for SCIA</b>		
<b>STUDENT INFORMATION</b>		
Student Name:	Date of Birth:	Age:
Disability:	Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:	Program/Placement:	
General Education Teacher:	Contact Phone:	
Special Education Teacher:	Contact Phone:	
SCIA Case Manager/Coordinator:	Contact Phone:	
Observation Setting:	Observed By: (Name/Title)	
<b>A. Classroom: Please review the visual and the physical structure of the classroom, curriculum design, data collection, and planning.</b>		
1. Is the individual student/classroom schedule visually posted? <input type="checkbox"/> Yes <input type="checkbox"/> No		
2. Is the transition between activities quick and smooth? <input type="checkbox"/> Yes <input type="checkbox"/> No (Explain)		
3. Is the room organized with work areas defined and materials readily available for instruction? <input type="checkbox"/> Yes <input type="checkbox"/> No (Describe)		
4. Do students follow the established classroom procedures and routines? <input type="checkbox"/> Yes <input type="checkbox"/> No (Describe)		
5. Indicate the level of prompt needed for the student to follow the schedule: <input type="checkbox"/> Independent <input type="checkbox"/> Physical Prompt <input type="checkbox"/> Indirect Verbal or Gesture Prompt <input type="checkbox"/> Direct Verbal Prompt <input type="checkbox"/> Other:		
Describe:		
6. Indicate the student's use of the schedule: <input type="checkbox"/> Student Carries Schedule <input type="checkbox"/> Schedule Not Used At All <input type="checkbox"/> Teacher Carries and Shows the Schedule <input type="checkbox"/> Student Goes to Schedule Board <input type="checkbox"/> Student Goes to Schedule Board <input type="checkbox"/> Other:		
Describe:		
Comments:		

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Observational Evaluation for SCIA	
Student Name: _____	Date of Birth: _____
<b>B. Curriculum and Instructional Planning: Check the curricular domains included in the student's program.</b>	
1. Is the transition between activities quick and smooth? <input type="checkbox"/> Yes <input type="checkbox"/> No (Explain) _____	
2. Is the room organized with work areas defined and materials readily available for instruction? <input type="checkbox"/> Yes <input type="checkbox"/> No (Describe) _____	
3. Do students follow the established classroom procedures and routines? <input type="checkbox"/> Yes <input type="checkbox"/> No (Describe) _____	
4. Indicate level of prompt needed for the student to follow the schedule: <input type="checkbox"/> Independent <input type="checkbox"/> Physical Prompt <input type="checkbox"/> Indirect Verbal or Gesture Prompt <input type="checkbox"/> Direct Verbal Prompt <input type="checkbox"/> Other: _____ Describe: _____	
5. Student's use of the schedule: <input type="checkbox"/> Student Carries Schedule <input type="checkbox"/> Schedule Not Used At All <input type="checkbox"/> Teacher Carries and Shows the Schedule <input type="checkbox"/> Student Goes to Schedule Board <input type="checkbox"/> Student Goes to Schedule Board <input type="checkbox"/> Other: _____ Describe: _____	
Comments: _____	
<b>C. Current Data Systems and Collection of Data</b>	
1. Has data been collected on student performance? <input type="checkbox"/> Yes <input type="checkbox"/> No	
2. How often is data collected? <input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Monthly	
3. How is data summarized? <input type="checkbox"/> Graphed <input type="checkbox"/> Written Narrative <input type="checkbox"/> Other: _____	
4. What evidence is there that accommodations and/or modifications are being used? (Describe) _____	

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Observational Evaluation for SCIA	
Student Name:	Date of Birth:
Comments: <input type="text"/>	
<b>D. Behavior and Safety</b>	
1. Describe the behavior management system in the classroom, including positive re-enforces and consequences. Is it appropriate for the student or does it need to be modified? <input type="text"/>	
2. Are specific positive behavior supports utilized for the student? <input type="checkbox"/> Yes <input type="checkbox"/> No (Describe) <input type="text"/>	
3. Is there appropriate safety equipment in place? <input type="checkbox"/> Yes <input type="checkbox"/> No	
4. Are appropriate safety and medical procedures being used? <input type="checkbox"/> Yes <input type="checkbox"/> No	
5. Does it appear appropriate training has been provided? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments: <input type="text"/>	
<b>E. Student Behavior In Independent Activities</b>	
1. Describe the student's interaction with peers. <input type="text"/>	
2. Describe the student's interaction with non-classroom staff in a less structured environment. <input type="text"/>	
3. What activities does the student choose during break? <input type="text"/>	
4. What problems are evident? <input type="text"/>	




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Observational Evaluation for SCLIA	
Student Name: _____	Date of Birth: _____
Comments: _____	
F. Describe the school day and assistance now provided. Include natural supports such as peers, school staff, volunteers, etc.	
_____	
G. How is existing assistance utilized?	
_____	
H. Can current conditions be modified to meet the student's goals and objectives and/or personal care needs?	
_____	
I. What other types of assistance is needed? Why?	
_____	
J. Are there any other issues that need to be addressed?	
_____	
Comments: _____	

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<b>SCIA Evaluation Report</b>		
<b>STUDENT INFORMATION</b>		
Student Name:	Date of Birth:	Age:
Disability:	Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:	Program/Placement:	
General Education Teacher:	Contact Phone:	
Special Education Teacher:	Contact Phone:	
SCIA Case Manager/Coordinator:	Contact Phone:	
Psychologist:	Contact Phone:	
<b>Evaluation Report Prepared By:</b>		<b>Date Completed:</b>
1. <b>Background Information and Educational Setting:</b> <i>(Summarize previous interventions and outcomes, include information regarding educationally relevant health, developmental, and medical findings; and include the results of any independent educational evaluations.)</i>		
2. <b>Assessment Procedures:</b> <i>(Include information regarding the administration of tests in the primary language of the student by qualified personnel, the validity of the evaluation, and the validity of tests for the purposes in which they were used.)</i>		
3. <b>Summary of Interviews and Observations:</b> <i>(Summarize results of the parent, teacher, and student interviews, include information regarding relevant behavior noted during the observation of the student.)</i>		
4. <b>Assessment Results:</b> <i>(Summary the results of standardized and/or curriculum-based testing.)</i>		
5. <b>Recommendations:</b> <i>(Include information regarding the need for specialized services, materials, and equipment and indicate if the student's needs can be met in the regular education classroom with the current level of support.)</i>		

**8/8/19 - This form is under revision; sample will be updated with new form when available.**

	
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<b>Observational Review to Determine Continued Need for SCIA</b>	
<b>STUDENT INFORMATION</b>	
Student Name:	Date of Birth:
Disability:	Grade:
School Site:	Program/Placement:
General Education Teacher:	Contact Phone:
Special Education Teacher:	Contact Phone:
Observation Setting:	Observer's Name/Title:
Start Time:	End Time:
	Previous Observation Date:
Name(s) and positions of SCIA provider(s):	
Current status per teacher, support staff, and student:	
Description of current SCIA provided: <i>(time, setting, specific tasks)</i>	
Observation of student behavior:	
Description of results of efforts to increase student independence and/or progress on goal(s):	
Comments:	



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CHARTER SELPA

## Chapter 22: Supports and Services

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SECTION A: LEAST RESTRICTIVE ENVIRONMENT (LRE): A  
CONTINUUM OF SERVICES AND PLACEMENT

SECTION B: RELATED SERVICES

SECTION C: SERVICE ANIMALS

SECTION D: ASSISTIVE TECHNOLOGY

APPENDIX A: GUIDELINE STATEMENT: LEAST RESTRICTIVE  
ENVIRONMENT (LRE) CONTINUUM OF PLACEMENT OPTIONS, THE  
HOLLAND FACTORS

APPENDIX B: DETERMINING THE NEED FOR ~~SPECIAL  
CIRCUMSTANCE INSTRUCTIONAL ASSISTANCE (SCIA) TEMPORARY  
INTENSIVE SUPPORTS ASSESSMENT (TISA)~~

APPENDIX C: TRANSPORTATION GUIDELINES/FLOWCHART

APPENDIX D: CARS+ GUIDANCE FOR RSP TEACHERS

APPENDIX E: SELPA REFERRAL PROCEDURES

### Introduction

It is the philosophy of the Desert/Mountain Charter Special Education Local Plan Area (SELPA) that children with disabilities be provided a free appropriate public education (FAPE) in the least restrictive environment (LRE). This philosophy is in accordance with state and federal mandates.

If a related service or services cannot be provided by a Charter Local Education Agency (LEA), the Charter LEA may contract with a California Department of Education (CDE) certified nonpublic, nonsectarian school or agency (NPS/NPA) in accordance with the requirements of a Master Contract and an Individual Service Agreement (ISA). For mental health services, employees, vendors or contractors of the State Department of Mental Health, or any designated local public mental health agency, may provide related services in accordance with procedures outlined in local interagency agreements.

# APPENDIX B: Determining the Need for ~~Special Circumstance Instructional Assistance (SCIA)~~ Temporary Intensive Supports Assessment (TISA)

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Section A: Rationale

Section B: Least Restrictive Environment (LRE)

Section C: Factors for Special Circumstances

Section D: ~~Special Circumstance Assistance/Support~~ Temporary Intensive Supports Assessment

Section E: Procedures for Requesting ~~Special Circumstance Instructional Assistance-Temporary Intensive Supports Assessment (TISA)~~

Section F: Training

## Introduction

The purpose of this ~~handbook section~~ is to provide Charter Local Education Agency (LEA) personnel information and guidance in determining a student's ~~with a disability's~~ need for ~~special circumstance instructional assistance (SCIA) support~~ temporary intensive supports. A recommendation for ~~a SCIA temporary intensive supports~~ is a significant programmatic decision and one that should only be made after a comprehensive discussion of other options considered and clear documentation of as to why those options are not appropriate. While some students may temporarily need ~~the support of a SCIA temporary intensive supports~~ to receive a free appropriate public education (FAPE), for other students, the assignment of ~~a SCIA such supports~~ may be unnecessary and inappropriately restrictive.

A goal for all students with disabilities is to promote and maximize independence. Charter LEAs are responsible for developing and implementing individualized education programs (IEPs) that promote such independence. When an IEP team determines that a student needs ~~a SCIA temporary intensive supports~~, it should always be considered a time-limited recommendation and specific conditions/goals must be established to fade the use of ~~a SCIA such supports~~.

California Education Code states,

*E.C. § 56363 (a) As used in this part, the term "designated instruction and services" means "related services" as that term is defined in Section 1401(26) of Title 20 of the United States Code and Section 300.34 of Title 34 of the Code of Federal Regulations. The term "related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable an*

*individual with exceptional needs to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purpose only) as may be required to assist an individual with exceptional needs to benefit from special education, and includes the early identifications and assessment of disabling conditions in children.*

## **Section A: Rationale**

Every Charter LEA within the Desert/Mountain Charter Special Education Local Plan Area (SELPA) is required to provide a full continuum of placement options for students with identified disabilities who are receiving special education services. The Individuals with Disabilities Education Act (IDEA 2004) and California laws and regulations describe a continuum of alternative placements such as instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions [*Title 34 of the Code of Federal Regulations (CFR) 300.551(b)(1)*]. Both federal and state laws also contain provisions to ensure that children with disabilities are educated to the maximum extent possible with children who are not disabled, and that children are removed from the general education environment only when the nature and severity of the disability is such that education in the regular classroom cannot be satisfactorily achieved with the use of related services.

## **Section B: Least Restrictive Environment (LRE)**

By law, services to students with special needs must be delivered in the "least restrictive environment." When an IEP team is considering ~~special-circumstance-support~~ **temporary intensive supports** for a student, all aspects of the student's program must be considered with the intent of maximizing student independence. The teacher(s) is responsible for the design and implementation of the student's program.

## **Section C: Factors for ~~Special-Circumstances~~ Temporary Intensive Supports**

Whenever ~~special-circumstance-support~~ **temporary intensive supports** are ~~is~~ being considered by an IEP team for a student with special needs, the following factors need to be considered:

### **Personal Independence**

First and foremost, an important goal for all special education students is to encourage, promote, and maximize independence. If not carefully monitored, ~~special-circumstance-assistance~~ **temporary intensive supports** can easily and unintentionally foster dependence. A student's total educational program must be carefully evaluated to determine where support is indicated. Natural support and existing staff support should be used whenever possible to promote the least restrictive environment.

The general categories to be considered for ~~special circumstance instructional assistance~~ temporary intensive supports include:

1. Health/Personal Care Issues
2. Behavioral Support
3. Instruction
4. Inclusion/Mainstreaming

## **Section D: ~~Special Circumstance Instructional Assistance/Support~~ Temporary Intensive Supports Assessment**

1. ~~Special Circumstance Assistance/Support~~ IEP teams should identify the need for related services based on appropriate documentation and assessment. If the IEP team recommends such services, the following statements must be considered for inclusion in the IEP:

~~IEP teams should identify the need for related services based on appropriate documentation and assessment. If the IEP team recommends such services, the following statements must be considered for inclusion in the IEP:~~

- a) The related service is necessary to the child to benefit from his/her special education program;
- b) The program modifications or supports for school personnel are necessary to assist the child to;

### **~~The related service will assist the child to:~~**

- (1) Advance appropriately toward the annual goals;
  - (2) Be involved in and progress in the general curriculum;
  - (3) Participate in extracurricular and other nonacademic activities; and
  - (4) Be educated and participate with other disabled and non-disabled children.
2. The IEP team shall address the means for reviewing and evaluating the necessity of continuing ~~special circumstance instructional assistance~~ temporary intensive services to the student. ~~It is recommended that these intensive supports be monitored every six months and reconsidered at every annual IEP.~~
  3. The IEP team shall also include a statement of the anticipated frequency and duration for the services and modifications.

4. If it is determined that additional personnel support is required, the IEP team should periodically review the effectiveness of this additional support. A systematic, written plan needs to address how additional personnel support will be monitored.
5. For services requiring additional personnel support as a result of a student's behavioral difficulties, the student's IEP needs to include appropriate goals. In addition, a Behavioral Intervention Plan (BIP) should be developed in accordance with Sections 3001 and 3052 in Title 5 of the California Code of Regulations (CCR). The BIP needs to include a provision describing how and when support, including personnel, will be utilized to implement the plan, and when the plan will be reviewed and modified.
6. When determining the need for additional personnel support due to an instructional need, the IEP team must utilize appropriate assessment information to support this recommendation. The written plan must be developed by **the IEP team in collaboration with a** general and ~~or~~ special education teachers specifying how the additional personnel will be utilized to support the teacher in implementing the student's goals and objectives and what attempts will be made to transition other available classroom resources and supports.
7. When a need for additional support is due to medical need, a specialized health care plan will need to be developed. (Utilize D/M SELPA Form 93, 94, and 95, as appropriate)
8. When ~~special circumstance assistance~~ **temporary intensive supports in the form of personnel are is** being considered for a specific student, a Charter LEA representative shall be required to participate in the decision-making process of the IEP meeting.

## **Section E: Procedures for Requesting a **SCIA Temporary Intensive Supports Assessment (TISA)****

~~A SCIA Temporary intensive supports~~ may be provided for students with disabilities when additional support is necessary to the student in order to meet his or her goals and to benefit educationally. Whenever possible, additional assistance is assigned to a school environment, class, or case manager. Occasionally, however, a student requires individual support for a designated period of time to address a unique need. By law, services to students with special needs must be delivered in the "least restrictive environment." When the IEP team is considering a **SCIA temporary intensive support**, all aspects of the student's program must be considered. A request for **SCIA Temporary Intensive Supports Assessment (TISA)** is made only after other site interventions have proven to be ineffective. A student's educational program must be carefully evaluated to determine when and where the additional support is required. Additionally, the IEP team must plan for periodic reviews to assess the continued need for this type of individualized assistance.

It is expected that students enrolling in a non-public school (NPS) will not require **SCIA temporary intensive supports**. For students currently in NPS, if the need for **SCIA temporary intensive supports** becomes evident, the NPS should contact the student's Charter LEA of residence to initiate a referral for a ~~SCIA evaluation~~ **Temporary Intensive Supports Assessment (TISA)**. The Charter LEA will evaluate the student and present findings and recommendations to the IEP team.



Whether in public school or NPS, if the student already has a **SCIA designated temporary intensive supports**, it is recommended that the Charter LEA conduct an evaluation to determine the continued need for **a-SCIA that level of support** prior to the next annual IEP meeting. When a student new to the Charter LEA enrolls with an existing IEP that indicates assistance is needed, a temporary substitute should be assigned until the evaluation process is completed.

- **Step 1: Referral for SCIA Temporary Intensive Supports Assessment (TISA)**  
If the principal and special education team at the site believe extra support may be necessary to meet the student's goals, they must conduct an **evaluation assessment** of the student's needs prior to an IEP meeting, at which time this topic will be considered. The **Referral for Temporary Intensive Supports Assessment (D/M 157A) ~~Special Circumstance Instructional Assistance (D/M 157B)~~** needs to be completed. Use the **Student Needs for Additional Support Rubric (D/M 157B) ~~(D/M 157C)~~** to assist in quantifying the severity of student need. Supporting documentation should include **Review of IEP Goals (D/M 157C) ~~(D/M 157E)~~**, **Review of Behavioral Intervention Plan (BIP) (D/M 157D) ~~(D/M 157F)~~** and review of other documents as appropriate, such as a nurse's assessment, health report, discipline records, independent assessments, etc.

If the parent requests additional support, the school principal, designee, or special education director shall confer with the parent to clarify his or her concerns, discuss options, and assist the parent in completing the **Reason for Referral and Other Unique Needs sections of the Referral for Temporary Intensive Supports Assessment (D/M 157A) ~~Special Circumstance Instructional Assistance (D/M 157B)~~**. The parent should sign as the person requesting referral. The 15-day timeline for developing the evaluation plan begins on the date of the parent signature.

If **SCIA Temporary intensive supports are is** requested during an IEP meeting without a previous referral, the procedure for requesting **SCIA TISA** must be initiated at that time. The IEP meeting should be completed and the referral for **SCIA a TISA** should be indicated in the IEP notes. Another IEP meeting will need to be scheduled to review the results of the evaluation.

Submit the **Referral for Temporary Intensive Supports Assessment (D/M 157A) ~~Special Circumstance Instructional Assistance (D/M 157B)~~**, **Student Needs for Additional Support Rubric (D/M 157B) ~~(D/M 157C and 157D)~~**, **Review of IEP Goals (D/M ~~157E~~ 157C)**, and **Review of Behavioral Intervention Plan (BIP) (D/M ~~157F~~ 157D)** if appropriate, with additional supplemental documentation, if necessary, to the director of special education. **The TISA evaluation should be completed by any certificated staff who received training in the completion of such evaluation, and by an individual who can objectively consider all circumstances and make recommendations in the best interest of the student.**

- **Step 2: Assessment Plan and Parent Permission**  
The director of special education will assign the referral to appropriate staff who will be responsible for securing written parent permission/consent on an **Assessment Plan (D/M 66)**, within 15 days of completion of the referral.

- **Step 3: Parent/Teacher/Student Interviews**

Best practices would be for the interviews to be completed at the beginning of the evaluation process. The **SCIA TISA** case manager/coordinator should complete the **SCIA TISA Parent Interview (D/M 157G 157E)** and the **SCIA TISA Teacher Interview (D/M 157H 157F)** to identify specific areas of concern. ~~It is usually~~ When appropriate the **TISA Student Interview (D/M 157G)** should be completed. ~~to also complete the SCIA Student Interview (D/M 157I).~~

- **Step 4: Complete Observations Evaluation including Observational Evaluation**

It is necessary for, and the responsibility of the **SCIA TISA** case manager/coordinator to ensure that ~~the observations of the student are conducted is completed~~, using the ~~Observational Evaluation for SCIA (D/M 157J)~~ **TISA Student Observation Worksheet (D/M 157H)**. The **TISA SCIA** case manager/coordinator, in addition to the other appropriate assessors, will review strategies, materials, modifications, and/or accommodations currently in place to assist the student toward achieving goals and objectives. To the maximum extent possible and whenever appropriate, quantifiable data should be collected as part of the observation process. The data collected will later be used to develop independence goals, should the IEP team determine that temporary intensive supports are needed. When necessary and appropriate, the assessors should also utilize the **TISA Evidence-Based Classroom practices Observation Checklist (D/M 157 Appendix A)** in order to assist the IEP team in determining the educational environment of the student.

- **Step 5: Develop TISA SCIA Evaluation Report**

When an IEP team is considering **temporary intensive supports SCIA** for a student, all aspects of the student's program must be considered with the intent of maximizing student independence. The **SCIA TISA Evaluation Report (D/M 157K 157I)** should address the areas of concern identified in the referral, **background information and educational history, summary of interviews, and summary of observations, and include the assessor's results and recommendations.** ~~assessments, interviews, and observations.~~ The **SCIA TISA** case manager/coordinator will ensure the **SCIA TISA Evaluation Report (D/M 157K 157I)** is developed.

- **Step 6: Review Evaluation at IEP Meeting**

Within 60 days following the receipt of parent consent to evaluate for **SCIA temporary intensive supports**, an IEP team shall review the results of the evaluation and recommendations at an IEP meeting. If the IEP team determines a need for **SCIA temporary intensive supports**, it is written on the IEP with specific goals, monitoring strategies, fading strategies, and review dates. Regardless of the circumstances that may indicate the need for support, it is imperative for every IEP to address the skills that will be taught in order for **the temporary intensive supports SCIA** to be faded. The level of support required for the student to advance appropriately toward annual goals needs to be defined. A systematic, written plan should specify how additional support should be utilized and monitored. **The TISA Initial Plan (D/M 157J) should be used to develop the initial plan.** An IEP meeting should be convened if necessary to modify **the temporary intensive supports SCIA**. Discussion at this meeting should be concluded

with a written plan outlining the team's criteria and possible timeline for phasing out the necessity for **temporary intensive supports SCIA**.

To assist Charter LEAs in developing appropriate independence and fading plans, IEP teams should refer to the *TISA Terms and Definitions of Fading (D/M 157 Appendix B)*, *TISA Checklist to Support Independence (D/M 157 Appendix C)*, and the *TISA Independence/Fading Resources (D/M 157 Appendix D)*.

- **Step 7: Request/Assign Temporary Intensive Support SCIA: Personnel**

When an IEP team has determined that **SCIA** temporary intensive supports in the form of **additional staff** is required, the special education director or designee will process the appropriate paperwork in accordance with Charter LEA procedures.

- **Step 8: Annual Observational Review**


The goal for any student with special needs is to encourage, promote, and maximize independence. Periodic observations and review of data may be required to assess the effectiveness of this additional support and to monitor the duration of services. **The IEP team should identify the next scheduled observation date, often within six months and no later than the next annual IEP review, to continually monitor the effectiveness of the temporary intensive supports provided to the student. The *Observational Review to Determine Continued Need for SCIA (D/M 157L)* TISA Annual Review Fading Plan (D/M 157K) should be used to review and determine the current needs of the student. ~~is used if direct observation of the student is required. The IEP team should identify the next scheduled observation date, often within six months and no later than the next annual IEP review, to continually monitor the effectiveness of SCIA provided to the student.~~**

## Section F: Training

It is critical that all staff receive appropriate training on the student's health issues, curriculum modifications, the student's instructional environment, behavioral interventions, using and fading prompts, data collection and reporting, etc.

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## SCIA Checklist

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**STUDENT INFORMATION**


Student Name:	Date of Birth:	Age:	
Disability:	Grade:	Gender:	<input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:	Program/Placement:		
General Education Teacher:	Contact Phone:		
Special Education Teacher:	Contact Phone:		
SCIA Case Manager/Coordinator:	Contact Phone:		

**DIRECTIONS:** The following information to be completed by the school site staff. Initial and date as items are completed.

	Initial	Date
<b>STEP 1: Make Referral</b>		
<input type="checkbox"/> Complete SCIA Rubric (D/M 157C & D)		
<input type="checkbox"/> Complete Review of IEP Goals (D/M 157E)		
<input type="checkbox"/> Complete Review of BIP (D/M 157F)		
<input type="checkbox"/> Review other records, as appropriate		
<input type="checkbox"/> Complete Referral for SCIA (D/M 157B)		
<input type="checkbox"/> Send Packet to district Director of Special Education		
<b>STEP 2: Complete Assessment</b>		
<input type="checkbox"/> Complete Assessment Plan (D/M 66)		
<input type="checkbox"/> Obtain written parent permission to assess and provide parents with a copy of the Procedural Safeguards (D/M 77)		
<b>STEP 3: Complete Interviews</b>		
<input type="checkbox"/> Complete Parent Interview (D/M 157G)		
<input type="checkbox"/> Complete Teacher Interview (D/M 157H)		
<input type="checkbox"/> Complete Student Interview (D/M 157I)		
<b>STEP 4: Complete Evaluation</b>		
<input type="checkbox"/> Complete Observational Evaluation for SCIA (D/M 157J)		
<input type="checkbox"/> Complete Assessments		
<b>STEP 5: Develop Evaluation Report</b>		
<input type="checkbox"/> Develop SCIA Evaluation Report (D/M 157K)		
<b>STEP 6: Review Evaluation at IEP Meeting</b>		
<input type="checkbox"/> Hold IEP meeting (within 60 days of receipt of consent)		
<input type="checkbox"/> SCIA Not Recommended - process ends as per IEP		
<input type="checkbox"/> SCIA Recommended - develop IEP goals to be supported by SCIA		
<b>STEP 7: Request / Assign SCIA</b>		
<input type="checkbox"/> Request/Assign SCIA (LEA Personnel Forms)		
<b>STEP 8: Observational Review</b>		
<input type="checkbox"/> Observational Review to Determine Continued Need for SCIA (D/M 157L)		
will be completed by		
Name Title		Date

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<b>Referral for SCIA</b>		
<b>STUDENT INFORMATION</b>		
Student Name:	Date of Birth:	Age:
Disability:	Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:	Program/Placement:	
General Education Teacher:	Contact Phone:	
Special Education Teacher:	Contact Phone:	
SCIA Case Manager/Coordinator:	Contact Phone:	
<p><b>DIRECTIONS:</b> Please complete the following information. Submit the Referral for SCIA and the following forms: SCIA Rubric (D/M 157C and D), Review of IEP Goals (D/M 157E), and Review of Behavioral Intervention Plan (BIP) (D/M 157F) to the special education office.</p>		
Reason for referral:		
Areas of student need based on SCIA Rubric (D/M 157C and D):		
Concerns identified on Review of IEP Goals (D/M 157E):		
Concerns identified on Review of BIP (D/M 157F):		
Previous interventions and results: <i>(including frequency, duration, and location)</i>		
Other unique needs:		
This referral is made at the request of the: <input type="checkbox"/> Teacher <input type="checkbox"/> Case Manager <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Other:		
Individual Requesting Referral:	Date:	
Site Administrator/Designee:	Date:	

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## SCIA Student Needs for Additional Support Rubric

### STUDENT INFORMATION


Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_  
 Disability: \_\_\_\_\_ Program Placement: \_\_\_\_\_ Teacher: \_\_\_\_\_  
 Review Date: \_\_\_\_\_

Health/Personal Care Rating	Behavior Rating	Instruction Rating	Inclusion/Mainstreaming Rating
<p><b>0</b></p> <p>General good health. No specialized health care procedure, medications taken, or time for health care. Independently maintains all "age appropriate" personal care.</p>	<p>Follows adult directions without frequent prompts or close supervision. Handles change and redirection. Usually gets along with peers and adults. Seeks out friends.</p>	<p>Participates fully in whole class instruction. Stays on task during typical instruction activity. Follows direction with few to no additional prompts.</p>	<p>Participates in some core curriculum within general education class and requires few modifications. Can find classroom. Usually socializes well with peers.</p>
<p><b>1</b></p> <p>Mild or occasional health concerns. Allergies or other chronic health conditions. No specialized health care procedures. Medication administration takes less than 10 minutes. Needs reminders to complete "age appropriate" personal care activities.</p>	<p>Follows adult direction but occasionally requires additional encouragement and prompts. Occasional difficulty with peers or adults. Does not always seek out friends but plays if invited.</p>	<p>Participates in groups at instructional level but may require additional prompts, cues or reinforcement. Requires reminders to stay on task, follow directions, and to remain engaged in learning.</p>	<p>Participates with modifications and accommodations. Needs occasional reminders of room and schedule. Requires some additional support to finish work and be responsible. Needs some social cueing to interact with peers appropriately.</p>
<p><b>2</b></p> <p>Chronic health issues, generic specialized health care procedure. Takes medication. Health care intervention for 10-15 minutes daily (diet, blood sugar, medication). Requires reminders and additional prompts or limited hands-on assistance for washing hands, using bathroom, wiping mouth, shoes, outdoors, zippers, etc. Occasional toileting accidents.</p>	<p>Has problems following directions and behaving appropriately. Can be managed adequately with a classroom behavioral management plan, but unable to experience much success without behavioral intervention plan implementation.</p>	<p>Cannot always participate in whole class instruction. Requires smaller groups and frequent verbal prompts, cues, or reinforcement. On task about 50% of the time with support. Requires more verbal prompts to follow directions.</p>	<p>Participates with visual supervision and occasional verbal prompts. Requires visual shadowing to get to class. Needs modifications and accommodations to benefit from class activities. Regular socialization may require adult facilitation.</p>
<p><b>3</b></p> <p>Very specialized health care procedure and medication. Limited mobility. Physical limitations requiring assistance (staircase, walker, gait trainer, or wheelchair). Special food prep or feeding. Health related interventions 15-45 minutes daily. Frequent physical prompts and direction assistance for personal care. Food prep required regularly. Requires toilet schedule, training, direct help, and diapering.</p>	<p>Serious behavioral problems almost daily. Defiant and/or prone to physical aggression. Requires a Behavioral Intervention Plan (BIP) and behavioral goals and objectives on the IEP. Requires close visual supervision to implement BIP. Medication for ADD/ADHD or other behaviors.</p>	<p>Difficult to participate in a large group. Requires low student staff ratio, close adult proximity and prompts including physical assistance to stay on task. Primarily completes only with 1:1 directions and monitoring. Cognitive abilities and skills likely require modifications not typical for class as a whole. Needs additional support(s) as determined by the IEP team.</p>	<p>Participation may require additional staff for direct instructional and behavioral support. Requires direct supervision going to and from class. Always requires modifications and accommodations for class work. Requires adult to facilitate social interaction with peers.</p>
<p><b>4</b></p> <p>Specialized health care procedure requiring care by specially trained employee (G tube, tracheostomy, catheterization). Takes medication, requires positioning or bracing multiple times daily. Health related interventions 45 minutes daily. Direct assistance with most personal care. Requires two-person lift. Direct 1:1 assistance 45 or more minutes daily.</p>	<p>Serious behavioral problems with potential for injury to self and others, runs away, aggressive on a daily basis. Functional Behavioral Analysis (FBA) has been completed and the student has a well-developed BIP, which must be implemented to allow the student to safely attend school. Staff has been trained in the management of assaultive behaviors.</p>	<p>Cannot participate in a group without constant 1:1 support. Requires constant verbal and physical prompting to stay on task and follow directions. Regularly requires specific 1:1 instructional strategies to benefit from the IEP. Cognitive abilities and skills require significant accommodations and modifications not typical for the class group.</p>	<p>Always requires 1:1 staff in close proximity for direct instruction, safety, mobility, or behavior monitoring. Requires 1:1 assistance to go to and from class 80% of the time. Requires adult to facilitate social interaction with peers and remain in close proximity at all times.</p>


\* Attach a copy of documentation indicating frequency and duration over a period of time to determine further consideration of special circumstance instructional assistance.

If monthly ratings of 3's and 4's, in two or more areas, continue with needs assessment process.

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<b>Summary of SCIA Rubric</b>		
<b>STUDENT INFORMATION</b>		
Student Name:	Date of Birth:	Age:
Disability:	Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:	Program/Placement:	
Parent/Guardian:	Contact Phone:	
<b>DIRECTIONS:</b> Please mark the boxes that best describes the health/personal care, behavior, instruction, and program supports for the student.		
<b>HEALTH / PERSONAL CARE</b>		
<input type="checkbox"/> Specialized Health Plan	<input type="checkbox"/> G-Tube	<input type="checkbox"/> Medications
<input type="checkbox"/> Diaper Changing	<input type="checkbox"/> Feeding Full Support	<input type="checkbox"/> Seizures Weekly
<input type="checkbox"/> Other:	<input type="checkbox"/> Suctioning	<input type="checkbox"/> Food Preparation
<input type="checkbox"/> Lifting / Transfers		
<b>BEHAVIOR</b>		
<input type="checkbox"/> Behavior Plan in Place	<input type="checkbox"/> Physically Aggressive Weekly	<input type="checkbox"/> Non-compliant in Class
<input type="checkbox"/> Runs Away Weekly	<input type="checkbox"/> ADHD Medicated	<input type="checkbox"/> Mental Health Client
<input type="checkbox"/> Other:		
<b>INSTRUCTION</b>		
<input type="checkbox"/> Discrete Trial / ABA	<input type="checkbox"/> Physical Prompts 80% +	<input type="checkbox"/> Verbal Prompts 80% +
<input type="checkbox"/> Assistive Technology	<input type="checkbox"/> PECS	<input type="checkbox"/> Signing 80% +
<input type="checkbox"/> Other:		
<b>INCLUSION / MAINSTREAM</b>		
<input type="checkbox"/> Direct Adult Instruction	<input type="checkbox"/> Physical Support/Positioning	<input type="checkbox"/> Safety Supervision 80% +
<input type="checkbox"/> Other:	<input type="checkbox"/> Close Visual Supervision 80% +	
Describe <u>each</u> area of intensive need marked above and indicate if there is an IEP goal/objective written to address the area. Use additional paper if needed to describe all of the needs.		
Describe interventions used to support referred student in <u>each</u> of the areas marked above. Provide data that documents the prior success or failure of interventions and attach. School day description and assistance needed.		

**8/8/19 - This form is under revision; sample will be updated with new form when available.**


DESERT/MOUNTAIN SPECIAL EDUCATION LOCAL PLAN AREA DESERT/MOUNTAIN CHARTER SPECIAL EDUCATION LOCAL PLAN AREA 17800 HIGHWAY 18 • APPLE VALLEY, CA 92307 (760) 552-6700 • (760) 242-5363 FAX				
<b>SCIA Review of IEP Goals</b>				
<b>STUDENT INFORMATION</b>				
Student Name:	Date of Birth:	Age:		
Disability:	Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female		
School Site:	Program/Placement:			
General Education Teacher:	Contact Phone:			
Special Education Teacher:	Contact Phone:			
SCIA Case Manager/Coordinator:	Contact Phone:			
<b>* PROGRESS CODE</b> 1 = No Progress      2 = 1 - 50% Met 3 = 51 - 99% Met    4 = Goal Met		<b>** LEVELS OF ASSISTANCE</b> P = Physical Prompt    M = Modeling V = Verbal Cue        I = Independent		
AREA	Measurable Goal	Progress Code *	Assistance Levels **	Comments (Including frequency, duration, location of assistance requested)
ACADEMIC				
MOTOR				
COMMUNICATION				
SELF-HELP				
SOCIAL / EMOTIONAL AND BEHAVIOR				
PRE-VOCATIONAL				
OTHER				




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DESERT/MOUNTAIN SPECIAL EDUCATION LOCAL PLAN AREA DESERT/MOUNTAIN CHARTER SPECIAL EDUCATION LOCAL PLAN AREA 17800 HIGHWAY 18 • APPLE VALLEY, CA 92307 (760) 552-6700 • (760) 242-5363 FAX		
<b>SCIA Review of BIP</b>		
<b>STUDENT INFORMATION</b>		
Student Name:	Date of Birth:	Age:
Disability:	Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:	Program/Placement:	
General Education Teacher:	Contact Phone:	
Special Education Teacher:	Contact Phone:	
Behavior Case Manager:	Contact Phone:	
<p><b>DIRECTIONS:</b> The following information to be completed by the school site staff. Initial and date as items are completed.</p>		
What are the targeted behaviors in the Behavioral Intervention Plan (BIP)?		
[Empty text box for targeted behaviors]		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	The request for SCIA is related to the identified targeted behaviors in the BIP.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	All interventions are developmentally appropriate for the student.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	BIP is written with enough clarity and detail for any new staff to understand and implement.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	All implementers have a copy of the plan.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	The BIP is being fully implemented.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	All implementers understand and/or have training in the strategies contained in the plan.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Behavior support for the plan is adequate.
The student is making progress in the targeted behaviors. Indicate supporting evidence (e.g., grades, rate of homework completion, duration of on-task behavior, frequency and quality of social interactions).		
[Empty text box for supporting evidence]		
<b>Actions:</b>		
<input type="checkbox"/>	BIP is appropriate, and no modifications are needed	
<input type="checkbox"/>	Revise BIP	
<input type="checkbox"/>	Develop BIP	
<input type="checkbox"/>	Additional staff training needed. Describe:	
<input type="checkbox"/>	Other:	
Comments:		
[Empty text box for comments]		


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<b>SCIA Parent Interview</b>		
<b>STUDENT INFORMATION</b>		
Student Name:	Date of Birth:	Age:
Disability:	Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:	Program/Placement:	
General Education Teacher:	Contact Phone:	
Special Education Teacher:	Contact Phone:	
SCIA Case Manager/Coordinator:	Contact Phone:	
Interviewee Name:	Interviewed By:	
What does your child's typical school day look like?		
What's working? When is he/she successful?		
What are areas of difficulty or concern?		
What staff supports are provided?		
What natural supports from other students and/or other school programs does your child respond to?		
What skills would you like your child to develop to be more independent?		
Is there anything else you would like us to consider?		

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<b>SCIA Teacher Interview</b>		
<b>STUDENT INFORMATION</b>		
Student Name:	Date of Birth:	Age:
Disability:	Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:	Program/Placement:	
General Education Teacher:	Contact Phone:	
Special Education Teacher:	Contact Phone:	
SCIA Case Manager/Coordinator:	Contact Phone:	
Interviewee Name:	Interviewed By:	
What does the child's typical school day look like?		
What's working? When is he/she successful?		
What are areas of difficulty or concern?		
What staff supports are provided?		
What natural supports from other students and/or other school programs does the child respond to?		
What skills would you like the child to develop to be more independent?		
Is there anything else you would like us to consider?		

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<b>SCIA Student Interview</b>		
<b>STUDENT INFORMATION</b>		
Student/Interviewee Name:		Date of Birth: Age:
Disability:	Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:	Program/Placement:	
General Education Teacher:		Contact Phone:
Special Education Teacher:		Contact Phone:
SCIA Case Manager/Coordinator:		Contact Phone:
Interviewed By:		
What does your typical school day look like? █		
What do you like about school? When are you successful? █		
When do you have problems during your school day? █		
How do school staff members help you during the day? █		
Who else helps you in school? █		
What programs do you participate in that help you? █		
What are some things you would like to learn to help you to be more independent? █		
Is there anything else you would like us to know about you? █		

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DESERT/MOUNTAIN SPECIAL EDUCATION LOCAL PLAN AREA DESERT/MOUNTAIN CHARTER SPECIAL EDUCATION LOCAL PLAN AREA 17800 HIGHWAY 18 • APPLE VALLEY, CA 92307 (760) 552-6700 • (760) 242-5363 FAX		
<b>Observational Evaluation for SCIA</b>		
<b>STUDENT INFORMATION</b>		
Student Name:	Date of Birth:	Age:
Disability:	Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:	Program/Placement:	
General Education Teacher:	Contact Phone:	
Special Education Teacher:	Contact Phone:	
SCIA Case Manager/Coordinator:	Contact Phone:	
Observation Setting:	Observed By: (Name/Title)	
<b>A. Classroom: Please review the visual and the physical structure of the classroom, curriculum design, data collection, and planning.</b>		
1. Is the individual student/classroom schedule visually posted? <input type="checkbox"/> Yes <input type="checkbox"/> No		
2. Is the transition between activities quick and smooth? <input type="checkbox"/> Yes <input type="checkbox"/> No (Explain)		
3. Is the room organized with work areas defined and materials readily available for instruction? <input type="checkbox"/> Yes <input type="checkbox"/> No (Describe)		
4. Do students follow the established classroom procedures and routines? <input type="checkbox"/> Yes <input type="checkbox"/> No (Describe)		
5. Indicate the level of prompt needed for the student to follow the schedule: <input type="checkbox"/> Independent <input type="checkbox"/> Physical Prompt <input type="checkbox"/> Indirect Verbal or Gesture Prompt <input type="checkbox"/> Direct Verbal Prompt <input type="checkbox"/> Other:		
Describe:		
6. Indicate the student's use of the schedule: <input type="checkbox"/> Student Carries Schedule <input type="checkbox"/> Schedule Not Used At All <input type="checkbox"/> Teacher Carries and Shows the Schedule <input type="checkbox"/> Student Goes to Schedule Board <input type="checkbox"/> Student Goes to Schedule Board <input type="checkbox"/> Other:		
Describe:		
Comments:		

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Observational Evaluation for SCIA	
Student Name: _____	Date of Birth: _____
<b>B. Curriculum and Instructional Planning:</b> Check the curricular domains included in the student's program.	
1. Is the transition between activities quick and smooth? <input type="checkbox"/> Yes <input type="checkbox"/> No (Explain) _____	
2. Is the room organized with work areas defined and materials readily available for instruction? <input type="checkbox"/> Yes <input type="checkbox"/> No (Describe) _____	
3. Do students follow the established classroom procedures and routines? <input type="checkbox"/> Yes <input type="checkbox"/> No (Describe) _____	
4. Indicate level of prompt needed for the student to follow the schedule: <input type="checkbox"/> Independent <input type="checkbox"/> Physical Prompt <input type="checkbox"/> Indirect Verbal or Gesture Prompt <input type="checkbox"/> Direct Verbal Prompt <input type="checkbox"/> Other: _____ Describe: _____	
5. Student's use of the schedule: <input type="checkbox"/> Student Carries Schedule <input type="checkbox"/> Schedule Not Used At All <input type="checkbox"/> Teacher Carries and Shows the Schedule <input type="checkbox"/> Student Goes to Schedule Board <input type="checkbox"/> Student Goes to Schedule Board <input type="checkbox"/> Other: _____ Describe: _____	
Comments: _____	
<b>C. Current Data Systems and Collection of Data</b>	
1. Has data been collected on student performance? <input type="checkbox"/> Yes <input type="checkbox"/> No	
2. How often is data collected? <input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Monthly	
3. How is data summarized? <input type="checkbox"/> Graphed <input type="checkbox"/> Written Narrative <input type="checkbox"/> Other: _____	
4. What evidence is there that accommodations and/or modifications are being used? (Describe) _____	

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Observational Evaluation for SCIA	
Student Name:	Date of Birth:
Comments: <input type="text"/>	
<b>D. Behavior and Safety</b>	
1. Describe the behavior management system in the classroom, including positive re-enforces and consequences. Is it appropriate for the student or does it need to be modified? <input type="text"/>	
2. Are specific positive behavior supports utilized for the student? <input type="checkbox"/> Yes <input type="checkbox"/> No (Describe) <input type="text"/>	
3. Is there appropriate safety equipment in place? <input type="checkbox"/> Yes <input type="checkbox"/> No	
4. Are appropriate safety and medical procedures being used? <input type="checkbox"/> Yes <input type="checkbox"/> No	
5. Does it appear appropriate training has been provided? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments: <input type="text"/>	
<b>E. Student Behavior In Independent Activities</b>	
1. Describe the student's interaction with peers. <input type="text"/>	
2. Describe the student's interaction with non-classroom staff in a less structured environment. <input type="text"/>	
3. What activities does the student choose during break? <input type="text"/>	
4. What problems are evident? <input type="text"/>	

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Observational Evaluation for SCLIA	
Student Name: _____	Date of Birth: _____
Comments: _____	
F. Describe the school day and assistance now provided. Include natural supports such as peers, school staff, volunteers, etc.	
_____	
G. How is existing assistance utilized?	
_____	
H. Can current conditions be modified to meet the student's goals and objectives and/or personal care needs?	
_____	
I. What other types of assistance is needed? Why?	
_____	
J. Are there any other issues that need to be addressed?	
_____	
Comments: _____	



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<b>SCIA Evaluation Report</b>		
<b>STUDENT INFORMATION</b>		
Student Name:	Date of Birth:	Age:
Disability:	Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:	Program/Placement:	
General Education Teacher:	Contact Phone:	
Special Education Teacher:	Contact Phone:	
SCIA Case Manager/Coordinator:	Contact Phone:	
Psychologist:	Contact Phone:	
<b>Evaluation Report Prepared By:</b>		<b>Date Completed:</b>
1. <b>Background Information and Educational Setting:</b> <i>(Summarize previous interventions and outcomes, include information regarding educationally relevant health, developmental, and medical findings; and include the results of any independent educational evaluations.)</i>		
2. <b>Assessment Procedures:</b> <i>(Include information regarding the administration of tests in the primary language of the student by qualified personnel, the validity of the evaluation, and the validity of tests for the purposes in which they were used.)</i>		
3. <b>Summary of Interviews and Observations:</b> <i>(Summarize results of the parent, teacher, and student interviews, include information regarding relevant behavior noted during the observation of the student.)</i>		
4. <b>Assessment Results:</b> <i>(Summary the results of standardized and/or curriculum-based testing.)</i>		
5. <b>Recommendations:</b> <i>(Include information regarding the need for specialized services, materials, and equipment and indicate if the student's needs can be met in the regular education classroom with the current level of support.)</i>		

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<b>Observational Review to Determine Continued Need for SCIA</b>		
<b>STUDENT INFORMATION</b>		
Student Name:	Date of Birth:	Age:
Disability:	Grade:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
School Site:	Program/Placement:	
General Education Teacher:	Contact Phone:	
Special Education Teacher:	Contact Phone:	
Observation Setting:	Observer's Name/Title:	
Start Time:	End Time:	Previous Observation Date:
Name(s) and positions of SCIA provider(s):		
Current status per teacher, support staff, and student:		
Description of current SCIA provided: <i>(time, setting, specific tasks)</i>		
Observation of student behavior:		
Description of results of efforts to increase student independence and/or progress on goal(s):		
Comments:		



## Residential Placement Assessment Referral

### STUDENT INFORMATION

Referral Date: \_\_\_\_\_  New Referral  Transfer Placement SELPA: \_\_\_\_\_

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Grade: \_\_\_\_\_

LEA of Residence: \_\_\_\_\_ LEA of Attendance: \_\_\_\_\_

School Site: \_\_\_\_\_ Teacher Name: \_\_\_\_\_

School Contact: \_\_\_\_\_ School Phone: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Other Phone: \_\_\_\_\_

Street Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Educational Rights Held By:  Parent  Foster Parent  Guardian  Surrogate Parent  Other: \_\_\_\_\_

Primary Language of Parent/Guardian: \_\_\_\_\_  Written  Oral

Primary Language of Student: \_\_\_\_\_  Written  Oral

### SECTION 1: SPECIAL EDUCATION QUALIFICATIONS

- The student has, or will have prior to making the referral, an IEP qualifying him/her for special education services.  
The primary disability on student's IEP is: \_\_\_\_\_ The secondary disability on student's IEP is: \_\_\_\_\_
- The IEP specifically initiates a referral for an assessment for possible residential placement.
- Placement in a public or private residential program is necessary to provide special education and related services to student with a disability pursuant to the Individuals with Disabilities Education Act (IDEA). (Title 34 C.F.R. § 300.104)

### SECTION 2: STUDENT QUALIFICATIONS

**Please note that student qualifications must be evidenced in the contents of the referral packet (i.e., in the IEP narrative or assessments).**

Describe the student's emotional or behavioral characteristics for which the referral is being made: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

List the educational staff who has observed the behaviors (name and position): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe how the behaviors have impeded the student from benefiting from educational services: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe the frequency, intensity, and severity of the behaviors: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**The student does not qualify for an assessment for residential placement if the answer is yes to any of the following:**

- The behaviors can be described solely as a social maladjustment as demonstrated by deliberate non-compliance with accepted social rules, a demonstrated ability to control unacceptable behavior, and the absence of a treatable mental disorder.
- The behaviors are solely a temporary adjustment problem that can be resolved with less than three months of school counseling.
- The student's functioning, including cognitive functioning, is not at a level sufficient to enable the student to benefit from mental health services.

Additional information that indicates student qualifications have been met: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## Referral for Temporary Intensive Supports Assessment (TISA)

### STUDENT INFORMATION

Student Name: _____	Date of Birth: _____	Age: _____
Disability: _____	Grade: _____	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
School Site: _____	Program/Placement: _____	
General Education Teacher: _____	Contact Phone: _____	
Special Education Teacher: _____	Contact Phone: _____	
Case Manager/Coordinator: _____	Contact Phone: _____	

**DIRECTIONS:** Please complete the following information. Submit the Referral for TISA and the following forms: TISA Rubric (D/M 157C and D), Review of IEP Goals (D/M 157E), and Review of Behavioral Intervention Plan (BIP) (D/M 157F) to the special education office.

**Behavior**

- Non-compliant behaviors in class
- Non-compliant behaviors on campus
- Self-injurious
- Eloping
- Intense sensory needs
- Severe physical aggression
- Substantial attentional problems
- Significant disruptive behaviors
- Non-compliant behavior on bus
- Other: \_\_\_\_\_
- Comments: \_\_\_\_\_

**Health**

- Specialized physical health care plan
- G-tube feeding
- Medication
- Suction
- Food preparation
- Toileting assistance
- Feeding – full support
- Seizures
- Other: \_\_\_\_\_
- Comments: \_\_\_\_\_

**Mobility**

- Lifting/transfers
- Physical support/positioning
- Toileting assistance
- Mainstreaming needs
- Other: \_\_\_\_\_
- Comments: \_\_\_\_\_

**Instructional/Mainstreaming**

- AAC supports
- Significant need for verbal/physical prompts
- Severe attentional problems
- Significant transitional time needs
- Mainstreaming
- Other: \_\_\_\_\_
- Comments: \_\_\_\_\_

This referral is made at the request of the:

- Teacher       Case Manager       Parent/Guardian       Other: \_\_\_\_\_

Individual Requesting Referral: \_\_\_\_\_ Date: \_\_\_\_\_

Site Administrator/Designee: \_\_\_\_\_ Date: \_\_\_\_\_



## Student Needs for Additional Support Rubric

### STUDENT INFORMATION

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Review Date: \_\_\_\_\_  
 Disability: \_\_\_\_\_ Program/Placement: \_\_\_\_\_ Teacher: \_\_\_\_\_

Health/Personal Care/Mobility Rating	Behavior Rating	Instruction Rating	Inclusion/Mainstreaming Rating
<b>0</b> General good health. No specialized health care procedure, medications taken, or time for health care. Independently maintains all "age appropriate" personal care. Is able to navigate environment without any excessive delays. Can transition from and within classrooms requiring few modifications. <input type="checkbox"/>	Follows adult directions without frequent prompts or close supervision. Handles change and redirection. Usually gets along with peers and adults. Seeks out friends. <input type="checkbox"/>	Participates fully in whole class instruction. Stays on task during typical instruction activity. Follows direction with few to no additional prompts. <input type="checkbox"/>	Participates in some core curriculum within general education class and requires few modifications. Can find classroom. Usually socializes well with peers. <input type="checkbox"/>
<b>1</b> Mild or occasional health concerns. Allergies or other chronic health conditions. No specialized health care procedures. Medication administration takes less than 10 minutes. Needs reminders to complete "age appropriate" personal care activities. Can independently navigate from one location to another. Minimal assistance to transition from and within classrooms <input type="checkbox"/>	Follows adult direction but occasionally requires additional encouragement and prompts. Occasional difficulty with peers or adults. Does not always seek out friends but plays if invited. <input type="checkbox"/>	Participates in groups at instructional level but may require additional prompts, cues or reinforcement. Requires reminders to stay on task, follow directions, and to remain engaged in learning. <input type="checkbox"/>	Participates with modifications and accommodations. Needs occasional reminders of room and schedule. Requires some additional support to finish work and be responsible. Needs some social cueing to interact with peers appropriately. <input type="checkbox"/>
<b>2</b> Chronic health issues, generic specialized health care procedure. Takes medication. Health care intervention for 10-15 minutes daily (diet, blood sugar, medication). Requires reminders and additional prompts or limited hands-on assistance for washing hands, using bathroom, wiping mouth, shoes, buttons, zippers, etc. Occasional toileting accidents. Requires limited assistance to mobilize from one location to another. Requires limited assistance with mobility in order to care for self. <input type="checkbox"/>	Has problems following directions and behaving appropriately. Can be managed adequately with a classroom behavioral management plan, but unable to experience much success without behavioral intervention plan implementation. <input type="checkbox"/>	Cannot always participate in whole class instruction. Requires smaller groups and frequent verbal prompts, cues, or reinforcement. On task about 50% of the time with support. Requires more verbal prompts to follow directions. <input type="checkbox"/>	Participates with visual supervision and occasional verbal prompts. Requires visual shadowing to get to class. Needs modifications and accommodations to benefit from class activities. Regular socialization may require adult facilitation. <input type="checkbox"/>
<b>3</b> Very specialized health care procedure and medication. Limited mobility. Physical limitations requiring assistance (stander, walker, gait trainer, or wheelchair). Special food prep or feeding. Health related interventions 15-45 minutes daily. Frequent physical prompts and direction assistance for personal care. Food prep required regularly. Requires toilet schedule, training, direct help, and diapering. <input type="checkbox"/>	Serious behavioral problems almost daily. Defiant and /or prone to physical aggression. Requires a Behavioral Intervention Plan (BIP) and behavioral goals and objectives on the IEP. Requires close visual supervision to implement BIP. Medication for ADHD or other behaviors. <input type="checkbox"/>	Difficult to participate in a large group. Requires low student staff ratio, close adult proximity and prompts including physical assistance to stay on task. Primarily complies only with 1:1 directions and monitoring. Cognitive abilities and skills likely require modifications not typical for class as a whole. Needs additional support(s) as determined by the IEP team. <input type="checkbox"/>	Participation may require additional staff for direct instructional and behavioral support. Requires direct supervision going to and from class. Always requires modifications and accommodations for class work. Requires adult to facilitate social interaction with peers. <input type="checkbox"/>
<b>4</b> Specialized health care procedure requiring care by specially trained employee (G tube, tracheotomy, cauterization). Takes medication, requires positioning or bracing multiple times daily. Health related interventions 45 minutes daily. Direct assistance with most personal care. Direct 1:1 assistance 45 or more minutes daily. Requires two-person lift. Requires direct supervision going to & from class. <input type="checkbox"/>	Serious behavioral problems with potential for injury to self and others, runs away, aggressive on a daily basis. Functional Behavioral Analysis (FBA) has been completed and the student has a well-developed BIP, which must be implemented to allow the student to safely attend school. Staff has been trained in the management of assaultive behaviors. <input type="checkbox"/>	Cannot participate in a group without constant 1:1 support. Requires constant verbal and physical prompting to stay on task and follow directions. Regularly requires specific 1:1 instructional strategies to benefit from the IEP. Cognitive abilities and skills require significant accommodations and modifications not typical for the class group. <input type="checkbox"/>	Always requires 1:1 staff in close proximity for direct instruction, safety, mobility, or behavior monitoring. Requires 1:1 assistance to go to and from class 80% of the time. Requires adult to facilitate social interaction with peers and remain in close proximity at all times. <input type="checkbox"/>

**\*Attach a copy of documentation indicating frequency and duration over a period of time to determine further consideration of special circumstance instructional assistance.  
 If mostly ratings of 3's and 4's, in two or more areas, continue with needs assessment process.**

Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Date: \_\_\_\_\_

## Temporary Intensive Supports Assessment (TISA) Review of IEP Goals

TISA Case Manager/Coordinator: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

**DIRECTIONS:** Attach IEP goals and latest progress of goals. The following information is to be completed by the school site staff. Initial and date where indicated as items are completed.

Date	Initial	Yes	No	
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	All goals are developmentally appropriate for student
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	All goals are current
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	All goals are clear and measurable
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	The goals address needs for which a TISA is needed (behavior, academic, independence, self-help, etc.)

Is the student making progress in the obtainment of goals?  Yes  No

Describe progress and indicate supporting evidence (e.g., grades, rate of work completion, etc.)

Level of assistance student requires to perform/achieve goals?

- Physical prompt:** \_\_\_\_\_
  
- Modeling:** \_\_\_\_\_
  
- Verbal cue:** \_\_\_\_\_
  
- Independent:** \_\_\_\_\_

Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Date: \_\_\_\_\_

## Temporary Intensive Supports Assessment (TISA) Review of Behavioral Intervention Plan

**DIRECTIONS:** Attach BIP. The following information to be completed by the school site staff. Initial and date as items are completed.

Does the student have a Behavioral Intervention Plan (BIP)?  Yes  Level 1  Level 2  
 No If no, refer to ACTIONS Section

Date	Initial			
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	The request for TISA is related to the identified targeted behaviors in the BIP.
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Does the BIP address the behavioral identified on the initial concern checklist?
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	All interventions are developmentally appropriate for the student.
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	BIP is written with enough clarity and detail for any new staff to understand and implement.
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	All implementers have a copy of the plan.
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	The BIP is being fully implemented.
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	All implementers understand and/or have training in the strategies contained in the plan.
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Behavioral support for the plan is adequate.

Is the student making progress in the targeted behaviors? Indicate supporting evidence (e.g., grades, rate of homework completion, duration of on-task behavioral, frequency and quality of social interactions).

**ACTIONS:**

- Develop BIP
- BIP is appropriate, and no modifications are needed
- Revise BIP
- Behavioral Plan is based on a Functional Behavioral Analysis (FBA)  
 Yes  No  In process  Need to initiate if function of behavioral is unknown

Additional staff training needed:

Describe:

Other:

Describe:

Comments:

Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Date: \_\_\_\_\_

## Temporary Intensive Supports (TISA) Parent Interview

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Interviewee Name: \_\_\_\_\_ Interviewed By: \_\_\_\_\_

What are the educational concerns you have for your child?

What needs does your child have?

What recent changes have occurred in your child (health, medication, family status, etc.)?

What supports does your child receive outside of school? Frequency? How long?

What skills would you like your child to develop to be more independent?

Is there anything else you would like us to consider?



Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Date: \_\_\_\_\_

## Temporary Intensive Supports (TISA) Teacher Interview

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Interviewee Name: \_\_\_\_\_ Interviewed By: \_\_\_\_\_

What supports/programs are working?

When is the student successful?

What are the areas of difficulty or concern?

What staff and classroom supports are provided?

What skills would you like the student to develop to be more independent?

Is there anything else you would like us to consider?

Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Date: \_\_\_\_\_

## Temporary Intensive Supports (TISA) Student Interview

Interviewed By: \_\_\_\_\_ Title: \_\_\_\_\_

What do you like about school?

When are you successful?

When do you have problems during your school day?

How do school staff members help you during the day?

Who else helps you in school?

What are some things you would like to learn to help you to be more independent?

Is there anything else you would like us to know about you?

Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Date: \_\_\_\_\_

## Temporary Intensive Supports (TISA) Student Observation Worksheet

**DIRECTIONS:** The individual conducting the observation should complete the domains that are applicable based on the referral. *It is recommended that the student be observed on **several occasions** at different times during the instructional day. **Quantifiable data** will be collected whenever possible as a way of establishing a baseline for the apparent need for additional intensive supports. Such data will be critical as a fading plan is designed later in the process. See Appendix A*

### Instruction/Inclusion Domain

Is there an individual student schedule?      Yes     No

Student uses the following format for individualized schedule:

Object                     Picture                     Icon                                     Photograph                     Word

Student's ability to follow the schedule:

Independent     With indirect verbal or gestural prompts     With direct verbal prompts     With physical prompts     Inconsistent

Student's use of the schedule:

Student carries schedule     Student goes to schedule board     Student carries transition cards     Teacher carries and shows the schedule

Room is arranged with structure to correlate with tasks on schedule (check all that apply):

Area for one-to-one work     Area for group work     Area for independent work     Area for leisure     Not applicable

What curricular accommodations/modifications are being used for this student? (*Describe*):

What is the student's engagement in classroom activities? (*Describe*):

Check the curricular domains included in the student's program:

Communication                     Domestic skills                     Self-care                                     Social skills  
 Academics                             Pre-vocational/vocational                     Recreation/leisure                     Motor skills/mobility  
 Other: \_\_\_\_\_

Describe, using **quantifiable data**, the student level of support needed to participate, remain on task, complete assignments (*i.e., frequency of reinforcement, prompting level, redirection*):

List equipment or device used/available that may relate to the need for assistance (*may be low incidence equipment or assistive technology devices*).

Describe at what level of independence the student is able to navigate the school campus.

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**Behavior Domain**

Are there problem behaviors interfering with learning of self or others?  Yes  No

Brief description of problem behavior:

Where does the behavior(s) typically occur?

When do the behaviors occur?

Frequency: \_\_\_\_\_ Duration: \_\_\_\_\_ Intensity: \_\_\_\_\_

What activities can the student do without assistance? (*time of day, group, transitions, etc.*)

Describe the school day and assistance now provided and natural supports such as peers, school staff, volunteers, etc.

Is the classroom behavior system appropriate for the student? (*developmentally appropriate, engagement, effectiveness, etc.*)

Describe, using **quantifiable data**, the student's interaction with peers:

Describe, using **quantifiable data**, the student's interaction with staff in structured and non-structured environments:

Are there any adjustments that need to be made to help the student be successful?

Are there significant medical needs/concerns observed that could affect behavior?

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**Health Domain**

Does that student have an existing health care plan?     Yes (Is so, attach)     No     In process     Need to initiate

**Indicate which health/personal care the student requires:**

Health/Personal Care	Frequency/Duration	Time of Day Support is Needed	Existing Support Available	Level of Support	Training Needed
G-tube feeding					
Medication					
Suctioning					
Food preparation					
Toileting assistance					
Diapering					
Feeding – full support					
Seizures					
Lifting/transfers					
Other:					

Are appropriate safety and medical procedures being used?     Yes     No

Comment:

What activities can the student do without assistance? (*time of day, group, transitions, etc.*)

Describe the school day and assistance now provided and natural supports such as peers, school staff, volunteers, etc.

Specify the student-teacher ratio:

Number of students requiring assistance in:

Health: \_\_\_\_\_ Personal Care: \_\_\_\_\_ Behavior: \_\_\_\_\_ Instruction: \_\_\_\_\_ Inclusion: \_\_\_\_\_

Can current conditions be modified to meet the student's goals and/or objectives and/or personal care needs?     Yes     No

Comment:

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**Mobility Domain**

Does the student have an existing health care plan?  Yes (If so, attach)  No  In process  Need to initiate

**Indicate which mobility/personal care the student requires:**

Needs	Frequency/Duration	Time of Day Support is Needed	Existing Support Available	Level of Support	Training Needed
Lifting					
Transfer					
Physical Support/Positioning					
Toileting assistance					
Diapering					
Feeding – full support					
Bracing					

Use of mobility equipment (*Specify*):

Other:

Are there appropriate safety equipment(s) in place?  Yes  No

Comment:

What level of support is needed for the student to transition (*from one class to another, or from one activity to another, or mainstream*)?

What activities can the student do without assistance? (*time of day, group, transitions, etc.*)

Describe the school day and assistance now provided. Specify and include the student-teacher ratio, and natural supports such as peers, school staff, volunteers, etc.

Can current conditions be modified to meet the student's goals and/or objectives and/or personal care needs?

First Observation Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Completed by: \_\_\_\_\_ Title: \_\_\_\_\_

Second Observation Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Completed by: \_\_\_\_\_ Title: \_\_\_\_\_



## Temporary Intensive Supports (TISA) Evaluation Report

Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Evaluation Report Prepared By: \_\_\_\_\_

1. **Reason for Referral:** *(Review of Behavioral Intervention Plan, disciplinary information, academic progress, and progress on IEP goals.)*

2. **Background Information and Educational Setting:** *(Summarize previous interventions and outcomes, include information regarding educationally relevant health, developmental, and medical findings; and include the results of any independent educational evaluations.)*

3. **Summary of Interviews:** *(Summarize results of the parent, teacher, and student interviews)*

4. **Summary of Observations:** *(Include quantifiable data collected during observations, include information regarding relevant behavior noted during the observation of the student.)*

5. **Results and Recommendations:** *(Include information regarding the need for specialized services, materials, and equipment and indicate if the student's needs can be met in the current setting with the current level of support; recommend goals for apparent need(s) observed.)*

## Temporary Intensive Supports Assessment (TISA) Initial Plan

**DIRECTIONS:** When Temporary Intensive Support Assistance is determined by the IEP team to be necessary for a student, the IEP team should develop an independence and fading plan in order to promote the student's independence and to avoid potential harmful effects, such as dependency. This form should be completed by the IEP team with input from all members, including parents.

### IDENTIFIED NEEDS

Time/Subject Area	Support Needed (ratio, equipment, materials, etc.)	Does support require additional staff? <i>(Please check)</i>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>

### INDEPENDENCE GOAL (TO BE ADDED TO IEP GOALS)

**Comment**

Present Level of Independence (Baseline)	
<b>Independence Goal</b> <i>(to reduce and/or eliminate Temporary Intensive Support Assistance)</i>	

### FADING PLAN (See Appendix B) MAY NOT BE APPLICABLE FOR STUDENTS WITH MOBILITY OR HEALTH NEEDS

**Comment**

**Person(s) Responsible**

1. <b>Procedure:</b> <i>What will be taught so the student learns the replacement behavior/skills? (Task analysis of skill development. What does the teacher or staff do to get the student to perform the behavior?)</i>		
a. <b>Level of Support:</b> <i>Description of how and who support changes as student independence increases. Prompting type; frequency; proximity of personnel; role of teacher/paraprofessional.</i>		
2. <b>Progress Monitoring Method:</b> <i>Who, how often, and how will the data be collected (If using a documentation sheet, please attach.)</i>		
a. <b>Evaluation:</b> <i>How will the data be evaluated to determine if intervention is working?</i>		
b. <b>Measurement:</b> <i>What are the criteria for fading and description of the level of TISA support?</i>		
3. <b>Maintenance:</b> <i>What are the adaptations/accommodations that will be used to promote and sustain independence?</i>		



## Temporary Intensive Supports (TISA) Annual Review Fading Plan

**DIRECTIONS:** When Temporary Intensive Support Assistance is determined by the IEP team to be necessary for a student, the IEP team should develop an independence and fading plan in order to promote the student’s independence and to avoid potential harmful effects, such as dependency. This form should be completed by the IEP team with input from all members, including parents.

**INDEPENDENCE PLAN DISCUSSION**

Team Discussion Questions	Comment
In what setting(s) and/or time of day is the highest level of assistance needed?	
What tasks/activity needs the highest level of assistance?	
What are the expectations and instructional demands on the student that requires intensive support?	
What natural student-teacher ratio supports are available?	
What environmental cues are currently available in the natural environment?	
Are there any schedule changes available to support independence?	
What is the prompting hierarchy needed for student to increase independence?	
Has assistive technology and/or equipment been considered to support independence?	
Has any staff and/or student training been considered to support independence?	
What are the next steps needed for the next level of independence?	
Other things for team to consider:	

	<b>Student’s Independence Strengths</b> <b>What can student already do independently?</b> <i>Consider setting, instruction, curriculum, activities, social interaction, and participation</i>	<b>Student’s Independence Concerns</b> <b>What are the student’s areas of struggle/need?</b>
Health/Personal Care/Mobility		
Communication		
Behavior		
Academic/Instruction (Task Initiation & Output)		
Social/Inclusion		

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**IDENTIFIED NEEDS**

Time/Subject Area	Support Needed (ratio, equipment, materials, etc.)	Does support require additional staff? <i>(Please check)</i>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>

**INDEPENDENCE GOAL (TO BE ADDED TO IEP GOALS)**

**Comment**

Present Level of Independence (Baseline)	
<b>Independence Goal</b> <i>(to reduce and/or eliminate Temporary Intensive Support Assistance)</i>	

**FADING PLAN (See Appendix B)**

**MAY NOT BE APPLICABLE FOR STUDENTS WITH MOBILITY OR HEALTH NEEDS**

**Comment**

**Person(s) Responsible**

1. <b>Procedure:</b> <i>What will be taught so the student learns the replacement behavior/skills? (Task analysis of skill development. What does the teacher or staff do to get the student to perform the behavior?)</i>		
a. <b>Level of Support:</b> <i>Description of how and who support changes as student independence increases. Prompting type; frequency; proximity of personnel; role of teacher/paraprofessional.</i>		
2. <b>Progress Monitoring Method:</b> <i>Who, how often, and how will the data be collected (If using a documentation sheet, please attach.)</i>		
a. <b>Evaluation:</b> <i>How will the data be evaluated to determine if intervention is working?</i>		
b. <b>Measurement:</b> <i>What are the criteria for fading and description of the level of TISA support?</i>		
3. <b>Maintenance:</b> <i>What are the adaptations/accommodations that will be used to promote and sustain independence?</i>		

## Appendix A Temporary Intensive Supports (TISA) Evidence-Based Classroom Practices Observation Checklist

**DIRECTIONS:** To be used by the administrator, psychologist, or TISA case manager to examine a student’s current environment and supports. To be used prior to requesting help for a student not making progress on IEP goals or if more student support in an area is needed. *(Not to be used for student with medical/health needs).*

### STRATEGIES

	<b>Physical Design</b>	<b>Comments</b>
<input type="checkbox"/>	Layout of the classroom is such that facilitates typical instructional activities (e.g., small group, whole group, learning center)	
<input type="checkbox"/>	Furniture is arranged to allow for smooth teacher and student movement	
<input type="checkbox"/>	Instructional materials are neat, orderly, and ready for use	
<input type="checkbox"/>	Posted materials that support critical learning content and learning strategies (e.g., word walls, steps for writing process, math formulas)	
<input type="checkbox"/>	Teacher demonstrates organization and how to use classroom areas	

	<b>Routines</b>	<b>Comments</b>
<input type="checkbox"/>	Evidence of predictable patterns and activities	
<input type="checkbox"/>	Evidence that routines and procedures are taught directly	
<input type="checkbox"/>	Students are recognized when they successfully follow classroom routines and procedures	
<input type="checkbox"/>	Students are encouraged to use self-management skills	
<input type="checkbox"/>	Evidence of student-guided schedules and routines	

	<b>Expectations</b>	<b>Comments</b>
<input type="checkbox"/>	Evidence of 3-5 school-wide expectations adopted in the classroom	
<input type="checkbox"/>	Expectations are observable, measurable, positively stated, understandable, and always applicable	
<input type="checkbox"/>	Expectations are taught using examples and non-examples and with opportunities to practice and receive feedback	
<input type="checkbox"/>	Evidence of student involvement in defining the 3-5 school-wide expectations within the classroom routines	
<input type="checkbox"/>	Students are committed to supporting the expectations	
<input type="checkbox"/>	Teacher manages classroom proactively and calmly	

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Supervision		Comments
<input type="checkbox"/>	Teacher engages in active supervision which includes all the following: <ul style="list-style-type: none"> <li><input type="checkbox"/> Scanning: visual sweep of entire space</li> <li><input type="checkbox"/> Moving: continuous movement, proximity</li> <li><input type="checkbox"/> Interacting: verbal communication in a respectful manner, pre-corrections, non-contingent attention, specific verbal feedback</li> </ul>	

Opportunity		Comments
<input type="checkbox"/>	Instruction includes high rates of opportunities to respond, which includes at least one of the following during the observation: <ul style="list-style-type: none"> <li><input type="checkbox"/> Individual or small group questioning</li> <li><input type="checkbox"/> Choral responding</li> <li><input type="checkbox"/> Nonverbal responding</li> </ul>	

Academic Rigor		Comments
<input type="checkbox"/>	Instruction is engaging	
<input type="checkbox"/>	Instruction is differentiated to support all types of learners	
<input type="checkbox"/>	Visual supports are used as appropriate	
<input type="checkbox"/>	Manipulatives are used to support learning	
<input type="checkbox"/>	Communication systems/strategies with non-verbal students are used, as necessary	

Social/Emotional Supports		Comments
<input type="checkbox"/>	Teacher models identification of feelings	
<input type="checkbox"/>	Self-talk strategies are taught and practiced	
<input type="checkbox"/>	Relaxation techniques are employed	
<input type="checkbox"/>	Role-play social interactions	
<input type="checkbox"/>	Emotional cards are used when appropriate	
<input type="checkbox"/>	Praise and encouragement are provided	

Sensory Supports		Comments
<input type="checkbox"/>	Observed used in the classroom/or by student: <ul style="list-style-type: none"> <li><input type="checkbox"/> Stretchy kick bands for chairs</li> <li><input type="checkbox"/> Vestibular cushions</li> <li><input type="checkbox"/> Headphones</li> <li><input type="checkbox"/> Music</li> <li><input type="checkbox"/> Partitions/corrals (individual or for an area)</li> <li><input type="checkbox"/> Flexible seating</li> <li><input type="checkbox"/> Sensory tactile tables</li> <li><input type="checkbox"/> Weighted vest</li> <li><input type="checkbox"/> Compression shirts</li> <li><input type="checkbox"/> Other: _____</li> </ul>	

Completed by: \_\_\_\_\_ Title: \_\_\_\_\_

## Appendix B

### Temporary Intensive Supports (TISA)

#### Terms and Definitions of Fading

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**Prompt Hierarchy:** Prompts range from the least to the most intrusive. The amount of assistance increases with each level in the hierarchy.

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#### **Natural Cue**

Behavior independently occurs because of a natural cue to a stimulus in the environment. The individual performs the behavior without any assistance.

*Example: John stands up to sing when he sees his peers stand up.*

#### **Gestural (Nonverbal) Prompt**

Physical gestures that may include pointing, beckoning, pantomiming, or shaking one's head to indicate approval or disapproval.

*Example: Mrs. Brown points to the yellow square to signal time for yellow reading group. Mr. Jones holds up two fingers to signal "quiet now."*

#### **Indirect Verbal Prompt**

The instructor uses words to imply that some behaviors need to occur.

*Example: Mr. Sanchez says, "Children, what should you be doing?" Students understand it is time to quiet down and open their books.*

#### **Modeling**

Performing the desired behavior to encourage the initiation of the behavior by the individual.

*Example: Ms. Nguyen sits up tall in her seat with her hands folded on top of the desk as students come to a reading group. She waits until they copy her behavior.*

#### **Symbolic (Pictorial or Written Prompt)**

Symbols (pictures or words) are presented to guide the behavior. Often a sequence of pictures or a list of words is used, combined with a gestural prompt of pointing to the symbol of the desired behavior for that moment in time.

*Example: Devon has 4 pictures of how to solve multi-digit addition which he uses in sequence to solve math problems. When he appears confused, his teacher gesturally redirects him to the correct picture.*

#### **Direct Verbal Prompt**

The instructor explicitly states the behavior that needs to occur.

*Example: "Boys and girls, please stand up now."*

#### **Minimal Physical Prompt**

Slight physical contact that guides the individual towards the behavior.

*Example: When Katie does not open the door when verbally told to do so, Ms. Hernandez lightly touches her elbow. \*Note: depending on the situation, a minimal physical prompt may be less intrusive and facilitate more independence than a direct verbal prompt.*

#### **Partial Physical Prompt**

The instructor physically starts the individual on the desired behavior, and then ceases the physical assistance to the individual to complete the behavior independently.

*Example: When Katie does not open the door after being lightly touched on the elbow, Ms. Hernandez gently nudges her arm upward until the knob is touched and then releases contact.*

#### **Full Physical Prompt**

The instructor physically guides the individual through the entire behavior.

*Example: Amy's teacher physically positions her fingers on the pencil and guides Amy's hand as she writes her name.*

## Appendix C Temporary Intensive Supports (TISA) Checklist to Support Independence

**DIRECTIONS:** For the IEP team to discuss with the family in the IEP to ensure team is working toward student's increasing independence.

	Student has a measurable <b>independence goal</b> in the IEP with a <b>proposed potential date</b> to have the support faded out
	IEP informs the family of <b>concerns of having extra adult support</b> such as: prompt dependency, learned helplessness, decrease in independence and self-efficacy, social isolation, and social stigma
	IEP team discusses what <b>Natural Supports</b> will be utilized <b>FIRST</b> before using extra adult support (peers, teacher, visuals, rules and routines, task analysis, classroom structure, CHAMPS, etc.)
	IEP team tells family <b>WHY the extra support is needed</b> (to support behavior plan, academic on task, social facilitation, safety, medical reasons)
	IEP team describes exactly <b>WHEN the support is needed and NOT needed</b> (during math, PE, reading, writing, social, etc.)
	IEP team describes exactly <b>WHAT the support will look like</b> (will the paraprofessional roam around, sit next to the student, take small groups, use non-verbal gesture, point to and use visuals, or verbally prompt)
	IEP team discusses <b>HOW they will support increasing the student's independence</b> (through goals, visuals, teaching independence, gestures, task analysis, self-monitoring, peer support, and/or other evidenced-based practices)
	IEP team discusses <b>ON-going progress monitoring</b> , data collection, areas to teach independence, and gradual fading back of extra adult support
	IEP team discusses the <b>student's progress</b> on independence goal in all future IEP's or as needed

## Appendix D Temporary Intensive Supports (TISA) Independence/Fading Resources

Area of Need	Criteria
Social – Emotional/Behavioral	Able to independently review his daily schedule/checklist and expectations first thing in the morning and prior to each transition
Social – Emotional/Behavioral	Able to independently follow classroom procedures to transition between activities with the class
Social – Emotional/Behavioral	Able to initiate a task with 2 or fewer prompts
Social – Emotional/Behavioral	Able to eliminate incidents of socially inappropriate interactions with peers
Social – Emotional/Behavioral	Able to independently use a sensory tool or strategy and return to task within 5 minutes
Social – Emotional/Behavioral	Able to attend lectures and discussions using eye contact, head nodding, hand raising, and/or verbal participation with 2 or fewer prompts
Social – Emotional/Behavioral	Independently demonstrate school-wide expected behaviors in common areas (playground, cafeteria, lunch line, restrooms, etc.)

### Sample Specific Annual Goals and Objectives to Address Achieving Criteria for Independence

- Independently review daily schedule/checklist of expectations first thing in the morning and prior to each transition 80% of the time over 2 consecutive weeks as measured by teacher recorded data.
- Independently follow classroom procedures to transition between activities with the class 80% of the time over 2 consecutive weeks as measured by teacher recorded data.
- Initiate a task with 2 or fewer prompts in 80% of opportunities over 2 consecutive weeks as measured by teacher recorded data. Eliminate incidents of socially inappropriate physical interaction with peers in 90% of opportunities for a trimester as measured by teacher recorded data.
- Independently use a sensory tool or strategy and return to task within 5 minutes in 80% of opportunities over 2 consecutive weeks as measured by teacher recorded data.
- Attend to lectures and discussions using eye contact, head nodding, hand raising, and/or verbal participation with 2 or fewer prompts in 80% of opportunities over 2 consecutive weeks as measured by teacher recorded data.
- Independently demonstrate school-wide expected behaviors in common areas (playground, cafeteria, lunch line, restrooms) in 90% of opportunities for a trimester as measured by teacher recorded data.

### Environmental/Teaching Strategies to Support Independence and Fading of Intensive Supports

Environmental Strategies	Teaching Strategies
Paraprofessionals and teachers should be reminded of the prompt hierarchy described below to avoid over- prompting. The least intrusive prompts possible will be utilized based on each individual situation.	Teach student how to independently utilize and review his schedule or checklist.
It is recommended that various individuals work with student over time so that he/she does not become over-accustomed to the support/style of any one individual. This will increase student’s flexibility and further develop independence.	Teach student to independently self-monitor his/her need for sensory breaks.
Utilize checklists whenever possible to ensure that student gains independence in task completion.	Utilize role playing a practice to teach student how to respect personal space and to conduct self on the school campus.
Identify effective reinforcers and provide positive reinforcement for independent work and appropriate social behaviors.	Teach student cause/ effect (decision making) strategies to help him learn to take ownership of choices.
Allow access to sensory breaks and tools when requested appropriately.	Teach student appropriate ways to request assistance.
Prime student prior to all transitions of expectations, plans, and materials needed.	
When redirecting student, provide the expected/replacement behaviors instead of negative behavior being displayed.	



## Preschool Matriculation Assessment Determination Form

(To be completed prior to transitioning an individual with exceptional needs from preschool to TK, kindergarten, or first grade.)

*E.C. § 56445(a). Prior to transitioning an individual with exceptional needs from a preschool program to kindergarten, or first grade, an appropriate reassessment of the individual shall be conducted to determine if the individual is still in need of special education and services.*

### STUDENT INFORMATION

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Grade: \_\_\_\_\_  
 Current School Site: \_\_\_\_\_ LEA of Attendance: \_\_\_\_\_ LEA of Residence: \_\_\_\_\_  
 Parent/Guardian/Surrogate contacted on: (Date) \_\_\_\_\_  
**Method of Contact:**    Phone Conference    IEP Meeting    Other Meeting    Written Conference

**As part of determining the need for reassessment the LEA has completed all of the following steps:**

1. Existing assessment data has been reviewed, including assessments provided by the parents
2. Current classroom-based assessments have been reviewed
3. Teacher and related service provider(s) observations have been reviewed
4. Parent/Guardian input has been reviewed and considered
5. The IEP Team has considered the child's English language proficiency and linguistic needs.

**Based upon a review of the information referenced above, the LEA, in collaboration with parent, has determined that**    Yes    No  
**additional assessment is needed.**

**If "YES," it is recommended that assessment be completed in the following areas (D/M 66 must be completed): (Check all that apply)**

- |  |   |
|--|---|
| <input type="checkbox"/> Academic/Pre-Academic Achievement<br><input type="checkbox"/> Observation/Interviews<br><input type="checkbox"/> Self-Help/Adaptive<br><input type="checkbox"/> Perceptual/Motor Development<br><input type="checkbox"/> Social/Emotional/Behavioral Development<br><input type="checkbox"/> Vision and Hearing: (Check all that apply below)<br><input type="checkbox"/> Vision and Hearing assessment (screening) dated _____ to be used for this evaluation period (within one year)<br><input type="checkbox"/> Parent to provide privately-obtained Vision or Hearing assessment<br><input type="checkbox"/> Parent declined Vision and Hearing screening by the LEA | <input type="checkbox"/> Augmentative/Alternative Communication and/or Assistive Technology<br><input type="checkbox"/> Cognitive/Intellectual Development and Learning Ability<br><input type="checkbox"/> Health/Developmental/Medical<br><input type="checkbox"/> Speech/Language/Communication Development<br><input type="checkbox"/> Other: _____ |
|--|---|
- Alternate means of assessment: (If using alternative means of assessment, explain why and what will be utilized for the assessment.) \_\_\_\_\_

**Additional assessment data is needed to determine:**

1. Whether the student has a particular category of disability and/or continues to meet the eligibility criteria as a child with a disability
2. The present level of performance of the student and the student's educational needs
3. Whether the student continues to need special education and related services
4. Whether any additions or modifications to special education and related services are needed to enable the student to meet the annual goals included in the student's IEP and to participate, as appropriate, in the general curriculum

**If "NO," state reason(s) it was determined that further assessment data was not needed:**

**NOTE: PARENTS MAY REQUEST FULL ASSESSMENT TO DETERMINE ELIGIBILITY/INELIGIBILITY FOR SERVICES AT ANY TIME, OR MAY AGREE TO FOCUSED DATA COLLECTION IN SPECIFIC AREAS.**

- I have been advised of and given a copy of the Special Education Procedural Safeguards/Parent Rights  
 I agree and understand that assessment is needed in the areas marked above (Assessment Plan is required, form D/M 66)  
 I agree and understand that no new assessment is needed

Parent/Guardian/Surrogate	Date	Parent/Guardian/Surrogate	Date
LEA Representative	Date	Student	Date
Special Education Teacher	Date	General Education Teacher	Date
School Psychologist	Date	Speech-Language Pathologist	Date
Other/Title	Date	Other/Title	Date



**California Association of Health and Education Linked Professions  
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**Desert / Mountain Charter SELPA Executive Council  
2019-20 Meetings  
Desert Mountain Educational Service Center  
17800 Highway 18, Apple Valley, CA 92037  
11:30 a.m.**

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**October 23, 2019**

**January 22, 2020**

**Proposed - January 16, 2020 at 10:00 am-12:00 pm**

**April 8, 2020**

**Proposed – April 16, 2020 at 10:00 am-12:00 pm**

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**COUNCIL MEMBERS PRESENT:**

Allegiance STEAM Academy – Sebastian Cognetta, Desert Trails Preparatory Academy (DTPA) & La Verne Elementary Preparatory Academy (LEPA) – Debbie Tarver, Julia Lee Performing Arts Academy – Tanya Taylor, Taylion High Desert Academy – Benoni Pantoja.

**CAHELP STAFF PRESENT:**

Jamie Adkins, Heidi Chavez, Marina Gallegos, Jenae Holtz, Kathleen Peters, Daria Raines, Jennifer Sutton.

**1.0 CALL TO ORDER**

The regular meeting of the Desert/Mountain Charter SELPA Executive Council was called to order by Jenae Holtz, Chairperson, at 11:30 a.m., in the Desert Mountain Educational Service Center, Apple Valley. The meeting Minutes for October 24, 2018, and the meeting Agenda for March 20, 2019, were adopted as presented.

**2.0 COMMITTEE MEMBERS COMMENTS/REPORTS**

Tanya Taylor thanked Colette Garland and Peggy Dunn for their support and site visits during Julia Lee Performing Arts Academy's first year.

Sebastian Cognetta stated that Allegiance STEAM is also in their first year and thanked Colette Garland, Peggy Dunn, and Veronica Rousseau for their support and site visits.

**3.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS**

**3.1 Annual Budget Plan 2019-20**

Marina Gallegos reported the D/M SELPA will present the 2019-20 Annual Budget Plan (ABP) to the CAHELP Governance Council for approval in April. She stated the ABP is submitted annually to the CDE by the due date of June 30. Marina stated ABP meets the CDE requirement that D/M SELPA demonstrates special education services are budgeted for and used appropriately.

**3.2 Annual Service Plan 2019-20**

Marina Gallegos reported the D/M SELPA will also present the 2019-20 Annual Service Plan (ASP) to the CAHELP Governance Council for approval in April. Marina concluded the ASP, submitted annually to the CDE is due by June 30, 2019.

Jenae Holtz stated the Annual Service Plan is an annual report of services that our LEAs provide to students with disabilities on each of the campuses.

**3.3 Charter SELPA Budgets 2019-20**

Marina Gallegos presented the 2019-20 D/M Charter SELPA budgets. She stated the 2018-19 P-

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2 projections as of March 13, 2019. Schedule A Column C is the 12/1/18 Actual Pupil Count. Column D is the P-2 Average Daily Attendance (ADA), if provided to Marina by LEA, otherwise last year's P-2 ADA was used. Column F is AB 602 and Federal Local Assistance Apportionment equalized at \$645.33. Column G-L are off the top adjustments. Column J is the Risk Pool Adjustment and all new charters start at level 2 and will move to the lower rate of level 1 next year if criteria met. Column L is Purchased Services of regional services and SELPA related services used by the local charters. Column M is the adjusted apportionment. Columns N and O are revenue by funding source. Schedule B is the funding exhibit provided by the state reflecting the revenue to expect. It does include the 2.71% cost of living adjustment (COLA) in section A. There is a deficit factor of slightly more than 3%. Schedule C is purchased services for the appropriate charter schools.

Jenae Holtz agreed to email the Risk Pool criteria to the Charter LEAs.

Marina presented the 2019-20 D/M Charter SELPA budget proposal. There are no notable changes from the prior year. There is some deficit spending in the D/M Charter SELPA Set Aside budget related to legal costs.

Jenae stated that due process has increased greatly this year. The due process team has been working very hard as well as supporting the charters involved in the due process filings. The full-time equivalent (FTE) has been increased for the charter SELPA due process budget. The team is looking at a multi-year approach to teach LEA staff how to come together with parents before issues get to the level of filing. The hope is to reduce the number of filings. Jenae stated that there are forty-two filings as of March which is higher than any year-end total which is the reason for the deficit spending.

Marina stated the required budget reserves are still being held. She said there are more details included in the meeting materials for each budget by major object code. The FTEs are also included along with the description and summary.

Marina reported that AB602 was certified on February 20, 2019. She presented the 2018-19 P-1 certified. She continued that July through January; the state was making advanced apportionment payments based on an estimate but they will begin using the P-1 certification for payments going forward. Marina said no payments have been made to the new charters yet but now that P-1 has certified, the payments will start being processed in the next week. AB602 is reimbursed to LEAs monthly through the SBCSS process. Marina reminded the council members that federal dollars are reimbursement only and stated a reimbursement claim has not yet been submitted but that will be done soon. She presented the 2017-18 Annual Certification. Marina stated AB602 funding is certified six times. Taylion High Desert Academy reflects a big change because they were not certified at P2 last year due to needing state board approved funding determination. They were approved in November and that is when ADA was certified. Marina then presented the 2016-17 Annual R-2 Certification with nominal change. She said the adjustments are made on the monthly invoices. She said the Annual R-2 Certification will occur again in June.

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Marina shared the Entitlements for Parentally Placed Private School Children FY 2018-19. There are none in the Charter SELPA so there is no requirement for funds to be set aside.

Marina reported on the 2018-19 low incidence fund. She stated there was only one claim and reimbursement is in process. Marina stated the projected fund balance is \$9,726.03. She also stated any claims for reimbursement are to be submitted by August 30, 2019 for the current school year. Marina said the claims are generally for audiology equipment, visual impairment, canes or other items for children with low incidence disabilities as a primary or secondary.

Marina presented the projected 2018-19 Federal Grant Awards Report. She stated the award letters have not been received yet but the amounts are correct. LEAs are required to complete an expenditures claim based on actual expenses. Marina stated the sooner the funds are expended, the quicker the reimbursements are issued. She continued that expending funds by March 31 would meet the April 30 deadline for submitting the claim. Supporting documentation does need to be submitted with the expenditures claim as the reimbursement is based on actual expenditures. Marina confirmed that direct services to students with disabilities is based on the LEA allocation plan. The allocation plan needs to include data such as the number of students, FTEs, services that are shared among students, staff that are 100% special education support. Marina will be sending out a form to be completed and returned to her with supporting documentation. Marina will submit the packet to SBCSS who will in turn submit it to CDE. She stated it is critical to segregate special education expenses. Marina asked to be contacted with any questions.

Marina presented the Subsequent Year Tracking Worksheet (SYTW). It is a CDE requirement for Maintenance of Effort (MOE) and CDE will be using 2011-12 as the test year. The four test categories are: State and Local Total Amount, State and Local Per Capita MOE Amount, Local Only Total Amount, Local Only Per Capita Amount. One of the four tests must be passed. The year the LEA spent the most is the baseline for that test. Marina said that is another reason why it is important for the allocation plan to be specific. She encouraged the council members to work with their business teams on the allocation plan and methodology. Marina is to be contacted with questions.

#### 3.4 CAHELP JPA Governance Council Representatives FY 2019-20

Jenae Holtz reported that the CAHELP Governance JPA Bylaws require an annual election of two Charter SELPA chief executive officers to represent the Charter SELPA on the CAHELP Governance Council. She stated currently the selection process is based on recommendations from the members.

Jenae explained that Governance Council meetings are held four times a year and last between thirty minutes to an hour and a half. She said the representatives will vote on property, policies and procedures, budgets, charter SELPA memberships and other items. The meetings are generally held in San Bernardino, but the April meeting may be held in the high desert.

Jenae continued that Debbie Tarver and Denise Griffin are the current representatives. She said it

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is important for both representatives to attend the Governance Council Meetings regularly and she is aware that Denise does have a conflict on Fridays that prevents her from attending the meetings.

A brief discussion followed among the present CEO members.

Jenae concluded based on the consensus of the members present, Debbie Tarver and Sebastian Cогnetta will be the Charter SELPA representatives for the CAHELP Governance Council for the FY 2019-20.

### 3.5 Legislative Update

Jenae Holtz shared that there is serious concern regarding charter school legislation. Governor Newsom and Tony Thurmond both are taking a conservative stance on charter schools. Jenae brought attention to the following bills that will have a large impact on charter schools:

- Assembly Bill (AB) 1505 is regarding the petitions and changing process so the decision is made by the school districts. There are many districts that oppose charter schools. AB 1505 will go to hearing for a vote on April 10, 2019.
- AB 1506 pertains to limiting the number of charter schools and only allowing a new charter school if an existing one closes.
- AB 1507 is regarding the removal of the exemption to be located outside of the authorizing district's boundaries.

Debbie Tarver stated that this could be problematic for independent schools that are in the field serving migrant children. She said the charter schools are asking for a provision to be added for those cases.

- AB 1508 pertains to authorizing districts being able to deny applications based on financial, academic, or facilities impact.

Jenae provided status updates on the following special education bills:

- AB 428 Special Education Finance Reform: Jenae reported that this bill is supported by State SELPA. This bill would equalize special education funding rates so that charters throughout the state are receiving the same dollar amounts. The D/M Charter SELPA is at the average for the state but the D/M SELPA is in the bottom 5% of the state. This bill would also establish a funding mechanism to support special education preschool programs.
- State Bill (SB) 217 – Special Education, Early Education Programs: Jenae stated that this bill would expand transitional kindergarten to students with exceptional needs, allocating \$4000 per child. The bill would require SELPAs to be responsible to maintain and provide

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certain data to the CDE.

- AB 236 – Family Empowerment Centers: Jenae said this bill is supported by State SELPA. The bill would increase dollars for family empowerment centers. If this bill is passed, D/M SELPA would try to obtain funds through a Request for Application (RFA). This funding is for all children, not just for children in special education.
- AB 605 – Special Education, Assistive Technology (AT) Devices: Jenae said this bill would require an LEA to provide access to AT devices on a continuous basis and up to six months post-graduation. She continued this bill is in the early stages but there are some concerns. Low incidence equipment is already underfunded and there are tracking issues.
- AB 895 – School-Based Early Mental Health Intervention and Prevention: Jenae reported this bill would provide early mental health intervention and prevention grants to preschool and TK students. It would also allow LEAs to partner with counties to provide direct linkage to services.
- AB 525 – Teacher Credentialing: Jenae said that this bill would make various changes to the teacher credentialing process to ease the teacher shortage. This bill is being watched by State SELPA.
- AB 216 – Special Education, Behavioral Interventions: This is a spot bill on Seclusion & Restraint that will be watched by State SELPA.
- Senator Beall proposal for adding Fetal Alcohol Syndrome Disorder (FASD) as a new disability category has died. Not all children with FASD require special education services.
- Assembly Member Cooper’s proposal on providing parents and advocates with draft assessments prior to IEPs has died.

Jenae then spoke regarding the DeVos delay in the formula for significant disproportionality. She said it was overturned and each state can use their own formula until 2020. California has decided to stay with the current formula so that it matches the federal formula and what will be put in place in 2020. Jenae continued that it is a rigid formula and will cause most LEAs to be disproportionate. Jenae reiterated if an LEA is disproportionate for three years, they will become significantly disproportionate which requires 15% of federal funds to be set aside for early intervention services for children, typically in the general education.

Jenae shared that D/M SELPA Program Manager Peggy Dunn is creating a compliance manual to assist LEAs in understanding compliance. The manual will be presented to the Steering Committees in August and to this committee at the next meeting.

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3.6 Applications for Membership FY 2019-20

Jenae Holtz reported the Charter SELPA received three applications for membership for the FY 2019-20. She presented the Charter Review Committee summaries for each applicant. Jenae stated the recommendations were based on a review of the applications, interviews, and site visits (as applicable).

3.6.1 Garvey/Allen Visual and Performing Arts Academy

Jenae reported that Garvey/Allen Visual and Performing Arts Academy is a brand-new charter school located in Moreno Valley. They were denied authorization by Moreno Valley USD and will be appealing to the Riverside County School Board soon.

Jenae reported Garvey/Allen Visual and Performing Arts Academy does not have students, staff, or facilities currently. She confirmed that Garvey/Allen Visual and Performing Arts Academy has also applied for membership with El Dorado SELPA.

Jenae stated based on capacity, the review committee recommends not moving forward with membership for Garvey/Allen Visual and Performing Arts Academy this year as a brand-new charter school but encourage them to reapply next year.

A brief discussion followed among the present CEO members.

Sebastian Cognetta, Debbie Tarver, and Tanya Taylor agreed to not move forward with membership to Garvey/Allen Visual and Performing Arts Academy. Benoni Pantoja abstained from voting.

3.6.2 Leonardo da Vinci Health Sciences Charter School

Jenae reported that Leonardo da Vinci Health Sciences Charter School is an established charter school located in Chula Vista which is local to other D/M SELPA LEAs. Leonardo da Vinci Health Sciences Charter School has been established for approximately ten years.

Daria Raines and Heidi Chavez visited the campus in person and Debbie Tarver participated by telephone. The director has been in the position for three years and has a strong relationship with authorizer. The school has also been reauthorized through 2024.

A brief discussion followed among the present CEO members.

Sebastian Cognetta, Benoni Pantoja, Debbie Tarver, and Tanya Taylor agreed to move forward with membership for Leonardo da Vinci Health Sciences Charter School.

3.6.3 Sycamore Creek Community Charter School

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Jenae reported Sycamore Creek Community Charter School is in Orange County and was authorized by the county after being denied by the school district. The school has a different philosophy about how the school will be ran and plans to follow the Waldorf model.

Sycamore Creek Community Charter School does not have students, staff, or facilities right now. They will ask for authorization from the county and can apply at other SELPAs for services. Jenae confirmed that Sycamore Community Charter School has also applied for membership with El Dorado SELPA.

Jenae stated based on capacity, the review committee recommends not moving forward with membership for Sycamore Creek Community Charter School this year as a brand-new charter school but to encourage them to reapply next year.

A brief discussion followed among the present CEO members.

Sebastian Cогnetta, Debbie Tarver, and Tanya Taylor agreed to not move forward with membership to Garvey/Allen Visual and Performing Arts Academy. Benoni Pantoja abstained from voting.

Jenae said the Governance Council has set a standard that a charter school is to be authorized before being offered membership to the D/M Charter SELPA. She stated next year, D/M Charter SELPA Executive Council members will be invited to join in on the application process, interviews, site visits.

### 3.7 Nonpublic School Reimbursements

Jenae Holtz reported that last year Aveson Global Leadership Academy asked for reimbursement for a student that was place in a nonpublic school (NPS). She said the committee agreed to take the request to the Governance Council for approval in an amount not to \$70,000 covering two years of invoices. Jenae shared the request of Kate Bean, Aveson Global Leadership Academy CEO for reimbursement again this year for the same student at the projected total cost for the school year of \$43,090. Jenae said the funds would come from the set aside account if it is approved. She confirmed the current balance in the set aside account is \$432,000 with the reserve of 5%. Jenae said the committee can decide if they want to approve the full amount requested, a partial amount, or none. That recommendation will be presented to Governance Council for final approval.

A brief discussion followed among the present CEO members.

Jenae confirmed that charter LEAs are responsible for their NPA placements, not the Charter SELPA. She also stated the set aside fund is a collective pool to support the all of the charters.

Tanya Taylor made a motion, seconded by Debbie Tarver to deny the request for reimbursement.



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All committee members in attendance agreed. Jenae said she will call Kate to let her know the committee denied the request.

3.8 2019/20 Schedule of Meetings

Jenae presented the 2019/20 Schedule of Meetings for the following:

3.8.1 CAHELP JPA Finance Committee Meetings

3.8.2 D/M Charter SELPA Executive Council

3.8.3 D/M Charter SELPA Steering Committee

3.8.4 CAHELP JPA Governance Council

3.9 Resolution Support Services (RSS) Summary

Kathleen Peters provided a summary of D/M Charter SELPA open due process cases.

Jenae Holtz said it is about genuine relationships with parents. She said parents want to know their children are receiving the services they need. Jenae reminded the committee that parents of children with disabilities are dealing with their own grief and the ownership of their child's disabilities.

3.10 Professional Learning Updates

Jenae Holtz presented the Performance Indicator Review workshops that will be held on April 12 and May 2. Jenae said it is most productive for a team to attend: general education staff, special education staff, and an administrator. They will write the plans while looking at root cause and data. CDE has given an extension but D/M Charter SELPA has a May 30 deadline allowing SELPA time to review the plans before being submitted. Jenae asked for the program specialists to be notified if a director is not able to attend the workshop so they can provide on-site support. Jenae concluded that each LEA must have someone available in June or July for corrections as needed.

Jenae also presented that the Transition Resource Fair will be held on April 23, 2019, 5:30 p.m.-7:30 p.m. at DMESC. It is a great opportunity for students and their families to receive resources and hear a great speaker.

**4.0 INFORMATION ITEMS**

None.

**5.0 OTHER**

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None.

**6.0 ADJOURNMENT**

Having no further business to discuss, the meeting was adjourned at 1:22 p.m.

**NEXT MEETING: OCTOBER 23, 2019 IN THE DESERT MOUNTAIN EDUCATIONAL SERVICE CENTER, APPLE VALLEY**

*Individuals requiring special accommodations for disabilities are requested to contact Jamie Adkins at (760) 955-3555, at least seven days prior to the date of this meeting.*

6.1 Introduction of New Members  
Verbal report, no materials

# CLIENT NEWS BRIEF

## School Districts May Develop A Policy Permitting Parents To Administer Medical Marijuana To Students On Campus

On October 9, 2019, Governor Gavin Newsom signed Senate Bill (SB) 223, which allows local educational agencies to adopt a policy regarding administration of medicinal cannabis to students on campus. The new law, referred to as "Jojo's Act," becomes effective on January 1, 2020, and was named after a San Francisco teenager who takes medicinal cannabis to control serious seizures. Jojo's Act adds section 49414.1 to the California Education Code and authorizes, but *does not require*, school districts, county offices of education, and charter schools to adopt a policy to permit a parent or guardian to possess and administer medicinal cannabis at a school site to a student who is a "qualified medical cannabis patient" under California law.

### Requirements Under Jojo's Act

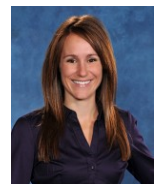
Under Jojo's Act, a school district, county office of education, or charter school may *elect* to adopt a policy allowing for the administration of medicinal cannabis to a student at school by a parent or guardian. If such a voluntary policy is adopted, Jojo's Act requires that the policy include the following:

1. Before administering the medicinal cannabis, the parent or guardian must provide to an employee of the school a valid written medical recommendation for medicinal cannabis for the pupil to be kept on file at the school;
2. The parent or guardian must sign in at the school site before administering the medicinal cannabis;
3. The parent or guardian shall not administer the medicinal cannabis in a manner that disrupts the educational environment or exposes other pupils; and
4. After the parent or guardian administers the medicinal cannabis, the parent or guardian must remove any remaining medicinal cannabis from the school site.

School districts, county offices of education, and charter schools should also consider including and/or addressing the following if a policy is adopted:

1. "Medicinal cannabis" in a smokeable or vapeable form is prohibited under Jojo's Act;
2. Under Jojo's Act, local educational agencies may rescind the policy at a regularly-scheduled board meeting, or at a special board meeting under certain conditions, for any reason, including if the agency is at risk of losing federal funding due to the policy;
3. Jojo's Act does not allow or require school employees, in any way, to administer cannabis to students;
4. Jojo's Act provides that any records collected related to the administration of medicinal cannabis to a student must be treated as a *medical record* subject to all provisions of state and federal law that govern the confidentiality and disclosure of *medical records*; and
5. Jojo's Act does not limit the tetrahydrocannabinol (THC) content of medicinal marijuana permitted to be administered at school. Unlike cannabidiol or CBD, which does not create a "high," THC is the

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Aimee M. Perry  
Partner and Co-Chair  
Students Practice Group  
Sacramento Office  
[aperry@lozanosmith.com](mailto:aperry@lozanosmith.com)



Alyssa R. Bivins  
Associate  
Sacramento Office  
[abivins@lozanosmith.com](mailto:abivins@lozanosmith.com)



*As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.*

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cannabinoid that creates the psychoactive effects of cannabis, which can make a person experience a “high.” Some students who take cannabis for medical purposes require medicinal cannabis with THC content. State law does create limits on the content of THC in cannabis product.

## Remaining Questions

Jojo’s Act leaves several questions unanswered, including those related to record keeping, discipline, and administration:

1. As noted above, Jojo’s Act deems records related to medicinal marijuana administration on school campuses “medical records” rather than student education records. This appears to be the Legislature’s attempt to apply the Health Insurance Portability and Accountability Act (HIPAA) to these particular records, rather than applying the Family Educational Rights and Privacy Act (FERPA). However, HIPAA contains a provision stating that medical records maintained by school districts become education records, which are governed by FERPA rather than HIPAA. Thus, the provision of Jojo’s Act applying HIPAA to these medicinal marijuana records, seemingly conflicts with federal law. It remains to be seen how this will impact school districts.
2. Notably absent from the Act is any reference to discipline. The Education Code provides that students *may* be suspended and/or recommended for expulsion when they unlawfully possess, use, or are under the influence of marijuana. (Ed. Code, §§ 48900(c); 48915(a).) Jojo’s Act does not address how to reconcile the authorized administration with the prohibition against possession, use, or being under the influence on campus. This conflict requires careful consideration in any policy.
3. Jojo’s Act does not provide an alternative for students whose parents or guardians cannot come onto campus during the school day to administer medication.

## Other Limited Circumstances Authorizing Use of Medicinal Cannabis on Campus

Even without a policy under Jojo’s Act, educational agencies may be required to allow medicinal cannabis use on campus under other limited circumstances. Such circumstances include FDA-approved cannabis-based medications and judicial orders requiring a school district to administer cannabis to a student at school. (See [2018 Client News Brief Number 56](#); [2018 Client News Brief Number 55](#).)

## Takeaways

The intersection of cannabis, education, disability, and equal access law is quickly developing and changing. We recommend you reach out to legal counsel who understands the nuances of this area of law, or to a Lozano Smith attorney with any questions regarding administration of medicinal cannabis on school campuses, including the possibility of developing a policy under Jojo’s Act.

If you have any questions regarding SB 223, or would like to discuss student rights or discipline matters related to cannabis use, please contact an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).



OCTOBER 2019

NO. 19-12

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## Assistive Technology: New Law Requires LEAs to Provide Students Greater Access

Effective January 1, 2020, Senate Bill (“SB”) 605 requires local educational agencies (“LEAs”) to increase the access of students with exceptional needs to assistive technology (“AT”) by (1) continuing to provide AT devices for a period of time after the student disenrolls from the LEA, and (2) providing AT devices for use outside of school when the student’s individualized education program (“IEP”) team determines that this is a necessary component of the student’s free, appropriate public education (“FAPE”).

The Individuals with Disabilities Education Act (“IDEA”) defines an AT device as any item, piece of equipment, or product system that is used to increase, maintain, or improve functional capabilities of students with exceptional needs. AT devices include technology such as Chromebooks, iPads, and communication devices.

Under existing state and federal law, generally, only the LEA in which a student resides is responsible for providing the student with a FAPE, which may include AT. In addition, although existing federal law expressly authorizes IEP teams to determine that a student requires AT devices outside of school (i.e., in home and other settings), state law contains no such authorization. This has led to some confusion among IEP teams as to the appropriateness of providing AT devices for out-of-school use.

SB 605, codified at Education Code section 56040.3, requires an LEA from which a student has disenrolled to ensure that the student has continued access to the AT devices set forth in the student’s IEP until alternative arrangements can be made, or for two months after disenrollment, whichever occurs first. It also brings state law in conformity with existing federal law, expressly requiring LEAs to provide AT devices for use in the student’s home or other settings when determined necessary by the IEP team.

Consequently, IEP teams may soon see an increase in requests for AT devices to be used outside of the school setting. In addition, LEAs should consider revising their policies and AT use agreements to account for a student’s continued access to AT devices after disenrollment. The following provisions may be appropriate:

- AT devices may be used at home and in other settings, if determined by the IEP team.
- Only the student whose IEP provides for the AT device, and not other family members, may use it.
- Upon disenrollment, a student may continue to access the AT device, or a comparable device when the student enrolls in another LEA.
- For a student who disenrolls and takes the AT device to another LEA, the device must be returned to the original LEA by a date certain.

- Parents are responsible for the cost of any damage to the AT device in the home, in other settings, and if the student enrolls in another LEA.

Note that, because SB 605 imposes new duties on LEAs, LEAs can seek reimbursement from the state for the costs incurred in implementing the law.

If you have any questions about whether and for how long a student must be provided with an AT device, the process for seeking reimbursement from the state, or any other related questions, please contact one of our six offices.

**F3 NewsFlash® Written by:**

*Tiffany Santos, partner and Kathleen McDonald, associate*

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ENROLLED SEPTEMBER 13, 2019

PASSED IN SENATE SEPTEMBER 09, 2019

PASSED IN ASSEMBLY SEPTEMBER 10, 2019

AMENDED IN SENATE SEPTEMBER 05, 2019

AMENDED IN SENATE AUGUST 30, 2019

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CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

**ASSEMBLY BILL****NO. 1505**

**Introduced by Assembly Members O'Donnell, Bonta, McCarty, and Smith  
(Principal coauthor: Assembly Member Kalra)  
(Coauthor: Senator Skinner)**

**February 22, 2019**

An act to amend Sections 47604.5, 47605, 47605.6, 47607, 47607.3, 47607.5, and 47632 of, to add Sections 47605.9 and 47607.8 to, to add and repeal Sections 47605.4, 47607.2, and 47612.7 of, and to repeal Section 47605.8 of, the Education Code, relating to charter schools.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1505, O'Donnell. Charter schools: petitions and renewals.

(1) The Charter Schools Act of 1992 authorizes the establishment and operation of charter schools. Existing law generally requires a petition to establish a charter school to be submitted to the governing board of a school district, and, under specified circumstances, authorizes a petition to be submitted to and approved by a county board of education or the State Board of Education. Existing law authorizes a county board of education to approve a petition for the operation of a charter school that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by a county office of education. Existing law also authorizes a petition for the operation of a state charter school to be



submitted directly to the state board, and authorizes the state board to approve a charter for the operation of a state charter school that may operate at multiple sites throughout the state.

Existing law prohibits the governing board of a school district from denying a petition to establish a charter school unless it makes written factual findings in support of one or more specific findings.

Existing law authorizes a charter school to appeal a school district's decision to deny a petition for a charter to the county board of education and, if the county board of education upholds the decision, to appeal the county board of education's decision to the state board. Existing law authorizes a charter to be granted by a chartering authority under designated provisions for a period not to exceed 5 years. Existing law requires that charter renewals are for periods of 5 years.

This bill would revise and recast numerous provisions relating to the submission of petitions to establish charter schools, the appeal to county boards of education and to the state board of decisions of the governing boards of school districts to deny approval or renewal of charter schools, and the revocation of charters by chartering authorities. The bill would specify criteria and procedures for the consideration and determination of these issues.

The bill would require that a petition to establish a charter school be submitted only to the governing board of the school district or county office of education within the boundaries of which the charter school proposes to locate.

The bill would authorize a chartering authority to deny renewal of a charter school upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors, or is not serving all pupils who wish to attend, as specified.

The bill would prohibit, from January 1, 2020, to January 1, 2022, inclusive, the approval of a petition for the establishment of a new charter school offering nonclassroom-based instruction and funded as specified.

(2) Existing law requires teachers in charter schools to hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to what a teacher in other public schools would be required to hold.

This bill would instead require teachers in charter schools to hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment, except that a person employed as a teacher in a charter school during the 2019–20 school year would have until July 1, 2025, to obtain that certificate, permit, or other document. The bill would require all teachers in charter schools to satisfy specified requirements for professional fitness by July 1, 2020. The bill would require the commission, by June 30, 2022, to conduct a comprehensive study to examine whether existing certificates, permits, or other documents adequately address the needs for noncore, noncollege preparatory courses in all schools and, if necessary, to make recommendations to appropriate policy committees of the Legislature.

The bill would require the State Department of Education, in consultation with the State Board of Education, to collect data to track the implementation of the changes in law enacted by the bill.

(3) This bill would prohibit certain provisions of the Education Code from being waived by the State Board of Education. The bill, except for the provisions (A) relating to prohibition of the approval of a petition for the establishment of certain new charter schools between January 1, 2020, and January 1, 2022, as described above, and (B) relating to the reimbursement of state-mandated costs, would become operative on July 1, 2020. The bill would also make conforming and nonsubstantive changes.

To the extent the bill would impose additional requirements on local educational agencies and charter schools, the bill would impose a state-mandated local program.

(4) This bill would incorporate additional changes to Section 47605 of the Education Code proposed by AB 1507 and AB 1595, to be operative only if this bill and AB 1507 or AB 1595, or both, are enacted and this bill is enacted last.

(5) This bill would incorporate additional changes to Section 47605.6 of the Education Code proposed by AB 1595, to be operative only if this bill and AB 1595 are enacted and this bill is enacted last.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 47604.5 of the Education Code is amended to read:

**47604.5.** The state board may, based upon the recommendation of the Superintendent, take appropriate action, including, but not limited to, revocation of the charter school's charter, when the state board finds any of the following:

- (a) Gross financial mismanagement that jeopardizes the financial stability of the charter school.
- (b) Illegal or substantially improper use of charter school funds for the personal benefit of any officer, director, or fiduciary of the charter school.
- (c) Substantial and sustained departure from measurably successful practices such that continued departure would jeopardize the educational development of the charter school's pupils.
- (d) Failure to improve pupil outcomes across multiple state and school priorities identified in the charter pursuant to subparagraph (A) of paragraph (5) of subdivision (c) of Section 47605 or subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605.6.
- (e) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

**SEC. 2.** Section 47605 of the Education Code is amended to read:

**47605.** (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the charter school for its first year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (c) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

(3) A petition shall include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having their child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(4) After receiving approval of its petition, a charter school that proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter and shall notify the chartering authority of those additional locations or grade levels. The chartering authority shall consider whether to approve those additional locations or grade levels at an open, public meeting. If the additional locations or grade levels are approved pursuant to the standards and criteria described in subdivision (c), there shall be a material revision to the charter school's charter.

(5) A charter school that is unable to locate within the jurisdiction of the chartering school district may establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, and either of the following circumstances exists:

(A) The school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate.

(B) The site is needed for temporary use during a construction or expansion project.

(6) Commencing January 1, 2003, a petition to establish a charter school shall not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 90 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the governing board of the school district for purposes of commencing the timelines described in this subdivision on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. The governing board of the school district shall publish all staff recommendations, including the recommended findings and, if applicable, the certification from the county superintendent of schools prepared pursuant to paragraph (8) of subdivision (c), regarding the petition at least 15 days before the public hearing at which the governing board of the school district will either grant or deny the charter. At the public hearing at which the governing board of the school district will either grant or deny the charter, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings.

(c) In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The governing board of the school district shall consider the academic needs of the pupils the school proposes to serve. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A to G" admissions criteria may be considered to meet college entrance requirements.

(B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(D) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(E) The qualifications to be met by individuals to be employed by the charter school.

(F) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:

(i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.

(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 32282 and procedures for conducting tactical responses to criminal incidents.

(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.

(G) The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school.

(H) Admission policies and procedures, consistent with subdivision (e).

(I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth,

the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

(K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

(N) The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter.

(O) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:

(A) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.

(B) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.

(8) The school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Section 1240 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 1240, has a negative interim certification pursuant to Section 1240, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

(d) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school's educational programs.

(e) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of the pupil's parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the charter school.

(B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity,

attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(4) (A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2).

(B) A charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.

(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (c).

(D) The department shall develop a notice of the requirements of this paragraph. This notice shall be posted on a charter school's internet website. A charter school shall provide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times:

(i) When a parent, guardian, or pupil inquires about enrollment.

(ii) Before conducting an enrollment lottery.

(iii) Before disenrollment of a pupil.

(E) (i) A person who suspects that a charter school has violated this paragraph may file a complaint with the chartering authority.

(ii) The department shall develop a template to be used for filing complaints pursuant to clause (i).

(5) Notwithstanding any other law, a charter school in operation as of July 1, 2019, that operates in partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.

(f) The governing board of a school district shall not require an employee of the school district to be employed in

a charter school.

(g) The governing board of a school district shall not require a pupil enrolled in the school district to attend a charter school.

(h) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school and upon the school district. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate. The petitioner or petitioners also shall be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. If the school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.

(i) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(j) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

(k) (1) (A) (i) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The petitioner shall submit the petition to the county board of education within 30 days of a denial by the governing board of the school district. At the same time the petition is submitted to the county board of education, the petitioner shall also provide a copy of the petition to the school district. The county board of education shall review the petition pursuant to subdivisions (b) and (c). If the petition submitted on appeal contains new or different material terms, the county board of education shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the county board of education.

(ii) The county board of education shall review the appeal petition pursuant to subdivision (c). If the denial of the petition was made pursuant to paragraph (8) of subdivision (c), the county board of education shall also review the school district's findings pursuant to paragraph (8) of subdivision (c).

(iii) As used in this subdivision, "material terms" of the petition means the signatures, affirmations, disclosures, documents, and descriptions described in subdivisions (a), (b), (c), and (h), but shall not include minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law, or to reflect the county board of education as the chartering authority.

(B) If the governing board of a school district denies a petition and the county lacks an independent county board of education, the petitioner may elect to submit the petition for the establishment of a charter school to the state board. The state board shall review the petition pursuant to this paragraph. If the denial of a charter petition is reversed by the state board, the state board shall designate the governing board of the school district in which the charter school is located as the chartering authority.

(2) If the county board of education denies a petition, the petitioner may appeal that denial to the state board.

(A) The petitioner shall submit the petition to the state board within 30 days of a denial by the county board of education. The petitioner shall include the findings and documentary record from the governing board of the school district and the county board of education and a written submission detailing, with specific citations to the documentary record, how the governing board of the school district or the county board of education, or both, abused their discretion. The governing board of the school district and county board of education shall prepare the documentary record, including transcripts of the public hearing at which the governing board of the school district and county board of education denied the charter, at the request of the petitioner. The documentary record shall be prepared by the governing board of the school district and county board of education no later than 10 business days after the request of the petitioner is made. At the same time the petition and supporting

documentation is submitted to the state board, the petitioner shall also provide a copy of the petition and supporting documentation to the school district and the county board of education.

(B) If the appeal contains new or different material terms, as defined in clause (iii) of subparagraph (A) of paragraph (1), the state board shall immediately remand the petition to the governing board of the school district to which the petition was submitted for reconsideration. The governing board of the school district shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition to the state board.

(C) Within 30 days of receipt of the appeal submitted to the state board, the governing board of the school district or county board of education may submit a written opposition to the state board detailing, with specific citations to the documentary record, how the governing board of the school district or the county board of education did not abuse its discretion in denying the petition. The governing board of the school district or the county board of education may submit supporting documentation or evidence from the documentary record that was considered by the governing board of the school district or the county board of education.

(D) The state board's Advisory Commission on Charter Schools shall hold a public hearing to review the appeal and documentary record. Based on its review, the Advisory Commission on Charter Schools shall submit a recommendation to the state board whether there is sufficient evidence to hear the appeal or to summarily deny review of the appeal based on the documentary record. If the Advisory Commission on Charter Schools does not submit a recommendation to the state board, the state board shall consider the appeal, and shall either hear the appeal or summarily deny review of the appeal based on the documentary record at a regular public meeting of the state board.

(E) The state board shall either hear the appeal or summarily deny review of the appeal based on the documentary record. If the state board hears the appeal, the state board may affirm the determination of the governing board of the school district or the county board of education, or both of those determinations, or may reverse only upon a determination that there was an abuse of discretion. If the denial of a charter petition is reversed by the state board, the state board shall designate, in consultation with the petitioner, either the governing board of the school district or the county board of education in which the charter school is located as the chartering authority.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) A charter school that receives approval of its petition from a county board of education or from the state board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the chartering authority to which it originally submitted its petition. A charter petition that is submitted to either a county board of education or to the state board shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate.

(5) Upon the approval of the petition by the county board of education, the petition or petitioners shall provide written notice of that approval, including a copy of the petition, to the governing board of the school district in which the charter school is located, the department, and the state board.

(6) If either the county board of education or the state board fails to act on a petition within 180 days of receipt, the decision of the governing board of the school district to deny the petition shall be subject to judicial review.

(l) (1) Teachers in charter schools shall hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. A governing body of a direct-funded charter school may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in accordance with all of the requirements of the applicable statutes or regulations in the same manner as a governing board of a school district. A charter school shall have authority to request an emergency permit or a waiver from the Commission on Teacher Credentialing for individuals in the same manner as a school district.

(2) By July 1, 2020, all teachers in charter schools shall obtain a certificate of clearance and satisfy the requirements for professional fitness pursuant to Sections 44339, 44340, and 44341.

(3) The Commission on Teacher Credentialing shall include in the bulletins it issues pursuant to subdivision (k) of Section 44237 to provide notification to local educational agencies of any adverse actions taken against the



holders of any commission documents, notice of any adverse actions taken against teachers employed by charter schools and shall make this bulletin available to all chartering authorities and charter schools in the same manner in which it is made available to local educational agencies.

(m) A charter school shall transmit a copy of its annual, independent financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (c), to its chartering authority, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering authority, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering authority pursuant to Section 41020.

(n) A charter school may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

**SEC. 2.1.** Section 47605 of the Education Code is amended to read:

**47605.** (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the charter school for its first year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (c) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

(3) A petition shall include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having their child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(4) After receiving approval of its petition, a charter school that proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter and shall notify the chartering authority of those additional locations or grade levels. The chartering authority shall consider whether to approve those additional locations or grade levels at an open, public meeting. If the additional locations or grade levels are approved pursuant to the standards and criteria described in subdivision (c), there shall be a material revision to the charter school's charter.

(5) (A) A charter school that established one site outside the boundaries of the school district, but within the county in which that school district is located before January 1, 2020, may continue to operate that site until the charter school submits a request for the renewal of its charter petition. To continue operating the site, the charter school shall do either of the following:

(i) First, before submitting the request for the renewal of the charter petition, obtain approval in writing from the school district where the site is operating.

(ii) Submit a request for the renewal of the charter petition pursuant to Section 47607 to the school district in which the charter school is located.

(B) If a Presidential declaration of a major disaster or emergency is issued in accordance with the federal Robert

T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.) for an area in which a charter school site is located and operating, the charter school, for not more than five years, may relocate that site outside the area subject to the Presidential declaration if the charter school first obtains the written approval of the school district where the site is being relocated to.

(C) Notwithstanding subparagraph (A), if a charter school was relocated from December 31, 2016, to December 31, 2019, inclusive, due to a Presidential declaration of a major disaster or emergency in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.), that charter school shall be allowed to return to its original campus location in perpetuity.

(D) A charter school located on a federally recognized California Indian reservation or rancheria or operated by a federally recognized California Indian tribe shall be exempt from the provisions of this paragraph.

(E) The department shall regard as a continuing charter school for all purposes a charter school that was granted approval of its petition, that was providing educational services to pupils prior to October 1, 2019, and is authorized by a different chartering authority due to changes to this paragraph that took effect January 1, 2020.

(6) Commencing January 1, 2003, a petition to establish a charter school shall not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 90 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the governing board of the school district for purposes of commencing the timelines described in this subdivision on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. The governing board of the school district shall publish all staff recommendations, including the recommended findings and, if applicable, the certification from the county superintendent of schools prepared pursuant to paragraph (8) of subdivision (c), regarding the petition at least 15 days before the public hearing at which the governing board of the school district will either grant or deny the charter. At the public hearing at which the governing board of the school district will either grant or deny the charter, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings.

(c) In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The governing board of the school district shall consider the academic needs of the pupils the school proposes to serve. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to

Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A to G" admissions criteria may be considered to meet college entrance requirements.

(B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(D) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(E) The qualifications to be met by individuals to be employed by the charter school.

(F) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:

(i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.

(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 32282 and procedures for conducting tactical responses to criminal incidents.

(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.

(G) The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school.

(H) Admission policies and procedures, consistent with subdivision (e).

(I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

(K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

(N) The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter.

(O) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:

(A) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.

(B) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.

(8) The school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Section 1240 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 1240, has a negative interim certification pursuant to Section 1240, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

(d) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school's educational programs.

(e) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of that pupil's parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the charter school.

(B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(4) (A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2).

(B) A charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.

(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (c).

(D) The department shall develop a notice of the requirements of this paragraph. This notice shall be posted on a charter school's internet website. A charter school shall provide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times:

(i) When a parent, guardian, or pupil inquires about enrollment.

(ii) Before conducting an enrollment lottery.

(iii) Before disenrollment of a pupil.

(E) (i) A person who suspects that a charter school has violated this paragraph may file a complaint with the chartering authority.

(ii) The department shall develop a template to be used for filing complaints pursuant to clause (i).

(5) Notwithstanding any other law, a charter school in operation as of July 1, 2019, that operates in partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.

(f) The governing board of a school district shall not require an employee of the school district to be employed in a charter school.

(g) The governing board of a school district shall not require a pupil enrolled in the school district to attend a charter school.

(h) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school and upon the school district. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate. The petitioner or petitioners also shall be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. If the school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.

(i) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(j) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

(k) (1) (A) (i) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The petitioner shall submit the petition to the county board of education within 30 days of a denial by the governing board of the school district. At the same time the petition is submitted to the county board of education, the petitioner shall also provide a copy of the petition to the school district. The county board of education shall review the petition pursuant to subdivisions (b) and (c). If the petition submitted on appeal contains new or different material terms, the county board of education shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the county board of education.

(ii) The county board of education shall review the appeal petition pursuant to subdivision (c). If the denial of the petition was made pursuant to paragraph (8) of subdivision (c), the county board of education shall also review the school district's findings pursuant to paragraph (8) of subdivision (c).

(iii) As used in this subdivision, "material terms" of the petition means the signatures, affirmations, disclosures, documents, and descriptions described in subdivisions (a), (b), (c), and (h), but shall not include minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law, or to reflect the county board of education as the chartering authority.

(B) If the governing board of a school district denies a petition and the county lacks an independent county board of education, the petitioner may elect to submit the petition for the establishment of a charter school to the state board. The state board shall review the petition pursuant to this paragraph. If the denial of a charter petition is reversed by the state board, the state board shall designate the governing board of the school district in which the charter school is located as the chartering authority.

(2) If the county board of education denies a petition, the petitioner may appeal that denial to the state board.

(A) The petitioner shall submit the petition to the state board within 30 days of a denial by the county board of education. The petitioner shall include the findings and documentary record from the governing board of the school district and the county board of education and a written submission detailing, with specific citations to the documentary record, how the governing board of the school district or the county board of education, or both, abused their discretion. The governing board of the school district and county board of education shall prepare the documentary record, including transcripts of the public hearing at which the governing board of the school district and county board of education denied the charter, at the request of the petitioner. The documentary record shall be prepared by the governing board of the school district and county board of education no later than 10 business days after the request of the petitioner is made. At the same time the petition and supporting documentation is submitted to the state board, the petitioner shall also provide a copy of the petition and supporting documentation to the school district and the county board of education.

(B) If the appeal contains new or different material terms, as defined in clause (iii) of subparagraph (A) of paragraph (1), the state board shall immediately remand the petition to the governing board of the school district to which the petition was submitted for reconsideration. The governing board of the school district shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition to the state board.

(C) Within 30 days of receipt of the appeal submitted to the state board, the governing board of the school district or county board of education may submit a written opposition to the state board detailing, with specific citations to the documentary record, how the governing board of the school district or the county board of education did not abuse its discretion in denying the petition. The governing board of the school district or the county board of education may submit supporting documentation or evidence from the documentary record that was considered by the governing board of the school district or the county board of education.

(D) The state board's Advisory Commission on Charter Schools shall hold a public hearing to review the appeal and documentary record. Based on its review, the Advisory Commission on Charter Schools shall submit a recommendation to the state board whether there is sufficient evidence to hear the appeal or to summarily deny review of the appeal based on the documentary record. If the Advisory Commission on Charter Schools does not submit a recommendation to the state board, the state board shall consider the appeal, and shall either hear the appeal or summarily deny review of the appeal based on the documentary record at a regular public meeting of the state board.

(E) The state board shall either hear the appeal or summarily deny review of the appeal based on the documentary record. If the state board hears the appeal, the state board may affirm the determination of the governing board of the school district or the county board of education, or both of those determinations, or may reverse only upon a determination that there was an abuse of discretion. If the denial of a charter petition is reversed by the state board, the state board shall designate, in consultation with the petitioner, either the governing board of the school district or the county board of education in which the charter school is located as the chartering authority.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) A charter school that receives approval of its petition from a county board of education or from the state board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the chartering authority to which it originally submitted its petition. A charter petition that is submitted to either a county board of education or to the state board shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate.

(5) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the governing board of the school district in which the charter school is located, the department, and the state board.

(6) If either the county board of education or the state board fails to act on a petition within 180 days of receipt, the decision of the governing board of the school district to deny the petition shall be subject to judicial review.

(l) (1) Teachers in charter schools shall hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment. These documents shall be maintained on file at the

charter school and are subject to periodic inspection by the chartering authority. A governing body of a direct-funded charter school may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in accordance with all of the requirements of the applicable statutes or regulations in the same manner as a governing board of a school district. A charter school shall have authority to request an emergency permit or a waiver from the Commission on Teacher Credentialing for individuals in the same manner as a school district.

(2) By July 1, 2020, all teachers in charter schools shall obtain a certificate of clearance and satisfy the requirements for professional fitness pursuant to Sections 44339, 44340, and 44341.

(3) The Commission on Teacher Credentialing shall include in the bulletins it issues pursuant to subdivision (k) of Section 44237 to provide notification to local educational agencies of any adverse actions taken against the holders of any commission documents, notice of any adverse actions taken against teachers employed by charter schools and shall make this bulletin available to all chartering authorities and charter schools in the same manner in which it is made available to local educational agencies.

(m) A charter school shall transmit a copy of its annual, independent financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (c), to its chartering authority, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering authority, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering authority pursuant to Section 41020.

(n) A charter school may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

**SEC. 2.2.** Section 47605 of the Education Code is amended to read:

**47605.** (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the charter school for its first year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (c) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

(3) A petition shall include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having their child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(4) After receiving approval of its petition, a charter school that proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter and shall notify the chartering authority of those additional locations or grade levels. The chartering authority shall consider whether to approve those additional locations or grade levels at an open, public meeting. If the additional locations or grade levels are approved pursuant to the standards and criteria described in subdivision (c), there shall be a material revision to the charter school's charter.



(5) A charter school that is unable to locate within the jurisdiction of the chartering school district may establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, and either of the following circumstances exists:

(A) The school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate.

(B) The site is needed for temporary use during a construction or expansion project.

(6) Commencing January 1, 2003, a petition to establish a charter school shall not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 90 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the governing board of the school district for purposes of commencing the timelines described in this subdivision on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. The governing board of the school district shall publish all staff recommendations, including the recommended findings and, if applicable, the certification from the county superintendent of schools prepared pursuant to paragraph (8) of subdivision (c), regarding the petition at least 15 days before the public hearing at which the governing board of the school district will either grant or deny the charter. At the public hearing at which the governing board of the school district will either grant or deny the charter, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings.

(c) In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The governing board of the school district shall consider the academic needs of the pupils the school proposes to serve. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will

inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A to G" admissions criteria may be considered to meet college entrance requirements.

(B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(D) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(E) The qualifications to be met by individuals to be employed by the charter school.

(F) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:

(i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.

(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.

(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.

(G) The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school.

(H) Admission policies and procedures, consistent with subdivision (e).

(I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

(K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

(N) The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter.

(O) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:

(A) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.

(B) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.

(8) The school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Section 1240 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 1240, has a negative interim certification pursuant to Section 1240, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

(d) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school's educational programs.

(e) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of that pupil, or of the pupil's parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission

preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the charter school.

(B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(4) (A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2).

(B) A charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.

(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (c).

(D) The department shall develop a notice of the requirements of this paragraph. This notice shall be posted on a charter school's internet website. A charter school shall provide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times:

(i) When a parent, guardian, or pupil inquires about enrollment.

(ii) Before conducting an enrollment lottery.

(iii) Before disenrollment of a pupil.

(E) (i) A person who suspects that a charter school has violated this paragraph may file a complaint with the chartering authority.

(ii) The department shall develop a template to be used for filing complaints pursuant to clause (i).

(5) Notwithstanding any other law, a charter school in operation as of July 1, 2019, that operates in partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.

(f) The governing board of a school district shall not require an employee of the school district to be employed in a charter school.

(g) The governing board of a school district shall not require a pupil enrolled in the school district to attend a charter school.

(h) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school and upon the school district. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate. The petitioner or petitioners also shall be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. If the school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.

(i) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(j) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

(k) (1) (A) (i) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The petitioner shall submit the petition to the county board of education within 30 days of a denial by the governing board of the school district. At the same time the petition is submitted to the county board of education, the petitioner shall also provide a copy of the petition to the school district. The county board of education shall review the petition pursuant to subdivisions (b) and (c). If the petition submitted on appeal contains new or different material terms, the county board of education shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the county board of education.

(ii) The county board of education shall review the appeal petition pursuant to subdivision (c). If the denial of the petition was made pursuant to paragraph (8) of subdivision (c), the county board of education shall also review the school district's findings pursuant to paragraph (8) of subdivision (c).

(iii) As used in this subdivision, "material terms" of the petition means the signatures, affirmations, disclosures, documents, and descriptions described in subdivisions (a), (b), (c), and (h), but shall not include minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law, or to reflect the county board of education as the chartering authority.

(B) If the governing board of a school district denies a petition and the county lacks an independent county board of education, the petitioner may elect to submit the petition for the establishment of a charter school to the state board. The state board shall review the petition pursuant to this paragraph. If the denial of a charter petition is reversed by the state board, the state board shall designate the governing board of the school district in which the charter school is located as the chartering authority.

(2) If the county board of education denies a petition, the petitioner may appeal that denial to the state board.

(A) The petitioner shall submit the petition to the state board within 30 days of a denial by the county board of education. The petitioner shall include the findings and documentary record from the governing board of the school district and the county board of education and a written submission detailing, with specific citations to the documentary record, how the governing board of the school district or the county board of education, or both, abused their discretion. The governing board of the school district and county board of education shall prepare

the documentary record, including transcripts of the public hearing at which the governing board of the school district and county board of education denied the charter, at the request of the petitioner. The documentary record shall be prepared by the governing board of the school district and county board of education no later than 10 business days after the request of the petitioner is made. At the same time the petition and supporting documentation is submitted to the state board, the petitioner shall also provide a copy of the petition and supporting documentation to the school district and the county board of education.

(B) If the appeal contains new or different material terms, as defined in clause (iii) of subparagraph (A) of paragraph (1), the state board shall immediately remand the petition to the governing board of the school district to which the petition was submitted for reconsideration. The governing board of the school district shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition to the state board.

(C) Within 30 days of receipt of the appeal submitted to the state board, the governing board of the school district or county board of education may submit a written opposition to the state board detailing, with specific citations to the documentary record, how the governing board of the school district or the county board of education did not abuse its discretion in denying the petition. The governing board of the school district or the county board of education may submit supporting documentation or evidence from the documentary record that was considered by the governing board of the school district or the county board of education.

(D) The state board's Advisory Commission on Charter Schools shall hold a public hearing to review the appeal and documentary record. Based on its review, the Advisory Commission on Charter Schools shall submit a recommendation to the state board whether there is sufficient evidence to hear the appeal or to summarily deny review of the appeal based on the documentary record. If the Advisory Commission on Charter Schools does not submit a recommendation to the state board, the state board shall consider the appeal, and shall either hear the appeal or summarily deny review of the appeal based on the documentary record at a regular public meeting of the state board.

(E) The state board shall either hear the appeal or summarily deny review of the appeal based on the documentary record. If the state board hears the appeal, the state board may affirm the determination of the governing board of the school district or the county board of education, or both of those determinations, or may reverse only upon a determination that there was an abuse of discretion. If the denial of a charter petition is reversed by the state board, the state board shall designate, in consultation with the petitioner, either the governing board of the school district or the county board of education in which the charter school is located as the chartering authority.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) A charter school that receives approval of its petition from a county board of education or from the state board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the chartering authority to which it originally submitted its petition. A charter petition that is submitted to either a county board of education or to the state board shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate.

(5) Upon the approval of the petition by the county board of education, the petition or petitioners shall provide written notice of that approval, including a copy of the petition, to the governing board of the school district in which the charter school is located, the department, and the state board.

(6) If either the county board of education or the state board fails to act on a petition within 180 days of receipt, the decision of the governing board of the school district to deny the petition shall be subject to judicial review.

(l) (1) Teachers in charter schools shall hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. A governing body of a direct-funded charter school may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in accordance with all of the requirements of the applicable statutes or regulations in the same manner as a governing board of a school district. A charter school shall have authority to request an emergency permit or a waiver from the Commission on Teacher Credentialing for individuals in the same manner as a school district.

(2) By July 1, 2020, all teachers in charter schools shall obtain a certificate of clearance and satisfy the requirements for professional fitness pursuant to Sections 44339, 44340, and 44341.

(3) The Commission on Teacher Credentialing shall include in the bulletins it issues pursuant to subdivision (k) of Section 44237 to provide notification to local educational agencies of any adverse actions taken against the holders of any commission documents, notice of any adverse actions taken against teachers employed by charter schools and shall make this bulletin available to all chartering authorities and charter schools in the same manner in which it is made available to local educational agencies.

(m) A charter school shall transmit a copy of its annual, independent financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (c), to its chartering authority, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering authority, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering authority pursuant to Section 41020.

(n) A charter school may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

**SEC. 2.3.** Section 47605 of the Education Code is amended to read:

**47605.** (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the charter school for its first year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (c) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

(3) A petition shall include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having their child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(4) After receiving approval of its petition, a charter school that proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter and shall notify the chartering authority of those additional locations or grade levels. The chartering authority shall consider whether to approve those additional locations or grade levels at an open, public meeting. If the additional locations or grade levels are approved pursuant to the standards and criteria described in subdivision (c), they shall be a material revision to the charter school's charter.

(5) (A) A charter school that established one site outside the boundaries of the school district, but within the county in which that school district is located before January 1, 2020, may continue to operate that site until the charter school submits a request for the renewal of its charter petition. To continue operating the site, the charter school shall do either of the following:

(i) First, before submitting the request for the renewal of the charter petition, obtain approval in writing from the school district where the site is operating.

(ii) Submit a request for the renewal of the charter petition pursuant to Section 47607 to the school district in which the charter school is located.

(B) If a Presidential declaration of a major disaster or emergency is issued in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.) for an area in which a charter school site is located and operating, the charter school, for not more than five years, may relocate that site outside the area subject to the Presidential declaration if the charter school first obtains the written approval of the school district where the site is being relocated to.

(C) Notwithstanding subparagraph (A), if a charter school was relocated from December 31, 2016, to December 31, 2019, inclusive, due to a Presidential declaration of a major disaster or emergency in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.), that charter school shall be allowed to return to its original campus location in perpetuity.

(D) A charter school located on a federally recognized California Indian reservation or rancheria or operated by a federally recognized California Indian tribe shall be exempt from the provisions of this paragraph.

(E) The department shall regard as a continuing charter school for all purposes a charter school that was granted approval of its petition, that was providing educational services to pupils prior to October 1, 2019, and is authorized by a different chartering authority due to changes to this paragraph that took effect January 1, 2020.

(6) Commencing January 1, 2003, a petition to establish a charter school shall not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 90 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the governing board of the school district for purposes of commencing the timelines described in this subdivision on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. The governing board of the school district shall publish all staff recommendations, including the recommended findings and, if applicable, the certification from the county superintendent of schools prepared pursuant to paragraph (8) of subdivision (c), regarding the petition at least 15 days before the public hearing at which the governing board of the school district will either grant or deny the charter. At the public hearing at which the governing board of the school district will either grant or deny the charter, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings.

(c) In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The governing board of the school district shall consider the academic needs of the pupils the school proposes to serve. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how



learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A to G" admissions criteria may be considered to meet college entrance requirements.

(B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(D) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(E) The qualifications to be met by individuals to be employed by the charter school.

(F) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:

(i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.

(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.

(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.

(G) The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school.

(H) Admission policies and procedures, consistent with subdivision (e).

(I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if

the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

(K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

(N) The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter.

(O) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:

(A) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.

(B) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.

(8) The school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Section 1240 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 1240, has a negative interim certification pursuant to Section 1240, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

(d) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school's educational programs.

(e) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of that pupil's parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the charter school.

(B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(4) (A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2).

(B) A charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.

(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (c).

(D) The department shall develop a notice of the requirements of this paragraph. This notice shall be posted on a charter school's internet website. A charter school shall provide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times:

(i) When a parent, guardian, or pupil inquires about enrollment.

(ii) Before conducting an enrollment lottery.

(iii) Before disenrollment of a pupil.

(E) (i) A person who suspects that a charter school has violated this paragraph may file a complaint with the chartering authority.

(ii) The department shall develop a template to be used for filing complaints pursuant to clause (i).

(5) Notwithstanding any other law, a charter school in operation as of July 1, 2019, that operates in partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.

(f) The governing board of a school district shall not require an employee of the school district to be employed in a charter school.

(g) The governing board of a school district shall not require a pupil enrolled in the school district to attend a charter school.

(h) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school and upon the school district. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate. The petitioner or petitioners also shall be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. If the school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.

(i) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(j) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

(k) (1) (A) (i) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The petitioner shall submit the petition to the county board of education within 30 days of a denial by the governing board of the school district. At the same time the petition is submitted to the county board of education, the petitioner shall also provide a copy of the petition to the school district. The county board of education shall review the petition pursuant to subdivisions (b) and (c). If the petition submitted on appeal contains new or different material terms, the county board of education shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the county board of education.

(ii) The county board of education shall review the appeal petition pursuant to subdivision (c). If the denial of the petition was made pursuant to paragraph (8) of subdivision (c), the county board of education shall also review the school district's findings pursuant to paragraph (8) of subdivision (c).

(iii) As used in this subdivision, "material terms" of the petition means the signatures, affirmations, disclosures, documents, and descriptions described in subdivisions (a), (b), (c), and (h), but shall not include minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law, or to reflect the county board of education as the chartering authority.

(B) If the governing board of a school district denies a petition and the county lacks an independent county board of education, the petitioner may elect to submit the petition for the establishment of a charter school to the state board. The state board shall review the petition pursuant to this paragraph. If the denial of a charter petition is reversed by the state board, the state board shall designate the governing board of the school district in which

the charter school is located as the chartering authority.

(2) If the county board of education denies a petition, the petitioner may appeal that denial to the state board.

(A) The petitioner shall submit the petition to the state board within 30 days of a denial by the county board of education. The petitioner shall include the findings and documentary record from the governing board of the school district and the county board of education and a written submission detailing, with specific citations to the documentary record, how the governing board of the school district or the county board of education, or both, abused their discretion. The governing board of the school district and county board of education shall prepare the documentary record, including transcripts of the public hearing at which the governing board of the school district and county board of education denied the charter, at the request of the petitioner. The documentary record shall be prepared by the governing board of the school district and county board of education no later than 10 business days after the request of the petitioner is made. At the same time the petition and supporting documentation is submitted to the state board, the petitioner shall also provide a copy of the petition and supporting documentation to the school district and the county board of education.

(B) If the appeal contains new or different material terms, as defined in clause (iii) of subparagraph (A) of paragraph (1), the state board shall immediately remand the petition to the governing board of the school district to which the petition was submitted for reconsideration. The governing board of the school district shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition to the state board.

(C) Within 30 days of receipt of the appeal submitted to the state board, the governing board of the school district or county board of education may submit a written opposition to the state board detailing, with specific citations to the documentary record, how the governing board of the school district or the county board of education did not abuse its discretion in denying the petition. The governing board of the school district or the county board of education may submit supporting documentation or evidence from the documentary record that was considered by the governing board of the school district or the county board of education.

(D) The state board's Advisory Commission on Charter Schools shall hold a public hearing to review the appeal and documentary record. Based on its review, the Advisory Commission on Charter Schools shall submit a recommendation to the state board whether there is sufficient evidence to hear the appeal or to summarily deny review of the appeal based on the documentary record. If the Advisory Commission on Charter Schools does not submit a recommendation to the state board, the state board shall consider the appeal, and shall either hear the appeal or summarily deny review of the appeal based on the documentary record at a regular public meeting of the state board.

(E) The state board shall either hear the appeal or summarily deny review of the appeal based on the documentary record. If the state board hears the appeal, the state board may affirm the determination of the governing board of the school district or the county board of education, or both of those determinations, or may reverse only upon a determination that there was an abuse of discretion. If the denial of a charter petition is reversed by the state board, the state board shall designate, in consultation with the petitioner, either the governing board of the school district or the county board of education in which the charter school is located as the chartering authority.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) A charter school that receives approval of its petition from a county board of education or from the state board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the chartering authority to which it originally submitted its petition. A charter petition that is submitted to either a county board of education or to the state board shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate.

(5) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the governing board of the school district in which the charter school is located, the department, and the state board.

(6) If either the county board of education or the state board fails to act on a petition within 180 days of receipt, the decision of the governing board of the school district to deny the petition shall be subject to judicial review.

(l) (1) Teachers in charter schools shall hold the Commission on Teacher Credentialing certificate, permit, or other

document required for the teacher's certificated assignment. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. A governing body of a direct-funded charter school may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in accordance with all of the requirements of the applicable statutes or regulations in the same manner as a governing board of a school district. A charter school shall have authority to request an emergency permit or a waiver from the Commission on Teacher Credentialing for individuals in the same manner as a school district.

(2) By July 1, 2020, all teachers in charter schools shall obtain a certificate of clearance and satisfy the requirements for professional fitness pursuant to Sections 44339, 44340, and 44341.

(3) The Commission on Teacher Credentialing shall include in the bulletins it issues pursuant to subdivision (k) of Section 44237 to provide notification to local educational agencies of any adverse actions taken against the holders of any commission documents, notice of any adverse actions taken against teachers employed by charter schools and shall make this bulletin available to all chartering authorities and charter schools in the same manner in which it is made available to local educational agencies.

(m) A charter school shall transmit a copy of its annual, independent financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (c), to its chartering authority, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering authority, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering authority pursuant to Section 41020.

(n) A charter school may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

**SEC. 3.** Section 47605.4 is added to the Education Code, to read:

**47605.4.** (a) Notwithstanding subdivision (l) of Section 47605, teachers employed by charter schools during the 2019–20 school year shall have until July 1, 2025, to obtain the certificate required for the teacher's certificated assignment.

(b) By June 30, 2022, the Commission on Teacher Credentialing shall conduct a comprehensive study to examine whether existing certificates, permits, or other documents adequately address the needs for noncore, noncollege preparatory courses in all schools. Based on the findings, the commission shall consider establishing new or modifying existing certificates, permits, or other documents and, if necessary, shall make recommendations to the appropriate policy committees of the Legislature.

(c) Subdivision (a) does not lessen the requirements on charter schools regarding allegations of misconduct pursuant to Sections 44030.5, 44420, and 44940 of this code and Section 80303 of Title 5 of the California Code of Regulations.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

**SEC. 4.** Section 47605.6 of the Education Code is amended to read:

**47605.6.** (a) (1) In addition to the authority provided by Section 47605.5, a county board of education may also approve a petition for the operation of a charter school that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by a county office of education. A county board of education may approve a countywide charter only if it finds, in addition to the other requirements of this section, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county. A petition for the establishment of a countywide charter school pursuant to this subdivision may be circulated throughout the county by any one or more persons seeking to establish the charter school. The petition may be submitted to the county board of education for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or guardians of pupils residing within the county that is

equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation and each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school pursuant to this section.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation and each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school pursuant to this section.

(2) An existing public school shall not be converted to a charter school in accordance with this section.

(3) After receiving approval of its petition, a charter school that proposes to establish operations at additional sites within the geographic boundaries of the county board of education shall notify the school districts where those sites will be located. The charter school shall also request a material revision of its charter by the county board of education that approved its charter and the county board of education shall consider whether to approve those additional locations at an open, public meeting, held no sooner than 30 days following notification of the school districts where the sites will be located. If approved, the location of the approved sites shall be a material revision of the charter school's approved charter.

(4) A petition shall include a prominent statement indicating that a signature on the petition means that the parent or guardian is meaningfully interested in having their child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the county board of education shall hold a public hearing on the provisions of the charter, at which time the county board of education shall consider the level of support for the petition by teachers, parents or guardians, and the school districts where the charter school petitioner proposes to place school facilities. Following review of the petition and the public hearing, the county board of education shall either grant or deny the charter within 90 days of receipt of the petition. However, this date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the county board of education for purposes of commencing the timelines described in this subdivision when the petitioner submits a petition, in accordance with subparagraph (A) or (B) of paragraph (1) of subdivision (a), to the county office of education. The county board of education shall publish all staff recommendations, including the recommended findings, regarding the petition at least 15 days before the public hearing at which the county board of education will either grant or deny the charter. At the public hearing at which the county board of education will either grant or deny the charter, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings. A county board of education may impose any additional requirements beyond those required by this section that it considers necessary for the sound operation of a countywide charter school. A county board of education may grant a charter for the operation of a charter school under this part only if it is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Section 47605. The county board of education shall deny a petition for the establishment of a charter school if it finds one or more of the following:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) The educational program of the charter school, designed, among other things, to identify those pupils whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school, and specific annual actions to achieve those goals. A charter

petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will enroll high school pupils, the manner in which the charter school will inform parents regarding the transferability of courses to other public high schools. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered to be transferable to other public high schools.

(iv) If the proposed charter school will enroll high school pupils, information as to the manner in which the charter school will inform parents as to whether each individual course offered by the charter school meets college entrance requirements. Courses approved by the University of California or the California State University as satisfying their prerequisites for admission may be considered as meeting college entrance requirements for purposes of this clause.

(B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and aptitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(D) The location of each charter school facility that the petitioner proposes to operate.

(E) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(F) The qualifications to be met by individuals to be employed by the charter school.

(G) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:

(i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.

(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 32282 and procedures for conducting tactical responses to criminal incidents.

(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.

(H) The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the county board of education to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school.

(I) The manner in which annual, independent financial audits shall be conducted, in accordance with regulations established by the state board, and the manner in which audit exceptions and deficiencies shall be resolved.

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.



(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

(K) The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The procedures to be followed by the charter school and the county board of education to resolve disputes relating to provisions of the charter.

(M) Admission policy and procedures, consistent with subdivision (e).

(N) The public school attendance alternatives for pupils residing within the county who choose not to attend the charter school.

(O) The rights of an employee of the county office of education, upon leaving the employment of the county office of education, to be employed by the charter school, and any rights of return to the county office of education that an employee may have upon leaving the employment of the charter school.

(P) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of public records.

(6) A declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).

(7) Any other basis that the county board of education finds justifies the denial of the petition.

(c) A county board of education that approves a petition for the operation of a countywide charter may, as a condition of charter approval, enter into an agreement with a third party, at the expense of the charter school, to oversee, monitor, and report to the county board of education on the operations of the charter school. The county board of education may prescribe the aspects of the charter school's operations to be monitored by the third party and may prescribe appropriate requirements regarding the reporting of information concerning the operations of the charter school to the county board of education.

(d) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall on a regular basis consult with their parents and teachers regarding the charter school's educational programs.

(e) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, gender identity, gender expression, or disability. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of the pupil's parent or guardian, within this state.

(2) (A) A charter school shall admit all pupils who wish to attend the charter school.

(B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the county except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

(C) In the event of a drawing, the county board of education shall make reasonable efforts to accommodate the growth of the charter school and in no event shall take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(4) (A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2).

(B) A charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.

(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (b).

(D) The department shall develop a notice of the requirements of this paragraph. This notice shall be posted on a charter school's internet website. A charter school shall provide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times:

(i) When a parent, guardian, or pupil inquires about enrollment.

(ii) Before conducting an enrollment lottery.

(iii) Before disenrollment of a pupil.

(E) (i) A person who suspects that a charter school has violated this paragraph may file a complaint with the chartering authority.

(ii) The department shall develop a template to be used for filing complaints pursuant to clause (i).

(5) Notwithstanding any other law, a charter school in operation as of July 1, 2019, that operates in partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.

(f) The county board of education shall not require an employee of the county or a school district to be employed

in a charter school.

(g) The county board of education shall not require a pupil enrolled in a county program to attend a charter school.

(h) The county board of education shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school, any school district where the charter school may operate, and upon the county board of education. The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. If the charter school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.

(i) In reviewing petitions for the establishment of charter schools within the county, the county board of education shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(j) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the school districts within the county, the Superintendent, and the state board.

(k) If a county board of education denies a petition, the petitioner shall not elect to submit the petition for the establishment of the charter school to the state board.

(l) (1) Teachers in charter schools shall be required to hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment. These documents shall be maintained on file at the charter school and shall be subject to periodic inspection by the chartering authority. A governing body of a direct-funded charter school may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in accordance with all of the requirements of the applicable statutes or regulations in the same manner as a governing board of a school district. A charter school shall have authority to request an emergency permit or a waiver from the Commission on Teacher Credentialing for individuals in the same manner as a school district.

(2) The Commission on Teacher Credentialing shall include in the bulletins it issues pursuant to subdivision (k) of Section 44237 to provide notification to local educational agencies of any adverse actions taken against the holders of any commission documents, notice of any adverse actions taken against teachers employed by charter schools. The Commission on Teacher Credentialing shall make this bulletin available to all chartering authorities and charter schools in the same manner in which it is made available to local educational agencies.

(m) A charter school shall transmit a copy of its annual, independent, financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (b), to the county office of education, the Controller, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering entity pursuant to Section 41020.

(n) A charter school may encourage parental involvement but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

**SEC. 4.5.** Section 47605.6 of the Education Code is amended to read:

**47605.6.** (a) (1) In addition to the authority provided by Section 47605.5, a county board of education may also approve a petition for the operation of a charter school that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by a county office of education. A county board of education may approve a countywide charter only if it finds, in addition to the other requirements of this section, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county. A petition for the establishment of a countywide

charter school pursuant to this subdivision may be circulated throughout the county by any one or more persons seeking to establish the charter school. The petition may be submitted to the county board of education for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or guardians of pupils residing within the county that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation and each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school pursuant to this section.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation and each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school pursuant to this section.

(2) An existing public school shall not be converted to a charter school in accordance with this section.

(3) After receiving approval of its petition, a charter school that proposes to establish operations at additional sites within the geographic boundaries of the county board of education shall notify the school districts where those sites will be located. The charter school shall also request a material revision of its charter by the county board of education that approved its charter and the county board of education shall consider whether to approve those additional locations at an open, public meeting, held no sooner than 30 days following notification of the school districts where the sites will be located. If approved, the location of the approved sites shall be a material revision of the charter school's approved charter.

(4) A petition shall include a prominent statement indicating that a signature on the petition means that the parent or guardian is meaningfully interested in having their child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the county board of education shall hold a public hearing on the provisions of the charter, at which time the county board of education shall consider the level of support for the petition by teachers, parents or guardians, and the school districts where the charter school petitioner proposes to place school facilities. Following review of the petition and the public hearing, the county board of education shall either grant or deny the charter within 90 days of receipt of the petition. However, this date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the county board of education for purposes of commencing the timelines described in this subdivision when the petitioner submits a petition, in accordance with subparagraph (A) or (B) of paragraph (1) of subdivision (a), to the county office of education. The county board of education shall publish all staff recommendations, including the recommended findings, regarding the petition at least 15 days before the public hearing at which the county board of education will either grant or deny the charter. At the public hearing at which the county board of education will either grant or deny the charter, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings. A county board of education may impose any additional requirements beyond those required by this section that it considers necessary for the sound operation of a countywide charter school. A county board of education may grant a charter for the operation of a charter school under this part only if it is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Section 47605. The county board of education shall deny a petition for the establishment of a charter school if it finds one or more of the following:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) The educational program of the charter school, designed, among other things, to identify those pupils whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to

become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will enroll high school pupils, the manner in which the charter school will inform parents regarding the transferability of courses to other public high schools. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered to be transferable to other public high schools.

(iv) If the proposed charter school will enroll high school pupils, information as to the manner in which the charter school will inform parents as to whether each individual course offered by the charter school meets college entrance requirements. Courses approved by the University of California or the California State University as satisfying their prerequisites for admission may be considered as meeting college entrance requirements for purposes of this clause.

(B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and aptitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(D) The location of each charter school facility that the petitioner proposes to operate.

(E) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(F) The qualifications to be met by individuals to be employed by the charter school.

(G) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:

(i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.

(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.

(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.

(H) The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the county board of education to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school.

(I) The manner in which annual, independent financial audits shall be conducted, in accordance with regulations established by the state board, and the manner in which audit exceptions and deficiencies shall be resolved.

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

(K) The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The procedures to be followed by the charter school and the county board of education to resolve disputes relating to provisions of the charter.

(M) Admission policy and procedures, consistent with subdivision (e).

(N) The public school attendance alternatives for pupils residing within the county who choose not to attend the charter school.

(O) The rights of an employee of the county office of education, upon leaving the employment of the county office of education, to be employed by the charter school, and any rights of return to the county office of education that an employee may have upon leaving the employment of the charter school.

(P) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of public records.

(6) A declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).

(7) Any other basis that the county board of education finds justifies the denial of the petition.

(c) A county board of education that approves a petition for the operation of a countywide charter may, as a condition of charter approval, enter into an agreement with a third party, at the expense of the charter school, to oversee, monitor, and report to the county board of education on the operations of the charter school. The county board of education may prescribe the aspects of the charter school's operations to be monitored by the third party and may prescribe appropriate requirements regarding the reporting of information concerning the operations of the charter school to the county board of education.

(d) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall on a regular basis consult with their parents and teachers regarding the charter school's educational programs.

(e) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, gender identity, gender

expression, or disability. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of the pupil's parent or guardian, within this state.

(2) (A) A charter school shall admit all pupils who wish to attend the charter school.

(B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the county except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

(C) In the event of a drawing, the county board of education shall make reasonable efforts to accommodate the growth of the charter school and in no event shall take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(4) (A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2).

(B) A charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.

(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (b).

(D) The department shall develop a notice of the requirements of this paragraph. This notice shall be posted on a charter school's internet website. A charter school shall provide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times:

(i) When a parent, guardian, or pupil inquires about enrollment.

(ii) Before conducting an enrollment lottery.

(iii) Before disenrollment of a pupil.

(E) (i) A person who suspects that a charter school has violated this paragraph may file a complaint with the chartering authority.

(ii) The department shall develop a template to be used for filing complaints pursuant to clause (i).

(5) Notwithstanding any other law, a charter school in operation as of July 1, 2019, that operates in partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.

(f) The county board of education shall not require an employee of the county or a school district to be employed in a charter school.

(g) The county board of education shall not require a pupil enrolled in a county program to attend a charter school.

(h) The county board of education shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school, any school district where the charter school may operate, and upon the county board of education. The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. If the charter school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.

(i) In reviewing petitions for the establishment of charter schools within the county, the county board of education shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(j) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the school districts within the county, the Superintendent, and the state board.

(k) If a county board of education denies a petition, the petitioner shall not elect to submit the petition for the establishment of the charter school to the state board.

(l) (1) Teachers in charter schools shall be required to hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment. These documents shall be maintained on file at the charter school and shall be subject to periodic inspection by the chartering authority. A governing body of a direct-funded charter school may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in accordance with all of the requirements of the applicable statutes or regulations in the same manner as a governing board of a school district. A charter school shall have authority to request an emergency permit or a waiver from the Commission on Teacher Credentialing for individuals in the same manner as a school district.

(2) The Commission on Teacher Credentialing shall include in the bulletins it issues pursuant to subdivision (k) of Section 44237 to provide notification to local educational agencies of any adverse actions taken against the holders of any commission documents, notice of any adverse actions taken against teachers employed by charter schools. The Commission on Teacher Credentialing shall make this bulletin available to all chartering authorities and charter schools in the same manner in which it is made available to local educational agencies.

(m) A charter school shall transmit a copy of its annual, independent, financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (b), to the county office of education, the Controller, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering authority pursuant to Section 41020.

(n) A charter school may encourage parental involvement but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

**SEC. 5.** Section 47605.8 of the Education Code is repealed.

**SEC. 6.** Section 47605.9 is added to the Education Code, to read:

**47605.9.** (a) A petition to establish a charter school under this part may be submitted only to the governing board



of the school district or county office of education within the boundaries of which the charter school proposes to locate.

(b) A charter school operating under a charter approved by the state board pursuant to Section 47605, as that section read on January 1, 2019, may continue to operate under the authority of that chartering authority only until the date on which the charter is up for renewal, at which point the charter school shall submit a petition for renewal to the governing board of the school district within the boundaries of which the charter school is located. If the governing board of the school district denies the renewal petition, the charter school may submit the petition for renewal directly to the state board, which shall review the petition in accordance with subparagraph (B) of paragraph (1) of subdivision (k) of Section 47605. If the state board grants renewal pursuant to Section 47607, the state board shall designate, in consultation with the petitioner, either the governing board of the school district or the county board of education in which the charter school is located as the chartering authority. Subsequent renewals shall be subject to the same requirements as other charter schools authorized by the designated chartering authority, including review by the state board in accordance with Section 47607 and paragraph (2) of subdivision (k) of Section 47605.

(c) A charter school operating under a charter approved by the state board pursuant to Section 47605.8, as that section read on January 1, 2019, may continue to operate under the authority of that chartering authority only until the date on which the charter is up for renewal. The charter school shall submit a petition for renewal to the state board. If the state board grants renewal pursuant to Section 47607, the state board shall designate, in consultation with the petitioner, the governing board of the school district or county board of education in which the charter school is located as the chartering authority. A charter school assigned to a county board of education under this subdivision shall qualify as a charter school pursuant to Section 47605.6. Subsequent renewals shall be subject to the same requirements as other charter schools authorized by the same chartering authorities, including review by the state board in accordance with Section 47607 and paragraph (2) of subdivision (k) of Section 47605.

(d) A charter school designated to a new chartering authority pursuant to this section shall be regarded by the department as a continuing charter school for all purposes.

(e) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

**SEC. 7.** Section 47607 of the Education Code is amended to read:

**47607.** (a) (1) A charter may be granted pursuant to Sections 47605, 47605.5, 47605.6, and 47606 for a period not to exceed five years.

(2) A chartering authority may grant one or more subsequent renewals pursuant to subdivisions (b) and (c) and Section 47607.2. Notwithstanding subdivisions (b) and (c) and Section 47607.2, a chartering authority may deny renewal pursuant to subdivision (e).

(3) A charter school that, concurrently with its renewal, proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter. A material revision of the provisions of a charter petition may be made only with the approval of the chartering authority. A material revision of a charter is governed by the standards and criteria described in Section 47605.

(4) The findings of paragraphs (7) and (8) of subdivision (c) of Section 47605 shall not be used to deny a renewal of an existing charter school, but may be used to deny a proposed expansion constituting a material revision.

(5) The chartering authority may inspect or observe any part of the charter school at any time.

(b) Renewals and material revisions of charters are governed by the standards and criteria described in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

(c) (1) As an additional criterion for determining whether to grant a charter renewal, the chartering authority shall consider the performance of the charter school on the state and local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.

(2) (A) The chartering authority shall not deny renewal for a charter school pursuant to this subdivision if either of the following apply for two consecutive years immediately preceding the renewal decision:

(i) The charter school has received the two highest performance levels schoolwide on all the state indicators

included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(ii) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.

(iii) Notwithstanding clauses (i) and (ii), a charter school eligible for technical assistance pursuant to Section 47607.3 shall not qualify for renewal under this paragraph.

(iv) A charter school that meets the criteria established by this paragraph and subdivision (a) of Section 47607.2 shall not qualify for treatment under this paragraph.

(B) The chartering authority that granted the charter may renew a charter pursuant to this paragraph for a period of between five and seven years.

(C) A charter that satisfies the criteria in subparagraph (A) shall only be required to update the petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and as necessary to reflect the current program offered by the charter.

(3) For purposes of this section and Section 47607.2, "measurements of academic performance" means indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 that are based on statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, the English Language Proficiency Assessments for California, or any successor system, and the college and career readiness indicator.

(4) For purposes of this section and Section 47607.2, "subgroup" means numerically significant pupil subgroups as defined in paragraph (1) of subdivision (a) of Section 52052.

(5) To qualify for renewal under clause (i) of subparagraph (A) of paragraph (2), subparagraph (A) of paragraph (1) of subdivision (a) of Section 47607.2, or paragraph (2) of subdivision (a) of Section 47607.2, the charter school shall have schoolwide performance levels on at least two measurements of academic performance per year in each of the two consecutive years immediately preceding the renewal decision. To qualify for renewal under clause (ii) of subparagraph (A) of paragraph (2), subparagraph (B) of paragraph (1) of subdivision (a) of Section 47607.2, or paragraph (2) of subdivision (a) of Section 47607.2, the charter school shall have performance levels on at least two measurements of academic performance for at least two subgroups. A charter school without sufficient performance levels to meet these criteria shall be considered under subdivision (b) of Section 47607.2.

(6) For purposes of this section and Section 47607.2, if the dashboard indicators are not yet available for the most recently completed academic year before renewal, the chartering authority shall consider verifiable data provided by the charter school related to the dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year.

(7) Paragraph (2) and subdivisions (a) and (b) of Section 47607.2 shall not apply to a charter school that is eligible for alternate methods for calculating the state and local indicators pursuant to subdivision (d) of Section 52064.5. In determining whether to grant a charter renewal for such a charter school, the chartering authority shall consider, in addition to the charter school's performance on the state and local indicators included in the evaluation rubrics adopted pursuant to subdivision (c) of Section 52064.5, the charter school's performance on alternative metrics applicable to the charter school based on the pupil population served. The chartering authority shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered pursuant to this paragraph and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The chartering authority may deny a charter renewal pursuant to this paragraph only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of pupils.

(d) (1) At the conclusion of the year immediately preceding the final year of the charter school's term, the charter school authorizer may request, and the department shall provide, the following aggregate data reflecting pupil enrollment patterns at the charter school:

(A) The cumulative enrollment for each school year of the charter school's term. For purposes of this chapter, cumulative enrollment is defined as the total number of pupils, disaggregated by race, ethnicity, and pupil subgroups, who enrolled in school at any time during the school year.

(B) For each school year of the charter school's term, the percentage of pupils enrolled at any point between the beginning of the school year and census day who were not enrolled at the conclusion of that year, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils who were enrolled in the charter school the prior school year.

(C) For each school year of the charter school's term, the percentage of pupils enrolled the prior school year who were not enrolled as of census day for the school year, except for pupils who completed the grade that is the highest grade served by the charter school, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils.

(2) When determining whether to grant a charter renewal, the chartering authority shall review data provided pursuant to paragraph (1), any data that may be provided to chartering authorities by the department, and any substantiated complaints that the charter school has not complied with subparagraph (J) of paragraph (5) of subdivision (c) of Section 47605 or with subparagraph (J) of paragraph (5) of subdivision (b) of Section 47605.6.

(3) As part of its determination of whether to grant a charter renewal based on the criterion established pursuant to subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may make a finding that the charter school is not serving all pupils who wish to attend and, upon making such a finding, specifically identify the evidence supporting the finding.

(e) Notwithstanding subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may deny renewal of a charter school upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors, or is not serving all pupils who wish to attend, as documented pursuant to subdivision (d). The chartering authority may deny renewal of a charter school under this subdivision only after it has provided at least 30 days' notice to the charter school of the alleged violation and provided the charter school with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school. The chartering authority may deny renewal only by making either of the following findings:

(1) The corrective action proposed by the charter school has been unsuccessful.

(2) The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

(f) A charter may be revoked by the chartering authority if the chartering authority finds, through a showing of substantial evidence, that the charter school did any of the following:

(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(2) Failed to meet or pursue any of the pupil outcomes identified in the charter.

(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.

(4) Violated any law.

(g) Before revocation, the chartering authority shall notify the charter school of any violation of this section and give the school a reasonable opportunity to remedy the violation, unless the chartering authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

(h) Before revoking a charter for failure to remedy a violation pursuant to subdivision (f), and after expiration of the school's reasonable opportunity to remedy without successfully remedying the violation, the chartering authority shall provide a written notice of intent to revoke and notice of facts in support of revocation to the charter school. No later than 30 days after providing the notice of intent to revoke a charter, the chartering authority shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, the chartering authority shall issue a final decision to revoke or decline to revoke the charter, unless the chartering authority and the charter school agree to extend the issuance of the decision by an additional 30 days. The chartering authority shall not revoke a charter, unless it makes written factual findings supported by substantial evidence, specific to the charter school, that support its findings.

(i) (1) If a school district is the chartering authority and it revokes a charter pursuant to this section, the charter school may appeal the revocation to the county board of education within 30 days following the final decision of the chartering authority.

(2) The county board of education may reverse the revocation decision if the county board of education determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence. The school district may appeal the reversal to the state board.

(3) If the county board of education does not issue a decision on the appeal within 90 days of receipt, or the county board of education upholds the revocation, the charter school may appeal the revocation to the state board.

(4) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence. The state board may uphold the revocation decision of the school district if the state board determines that the findings made by the chartering authority under subdivision (h) are supported by substantial evidence.

(j) (1) If a county board of education is the chartering authority and the county board of education revokes a charter pursuant to this section, the charter school may appeal the revocation to the state board within 30 days following the decision of the chartering authority.

(2) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence.

(k) If the revocation decision of the chartering authority is reversed on appeal, the agency that granted the charter shall continue to be regarded as the chartering authority.

(l) During the pendency of an appeal filed under this section, a charter school whose revocation proceedings are based on paragraph (1) or (2) of subdivision (f) shall continue to qualify as a charter school for funding and for all other purposes of this part, and may continue to hold all existing grants, resources, and facilities, in order to ensure that the education of pupils enrolled in the school is not disrupted.

(m) Immediately following the decision of a county board of education to reverse a decision of a school district to revoke a charter, all of the following shall apply:

(1) The charter school shall qualify as a charter school for funding and for all other purposes of this part.

(2) The charter school may continue to hold all existing grants, resources, and facilities.

(3) Any funding, grants, resources, and facilities that had been withheld from the charter school, or that the charter school had otherwise been deprived of use, as a result of the revocation of the charter, shall be immediately reinstated or returned.

(n) A final decision of a revocation or appeal of a revocation pursuant to subdivision (f) shall be reported to the chartering authority, the county board of education, and the department.

(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

**SEC. 8.** Section 47607.2 is added to the Education Code, to read:

**47607.2.** (a) (1) The chartering authority shall not renew a charter if either of the following apply for two consecutive years immediately preceding the renewal decision:

(A) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(B) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.

(2) A charter school that meets the criteria established by this subdivision and paragraph (2) of subdivision (c) of Section 47607 shall only qualify for treatment under this subdivision.

(3) The chartering authority shall consider the following factors, and may renew a charter that meets the criteria in paragraph (1) only upon making both of the following written factual findings, specific to the particular petition, setting forth specific facts to support the findings:

(A) The charter school is taking meaningful steps to address the underlying cause or causes of low performance,

and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school.

(B) There is clear and convincing evidence showing either of the following:

(i) The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school.

(ii) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

(C) Clauses (i) and (ii) of subparagraph (B) shall be demonstrated by verified data, as defined in subdivision (c).

(4) Verified data, as defined in subdivision (c), shall be considered by the chartering authority until June 30, 2025, for a charter school pursuant to this subdivision, operating on or before June 30, 2020, only for the charter school's next two subsequent renewals.

(5) For a charter renewed pursuant to this subdivision, the chartering authority may grant a renewal for a period of two years.

(b) (1) For all charter schools for which paragraph (2) of subdivision (c) of Section 47607 and subdivision (a) of this section do not apply, the chartering authority shall consider the schoolwide performance and performance of all subgroups of pupils served by the charter school on the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 and the performance of the charter school on the local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.

(2) The chartering authority shall provide greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal.

(3) In addition to the state and local indicators, the chartering authority shall consider clear and convincing evidence showing either of the following:

(A) The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school.

(B) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

(4) Subparagraphs (A) and (B) of paragraph (3) shall be demonstrated by verified data, as defined in subdivision (c).

(5) Verified data, as defined in subdivision (c), shall be considered by the chartering authority for the next two subsequent renewals until January 1, 2026, for a charter school pursuant to this paragraph.

(6) The chartering authority may deny a charter renewal pursuant to this subdivision only upon making written findings, setting forth specific facts to support the findings, that the charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school, that closure of the charter school is in the best interest of pupils and, if applicable pursuant to paragraphs (2) and (3), that its decision provided greater weight to performance on measurements of academic performance.

(7) For a charter renewed pursuant to this subdivision, the chartering authority shall grant a renewal for a period of five years.

(c) (1) For purposes of this section, "verified data" means data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced. Verified data shall include measures of postsecondary outcomes.

(2) By January 1, 2021, the state board shall establish criteria to define verified data and identify an approved list of valid and reliable assessments that shall be used for this purpose.

(3) No data sources other than those adopted by the state board pursuant to paragraph (2) shall be used as verified data.

(4) Notwithstanding paragraph (3), a charter school under consideration for renewal before the state board's adoption pursuant to paragraph (2) may present data consistent with this subdivision.

(5) Adoption of the criteria pursuant to this subdivision shall not be subject to the requirements of the

Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(6) The state board may adopt and make necessary revisions to the criteria in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(7) Upon adoption of a pupil-level academic growth measure for English language arts and mathematics, the state board may reconsider criteria adopted pursuant to this subdivision.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

**SEC. 9.** Section 47607.2 is added to the Education Code, to read:

**47607.2.** (a) (1) The chartering authority shall not renew a charter if either of the following apply for two consecutive years immediately preceding the renewal decision:

(A) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(B) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.

(2) A charter school that meets the criteria established by this subdivision and paragraph (2) of subdivision (c) of Section 47607 shall only qualify for treatment under this subdivision.

(3) The chartering authority shall consider the following factors, and may renew a charter that meets the criteria in paragraph (1) only upon making a written factual finding, specific to the particular petition, setting forth specific facts to support the finding that the charter school is taking meaningful steps to address the underlying cause or causes of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school.

(4) For a charter renewed pursuant to this subdivision, the chartering authority may grant a renewal for a period of two years.

(b) (1) For all charter schools for which paragraph (2) of subdivision (c) of Section 47607 and subdivision (a) of this section do not apply, the chartering authority shall consider the schoolwide performance and performance of all subgroups of pupils served by the charter school on the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 and the performance of the charter school on the local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.

(2) The chartering authority shall provide greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal.

(3) The chartering authority may deny a charter renewal pursuant to this subdivision only upon making written findings, setting forth specific facts to support the findings, that the charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school, that closure of the charter school is in the best interest of pupils and, if applicable pursuant to paragraph (2), that its decision provided greater weight to performance on measurements of academic performance.

(4) For a charter renewed pursuant to this subdivision, the chartering authority shall grant a renewal for a period of five years.

(c) This section shall become operative on January 1, 2026.

**SEC. 10.** Section 47607.3 of the Education Code is amended to read:

**47607.3.** (a) Using an evaluation rubric adopted by the state board pursuant to Section 52064.5, and beginning with the 2020–21 school year, for any charter school for which one or more pupil subgroups identified pursuant to Section 52052 meet the criteria established pursuant to subdivision (g) of Section 52064.5 in two or more years, the county superintendent of schools in which the charter school is located shall provide technical assistance focused on building the charter school's capacity to develop and implement actions and services responsive to

pupil and community needs, including, but not limited to, any of the following:

(1) Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to subdivision (c) of Section 47605. This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard authorized by subdivision (f) of Section 52064.5 and other relevant local data, and to identify effective, evidence-based programs or practices that address any areas of weakness.

(2) Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school. The county superintendent of schools in which the charter school is located, in consultation with the charter school, may solicit another service provider, which may include, but is not limited to, a school district, county office of education, or charter school, to act as a partner to the charter school in need of technical assistance.

(3) Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in paragraphs (1) and (2), or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in paragraphs (1) and (2), or substantially similar activities, and ongoing communication with the chartering authority to assess the charter school's progress in improving pupil outcomes.

(b) For purposes of this section, the geographical lead agency, as identified pursuant to Section 52073, or its designee, as identified in subdivision (d) of Section 52071, shall serve in the role of the county superintendent of schools for a charter school authorized by the county board of education.

(c) If the charter school meets the criteria set for school districts under paragraph (1) of subdivision (b) of Section 52072, the county superintendent of schools in the county which the charter school is located may request assistance from the California Collaborative for Educational Excellence. The California Collaborative for Educational Excellence may, after consulting with the Superintendent, and with the approval of the state board, provide advice and assistance to the charter school pursuant to Section 52074.

(d) A chartering authority shall consider for revocation any charter school to which the California Collaborative for Educational Excellence has provided advice and assistance pursuant to subdivision (c) and about which it has made either of the following findings, which shall be submitted to the chartering authority:

(1) That the charter school has failed, or is unable, to implement the recommendations of the California Collaborative for Educational Excellence.

(2) That the inadequate performance of the charter school, based upon an evaluation rubric adopted pursuant to Section 52064.5, is either so persistent or so acute as to require revocation of the charter.

(e) The chartering authority shall consider increases in pupil academic achievement for all pupil subgroups served by the charter school in determining whether to revoke the charter.

(f) A chartering authority shall comply with the hearing process described in subdivisions (g) and (h) of Section 47607 in revoking a charter. A charter school may not appeal a revocation of a charter made pursuant to this section.

(g) If the governing body of a charter school requests technical assistance, the chartering authority shall provide technical assistance consistent with paragraph (1) or (2) of subdivision (a). If a charter school has not been identified for technical assistance pursuant to subdivision (a), the chartering authority may assess the charter school a fee not to exceed the cost of the service.

(h) A charter school shall accept the technical assistance provided pursuant to subdivision (a). For purposes of accepting technical assistance, a charter school may satisfy this requirement by providing the timely documentation to the county superintendent of schools of the county in which the charter school is located, and maintaining regular communication with the chartering authority.

(i) For a charter school that is eligible for alternate methods for calculating the state and local indicators pursuant to subdivision (d) of Section 52064.5, technical assistance provided pursuant to subdivision (a) shall take into account the charter school's performance on alternative metrics applicable to the charter school based on the pupil population served.

(j) This section shall not preclude a charter school from soliciting technical assistance from other entities at its own expense.

(k) For a charter school operating before July 1, 2020, subdivision (a) as it read on January 1, 2019, shall apply until June 30, 2022.

(l) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

**SEC. 11.** Section 47607.5 of the Education Code is amended to read:

**47607.5.** (a) If either a school district governing board or a county board of education, as a chartering authority, does not grant a renewal to a charter school pursuant to Section 47607, the charter school may appeal the decision pursuant to the procedures pertaining to a denial of a petition for establishment of a charter school, as provided in subdivision (k) of Section 47605 for review in accordance with Section 47607.

(b) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

**SEC. 12.** Section 47607.8 is added to the Education Code, to read:

**47607.8.** The department, in consultation with the state board, shall collect data to track implementation of the changes in law made pursuant to the enactment of the act that adds this section.

**SEC. 13.** Section 47612.7 is added to the Education Code, to read:

**47612.7.** (a) Notwithstanding any other law and except as provided in subdivision (b), from January 1, 2020, to January 1, 2022, inclusive, the approval of a petition for the establishment of a new charter school, as defined in paragraph (2) of subdivision (e) of Section 47612.5, is prohibited.

(b) Subdivision (a) shall not apply to a nonclassroom-based charter school that was granted approval of its petition and providing educational services to pupils before October 1, 2019, under either of the following circumstances:

(1) If Assembly Bill 1507 of the 2019–20 Regular Session amends Section 47605.1 and becomes operative on January 1, 2020, and the charter school is required to submit a petition to the governing board of a school district or county board of education in an adjacent county in which its existing resource center is located in order to comply with Section 47605.1, as amended by Assembly Bill 1507 of the 2019–20 Regular Session, or to retain current program offerings or enrollment.

(2) If a charter school is required to submit a petition to a school district or county board of education in which a resource center is located in order to comply with the court decision in *Anderson Union High School District v. Shasta Secondary Home School* (2016) 4 Cal.App.5th 262, or other relevant court ruling, and the petition is necessary to retain current program offerings or enrollment.

(3) A charter school authorized by a different chartering authority pursuant to paragraphs (1) and (2) shall be regarded by the department as a continuing charter school for all purposes.

(c) Notwithstanding Section 33050 or any other law, the state board shall not waive the restrictions described in this section.

(d) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

**SEC. 14.** Section 47632 of the Education Code is amended to read:

**47632.** For purposes of this chapter, the following terms shall be defined as follows:

(a) "General-purpose entitlement" means an amount computed by the local control funding formula pursuant to Section 42238.02, as implemented by Section 42238.03.

(b) "Economic impact aid-eligible pupils" means those pupils that are included in the economic impact aid-eligible pupil count pursuant to Section 54023. For purposes of applying Section 54023 to charter schools, "economically disadvantaged pupils" means the pupils described in paragraph (2) of subdivision (a) of Section 54026.

(c) "General-purpose funding" means those funds that consist of state aid, local property taxes, and other revenues applied toward a school district's local control funding formula, pursuant to Section 42238.02, as implemented by Section 42238.03.



(d) "Categorical aid" means aid that consists of state or federally funded programs, or both, that are apportioned for specific purposes set forth in statute or regulation.

(e) "Educationally disadvantaged pupils" means those pupils who meet federal eligibility criteria for free and reduced-price meals as specified in Section 49531, as that section read on January 1, 2013, except in regard to meals in family day care homes.

(f) "Operational funding" means all funding except funding for capital outlay.

(g) "School district of a similar type" means a school district that is serving similar grade levels.

(h) "Similar pupil population" means similar numbers of pupils by grade level, with a similar proportion of educationally disadvantaged pupils.

(i) "Sponsoring local educational agency" means the following:

(1) If a charter school is granted by a school district, the sponsoring local educational agency is the school district.

(2) If a charter is granted by a county office of education after having been previously denied by a school district, the sponsoring local educational agency means the school district that initially denied the charter petition.

(3) If a charter is granted by the state board after having been previously denied by a local educational agency, the sponsoring local educational agency means the pupils' school district of residence if the school district is a basic aid school district. For purposes of this paragraph, "basic aid school district" means a school district that did not receive an apportionment of state funds in the prior fiscal year as described in subdivision (o) of Section 42238.02. The requirements of this paragraph shall not be waived by the state board pursuant to Section 33050 or any other law.

(4) For pupils attending county-sponsored charter schools pursuant to Section 47605.5 who do not meet the criteria identified in subdivision (b) of Section 47631, the sponsoring local educational agency means the pupils' school district of residence.

(5) For pupils attending countywide charter schools pursuant to Section 47605.6 who reside in a basic aid school district, the sponsoring local educational agency means the pupils' school district of residence. For purposes of this paragraph, "basic aid school district" means a school district that did not receive an apportionment of state funds as described in subdivision (o) of Section 42238.02 in the prior fiscal year.

**SEC. 15.** (a) Section 2.1 of this bill incorporates amendments to Section 47605 of the Education Code proposed by both this bill and Assembly Bill 1507. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2020, (2) each bill amends Section 47605 of the Education Code, (3) Assembly Bill 1595 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 1507, in which case Section 47605 of the Education Code, as amended by Assembly Bill 1507, shall remain operative only until July 1, 2020, at which time Section 2.1 of this bill shall become operative, and Sections 2, 2.2, and 2.3 of this bill shall not become operative.

(b) Section 2.2 of this bill incorporates amendments to Section 47605 of the Education Code proposed by both this bill and Assembly Bill 1595. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2020, (2) each bill amends Section 47605 of the Education Code, (3) Assembly Bill 1507 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 1595, in which case Section 47605 of the Education Code, as amended by Assembly Bill 1595, shall remain operative only until July 1, 2020, at which time Section 2.2 of this bill shall become operative, in which case Sections 2, 2.1, and 2.3 of this bill shall not become operative.

(c) Section 2.3 of this bill incorporates amendments to Section 47605 of the Education Code proposed by this bill, Assembly Bill 1507, and Assembly Bill 1595. That section of this bill shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2020, (2) all three bills amend Section 47605 of the Education Code, and (3) this bill is enacted after Assembly Bill 1507 and Assembly Bill 1595, in which case Section 47605 of the Education Code, as amended by Assembly Bill 1507 or Assembly Bill 1595, whichever is enacted last, shall remain operative only until July 1, 2020, at which time Section 2.3 of this bill shall become operative, in which case Sections 2, 2.1, and 2.2 of this bill shall not become operative.

**SEC. 16.** Section 4.5 of this bill incorporates amendments to Section 47605.6 of the Education Code proposed by this bill and Assembly Bill 1595. That section of this bill shall only become operative if (1) both bills are enacted

and become effective on or before January 1, 2020, (2) each bill amends Section 47605.6 of the Education Code, and (3) this bill is enacted after Assembly Bill 1595, in which case Section 47605.6 of the Education Code, as amended by Assembly Bill 1595, shall remain operative only until July 1, 2020, at which time Section 4.5 of this bill shall become operative, and Section 4 of this bill shall not become operative.

**SEC. 17.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**SEC. 18.** Sections 1 to 12, inclusive, and Section 14 of this act shall become operative on July 1, 2020.



OCT 12 2019

OFFICE OF THE GOVERNOR

To the Members of the California State Senate:

I am returning Senate Bill 695 without my signature.

This bill requires a local educational agency (LEA), upon a parent's request, to translate a student's individualized education plan (IEP) and other related documents to the native language of the parent within 30 calendar days of the IEP team meeting.

Current law already requires that non-English speaking parents and guardians understand their child's IEP, and LEAs must take any action needed to ensure that pupil's non-English speaking parent understands the IEP process and LEAs must also provide any materials used to assess or place a student with exceptional needs in the parent's native language.

By establishing more prescriptive requirements, particularly specifying a 30-day timeline within which those documents must be translated, the bill would exceed the requirements of federal law (the Individuals with Disabilities Act), thereby creating a costly reimbursable state mandate that will reduce funding available to support broader educational programs for these students.

If a California school district's practices of providing translation services are inadequate, avenues already exist to remedy these problems.

For these reasons, I cannot support this bill.

Sincerely,

Gavin Newsom





OCT 11 2019

OFFICE OF THE GOVERNOR

To Members of the California State Assembly:

I am returning Assembly Bill 1322 without my signature.

This bill would establish a school-based health unit within the California Department of Education (CDE) to administer and support school-based health programs operated by local educational agencies.

In recognition that all state agencies must work together to better support our youth, the 2019 Budget Act included \$500,000 in one-time funding to support the creation of an interagency collaborative between the Department of Education, the Department of Health Care Services, and other regional and state agencies to improve the coordination and accessibility of services and supports to our students.

While this bill is well-intentioned, the creation of a school-based health unit at the CDE would be premature given this recent investment.

Sincerely,



Gavin Newsom



OFFICE OF THE GOVERNOR

OCT 12 2019

To the Members of the California Assembly:

I am returning Assembly Bill 751 without my signature.

This bill would establish the Pathways to College Act and require the Superintendent of Public Instruction to approve nationally recognized high school assessments that a local education agency may administer in place of the state-sponsored high school summative assessment, Smarter Balanced, beginning with the 2020-21 school year.

Encouraging student access to college and reducing the student testing burden in high school are laudable goals. However, I am concerned that replacing the state's high school assessment with the Scholastic Aptitude Test (SAT) or American College Test (ACT) will have the opposite effect. Specifically, their use exacerbates the inequities for underrepresented students, given that performance on these tests is highly correlated with race and parental income, and is not the best predictor for college success.

It is important to remember that over the last several years California has made great strides towards establishing a coherent accountability system. Measuring how students throughout the state perform on our state's assessments, including the grade 11 assessment, provides critical information to students, families, educators, and our state

Finally, our K-12 system and public universities continue to discuss the potential for using of California's grade 11 state assessment for college admissions or eligibility purposes in the future. This would be a better approach to improving access to college for underrepresented students and reducing 'testing fatigue.'

Sincerely,

Gavin Newsom



## Jamie Adkins

---

**From:** Jenaé Holtz  
**Sent:** Sunday, October 13, 2019 8:38 PM  
**To:** Jamie Adkins  
**Subject:** Fw: SB 328 School Start Time

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Good Evening~  
**Breaking News**

SB 328 (Portantino) School Start Time bill.... PASSED.

Governor Newsom passed this very controversial bill.

This bill would require the schoolday for middle schools and high schools, including those operated as charter schools, to begin no earlier than 8:00 a.m (middle schools) and 8:30 a.m (high schools) by July 1, 2022, or the date on which a school district's or charter school's respective collective bargaining agreement that is operative on January 1, 2020, expires, whichever is later, except for rural school districts.

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6.3 Responsibilities of attending D/M Charter SELPA Steering Meetings via Remote Attendance  
Verbal report, no materials

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***CHARTER STEERING COMMITTEE SCHEDULE OF MEETINGS 2019-20***

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- August 22, 2019
- September 19, 2019
- October 17, 2019
- November 7, 2019
- December 12, 2019
- January 16, 2020
- February 20, 2020
- March 19, 2020
- April 16, 2020
- May 14, 2020
- June 18, 2020

Meetings will be held at 1:00 p.m., at the Desert Mountain Educational Service Center, Apple Valley, CA.

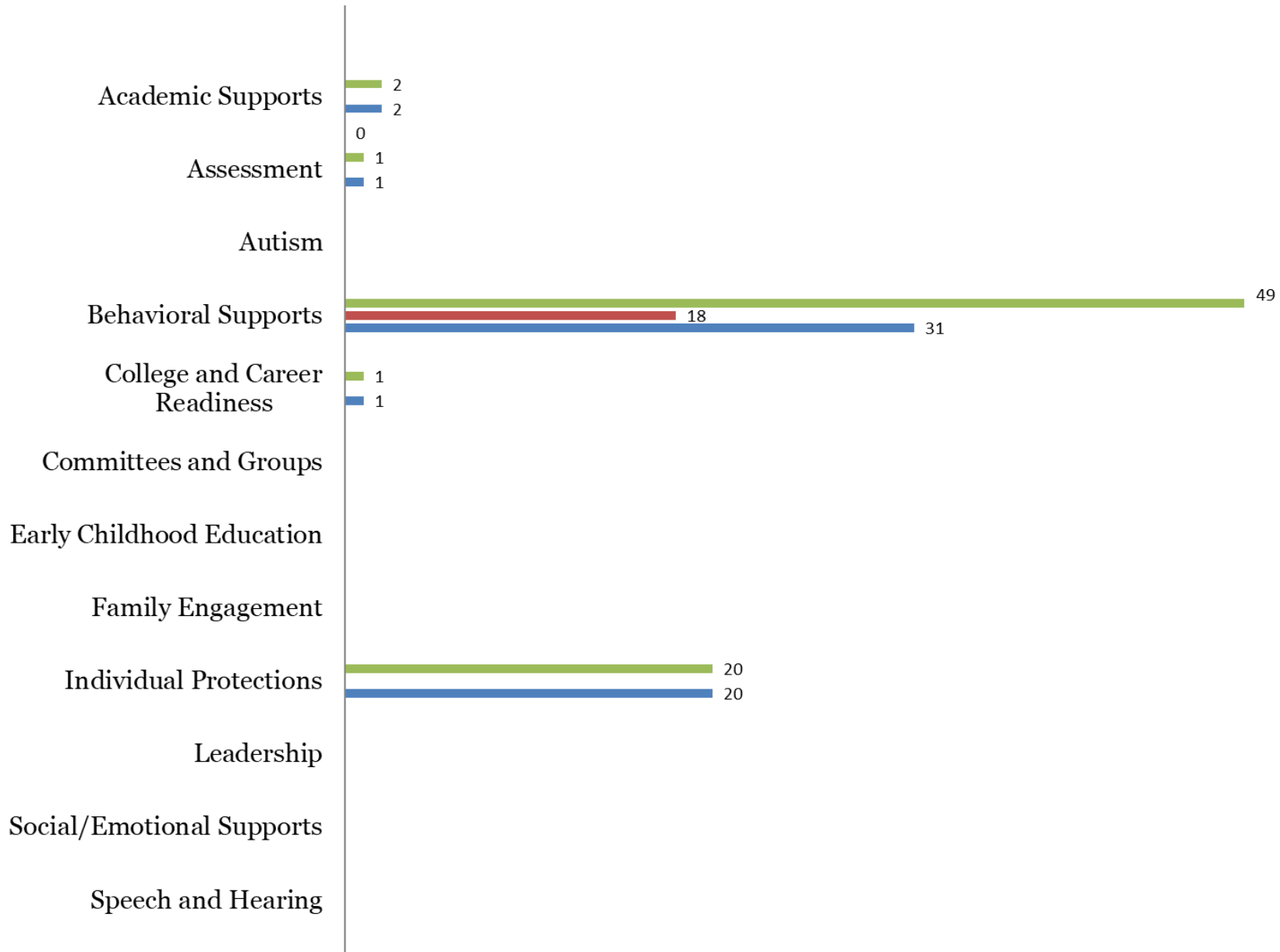


# D/M CHARTER SELPA PROFESSIONAL LEARNING PARTICIPATION SUMMARY

SEPTEMBER 2019 - 73 PARTICIPANTS

197 YEAR-TO-DATE-PARTICIPANTS

■ Total Participants by Content Area ■ On-Site Trainings ■ Regional Trainings



**Desert/Mountain Charter SELPA  
Due Process Summary  
July 1, 2019 - October 17, 2019**

D = Complaint Dismissed    W = Complaint Withdrawn

DISTRICT										CASE ACTIVITY FOR CURRENT YEAR				
	13/14	14/15	15/16	16/17	17/18	18/19	19/20		Total	D/W	Resolution	Mediation	Settled	Hearing
Allegiance STEAM Acad - Thrive	N/A	N/A	N/A	N/A	N/A	0	0		0	0	0	0	0	0
Aveson Global Leadership Acad	N/A	N/A	2	1	5	1.5	0		9.5	0	0	0	0	0
Aveson School of Leaders	N/A	N/A	0	3	1	1.5	0		5.5	0	0	0	0	0
Ballington Acad for Arts & Sci	N/A	N/A	N/A	N/A	0	2	0		0	0	0	0	0	0
Desert Trails Prep Academy	0	0	0	0	0	0	0		0	0	0	0	0	0
Encore Junior/Senior High School	0	0	0	0	0	0	0		0	0	0	0	0	0
Encore High School, Riverside	N/A	N/A	0	0	0	1	1		2	0	0	0	1	0
Julia Lee Performing Arts Acad	N/A	N/A	N/A	N/A	N/A	0	0		0	0	0	0	0	0
LaVerne Elem Preparatory	0	0	0	0	0	0.5	0		0.5	0	0	0	0	0
Leonardo da Vinci Health Sci	0	0	0	0	0	0	0			0	0	0	0	0
Odyssey Charter School	N/A	N/A	0	0	0	0	0		0	0	0	0	0	0
Odyssey Charter School - South	N/A	N/A	N/A	N/A	N/A	0	0		0	0	0	0	0	0
Pasadena Rosebud Academy	N/A	N/A	N/A	N/A	N/A	1	0		1	0	0	0	0	0
Pathways to College	0	0	0	0	0	0	0		0	0	0	0	0	0
Taylison High Desert Academy	0	0	0	0	0	0	0		0	0	0	0	0	0
5														
<b>SELPA-WIDE TOTALS</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>4</b>	<b>6</b>	<b>7.5</b>	<b>1</b>		<b>18.5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>

**Desert/Mountain Charter SELPA  
Due Process Activity Summary  
July 1, 2019 – October 17, 2019**

<b>LEA Case Number</b>	<b>Issue(s)</b>	<b>Date Filed</b>	<b>Resolution Scheduled</b>	<b>Mediation Scheduled</b>	<b>Pre-Hearing Conference</b>	<b>Due Process Hearing</b>	<b>Status</b>
1. Encore HS Case No. 2019061207	1. Vision Therapy 2. Compensatory education local education agency (LEA): 1. Lack of parent consent to speech 2. Lack of parent consent to specialized academic instruction (SAI)	07/09/19	0	08/23/19			Settled; agreed to compensatory education at school site; agreed to provide Independent Educational Evaluation (IEE); agreed to omit speech from the Individualized Education Plan (IEP); CLOSED 8/23/19

Desert /Mountain Charter SELPA  
Legal Expense Summary  
As of October 17, 2019

2000-2001	
2001-2002	
2002-2003	
2003-2004	
2004-2005	
2005-2006	
2006-2007	
2007-2008	
2008-2009	
2009-2010	
2010-2011	
2011-2012	
2012-2013	
2013-2014	
2014-2015	
2015-2016	\$ 7,378.00
2016-2017	\$ 33,886.61
2017-2018	\$ 70,994.67
2018-2019	\$ 113,834.81
2019-2020	\$ 11,850.00

# CLIENT NEWS BRIEF

## Ninth Circuit Upholds District's Unilateral Change Of Location Of IEP Services, Emphasizes Importance Of Academic Needs In LRE Analysis

September 2019  
Number 41

On April 24, 2019, the United States Court of Appeals for the Ninth Circuit (Ninth Circuit) issued a decision in *R.M. v. Gilbert Unified School District*, No. 17-16722 (9th Cir. Apr. 24, 2019), in which the parents of a special education student (Plaintiffs) challenged the Gilbert Unified School District's (District) decisions to: (1) increase the student's special education instruction by 20 minutes per day; and (2) unilaterally move the location of the student's services from his neighborhood school to a different, but substantially similar, program at a school that was not his neighborhood school.

In the underlying matter, the District and Plaintiffs were in disagreement on at least two key aspects of the student's IEP, which were addressed in a January 22, 2018 prior written notice (PWN) issued by the District. The PWN included two proposals: (1) to increase the student's special education instruction by 20 minutes per day; and (2) to change the location of the student's special education services from Ashland Ranch to the Academic SCILLS Program<sup>1</sup> at Pioneer Elementary (Academic SCILLS). Plaintiffs argued that the District's proposed actions would not provide the student with a free appropriate public education (FAPE) in the least restrictive environment (LRE).

As to the increased special education support, which resulted in a reduction in the amount of time the student would spend in a general education classroom, the Ninth Circuit affirmed the lower court's (District Court) analysis, relying on the factors expressed in *Sacramento City Unified School District v. Rachel H.*, 14 F.3d 1398 (9th Cir. 1994), and held that the District appropriately increased the student's special education time. Based in part on its previous decision in *Baquerizo v. Garden Grove Unified Sch. Dist.*, 826 F.3d 1179, 1184 (9th Cir. 2016), the Ninth Circuit reaffirmed that, even when other *Rachel H.* factors (i.e., the non-academic benefits of such placement, the effect the student has on the teacher and children in the regular class, and the costs of mainstreaming the student) weigh in favor of mainstreaming a student, the educational program is still based primarily on the student's academic needs. In other words, when a student will not gain benefit in a typical classroom and his or her academic needs weigh most heavily against a mainstream environment, a smaller classroom meets the FAPE standard.

With respect to the District's act in unilaterally moving the student from Ashland Ranch to Academic SCILLS, the Ninth Circuit rejected the Plaintiffs' argument that this issue too should be analyzed under the LRE factors set forth in *Rachel H.* The Ninth Circuit held instead that the *Rachel H.* factors only apply when and where there is a proposal to change a student's *placement*, as opposed to simply changing the *location* where a student will be receiving his or her IEP services. Interestingly, the District Court addressed this issue by applying a four-factor test, consistent with guidance from the Office of Special



Marcy L. Gutierrez  
Partner and Co-Chair  
Special Education Practice Group  
Sacramento Office  
[mgutierrez@lozanosmith.com](mailto:mgutierrez@lozanosmith.com)



Kyle A. Raney  
Associate  
Sacramento Office  
[kraney@lozanosmith.com](mailto:kraney@lozanosmith.com)

<sup>1</sup> Academic SCILLS provides students with a hands-on, concrete approach to reading, math, writing, and science. The academics are based off of the Arizona Common Core Standards, but alternative curriculum is used to address the most important concepts and skills. When appropriate, children are given opportunities to "pre-teach" concepts in a general education classroom to increase their success levels in that setting.

# CLIENT NEWS BRIEF

September 2019

Number 41

Education Program (OSEP) in "*Letter to Fisher*," 21 IDELR 992 (OSEP 1994), in which OSEP urged consideration of the following in order to determine whether a change to placement or location has occurred: (1) whether the educational program set out in the student's IEP has been revised; (2) whether the child will be able to be educated with non-disabled children to the same extent; (3) whether the child will have the same opportunities to participate in non-academic and extracurricular services; and (4) whether the new placement option is the same option on the same continuum of alternative placements. The Ninth Circuit affirmed the District Court's determination that, when balanced, these factors indicated that student's move to Academic SCILLS was a change of *location* only, and not a change in placement.

As to whether the Academic SCILLS class constituted FAPE in the LRE for Student, the Ninth Circuit affirmed the District Court's findings that it did. For starters, the student's IEP required that the District provide him with services in a small-group setting to allow for the development of social and behavioral skills with peers working on similar academic and social levels. There were no peers at Ashland Ranch at the same level as the student, whereas Academic SCILLS provided the student with greater access to peers at his same level of functioning in a small group setting. In addition, while the District Court had acknowledged the preference for students to attend the school they would attend if not disabled, it concluded that because the student was overstimulated in his general education class despite an isolated learning environment and separate instruction in the resource room, the District correctly determined that his needs could be more appropriately met (and the IEP fulfilled as written) in the small group environment provided at Academic SCILLS.

Lastly, Plaintiffs argued at the District Court level that Student was being denied FAPE because his IEP was in fact "too difficult" in light of his circumstances. The District Court rejected the argument for two important reasons. First, the adequacy of a student's IEP must be evaluated as of the time it was developed – not in hindsight. Here, the District Court found that the student's IEP was reasonably developed from information gathered about his needs, during a multi-disciplinary evaluation.

Second, the District Court made clear that, while the IDEA may require a school district to provide a student with a disability a "basic floor of opportunity," this does not mean that states do not have the power to provide students with an education that they consider to be *more* appropriate than that proposed by a student's parents. Based on the Supreme Court's decision in *Andrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988, 1000 (2017), school districts are instead required to provide students with something more than *de minimis* progress, in light of the child's unique circumstances. The District Court was unpersuaded by Plaintiffs' argument, which would have required a lowering of this standard for the student. In its short three-page decision, a panel of the Ninth Circuit affirmed the District Court's decision as to the appropriateness of the increased special education support, and the District's unilaterally moving the student's special education services to a different location.

While the court's decision in *R.M. v. Gilbert Unified School District* is, at first glance, a win for school districts, we caution against firm reliance on its outcome. While the Ninth Circuit found that a change in placement did not occur, it is difficult to predict whether a similar outcome would result in California. California law defines the phrase "specific educational placement" quite broadly (Cal. Code Regs. tit. 5, § 3042, subd. (a)) and may restrict a school district's ability to unilaterally change the location of a student's special education services, despite the holding in *R.M. v. Gilbert Unified School District*. While not binding, in at least one case, the State of California, Office of Administrative Hearings (OAH), relied upon Section 3042(a) of Title 5 of the California Code of Regulation, to broadly interpret "specific educational placement," noting that this term includes "that unique combination of facilities, personnel, *location* or equipment necessary to provide instructional services to an individual with exceptional needs," (emphasis added) as specified in the IEP. (*Oakland Unified School District* (November 30, 2018) OAH Case Nos. 2017120075 and 2018060529; Cal. Code Regs. tit. 5, § 3042, subd. (a).) Therefore, California school districts likely have a more nuanced analysis of location changes than the one utilized by the Court in *R.M. v. Gilbert Unified School District*. When contemplating whether or not a move from one school site or location to another constitutes a change in placement, school districts should consult with legal counsel.

*As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.*

# CLIENT NEWS BRIEF

September 2019

Number 41

For more information this case or to discuss any special education matters, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

*As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.*

6.7 Compliance Updates

Verbal report, no materials



**Desert/Mountain  
Desert/Mountain Charter  
Special Education Local Plan Area  
(SELPA)**

**DRAFT**

**COMPLIANCE MONITORING  
GUIDE**

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## INTRODUCTION

The purpose of the Desert Mountain SELPA/Charter SELPA Compliance Guide is to assist our districts and charter school members to gain a better understanding of special education compliance, as well as, providing strategies to assist in maintaining accountability and compliance. In addition to this guide Desert Mountain SELPA provides a myriad of trainings and one on one assistance, to support our members in working towards and maintaining compliance.

Federal and state laws require the California Department of Education (CDE) to monitor implementation of categorical programs operated by local educational agencies (LEAs). LEAs are responsible for creating and maintaining programs which meet minimal fiscal programmatic requirements.

School districts, direct-funded charter schools, and county offices that receive funding for certain programs may be chosen for a review by the state. The purpose of the review is to ensure that they are spending the funding as required by law. At the end of each review, the state will complete a report that details any findings of non-compliance and informs the school, district, or county office how to correct the findings.

The California Department of Education (CDE) works to provide a coordinated and transparent monitoring process. Within the CDE, the Federal Program Monitoring (FPM) office has been designated to supervise the FPM reviews, which take place either in person or electronically.

To further assist in the compliance process, there are Focused Monitoring and Technical Assistance (FMTA) Consultants. The FMTA consultants are assigned geographically and by quality assurance activity to align with the eleven California County Superintendents Educational Services Association (CCSESA) regions.

The FMTAs are responsible for coordinating all monitoring and technical assistance activities for the local educational agencies and Special Education Plan Areas in their assigned counties, providing information, and facilitating access to technical assistance related to programs monitoring and program implementation.

## OVERVIEW OF CALIFORNIA'S SYSTEM OF SUPPORT

The goal for support at all levels is to assist LEAs and their schools to meet the needs of each student served, with a focus on building capacity to sustain improvement and effectively address inequities in student opportunities and outcomes. This means that the outcomes for this work include not only improvement on Dashboard indicators from year to year, but also on progressing on interim measurements that LEAs collect locally and throughout the year.

The statute describes using the California School Dashboard as a tool to determine whether LEAs need additional assistance:

- **Support for all LEAs and Schools (Level 1):** Various state and local agencies provide an array of resources and voluntary assistance that all LEAs may use to improve student performance.
- **Differentiated Assistance (Level 2):** County offices of education must offer differentiated assistance to school district if any group met the criteria for two or more LCFF priorities. EC 52071(b), 5207.5 (b).
- **Intensive Intervention (Level 3):** As the accountability system moves forward, the Superintendent of Public Instruction, with approval of the State Board of Education, may intervene in a school district if three or more student groups (for all the student groups if there are less than three) met the criterial for two or more LCFF priorities in three out of four consecutive school years. EC 47607.3

## INDIVIDUALS WITH DISABILITIES ACT 2004 (IDEA)

The Individuals with Disabilities Education Act (IDEA) made many changes in how state educational agencies (SEAs) and local education agencies (LEAs) must now address disproportionality in special education. In the area of disproportionality, SEAs are required to do the following:

- California Annual Performance Report, which are a series of reports by the California Department of Special Education Division (SED) that disseminate educational data to improve the quality of education for all students, with an emphasis on students with disabilities.
- The Annual Performance Report (APR) describes the State's progress or slippage in meeting the measurable and rigorous targets established in the State Performance Plan (SPP); and any revisions to the State's targets, improvement activities or resources in the SPP and justifications for the revisions.
- This Annual Performance Report is located on the GRADS 360 Web application maintained by the Office of Special Education Programs.
- Monitor compliance by examining various data sets.
- Provide for the review and revision (if appropriate) of policies, procedures, and practices used in identification or placement of children with disabilities in LEAs.
- Identify those LEAs with significant disproportionate representation and require them to use 15 percent of IDEA Part B funds for coordinated early intervening services.
- Require the LEAs who are identified as significantly disproportionate to report on: (1) the number of students receiving CEIS every year for which the LEA uses IDEA funds for CEIS; and (2) the number of students who received early intervening services, and who subsequently receive special education and related services within two years after receiving CEIS.

## **EVERY STUDENT SUCCEEDS ACT (ESSA)**

The Every Student Succeeds Act (ESSA) was signed by President Obama on December 10, 2015. This bipartisan measure reauthorizes the 50-year-old Elementary and Secondary Education Act (ESEA), the nation's national education law and longstanding commitment to equal opportunity for all students.

The new law builds on key areas of progress in recent years, made possible by the efforts of educators, communities, parents, and students across the country.

For example, today, high school graduation rates are at all-time highs. Dropout rates are at historic lows. And more students are going to college than ever before. These achievements provide a firm foundation for further work to expand educational opportunity and improve student outcomes under ESSA.

The previous version of the law, the No Child Left Behind (NCLB) Act, was enacted in 2002. NCLB represented a significant step forward for our nation's children in many respects, particularly as it shined a light on where students were making progress and where they needed additional support, regardless of race, income, zip code, disability, home language, or background. The law was scheduled for revision in 2007, and, over time, NCLB's prescriptive requirements became increasingly unworkable for schools and educators. Recognizing this fact, in 2010, the Obama administration joined a call from educators and families to create a better law that focused on the clear goal of fully preparing all students for success in college and careers.

### ESSA Highlights

ESSA includes provisions that will help to ensure success for students and schools. Below are just a few. The law:

- Advances equity by upholding critical protections for America's disadvantaged and high-need students.
- Requires—for the first time—that all students in America be taught to high academic standards that will prepare them to succeed in college and careers.

- Ensures that vital information is provided to educators, families, students, and communities through annual statewide assessments that measure students' progress toward those high standards.
- Helps to support and grow local innovations—including evidence-based and place-based interventions developed by local leaders and educators—consistent with our Investing in Innovation and Promise Neighborhoods
- Sustains and expands this administration's historic investments in increasing access to high-quality preschool.
- Maintains an expectation that there will be accountability and action to effect positive change in our lowest-performing schools, where groups of students are not making progress, and where graduation rates are low over extended periods of time.

DRAFT

## DATA IDENTIFIED NON-COMPLIANT (DINC)

### Background

The Office of Special Education Programs (OSEP) of the U.S. Department of Education requires that states must examine data it receives through its data collections to determine if the data demonstrates noncompliance with the requirements of the Individuals with Disabilities Education Act (IDEA). If noncompliance is identified, the state must make a finding of noncompliance and require the local educational agency (LEA) to make corrections using federally specified procedures.

In order to carry out these requirements, the California Department of Education (CDE) Special Education Division (SED) reviews and analyzes student level data submitted to monitor compliance with state and federal requirements. Specifically, the data is analyzed in relationship to three compliance indicators from the California State Performance Plan (SPP):

- **Indicator 11 (Eligibility Evaluation):** One hundred percent of children were evaluated within 60 days of receiving parental consent for initial evaluation.
- **Indicator 12 (Part C to B Transition):** One hundred percent of children referred by Part C prior to age three, who are found eligible for Part B, have an Individualized Education Program (IEP) developed and implemented by their third birthday.
- **Indicator 13 (Secondary Transition Goals/Services):** One hundred percent of youth aged 16 and above have an IEP that includes the eight required measurable elements of secondary transition planning.

In addition, data is analyzed for compliance with the state and federal timeframe requirements for:

- Annual IEP meeting (once a year) - **Overdue Annuals (without delay reason results in DINC)**



- Triennial re-evaluation to determine the student’s continued eligibility (every three years) - **Overdue Triennials (without delay reason results in DINC)**

Corrective actions for each of the noncompliant indicator findings is specified below:

<b>Corrective Actions Table</b>	
	<b>Student Non-Compliant Finding Corrective Action</b>
<b>60 Day</b>	If the IEP has not yet been completed, the LEA must convene the IEP team to develop the IEP and update the student data record. If the IEP was late, but has been completed, the LEA must update the student data record.
<b>Part C to B</b>	If the IEP has not yet been completed, the LEA must convene the IEP team to ensure that the student transitioning from early intervention services under Part C has an IEP developed and implemented, updating the student data record. If the IEP was late, but has been completed, the LEA must update the student data record.
<b>IEP</b>	For the student whose annual review was late and has still not been completed, the LEA must convene the IEP team to review and revise the IEP and update the student data record. If the IEP was late, but has been completed, the LEA must update the student data record.

### **DINC Notification Process:**

CDE notifies LEAs by submitting a list of students of noncompliance and in the specific areas. LEAs are then required to respond using the CDE Portal, informing CDE that the IEP has been completed (Annuals/Triennials/Transition) or the LEA informs CDE of their plan to maintain and monitor timelines to ensure IEP Compliance.

## TIPS TO AVOID CORRECTION WITH DATA IDENTIFIED NONCOMPLIANT (DINCS)

- Make sure that all students are evaluated within 60 days of the date that parents signed consent.
- Monitor all students who were qualified for part C and are now eligible for part B, hold IEP's for these identified students prior to the child's third birthday.
- Know the students who will be turning 16 and ensure that in the IEP prior that there is a developed transition plan with measurable goals in preparation for their transition process.
- Consult SELPA for any questions and assistance.
- Plan in advance.
- Should the LEA miss the required timeline, the LEA should reschedule the IEP meeting and utilize the CDE approved delay reasons:
  - Legal Proceedings
  - Parent Contacted, did not attend
  - School Emergency
  - Temporary School Closure
  - Timely IEP, Another IEP held after timely (eg.part 1, part 2-no show pending)
  - Transfer (late from another LEA, due immediately from another LEA)

## DISPROPORTIONALITY (DISPRO)

*“...the genesis of disproportionate representation is located beyond the borders of special education and requires a solid understanding of the intersection of culture, learning, disability, and the socio-historical constitution of educational processes and outcomes. Two issues are associated with the persistence of culturally and linguistically diverse overrepresentation in special education, namely the issues related to understanding the complexity of this problem and also difficulties associated with the use of research knowledge to address it. Ultimately, what is needed is the transformation and improvement of educational systems in culturally responsive ways.” -The EDGE Magazine*

Disproportionality is the “overrepresentation” of a particular racial or ethnic group in one of four areas:

- Special education in general;
- Special education within a specific disability category;
- Disciplinary action, and;
- More restrictive educational environments

Disproportionality Placement is determined by the following:

- Students with disabilities by race and ethnicity spending less than 40 percent of their academic time in general education.
- Students with disabilities by race and ethnicity in:
  - Separate Schools (only used if entire school is SWD only)
  - Hospital or homebound
  - Residential facilities

The following are the critical values and beliefs used to support districts and select resources:

- All students are learners.
- Educators must provide all students effective opportunities to learn the California academic content standards based on the Common Core State Standards.
- Educators must be more responsive to race, gender, and national origin, in order to reduce disparities among and between groups in academic achievement.
- Effective educator practice is driven by an understanding of content knowledge, evidenced-based instructional practices, and a commitment to all students and their families.
- Effective educators require continuous professional growth.
- Local school districts and their communities are key stakeholders to engage in critical conversations about culturally responsive educational systems.
- Disproportionality can no longer be viewed solely as a special education issue.
- Disproportionality is an outcome of policies, practices and beliefs.
- Disproportionate representation is a complex phenomenon.

In order for LEAs to address disproportionality, the adoption of these critical values and beliefs should be embraced.

## Tips to Avoid Disproportionality

First of all, it is important to be mindful that disproportionality becomes the early warning system to Significant Disproportionality.

- Understand Disproportionality and the ramifications of this status and address early
- Have systems in place to ensure Least Restrictive Environments
- Recognize who is being suspended by keeping track of race/ethnicity
- Have systems in place to ensure interventions and supports.
- Conduct teacher training (e.g. classroom management)
- Ensure a positive school culture
- Input reason(s) in IEP for late annuals when delay is beyond LEAs control
- Input reason(s) in IEP for late triennials when delay is beyond LEA's control
- The use of Multi-Tiered Systems of support (MTSS)
- The use of Response to Intervention (RTI)
- Employ drop-out prevention efforts
- Implement culturally responsive practices
- Promote a just and equitable system that consistently increases access to opportunities for all students
- Participate in ongoing professional development through SELPA
- Review reports from electronic IEP system and/or student management system on an ongoing basis
- Upload all supporting documents to the electronic IEP system

## **SIGNIFICANT DISPROPORTIONALITY (SIG DIS)**

Each year, under Title 34, Code of Federal Regulations, section 300.646 of the Individuals with Disabilities Education Act (IDEA), the California Department of Education (CDE) is responsible for collecting and examining data to determine if ***significant disproportionality*** is occurring in local educational agencies (LEAs) in the state.

Significant disproportionality results when a LEA remains in disproportionate status for three years, without significant growth towards moving out of disproportionality.

Significant Disproportionality is the determination that a school district (LEA) has significant over-representation based on race and ethnicity overall, by disability, by placement in particular educational settings, or by disciplinary actions.

A LEA is considered to have significant disproportionality if it meets the following:

- Overrepresentation in one or more areas of disproportionality
- In the same area
- Within the same population
- For three consecutive years

When a LEA is identified as significant disproportionate the following requirements must ensue:

- LEAs will be required to develop a CCEIS plan
- LEAs set-aside 15 percent of IDEA funds
- LEAs will submit Quarterly Progress Reports to the SELPA and then to CDE
- Must contract a minimum of 10 hours with a CDE Approved TA Facilitator, per indicator

## **New Significant Disproportionate Regulations**

- Established a standard methodology States must use to determine whether significant disproportionality based on race and ethnicity is occurring in the State and in its LEAs.
- Clarified that the States must address significant disproportionality in the incidences, duration, and type of disciplinary actions, including suspensions and expulsions, using the same statutory remedies required to address significant disproportionality in the identification and placement of children with disabilities.
- Clarified requirements for the review and revision of policies, practices, and procedures when significant disproportionality is found.
- Require that LEAs identify and address the factors contributing to significant disproportionality as part of Comprehensive Coordinated Early Intervening Services (CCEIS) and allow these services for children from age 3 through grade 12, with and without disabilities.

### **Determining significant disproportionality**

In determining whether significant disproportionality exists in a State or LEA, the State must set a:

- (A) Reasonable risk ratio threshold;
- (B) Reasonable minimum cell size;
- (C) Reasonable minimum n-size; and
- (D) Standard for measuring reasonable progress (optional)

### **Categories**

- Identification (7 measures)
- Settings (2 measures)
- Discipline (5 measures)

### Identification (7 measures)

The identification of children ages 3 through 21 as children with  
The following impairments:

- (A) Intellectual disabilities;
- (B) Specific Learning disabilities;
- (C) Emotional Disturbance;
- (D) Speech Language impairment;
- (E) Other health impairments; and
- (F) Autism

### Settings (2 measures)

1. For children with disabilities ages 6 through 21, inside a regular Class less than 40 percent of the day
2. For children with disabilities ages 6 through 21, inside separate Schools and residential facilities, not including homebound or hospital settings, correctional facilities, or private schools

### Discipline (5 measures)

1. For children with disabilities ages 3 through 21, out-of-school Suspensions and expulsions of 10 days or fewer;
2. For children with disabilities ages 3 through 21, out of school Suspensions and expulsions for more than 10 days;
3. For children with disabilities ages 3 through 21, in school Suspensions of 10 days or fewer;
4. For children with disabilities ages 3 through 21, in school Suspensions of more than 10 days; and
5. For children with disabilities ages 3 through 21, disciplinary Removals in total, including in-school and out-of-school suspensions,



expulsions, removals by school personnel to an interim alternative education setting, and removals by a hearing officer.

### **Tips to Avoid Significant Disproportionality**

- Be proactive in addressing disproportionality
- Closely monitor Disproportionality Data at all Sites
- Understand the timeline (3 Years) of being disproportionate leads to significant disproportionate
- Develop a Comprehensive Action Plan to Address Disproportionate Data in a Timely Manner
- Examine Suspension Data Regularly
- Adopt/Utilize Other Means of Correction to reduce suspensions
- The use of Multi-Tiered Systems of support (MTSS)
- Drop Out Prevention Monitored by CALPADS
- Review reports from electronic IEP system and/or student management system on an ongoing basis
- Upload all supporting documents to the electronic IEP system

## **Coordinated Early Intervening Services Programmatic Improvement Process**

As a result of a district being significant disproportionate a requirement is that the Coordinated Early Intervening Process begins. The goal then becomes to get out of significant disproportionality with assistance that comes from what is referred to as the State's Performance Plan Technical Assistance Project.

The overall purpose of the project is to provide a system of technical assistance for local educational agencies (LEAs) working to address performance and compliance problems relating to disproportionality and significant disproportionality.

Once identified as significant disproportionate CDE recommends that all LEAs contact State Performance Plan Technical Assistance Project (SPP-TAP) staff for assistance with the Programmatic Improvement Process. More information can be found on the SPP-TAP Website.

This guidance is based upon the promising practices for improvement detailed in the national disproportionality literature and the federal guidance documents from the U.S. Department of Education (ED).

LEAs having significant disproportionality engage in a process for systems change designed to provide LEAs and school improvement teams with the knowledge and technical expertise to develop a thorough understanding of problems, issues, and concerns in their schools, and what needs to be done to address disproportionality.

The completion of the Significantly Disproportionate- Comprehensive Coordinated Early Intervening Services (CD-CCEIS) Programmatic Improvement Process involves the following four phases and activities:

### **Phase One-Getting Started**

Activity One: Identify and Convene Leadership Team and Stakeholder Group, including SELPA

Activity Two: Contact the SPP-TAP Project at the Napa County Office of Education

Activity Three: Choose a Facilitator

Activity Four: Gather Relevant Data

## **Phase Two-Data and Root Causes Analysis**

Activity One: complete a Local Educational Agency Initiative Inventory

Activity Two: Choose and Complete

Activity Three: Conduct Reflective Data Analysis

Activity Four: Determine Root Cause(s) Based on Data

## **Phase Three-Plan for Improvement**

Activity One: Select Area of Focus

Activity Two: Develop Programmatic Improvement Action Plan

## **Phase Four-Implementing, Evaluating, and Sustaining**

Phase Four of the Programmatic Improvement Process involves implementing, evaluating, and sustaining the changes initiated through the Programmatic Improvement Action Plan.

Activity One: Implement Programmatic Improvement Action Plan

Activity Two: Evaluate Effectiveness

Activity Three: Build Supports and Plan for Sustainability

## **PERFORMANCE INDICATOR REVIEW (PIR)**

The performance Indicator Review (PIR) is a component of the Annual Submission Process (ASP). The PIR is part of the Special Education Division's (SED) overall Quality Assurance Process. It is designed to meet, along with our other processes, the requirements of a system of general supervision required by Title 34, Code of Federal Regulations, Section 300.600

PIR Plans are required from LEAs when one or more Performance Indicators have not been met to a degree that monitoring activities are required. All LEAs participate in PIR selection. LEAs are required to develop a plan of correction to address the special education state indicators in order to achieve compliance.

Effective July 2019, the Annual Submission Process requires that LEAs submit data through CALPADS this data is monitored by CDE to determine if LEAs are compliant or in need of monitoring activities.

### **Annual Performance Report**

The APR is driven by requirements of the U.S. Department of Education (ED) and the office of special education programs (OSEP)

The APR consists of 17 indicators:

- Compliance (5)
- Performance (11)
- Both (1)

Targets for compliance indicators are set by OSEP at either 0 percent or 100 percent

Targets for performance indicators are set in collaboration with the various stakeholder groups and have been re-benchmarked for 2013-14 through 2019-20.

## LEA Selection for Performance Indicator Review

- Indicator 1 Graduation Four Year Rate
- Indicator 2 Dropout Four Year Rate
- Indicator 3 Statewide Assessments
- Indicator 4 Suspension and Expulsion
- Indicator 5 Least Restrictive Environment
- Indicator 8 Parent Involvement
- Indicator 14 Post-school Outcomes
- Child Find (not fully active yet)\*

### CHILD FIND

Local educational agencies (LEAs) in California have an “affirmative, ongoing duty to identify, locate, and evaluate” all children and youth with disabilities, regardless of the severity of the disability. The mandate of the Individuals with Disabilities Act is called “Child Find” (34 CFR 300.111).

Child Find, while not fully active yet, will be one of the indicators for future Performance Indicator Reviews.

### AT A GLANCE

- Child Find is a legal requirement that schools find all children who have disabilities and who may be entitled to special education services.
- 
- Child Find covers every child from birth through age 21.

- The school must evaluate any child that it knows, or suspects may have a disability.

### KEY TAKEAWAYS

- Every child from birth to age 21 is covered, including infants, toddlers and children who are homeschooled or in private school.
- 
- Child Find does not require schools to agree to evaluate every child.
  - If a school refuses to evaluate a child, parents may challenge that decision.

### PIR Selection/Calculations

Calculations are based on the Dashboard information. Calculations refer to the percent of Special Education students in the Local Education Agency (LEA). Statistical calculations are performed on LEAs (excluding outliers) and those found to be two standard deviations below the mean are identified (3.43%).

CDE looks at the data for LEAs to determine if they are selected based on not meeting established APR targets.

APR Targets Met	Dashboard
<ul style="list-style-type: none"> <li>-Dropout Rate <b>(Indicator 2)</b></li> <li>-Statewide Assessments Participation <b>(Indicator 3)</b></li> <li>-Least Restrictive Environment <b>(Indicator 5)</b></li> <li>-Parent Involvement <b>(Indicator 8)</b></li> <li>-Post-School Outcomes <b>(Indicator 14)</b></li> </ul>	<ul style="list-style-type: none"> <li>-Graduation Rate <b>(Indicator 1)</b></li> <li>-Statewide Assessments <b>(Indicator 3)</b></li> <li>-Overall Discipline <b>(Indicator 4)</b></li> </ul>

## **PIR NOTIFICATION**

LEAs and SELPA are notified by letter in which CDE identified unmet indicators. Additionally, the following are sent to LEAs:

- Plan requirements
- Data explanation
- Sample activities
- Forms to complete

### **A General Overview of PIR Activities**

- LEA submits signed Assurances Form to SELPA
- LEA submits an Improvement Plan to SELPA (Only for LEAs which have unmet Indicators)
- SELPA reviews plans for the required components
- SELPA submits all plans to CDE via email

### **SELPA's Role in the PIR Process**

In addition to Desert Mountain SELPA reviewing plans for the required components and submitting plans on behalf of districts, we also assume an active role in helping LEAs to understand the calculation of SPPIs and the implications of failure to meet the targets established for LEAs in California.

Assist the LEA in:

- Identifying and correcting noncompliant policies, procedures, and practices
- Identifying new strategies and activities that would contribute to a LEAs improvement
- Locating resources
- Collect and review all LEA plans to ensure that all required components are included
- Submit LEA's performance improvement plans to CDE

### **Tips to Avoid Performance Indicator Review (PIR)**

- Implement practices and effective strategies for dropout reduction
- Utilize the California Career Resource Network (CALCRN)
- Ensure access and equity
- Supporting educators to identify and meet the needs of students with disabilities
- Supporting educators to identify and meet the needs of students with low literacy levels
- Supporting educators to identify and meet the needs of students with low math performance levels
- Implement practices and effective strategies for participation in statewide assessments.
- Implement ongoing practices for students with disabilities who require modifications and/or accommodations



## **COMPREHENSIVE REVIEW (COMP REVIEW)**

Comprehensive Review occurs when the LEA is deemed non-compliant in several state indicators and improvement fails to change after multiple years. This is the most severe noncompliance status based on specific data, which requires needs assistance and substantial interventions.

The Special Education Indicators involved with comprehensive review, are as follows:

**Indicator 1 - Graduation 4 – Year Rate**

**Indicator 2 - Dropout 4 Year Rate (<11.72%)**

**Indicator 3 - Statewide Assessment**

% Participated (ELA>95%, Math>95%)

ELA Proficiency

Math Proficiency

**Indicator 4 – Suspension/Expulsion**

Overall (<2.76%)

Race/Ethnic

**Indicator 5 – LRE**

Inside of regular class 80% or more of day (>51.2%)

Inside of regular class less than 40% of day (<22.6%)

**Indicator 6 – Preschool LRE**

Regular Program (>43.8%)

Separate (<32.4)

**Indicator 7 – Preschool Assessments**

**Indicator 8 – Parent Involvement**

**Indicator 9 – Racial/Ethnic Disproportionality**

**Indicator 10 – Disability Disproportionality (varies by disability)**

**Indicator 11 – Eligibility Evaluation (100%)**

**Indicator 12 – Part C to B Transition (100%) SELPA calculation**

**Indicator 13 – Secondary Transition Goals/Services (100%)**

**Indicator 14 – Post School**

Higher Education (>56.3%)

Higher Education or Competitively Employed (>76.4%)

Any Post-Secondary Goals/Services (>85.0%)

**Indicator 15 – Resolution Session****Indicator 16 – Mediation****Indicator 17 – State Systemic Improvement Plan**

Timely Corrections

Timely and Complete Reporting

Audit Findings

The purpose of Comprehensive Review is as follows:

- To provide effective general supervision to local educational agencies (LEAs) in accordance with the obligations imposed on the California Department of Education (CDE) under the Individuals with Disabilities Act (IDEA), in accordance with the State Performance Plan (SPP), and as required by Title 34 Code of Federal Regulations Section 300.600
- To ensure LEAs, county offices of education (COE), and Special Education Local Plan Area (SELPA) are providing appropriate supervision and monitoring for special education programs and services.
- To provide information to the CDE regarding key compliance questions leading to positive results for students.

LEAs are selected for participation in a CR based on their performance relative to SPP targets and include compliance and performance indicators. Specifically, the selection is based on scale scores applied to a LEA's Annual Performance Review (APR) measures which are the same indicators at the LEA level as are used for the SPP.

The LEA's APR may be found at <http://www.cde.ca.gov/sp/se/leadatarpts.asp>.

The scale works as follows:

- 4=the LEA met the target and the performance stayed the same or improved from the prior year
- 3=the LEA met the target and the performance did not stay the same or did not improve from the prior year

- 2=the LEA did not meet the target, but the performance stayed the same or improved from the prior year
- 1=the LEA did not meet the target and the performance did not stay the same and did not improve for the prior year
- 0=Unable to score the LEA due to the unavailability of data for the current or prior year

In addition, selection included non-indicator elements such as complaint noncompliance and timely submission of documents and data to the CDE. Scores for all elements were added together and the sum of scores are divided by the total number of valid indicators and elements. If an LEA's overall score was less than 70 percent, the LEA is selected for CR.

As a part of the CDE's responsibility for supervision and monitoring of LEAs for compliance with the IDEA, the CR process may include any, or all, of the following monitoring activities:

1. Review of selected pupil records and individualized education programs (IEPs) and infant records and individualized family services plans (IFSPs) to determine educational benefit (school-age student records only), compliance, service provision, and accuracy of data reported to the CDE.
2. Interviews and follow-up discussions with parents or guardians, general and special education teachers, and other school personnel.
3. Interview with LEA administrators regarding noncompliance identified in record reviews and through data analysis.
4. General parent/guardian input about special education programs and services collected from parent surveys. Parent Training and Information Centers, and Family Empowerment Centers serving families within the LEA's boundaries.
5. Review of local policies, procedures, and the Special Education Local Plan for compliance with IDEA.

## 6. Fiscal Review.

The parent input component of the CR uses three sources of parent input:

1. Input from the local parent training and information center.
2. Input from the local Community Advisory Committee.
3. Input from parents of students with an IEP in the LEA.

In order to facilitate gaining input from parents of current students with an IEP within the LEA, the CDE may request the LEA provide a list of students' names and the mailing address of their parent or guardian, by a specified date.

In order to facilitate parent input, the LEA may also choose to provide parents with the Web site of the parent survey at:  
[www.seedsofpartnership.org/monitoringsurvey](http://www.seedsofpartnership.org/monitoringsurvey).

The CDE usually complete a review of a sample of student records using a desk audit process. This process requires the CDE's Special Education Division (SED) to remotely access the LEA-based documentation, including but not limited to:

- Student individualized education programs (IEPs)
- Assessment plans and reports
- Meeting and other notification to parents

The CDE and LEA will coordinate the best way to gain electronic access to student records. The most practical way to permit electronic access to the LEA's computer-based IEP system (e.g., Special Education Information System), is for the LEA to authorize the CDE's SED to have temporary, read-only, student specific access to the LEA's electronic IEP system. This method eliminates the need to compile and physically transfer sensitive student information. Each LEA will need to provide instructions and any other information (e.g., username, password) for completing the evaluation. The LEA will work with the CDE to determine the duration for this review.

Results of the record reviews will be analyzed by the CDE to determine additional activities necessary for the CR process. LEA staff will be contacted to determine

the schedule and details for any activities taking place in the LEA, including technical assistance. As any activities which will involve the CDE being on-site will require preplanning on the part of the LEA, specific information will be provided by the CDE consultant leading the CR team.

The CR team is comprised of CDE Consultants, CDE Field Colleagues, SELPA Directors, and COE Superintendents and/or staff. CR team members will partner with the LEA to complete the review activities, as determined appropriate by CDE.

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## PUPIL COUNT

Pupil Count is a tracking requirement of student data collection by the California Department of Education from all Local Education Agencies (LEAs). Pupil Count, depending on the time of year, will consist of a Student Demographic File, Student Services File, and Transition File. These files are provided through the SELPAs electronic IEP system, WebIEP. Secured student information is sent electronically through the California Longitudinal Pupil CALPADS utility provided through WebIEP so that LEAs can provide the data on a bi-monthly basis. Pupil Count is used for various tracking purposes and compliance reviews.

The reporting process with LEAs will be two-fold. Part of the Student Information will come from the LEAs Student Information System (SIS) and the other through the Electronic IEP System (WebIEP for Desert/Mountain and Desert/Mountain Charter SELPA). The new CALPADS Student Profile files will consist of Student Enrollment Information, Demographic Information, English Language Acquisition Status, and Student Program. The CALPADS Discipline File will consist of Student Incident, Student Incident Results, and Student Offense. CALPADS Special Education Files will consist of the Special Education Program, Student Services, and Post School Outcomes.

The data collection windows have changed starting with the 2019-20 school year. Fall 1 Window will be between October and December, Fall 2 Window will be between December and January, and End of Year (EOY) will be between May and August. These windows are subject to change regarding exact dates, but LEAs will be notified by CDE. Pupil Count will now have a two-prong certification process with the first layer of certification being completed by the LEA and the second layer of certification being completed by the SELPA.

## CALIFORNIA SCHOOL DASHBOARD

The Dashboard is a powerful online tool to help districts and LEAs identify strengths and weaknesses and pinpoint student groups that may be struggling. It reports performance and progress on both state and local measures.

California's accountability system is based on multiple measures that assesses how local educational agencies LEAs and schools are meeting the needs of their students. Performance on these measures is reported on the California School Dashboard.

The dashboard contains reports that display the performance of local educational agencies (LEAs), schools and student groups on a set of state and local measures to assist in identifying strengths, challenges, and areas in need of improvement. It reports performance and progress on both state and local measures.

State measures apply to all LEAs, schools, and student groups and are based on data that is collected consistently across the state. Local measures apply at the LEA and charter school level and are based on data collected at the local level.

The state and local measures are drawn from the ten priority areas of the Local Control Funding Formula (LCFF)

The state measures are as follows:

- Chronic Absenteeism
- Suspension Rate
- English Learner Progress
- Graduation Rate
- Academic Performance
- College/Career

California's new accountability and continuous improvement provides information about how local educational agencies and schools are meeting the needs of California's diverse population.



Blue



Green



Yellow

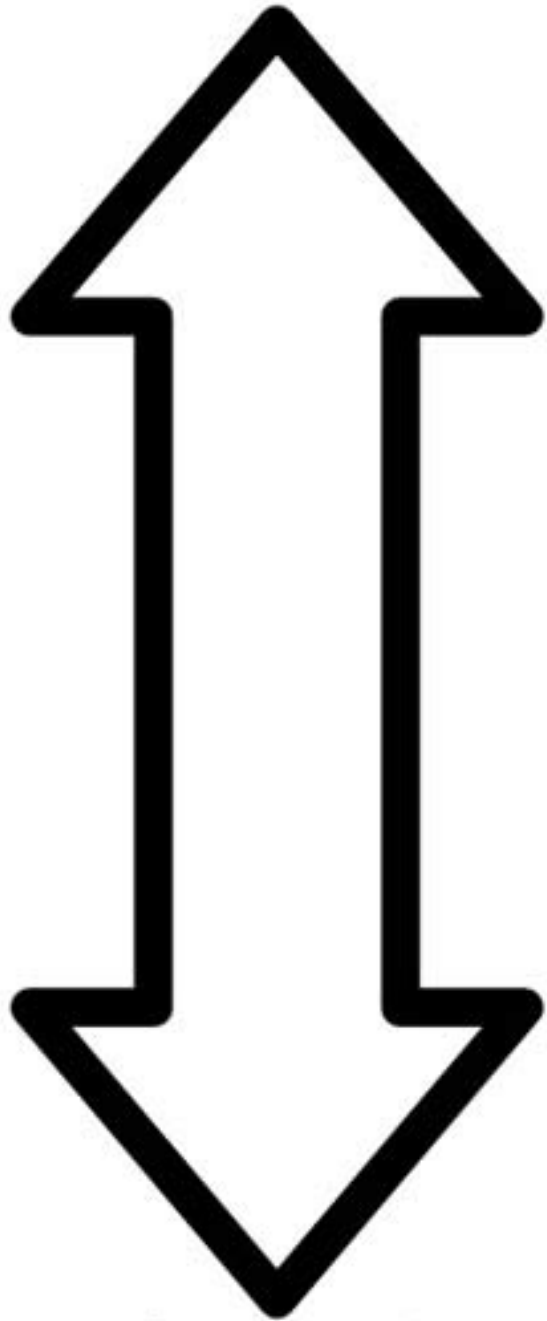


Orange



Red

Highest Performance



Lowest Performance



## SCHOOL FUNDING

How are California Schools funded? It is important to understand how school funding relates to the state's compliance mandates.

Most of the funding for K-12 education comes from the state. In 2018-19, California public schools received a total of \$97.2 billion in funding from three sources: the state (58%), property taxes and other local sources (32%), and the federal government (9%). These shares vary across school districts.

Some districts, known as "basic aid" or "excess tax" districts, fund their revenue limit entirely through property taxes and receive no general purpose state aid. They also retain any excess property taxes within their district. This report focuses on basic aid districts.

### Local Control Funding Formula

The Local Control Funding Formula, enacted through the 2013-14 state budget, is the new system for calculating funding for most public schools in California. Each district receives a "base grant" per student, plus additional "supplemental and concentration" grants for targeted students who are low income, foster youth, or English-Language Learners. All K-12 students in public schools are eligible for LCFF funds, with more funding for targeted students who are low income, in foster care, or English-Language Learners.

LCFF funds almost every service provided by public schools, including teacher salaries, classroom materials, and facilities. LCFF can be used for school-based mental health programs and staff, including social workers, counselors, nurses, and psychologists.

School districts are currently receiving LCFF funds, which will increase through 2020. Districts must submit a three-year Local Control and Accountability Plan (LCAP) and annual LCAP updates to their County Office of Education. The LCAP must demonstrate how funds will be used to support targeted students in eight distinct state priorities. It is estimated that, after years of cuts, a full implementation, LCFF will bring school funding to at least 2007 levels.

The state priorities most linked to student mental health include “pupil engagement” as measured in part by attendance and “school climate” as measured in part by suspension and expulsion rates.

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## LCAP PRIORITIES

Local Indicators

### Eight Priorities

#### Priority 1: Basic Services and Conditions at schools

State Indicator-N/A

Local Indicator-Text books availability, adequate facilities, and correctly assigned teachers

#### Priority 2: Implementation of State Academic Standards

State Indicator-N/A

Local Indicator-Annually report on progress in implementing the standards for all content areas

#### Priority 3: Parent Engagement

State Indicator-N/A

Local Indicator-Annually report progress toward seeking input from parents/guardians in decision making and promoting parental participation in programs

#### Priority 4: Student Achievement

State Indicator- Academic Performance-Grades 3-8 and Grade 11, English Learner Progress

Local Indicator-N/A

#### Priority 5: Student Engagement

State Indicators-Graduation Rate, Chronic Absenteeism

Local Indicators-N/A

**Priority 6: School Climate**

State Indicator-Suspension Rate

Local Indicator-Administer a Climate Survey every other year

**Priority 7: Access to a Broad Course of Study**

State Indicator-N/A

Local Indicator-Annually report progress on the extent students have access to, and are enrolled in, a broad course of study

**Priority 8: Outcomes in a Broad Course of Study**

State Indicator: College/Career

Local Indicators: N/A

## KEY TERMS

**Annual Performance Report (APR)** – The annual Performance Report describes the state’s slippage in meeting the measurable and rigorous targets established in the State Performance Plan (SPP); and any revisions to the State’s targets, improvement activities or resources in the SPP and justifications for the revisions.

**California Assessment of Student Performance and Progress (CAASPP)** System was established on January 1, 2014. The CAASPP System replaced the Standardized Testing and Reporting (STAR) Program, which became inoperable on July 1, 2013. The CAASPP system includes the Smarter Balanced summative assessments for English language arts/literacy and mathematics, the California Science Tests, the reading/language arts standards-based Tests in Spanish, and the California Alternative Assessments.

**California Collaborative for Educational Excellence (CCEE)** Established pursuant to California Education Code Section 52074, which states that “(t)he purpose of the California Collaborative for Educational Excellence is to advise and assist school districts, county superintendents of schools, and charter school districts in achieving the goals set forth in a local control and accountability plan.” The CCEE is a public agency that is governed by a five-member governing board composed of the State Superintendent of Public Instruction (or his or her designee), a county superintendent of schools appointed by the Senate Committee on Rules, a superintendent of a school district appointed by the Governor, and a teacher appointed by the Speaker of the Assembly.

**California Dashboard**- A website released in March 2017 that parents/guardians, educators, and the public can use to see how districts and schools are meeting the needs of California’s diverse student population based on the concise set of measures included in the new accountability system, including test scores, graduation rates, English Learner progress, and suspension rates. Additionally, the Dashboard includes reporting and evaluation of local indicators. The Dashboard is part of California’s new school accountability system based on the Local Control Funding Formula, enacted in 2013. As provisioned in California Education Code, the Dashboard will be used to support local educational agencies (LEAs) in identifying strengths, weaknesses, and areas for improvement; to assist

in determining whether LEAs and schools are eligible for technical assistance; and to assist the state in determining whether LEAs and schools are eligible for more intensive support/intervention.

**California Department of Education (CDE)** – An agency within the Government of California that oversees public education. Its headquarters are located in the U.S. state of California’s capital city, Sacramento.

**CalEDFacts**- A compilation of statistics and information on a variety of issues concerning education in California.

**CALPADS** – A longitudinal data system used to maintain individual-level data including student demographics, course data, discipline, assessments, staff assignments, and other data for state and federal reporting.

**Child Find**- A legal requirement that schools find all children who have disabilities and who may be entitled to special education services. Child find covers every child from birth through age 21. The school must evaluate any child that it knows, or suspects may have a disability.

**Disproportionality** – The overrepresentation of a particular racial or ethnic group in a particular area

**Every Student Succeeds Act (ESSA)**- On December 10, 2015, President Obama signed Every Student Succeeds Act (ESSA), reauthorizing the federal Elementary and Secondary Education Act (ESSA) and replacing the No Child Left Behind Act (NCLB), the 2001 reauthorization of ESSA.

**Individualized Education Program (IEP)** – a document that is developed for each public school child who is eligible for special education. The IEP is created through a team effort reviewed periodically. This document is the foundation that directs instructional planning for the student with exceptional needs.

**Individuals with Disabilities Education Act** – The individuals with Disabilities Education Act is a four-part piece of American legislation that ensures students with a disability are provided with Free Appropriate Public Education that is tailored to their individual needs. IDEA was previously known as the Education

for All Handicapped Children Act from 1975 to 1990. In 1990, the United States Congress reauthorized EHA and changed the title to IDEA. Overall, the goal of IDEA is to provide children with disabilities the same opportunity for education as those students who do not have a disability.

**Least Restrictive Environment** – In the U.S. the Individuals with Disabilities Education Act is a special education law that mandates regulation for students with disabilities in order to protect their rights as students and the rights of their parents. Under this act it is required that all students receive a Free and Appropriate Education, and that these students should be educated in the least restrictive environment. The least restrictive environment clause states that students with disabilities should be educated with students without disabilities to the maximum appropriate extent. If a student should require supplementary aids and services necessary to achieve educational goals while being placed in a classroom with students without disabilities, they should be provided as needed.

**Local Control Funding Formula (LCFF)** - California's school funding law is a way for schools to focus on student success. LCFF also requires your school district to focus on the eight key areas that help all students succeed.

**Minimum cell size** – the minimum number of children experiencing a particular outcome, to be used as the numerator when calculating either the risk for a particular racial or ethnic group or the risk for children in all other racial or ethnic groups.

**Minimum n-size** – the minimum number of children with disabilities enrolled in an LEA with respect to identification, and the minimum number of children with disabilities enrolled in a LEA with respect to placement and discipline, to be used as the denominator when calculating either the risk for children in all other racial or ethnic groups.

**Significant Disproportionality**- the determination that a school district (LEA) has significant over-representation based on race and ethnicity overall, by disability, by placement in particular educational settings, or by disciplinary actions.

**United States Department of Education** – The United States Department of Education, also referred to as the ED for education Department, is a Cabinet-level

department for the United States government. It began operating on May 4, 1980, having been created after the Department of Health, Education, and Welfare was split into the Department of Education and the Department of Health and Human Services by the Department of Education Organization Act, which President Jimmy Carter signed into law on October 17, 1979.

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## RESOURCES

### California Dashboard

<https://www.caschooldashboard.org>

### The California Assessment of Student Performance and Progress (CAASPP)

<https://www.cde.ca.gov/ta/tg/ca/>

### The California Collaborative for Educational Excellence (CCEE)

<http://ccee-ca.org>

### CalEDFacts

<https://www.cde.ca.gov/re/pn/fb/>

### California State Board of Education (SBE)

<https://www.cde.ca.gov/be/>

### Federal Program Monitoring

<https://www.cde.ca.gov/ta/cr/>

### LCAP

<https://www.cde.ca.gov/re/lc/>

### LCFF

<https://www.cde.ca.gov/fg/aa/lc/lcffoverview.asp>

### Performance Indicator Review

<https://www.cde.ca.gov/re/lc/>

**APPENDICES**

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