

Ravenswood Self Improvement Plan

In the Matter of

Emma C. v. Delaine Eastin et al. Case No. C-96-4179

A certified class action pending in the United States District Court for the
Northern District of California

TABLE OF CONTENTS

<u>Item</u>	<u>Page #</u>
<u>Item 1: Description of Service Delivery, Policies and Procedures Manual, Student Tracking Database, Program Evaluation</u>	<u>2</u>
<u>Item 2: Parent Training</u>	<u>8</u>
<u>Item 3: Staff Training</u>	<u>11</u>
<u>Item 4: Early Childhood Child Find</u>	<u>18</u>
<u>Item 5: Student Success Teams</u>	<u>23</u>
<u>Item 6: Assessments</u>	<u>28</u>
<u>Item 7: Functional Analysis Assessments and Behavior Intervention Plans</u>	<u>32</u>
<u>Item 8: Parent Participation in IEPs and Child's Education</u>	<u>38</u>
<u>Item 9: Development of IEPs</u>	<u>43</u>
<u>Item 10: Integrated Educational Practices</u>	<u>49</u>
<u>Item 11: Access to Extracurricular Activities</u>	<u>53</u>
<u>Item 12: Implementation of IEPs and Student Progress</u>	<u>55</u>
<u>Item 13: Staff Recruitment and Retention</u>	<u>59</u>
<u>Item 14: Complaint Investigation and Resolution</u>	<u>62</u>

RAVENSWOOD SELF IMPROVEMENT PLAN

Introduction

The district is responsible for meeting all applicable requirements of federal and state laws and regulations. Nothing in this document should be construed to reduce or restrict the responsibility of the California Department of Education to implement its statutory responsibilities for monitoring or ensuring compliance with the Individuals with Disabilities Education Act (IDEA) and applicable state laws and regulations.

Item 1
Description of Service Delivery, Policies and Procedures Manual,
Student Tracking Database. Program Evaluation

Expected Results: The District develops a description of its organization for delivery of services for students with disabilities. The District develops and adopts procedures intended to ensure that all students with disabilities have available FAPE in the LRE and that students have available appropriate accommodations under Section 504. The District develops and implements a student tracking database (STD) that tracks specific student data. The District develops a method for district-wide and site-based program evaluation.

Persons Responsible: Superintendent, Principals.

Corrective Activities and Requirements:

1.1. Corrective Activity. The District shall develop a description of its organization for delivery of services for students with disabilities designed to ensure that all students with disabilities receive FAPE in the LRE in accordance with Requirement 1.1.1.

Requirement 1.1.1: The District shall develop a description of its organization for delivery of services for students with disabilities who the District is required to serve intended to ensure that all students with disabilities receive FAPE in the LRE. For District schools and charter schools for which the District provides special education services, this shall include a district-wide and site-based description of the following: organizational structure, staffing and fiscal resources, accountability mechanisms, staffing, and designation of authority and responsibility among District personnel. For all schools and programs serving District students, this shall also include methods of supervision, including reporting requirements and timelines for reporting, student progress data, timelines for SSTs, assessments, and IEP development. Within 30 days from the signing of the Consent Decree, the District shall submit the description to the Monitor, the CDE, and Plaintiffs' Counsel for comments.

Evidence of Performance: A copy of the description set forth in Requirement 1.1.1.

Maintenance Period: Not applicable.

Requirement 1.1.2: Within 30 days of receipt of the description set forth in Requirement 1.1.1, the Monitor, the CDE and Plaintiffs' Counsel shall provide any comments. Within 20 days of the deadline for submission of comments, the District shall consider revising the description, taking into account any comments received from the Monitor, the CDE, and Plaintiffs' Counsel, and shall submit the description to the Board of Trustees for approval.

Evidence of Performance: A copy of the description set forth in Requirement 1.1.2, along with a verification signed and dated by the person who submitted the description to the Board of Trustees.

Maintenance Period: Not applicable.

- 1.2. **Corrective Activity:** *The District shall develop a policies and procedures manual for the delivery of special education services intended to ensure that all district students with disabilities have available FAPE in the LRE and/or appropriate accommodations under Section 504 in accordance with Requirement 2.1.*

Requirement 1.2.1: Within 30 days of the signing of the Consent Decree, the District shall develop a policies and procedures manual for the delivery of special education services intended to ensure that all district students with disabilities have available FAPE in the LRE and/or appropriate accommodations under Section 504. The manual shall include procedures for at least the following: (a) ChildFind; (b) identification; (c) SST; (d) referral; (e) assessment; (f) eligibility determination; (g) FAA/BIP; (h) parental involvement; (i) IEP development; (j) instructional strategies and curriculum modification; (k) ELL students; (l) LRE; (m) Section 504; (n) compliance complaints; (o) compensatory education; and (p) disciplining students with disabilities. Within 30 days of the signing of the Consent Decree, the District shall submit the manual to the Monitor, the CDE, and Plaintiffs' Counsel for comments.

Evidence of Performance: A copy of the policies and procedures manual that meets the requirements set forth in Requirement 1.2.1.

Maintenance Period: Not applicable.

Requirement 1.2.2: Within 45 days of receipt of the policies and procedures set forth in Requirement 2.1, the Monitor, the CDE and Plaintiffs' Counsel shall provide any comments. Within 20 days of the deadline for submission of comments, the District shall consider revising the policies and procedures, taking into account any comments received from the Monitor, the CDE, and Plaintiffs' Counsel, and shall submit the description to the Board of Trustees for approval.

Evidence of Performance: A copy of the policies and procedures manual set forth in Requirement 1.2.2, along with a verification signed and dated by the person who submitted the manual to the Board of Trustees.

Maintenance Period: Not applicable.

- 1.3. **Corrective Activity:** *The District shall develop a student tracking database (STD) which will permit aggregation of student data for the entire District and disaggregation of student data in terms of sex, race/ethnicity, primary language, grade/age, disability category, and school site in accordance with Requirement 1.3.1.*

Requirement 1.3.1: By September 1, 2003 the District shall develop an STD and shall demonstrate to the Monitor that the STD is capable of aggregating data regarding students with disabilities for the entire District and disaggregating such data in terms of sex, race/ethnicity, primary language, grade/age, disability category, and school site. By November 10, 2003, the District shall also demonstrate that the STD can track, for each student, at least the following information: (a) student name, age, sex, race/ethnicity, primary language, grade, disability category, and school site; (b) date of referrals to SST, date SST plan developed, date interventions provided by SST, date of follow-up SST meeting, whether SST referred for special education services; (c) date of referral for special education assessment and reason for referral; (d) date proposed assessment plan provided to parent; (e) date of signed assessment plan; (f) date of initial IEP; (g) time from signed assessment plan to initial IEP; (h) date of annual IEP and amount of time such IEP is overdue, if applicable; (i) whether parent attended IEP; (j) date of triennial evaluation and amount of time such evaluation is overdue, if applicable; (k) percentage of time student receives services in general education classroom; (l) suspension of student — at home or in school; (m) referral for FAA or to PBS team; (n) development of BIP; (o) development of Section 504 plan; (p) referrals to outside agencies for services; (q) progress on goals and objectives; (r) promotion or retention in grade; and (s) participation in extra-curricular, after-school, or other non-academic activities.

Evidence of Performance: STD.

Maintenance Period: Not applicable.

Requirement 1.3.2: By November 1, 2003, the District shall ensure that the data set forth in Requirement 1.3.1 are accurate, and shall submit a printout of the data to the Monitor for his review. The Monitor shall assess compliance with this requirement by randomly sampling the data to determine its accuracy and to identify any other deficiencies in the data. The Monitor shall report to the District any identified inaccuracies and deficiencies in the data, after which the District shall have 10 days to provide corrections.

Evidence of Performance: STD; District data reports; Report of Monitor-identified errors in data reports; District data reports after correction.

Standard: The District shall be deemed to have complied with this requirement if the Monitor's review, following any corrections issued by the District, demonstrates that such data are not materially inaccurate.

Maintenance Period: 4 semesters.

- 1.4. **Corrective Activity.** *The District shall develop site-based and District-wide program evaluation methods in accordance with Requirement 1.4.1.*

Requirement 1.4.1: Within 30 days of the acceptance of revised RCAP, the District shall develop site-based and District-wide program evaluation methods,

based, in part, on data maintained in the STD. The methods will include the identification of criteria for the District to use to identify problems in meeting timelines and providing services to students, including criteria for items (a) through (t) in Requirement 5.1 below. The methods shall include a description of the District's procedures intended to ensure that the District monitors the provision of FAPE within District programs and takes the necessary steps to ensure the availability of FAPE to all District students, in all non-District programs, including, but not limited to, the SMCOE and Headstart programs. If a site or the District in the aggregate fails to meet the established criteria, the District shall identify the reasons for this failure and develop a plan to remedy the failure. The plan shall include specific steps to be taken to remedy the failure(s), the timelines for such steps to be taken, and methods to prevent the failure(s) from recurring, including where appropriate, methods for evaluating staff development and personnel. Within 30 days of the acceptance of revised RCAP, the District shall submit the program evaluation methods to the Monitor, the CDE, and Plaintiffs' Counsel for comments.

Evidence of Performance: A copy of the program evaluation methods that meet the requirements set forth in Requirement 1.4.1; records of performance levels; and any plans developed to correct identified failures to meet established criteria.

Maintenance Period: Not applicable.

Requirement 1.4.2: Within 45 days of receipt of the program evaluation methods set forth in Requirement 1.4.1, the Monitor, the CDE and Plaintiffs' Counsel shall provide any comments. Within 20 days of the deadline for the submission of comments, the District shall consider revising the program evaluation methods, taking into account any comments received from the Monitor, the CDE, and Plaintiffs' Counsel, and shall submit the description to the Board of Trustees for approval.

Evidence of Performance: A copy of the program evaluation methods set forth in Requirement 1.4.2, along with a verification signed and dated by the person who submitted the program evaluation methods to the Board of Trustees.

Maintenance Period: Not applicable.

- 1.5. **Corrective Activity:** *The District shall report quarterly on each school-site's performance and the performance of the District as a whole in accordance with Requirement 1.5.1.*

Requirement 1.5.1: Once every quarter, the District shall report on each school-site's performance and the performance of the District as a whole. Such report shall include for each school site and for the District as a whole: (a) the number of students referred to SST; (b) the number of students referred for assessment;

(c) the number of students found eligible for special education services; (d) the number of students found eligible for special education services by race/ethnicity, age, grade level, sex, primary language, disability category and school site; (e) the amount of time for each student from referral to school-based interventions; (f) the amount of time for each student from referral for assessment to IEP meeting; (g) the number of assessment plans completed; (h) the number of initial IEP meetings conducted; (i) the number of annual IEP review meetings conducted; (j) the number of triennial IEP review meetings conducted; (k) the number of IEP meetings conducted outside of prescribed timelines and the reasons for missing timelines; (l) the percentage of IEP meetings attended by the student's parent/guardian; (m) the number of eligible students spending at least seventy percent of the time in a regular education setting; (n) the number of suspensions of special education students; (o) the number of students referred to Behavior Support Teams; (p) the number of students receiving services from Behavior Support Teams; (q) development of Section 504 plan; (p) referrals to outside agencies for services; (r) progress on goals and objectives; (s) promotion or retention in grade; and (t) participation in extra-curricular, after-school, or other non-academic activities. Every school year, the District shall modify the description of its organization for delivery of services for students with disabilities required by Requirement 1.1.2 to try to correct any failures or deficiencies identified by this performance data. The District shall submit the report of performance data to the Monitor, the CDE, and Plaintiffs' Counsel.

Evidence of Performance: A copy of the report of performance data that meets the requirements set forth in Requirement 1.5.1.

Maintenance Period: Two semesters.

Requirement 1.5.2: By August 15 of each school year, the District shall develop proposed revisions to the description of its organization for delivery of services for students with disabilities based, in part, on the results of the reports of performance data, and shall submit the proposed revisions to the Monitor, the CDE, and Plaintiffs' Counsel for comments.

Evidence of Performance: A copy of the proposed revisions set forth in Requirement 1.5.2.

Maintenance Period: Not applicable.

Requirement 1.5.3: Within 45 days of receipt of the proposed revisions set forth in Requirement 1.5.2, the Monitor, the CDE and Plaintiffs' Counsel shall provide any comments. Within 20 days of the deadline for the submission of comments, the District shall consider revising the proposed revisions, taking into account any comments received from the Monitor, the CDE, and Plaintiffs' Counsel, and shall submit the proposed revisions to the Board of Trustees for approval.

Evidence of Performance: A copy of the proposed revisions set forth in Requirement 1.5.3, along with a verification signed and dated by the person who submitted the plan to the Board of Trustees.

Maintenance Period: Not applicable

Item 2
Parent Training

Expected Results: The District provides to parents training in their rights under the law, methods for providing support to their children at home, and other appropriate areas requested by parents.

Persons Responsible: Assistant Superintendent.

Corrective Activities and requirements:

2.1. *Corrective Activity:* *The District shall provide to parents 6 training sessions per year on designated subject matters, at a time convenient to parents and in the parents' primary language.*

Requirement 2.1.1: The District shall provide to parents 6 training sessions per school year, in the following subject matter areas: (1) parents' rights and responsibilities; (2) the IEP process and how parents can participate in that process; (3) how parents can provide support to their children at home; (4) positive behavioral interventions; and (5) two other subjects as determined by the survey of parent interests set forth in Requirements 2.2.1-2.2.2 below. The District shall ensure that all of the training sessions are evaluated by parents and interpreted by a Spanish interpreter provided by the District. At least one of the trainers at each training session shall be selected by Parents Helping Parents or an equivalent parent advocacy organization. The District shall provide documentation of the qualifications of each trainer, including the trainer's schooling, prior training experience, and other relevant experience, at least 10 days before his/her training session.

Evidence of Performance: Documentation of the qualifications of the trainers, including schooling, prior training experience, and other relevant experience; copies of training materials provided to parents; the attendance sheet from each parent training, including (a) the number of parents who attended the session, and (b) a verification signed by the Spanish interpreter that s/he provided the required interpretation; and copies of the parent evaluations of the trainings.

Maintenance Period: 2 school years

Requirement 2.1.2: By September 15 of each school year, the District shall: (a) provide the Monitor with a schedule of all parent training sessions; (b) post the schedule of all parent training sessions at each school site; and (c) send the schedule of all parent training sessions home with each student with an IEP and each student whose integrated assessment plan has been provided, or is being provided, to the student's parent.

Evidence of Performance: The schedule of parent training sessions and a certification from the Assistant Superintendent that the District has performed Requirements 2.1.2(b) and 2.1.2(c). The District shall be deemed to have complied with part (c) above if it provides the schedule to at least 95% of the students to take home. The District shall be required to demonstrate 100% compliance with parts (a) and (b).

Maintenance Period: 2 school years

Requirement 2.1.3: At least ten days prior to each of the parent training sessions required by Requirement 1.1, the District shall send a notice of the training session home with all students with an IEP.

Evidence of Performance: A copy of the notice and certification from the Assistant Superintendent that the District has performed Requirement 2.1.3. The District shall be deemed to have complied with this requirement if it sends the notice home with at least 95% of these students.

Maintenance Period: Two school years.

Requirement 2.1.4: The District shall conduct each of the parent training sessions required by Requirement 2.1.1 at a time convenient to parents, including after 6:00 p.m. on business days and/or on weekends.

Evidence of Performance: The schedule of parent training sessions and notices set forth in Requirements 2.1.2 and 2.1.3, respectively.

Maintenance Period: Two school years.

Requirement 2.1.5: The District shall make available English and Spanish versions of all written materials used at each of the parent training sessions required by Requirement 2.1.1 to all parents who attend the trainings.

Evidence of Performance: Copies of the written materials used at each training session in English and Spanish.

Maintenance Period: Two school years.

- 2.2. **Corrective Activity:** *The District shall survey parents to determine the subjects upon which parents would like to receive additional training and shall provide parent training sessions in accordance with the results of the surveys.*

Requirement 2.2.1: At each initial and annual IEP team meeting, the District shall request all parents in attendance to fill out a parent survey form regarding any areas in which they would like to receive training and shall maintain a written record of their responses, if any. By June 15 of each school year, the District shall compile the information obtained from the surveys into a list of parent training interests.

Evidence of Performance: A copy of the list of parent training interests set forth in Requirement 2.2.1.

Maintenance Period: Three semesters.

Requirement 2.2.2: At least two of the six training sessions provided by the District shall cover the subjects most frequently requested by parents that are not already enumerated in Requirement 2.1.1.

Evidence of Performance: A copy of the schedule of parent training sessions, the attendance sheet from each such training, and any written materials (in English and Spanish) provided at the training.

Maintenance Period: Two school years.

Item 3
Staff Training

Expected Results: The District develops a comprehensive system of personnel development (CSPD) which training may be open to parents, as appropriate. It is intended to improve the delivery of special education and related services, as well as the delivery of general education services, as they relate to children with disabilities.

Persons Responsible: Superintendent, Assistant Superintendent, Principals.

Corrective Activities and Requirements:

- 3.1. **Corrective Activity:** *On an annual basis, the District shall develop a CSPD that is intended to ensure that training is provided to the District faculty, staff, and parents as set forth in Requirements 3.3.1-3.3.8 below. The CSPD will specify the method in which participants will be assessed (information and competencies) to determine that they understood and benefited from the training.*

Requirement 3.1.1: Within 30 days of the first day of each school year, the District shall develop a CSPD intended to ensure that training is provided by fully qualified and certified personnel to the District faculty, staff, and parents as set forth in Requirements 3.3.1-3.3.8 below. Training shall consist of both workshops and ongoing follow-up, including trainers working directly with teachers, in the following subject matter areas: (a) SST; (b) IEP development; (c) parental involvement; (d) instructional strategies and student evaluation; (e) LRE; (f) services for ELL students; (g) ECE; (h) assessments; (i) crisis management; and (j) FBA/PBS. The CSPD shall include the names; credentials (including schooling, prior training experience, other relevant experience, and recommendations), and contact information of the District's proposed trainer(s) for each of these subject matter areas. The CSPD shall also specify the method in which participants will be assessed to determine the extent to which the information, skills and content provided during training sessions are implemented by staff in the performance of their job functions. Within 30 days of the first day of each school year, the District shall submit the CSPD to the Monitor, the CDE, and Plaintiffs' Counsel for comments.

Evidence of Performance: A copy of the CSPD.

Maintenance Period: Two school years.

Requirement 3.1.2: Within thirty days of receipt of the CSPD set forth in Requirement 3.1.1, the Monitor, the CDE and Plaintiffs' Counsel shall provide any comments. Within twenty (20) days of the deadline for the submission of comments, the District shall consider revising the CSPD, taking into account any comments received from the Monitor, the CDE, and Plaintiffs' Counsel, and shall submit the CSPD to the Board of Trustees for approval.

Evidence of Performance: A copy of the CSPD, and a verification signed and dated by the person who submitted the CSPD to the Board of Trustees.

Maintenance Period: Two (2) school years.

- 3.2. **Corrective Activity:** *The District shall develop policies intended to encourage staff to engage in professional development outside of the District in accordance with Requirement 3.2.1.*

Requirement 3.2.1: Within 90 days of the acceptance of revised RCAP and signing of the Consent Decree, the District shall develop written policies intended to encourage staff to engage in professional development outside of the District, including policies regarding: (a) leave from the District, (b) incentives to engage in professional development, which may include stipends/scholarships, and (c) information concerning relevant professional development. Within 90 days of the signing of the Consent Decree, the District shall submit the policies to the Monitor, the CDE, and Plaintiffs' Counsel for comments.

Evidence of Performance: A copy of the written policies set forth in Requirement 3.2.1.

Maintenance Period: Not applicable.

Requirement 3.2.2: Within 30 days of receipt of the written policies set forth in Requirement 3.2.1, the Monitor, the CDE and Plaintiffs' Counsel shall provide any comments. Within 20 days of the deadline for submission of comments, the District shall consider revising the written policies, taking into account any comments received from the Monitor, the CDE, and Plaintiffs' Counsel, and shall submit the written policies to the Board of Trustees for approval.

Evidence of Performance: A copy of the policies set forth in Requirement 3.2.2, along with a verification signed and dated by the Assistant Superintendent that the written policies were provided to the Board of Trustees.

Maintenance Period: Not applicable.

Requirement 3.2.3: Within 30 days of approval of the written policies by the Board of Trustees as set forth in Requirement 3.2.2: (a) the District shall provide each member of the District staff a copy of the written policies, and (b) the Principal at each school site shall send a memo to each staff member at his/her school site encouraging participation in professional development activities.

Evidence of Performance: A copy of the memo and policies set forth in Requirement 3.2.2, along with a signed and dated verification by each Principal that s/he distributed the memo to each staff member at his/her school site.

Maintenance Period: Not applicable.

- 3.3. **Corrective Activity:** *Each school year, the District shall provide training in several specified training areas to specified District personnel in accordance with Requirement 3.3.1.*

Requirement 3.3.1: Each school year, the District shall provide at least one workshop in each subject specified in Table 3 to the District personnel specified in Table 3. The training shall be mandatory for the District personnel specified in Table 3.

Evidence of Performance: Workshop manuals and documentation of the qualifications of the trainers, including schooling, prior training experience, other relevant experience, and recommendations.

Maintenance Period: 2 school years.

TABLE 3

SUBJECT MATTER	REQUIRED DISTRICT PERSONNEL
Student success teams (SST), 504 plans	Principals, SST Coordinator, 504 Coordinator, school psychologists; special education staff, general education staff
IEP development, including parental involvement	Principals, school psychologists, special education staff, general education staff
Instructional strategies and student evaluation, including (a) developing goals and objectives aligned with the general curriculum, (b) specially designed instructional strategies to meet the individualized needs of students with disabilities, and (c) methods of monitoring progress of children, including alternatives to standardized testing	Principals, school psychologists, special education staff, general education staff
LRE, including: (a) LRE decision-making, (b) curriculum modification, (c) assistive devices, (d) paraprofessional support, (e) inclusion specialist support, (f) collaboration between special education/related service providers and general education teachers	Special education staff, general education staff, paraprofessional, principals, school psychologists

SUBJECT MATTER	REQUIRED DISTRICT PERSONNEL
ECE, including (a) identification of students with disabilities; (b) participation of regular education preschool teachers in IEPs; (c) service delivery to children with disabilities (including modifications and supports for preschool personnel); and (d) serving children with disabilities in integrated settings	Ravenswood Child Development Center Staff, principals, clerical staff, psychologists, general education and special education staff
ELL student services, including (a) developing appropriate goals and objectives for ELL students, including ELD goals; (b) instructional strategies for ELL students; (c) supporting ELL students with bilingual teachers and paraprofessionals	Special education staff general education staff, paraprofessionals, school psychologists
Assessments, including (a) family/student centered assessment practices, (b) writing integrated reports, (c) obtaining mental health screening, assessments and counseling, (d) functional assessment techniques, and (e) assessments that are free from racial and cultural bias	School psychologists, and special education staff
- Behavioral emergency intervention and reporting.	Positive behavior support team staff and any persons designated by a PBS team, if any
Functional analysis assessments (FAA)/positive behavior intervention plans (BIPs) and appropriate disciplinary practices for students with disabilities	School psychologists, special education teachers, behavior support team personnel, general education staff

Requirement 3.3.2: Within fifteen days after each workshop required by Requirement 3.3.1, the Assistant Superintendent shall provide the Monitor with: (a) an attendance sheet for the workshop, and (b) a written list of all required personnel who did not attend the workshop, including a statement as to when they will receive training on the topic of the missed workshop.

Evidence of Performance: The attendance sheet and written list/statement set forth in Requirement 3.3.2, along with a verification of the accuracy of each document, signed and dated by the Assistant Superintendent.

Maintenance Period: 2 school years.

Requirement 3.3.3: The District shall ensure that all of the persons required to attend each workshop required by Requirement 3.3.1 do attend the workshop.

Evidence of Performance: The attendance sheet from the workshops and all makeup sessions, and the written list set forth in Requirement 3.3.2.; and evidence of any disciplinary action taken related to non-attendance.

District shall be deemed to have complied with this requirement if it demonstrates that at least 95% of all required personnel attended each workshop and/or a makeup training session on the missed topics or received disciplinary action for not having done so.

Maintenance Period: 2 school years.

Requirement 3.3.4: The District shall secure the written agreement of each trainer of each workshop required by Requirement 3.3.1 that s/he shall make available no less than 50 hours of follow-up training, including working directly with the District personnel in Table 3 who are required to receive training in the trainer's subject matter area.

Evidence of Performance: A copy of each of the written agreements set forth in Requirement 3.3.4.

Maintenance Period: 2 school years.

Requirement 3.3.5: Each school year, the trainers of the workshops required by Requirement 3.3.1 shall provide ongoing follow-up training, including working directly with teachers. The District shall ensure that each trainer provides no less than 50 hours of follow-up training per year, which shall include working directly with the District personnel. Each trainer's 50 hours of follow-up training time shall be allocated pursuant to requests from District personnel (including teachers) and the Monitor. The Assistant Superintendent shall coordinate all such requests.

Evidence of Performance: Documentation of follow-up by the trainers.

Maintenance Period: 2 school years.

Requirement 3.3.6: Within seven days after each training workshop required by Requirement 3.3.1, the District shall send a written notification to all persons who were required to attend the workshop and the Monitor stating that the workshop trainer(s) is available to provide follow-up training and requiring the recipients to participate in such follow-up activities.

Evidence of Performance: A copy of each written notification set forth in Requirement 3.3.6, along with a verification signed and dated by the Assistant Superintendent that the notification was sent to all persons who were required to attend the workshop.

Maintenance Period: 4 semesters.

Requirement 3.3.7: By June 15 of each school year, the District shall provide to the Monitor a description of all follow-up training activities conducted by trainers, including the name of each District staff member who received follow-up, the number of hours of follow-up provided, and the name of the person who provided follow-up.

Evidence of Performance: A copy of each statement set forth in Requirement 3.3.7.

Maintenance Period: Two school years

Requirement 3.3.8: By June 15 of each school year, the District shall provide documentation of the results of the assessments of trainees, undertaken pursuant to the CSPD and Requirement 3.1.1 to determine the extent to which the information, skills and content provided during training sessions are implemented by training participants in performing their job functions. When the documentation indicates that a trainee is not applying the information, skills and content trained in their job functions, this information will be incorporated into the district's routine personnel evaluation of the trainee.

Evidence of Performance: A copy of the report set forth in Requirement 3.3.8.

Maintenance Period: Two school years.

- 3.4. **Corrective Activity:** *The District shall provide a workshop training by fully qualified and certified personnel to all public and private preschool providers in the District on ECE for children with disabilities, including: (1) identification of students with disabilities; (2) participation of regular preschool teachers in the IEP; (3) service delivery to children with disabilities (including modifications and supports for preschool personnel); and (4) serving children with disabilities in the general preschool classroom.*

Requirement 3.4.1: Within 30 days of the signing of the Consent Decree, and by September 15 of each subsequent school year, the District shall provide to the Monitor a list of all public and private preschool providers in the District.

Evidence of Performance: A copy of the list set forth in Requirement 3.4.1.

Maintenance Period: Two (2) school years.

Requirement 3.4.2: Within 30 days of receipt of the list set forth in Requirement 3.4.1, the Monitor, the CDE and Plaintiffs' Counsel shall provide any comments. Within 20 days of the deadline for submission of comments, the District shall consider revising the list, taking into account any comments received from the Monitor, the CDE, and Plaintiffs' Counsel.

Evidence of Performance: A copy of the list set forth in Requirement 4.2 and a verification signed and dated by the Assistant Superintendent that the District considered revising the list.

Maintenance Period: 2 school years

Requirement 3.4.3: Within 50 days of the deadline for submission of comments by the Monitor, the CDE and Plaintiffs, the District shall contact each of the providers identified on the list in order to offer them the opportunity to receive training on ECE for children with disabilities, including: (a) identification of students with disabilities; (b) service delivery to children with disabilities; and (c) serving children with disabilities in integrated settings.

Evidence of Performance: The verification, signed and dated by the Assistant Superintendent, that the District contacted each of the providers as set forth in Requirement 3.4.3.

Maintenance Period: 2 school years

Requirement 3.4.4: Within 50 days of the deadline for submission of comments by the Monitor, the CDE and Plaintiffs, the District shall provide to the Monitor a schedule of all training sessions for the preschool providers who accepted the District's offer of training as set forth in Requirement 3.4.3.

Evidence of Performance: A copy of the schedule of training sessions set forth in Requirement 3.4.4.

Maintenance Period: 2 school years

Requirement 3.4.5: The District shall conduct the training sessions included in the schedule provided pursuant to Requirement 3.4.4.

Evidence of Performance: A copy of training materials and the list of persons who attended, which shall identify the agencies they represent.

Maintenance Period: 4 semesters

Requirement 3.4.6: By March 15 of each school year, the District shall assess the extent to which the information, skills and content provided during training sessions are demonstrated by training participants in the performance of their job functions and shall provide documentation of the results of these assessments.

Evidence of Performance: A copy of the report set forth in Requirement 3.4.6.

Maintenance Period: 2 school years

Item 4
Early Childhood Child Find

Expected Results: The District develops and administers a program that promotes the identification of children with disabilities ages 0 to 5.

Persons Responsible: Assistant Superintendent

Corrective Activities and Requirements:

- 4.1. **Corrective Activity:** *The District shall develop procedures intended to ensure that all children with disabilities who reside within the District ages 0 to 2 are identified and children ages 3 to 5 are identified and assessed.*

Requirement 4.1.1: Within 30 days of the signing of the Consent Decree, the District shall develop a set of procedures intended to ensure that all children with disabilities within the District ages 0 to 2 are identified and all children with disabilities within the District ages 3 to 5 are identified and assessed. Such procedures shall include outreach to public and private agencies who work with young children, including (a) a memorandum of understanding with Golden Gate Regional Center ("GGRC") to delineate the respective responsibilities of the District and GGRC to coordinate intake, evaluation, assessment, and individualized family service plans for children ages 0-3, including a smooth transition for children receiving early intervention services to preschool or other appropriate services; (b) public and private preschool service providers; and (c) non-profit organizations that work with families. Such procedures should also include methods of direct outreach to families, the referral of students who may have disabilities to District personnel who can arrange assessments for those students, the posting of information at schools and other public places such as Boys' and Girls' Clubs, and assessment procedures. Within 30 days of the signing of the Consent Decree, the District shall submit the procedures to the Monitor, the CDE, and Plaintiffs' Counsel for comments.

Evidence of Performance: A copy of the set of procedures set forth in Requirement 4.1.1.

Maintenance Period: Not applicable.

Requirement 4.1.2: Within 30 days of receipt of the procedures set forth in Requirement 4.1.1, the Monitor, the CDE and Plaintiffs' Counsel shall submit any comments. Within 20 days of the deadline for the submission of comments, the District shall consider revising the procedures, taking into account any comments received from the Monitor, the CDE, and Plaintiffs' Counsel, and shall submit the procedures to the Board of Trustees for approval.

Evidence of Performance: Copies of the set of procedures created pursuant to Requirement 4.1.2, along with a verification signed and dated by the person who submitted the procedures to the Board of Trustees.

Maintenance Period: Not applicable.

- 4.2. **Corrective Activity:** *The District shall provide outreach and information regarding the identification of young children with potential disabilities and the process through which such children should be referred to the District for assessment to public and private agencies that work with young children; public and private preschool providers; and non-profit agencies that work with families.*

Requirement 4.2.1: By September 15 of each school year, the District shall provide to the Monitor a list of all of the organizations to which it intends to provide outreach and information. This list shall include: (a) public and private agencies that work with young children (e.g., Golden Gate Regional Center, Lucille Salter Packard Children's Hospital); (b) public and private preschool service providers (e.g., HeadStart, Creative Montessori Learning Center); and (c) non-profit organizations that work with families (e.g., Ecumenical Hunger Services, Pacific Islander Outreach, Boys and Girls Clubs).

Evidence of Performance: The list created pursuant to Requirement 4.2.1.

Maintenance Period: 2 school years

Requirement 4.2.2: By October 1 of each school year, the District shall provide written information to each of the organizations included on the list created pursuant to Requirement 4.2.1 regarding how to identify young children with potential disabilities and the process through which such children should be referred to the District for assessment. The District shall submit to the Monitor, the CDE, and Plaintiffs' Counsel copies of the information provided to each of the organizations on the list created pursuant to Requirement 4.2.1.

Evidence of Performance: A copy of the cover letters and information provided to each of the organizations on the list created pursuant to Requirement 4.2.1.

Maintenance Period: Two (2) school years.

- 4.3. **Corrective Activity:** *The District shall conduct direct outreach to families and parents to assist such families and parents with the identification and referral of young children who are suspected of having disabilities.*

Requirement 4.3.1: By September 15 of each school year, the District shall create a notice to parents regarding the identification and referral of young children with suspected disabilities. This notice shall include, in both English and Spanish: (1) a brief description of how to identify young children with disabilities;

and (2) contact information through which families can contact District personnel for a referral for testing. By September 15 of each school year, the District shall submit the notice to the Monitor, the CDE, and Plaintiffs' Counsel.

Evidence of Performance: A copy of the notice created pursuant to Requirement 4.3.1.

Maintenance Period: Two (2) school years.

Requirement 4.3.2: By September 15 of each school year, the District shall create a list of public places in the community where the District will post the notice to parents created pursuant to Requirement 4.3.1. This list should include schools and Boys' and Girls' Clubs. By September 15 of each school year, the District shall submit the list to the Monitor, the CDE, and Plaintiffs' Counsel.

Evidence of Performance: A copy of the list created pursuant to Requirement 4.3.2.

Maintenance Period: 2 school years

Requirement 4.3.3: Within 30 days of receipt of the list set forth in Requirement 4.3.2, the Monitor, the CDE and Plaintiffs' Counsel shall submit any comments. Within 20 days of the deadline for submission of comments, the District shall consider revising the list, taking into account any comments received from the Monitor, the CDE, and Plaintiffs' Counsel.

Evidence of Performance: A copy of the list of places created pursuant to Requirement 4.3.3.

Maintenance Period: 2 school years

Requirement 4.3.4: Within 30 days of completing the tasks set forth in Requirement 4.3.3, the District shall post the notice created pursuant to Requirement 4.3.1 in the public places indicated on the list created pursuant to Requirement 4.3.3.

Evidence of Performance: A verification signed and dated by the Assistant Superintendent that the District completed the posting described in Requirement 4.3.4.

Maintenance Period: 2 school years

Requirement 4.3.5: Within 30 days of completing the tasks set forth in Requirement 4.3.3, the District shall send a copy of the notice created pursuant to Requirement 4.3.1 home with every student in the District.

Evidence of Performance: A copy of the notice and a certification signed and dated by the Assistant Superintendent that the District sent the notice

created pursuant to Requirement 4.3.1 home with every student in the District.

Maintenance Period: 2 school years

4.4. Corrective Activity: *The District shall utilize various local media resources, including television, radio, and newspaper, to provide outreach to families and parents who may have a child with suspected disabilities.*

Requirement 4.4.1: By November 30 of each school year, the District shall provide to the Monitor, the CDE, and Plaintiffs' Counsel a list of all community media outlets the District intends to contact to provide outreach to the parents and families of children in the District regarding the identification and referral of children with suspected disabilities. The District shall indicate on the list how it intends to utilize each media outlet.

Evidence of Performance: A copy of the list of media outlets set forth in Requirement 4.4.1.

Maintenance Period: 2 school years.

Requirement 4.4.2: Within 30 days of receipt of the list set forth in Requirement 4.4.1, the Monitor, the CDE and Plaintiffs' Counsel shall submit any comments. Within 20 days of the deadline for submission of comments, the District shall consider revising the list, taking into account any comments received from the Monitor, the CDE, and Plaintiffs' Counsel.

Evidence of Performance: The list created pursuant to Requirement 4.4.2.

Maintenance Period: 2 school years.

Requirement 4.4.3: The District shall contact the media outlets contained on the list created pursuant to Requirement 4.4.2 in an effort to obtain their assistance providing the outreach services specified on the list.

Evidence of Performance: A verification signed and dated by the Assistant Superintendent certifying that the District contacted the media outlets on the list created pursuant to Requirement 4.4.2 to provide the outreach services specified on the list.

Maintenance Period: 2 school years.

4.5. Corrective Activity: *The District shall screen all kindergarten children and refer those who are not suspected of disability but who exhibit learning and/or behavior problems to the school site's SST. When a child is suspected of having a disability the district will initiate referral for a special education assessment.*

Requirement 4.5.1: By October 1 of each school year, the District shall provide to the Monitor a written proposal setting forth the assessment instrument(s) and techniques(s) (e.g., vision assessment, audiological assessment, and speech/language assessment, ELL assessment) it intends to use to test all kindergartners in the District.

Evidence of Performance: A copy of the proposal created pursuant to Requirement 4.5.1. and approved by the Monitor.

Maintenance Period: 2 school years

Requirement 4.5.2: By December 31 of each school year, the District shall utilize fully qualified and certified personnel to conduct vision, audiological, and language screenings of all kindergarten children and shall refer all children who are identified as having potential disabilities to the school site's SST and/or for a special education assessment if they are suspected of being eligible for special education. By January 31 of each school year, the District shall submit to the Monitor a list of all kindergarten students in the District and the school sites to which those children are assigned, identifying those students who have been referred to SSTs and special education assessment.

Evidence of Performance: Records of the vision, hearing, and language screenings conducted of kindergarten students by the District; records of the students' referrals to SSTs or special education assessment; student population records. The District shall be deemed to have complied with this requirement if it demonstrates no less than 95% of the kindergarten students enrolled as of December 1 are screened by December 31 in accordance with this requirement and it submits the required list.

Maintenance Period: 2 school years

Requirement 4.5.3: The District shall ensure that each kindergarten student referred to SST during the process set forth in Requirement 5.2 receives an SST meeting with that student's school site's SST and that any student suspected of being eligible for special education under 504 or IDEA is referred without delay for a special education assessment and/or 504 evaluation. By April 15 of each school year, for each kindergarten student referred to an SST and/or 504 evaluation, the District shall place in the student's file: (a) a copy of the students' SST plan, if applicable; (b) the written findings of the student's SST if applicable; and/or (c) a copy of the SST's written referral for a special education assessment or direct referral for a special education assessment under 504 and/or IDEA.

Evidence of Performance: Copies of the documents set forth in Requirement 5.4. The District shall be deemed to have complied with this requirement if 95% of the SSTs/referrals are conducted in accordance with these provisions.

Maintenance Period: 2 school years

Item 5
Student Success Teams

Expected Results: The District develops policies and procedures for student success teams (SSTs) that specify the roles and responsibilities of each member, the activities to be conducted, the expected results of such activities, and methods of assessing SST effectiveness. The District ensures that students facing significant educational difficulties are screened by SSTs, provided with appropriate interventions in the general education classroom, and referred for special education assessments, whenever appropriate.

Person Responsible: Assistant Superintendent, SST Coordinator.

Corrective Activities and Requirements:

5.1. Corrective Activity: *The District shall develop policies and procedures for SSTs pursuant to Requirement 5.1.1.*

Requirement 5.1.1: Within 30 days of the signing of the Consent Decree, the District shall develop policies and procedures for SSTs. These policies and procedures shall specify: (a) the roles and responsibilities of each member of an SST; (b) the activities to be conducted by each member of an SST as well as the SST as a whole; (c) the expected results of such activities; (d) the methods for evaluating the effectiveness of SSTs; (e) the methods of notifying parents of SST meetings and the opportunity to reschedule the SST meeting for a different time; (f) assurances that SSTs cannot be used to delay the assessment of, and services for, students suspected of having a disability, and (g) assurances that a special education assessment and/or 504 evaluation may be requested without first having gone through the SST process. Within 30 days of signing the Consent Decree, the District shall provide a copy of the policies and procedures to the Monitor, Plaintiffs' Counsel and the CDE.

Evidence of Performance: A copy of the set of policies and procedures created pursuant to Requirement 5.1.1.

Maintenance Period: Not applicable

Requirement 5.1.2: Within 30 days of receipt of the set of policies and procedures forth in Requirement 5.1.1, the Monitor, the CDE and Plaintiffs' Counsel shall provide any comments to the District. Within 20 days of the deadline to submit comments, the District shall consider revising the set of policies and procedures, taking into account any comments received from the Monitor, the CDE, and Plaintiffs' Counsel, and shall submit the policies and procedures to the Board of Trustees for approval.

Evidence of Performance: A copy of the policies and procedures created pursuant to Requirement 5.1.2, along with a verification signed and dated

by the person who submitted the set of policies and procedures to the Board of Trustees.

Maintenance Period: Not applicable

5.2. Corrective Activity: *The District shall ensure that all children experiencing academic difficulties are referred to the school site's SST for screening, unless a written request for special education referral has been made.*

Requirement 5.2.1: The District shall ensure that: (a) all children who are in danger of being retained in their current grade are referred to their school site's SST as soon as such is recognized, but no later than the third grading period, and (b) all children who fail an academic course are referred to their school site's SST within the next grading period.

Evidence of Performance: The results of SST meetings in the cumulative file of each student who was retained in his/her present grade or who failed an academic course. The District shall be deemed to have complied with this requirement if it demonstrates that no less than 95% of all children retained in their current grade were assessed by their school site's SST by the end of the next grading period of the previous school year and no less than 95% of all children who fail an academic course were referred to their school site's SST within the next grading periods.

Maintenance Period: 4 semesters

5.3. Corrective Activity: *The District shall notify parents of the scheduling of an SST meeting and explicitly provide parents the opportunity to request rescheduling of the SST meeting for a different time.*

Requirement 5.3.1: At least ten days prior to the scheduled day for a student's SST meeting, the District shall notify the child's parents, in the parents' primary language, of the date, time, and location of the scheduled SST meeting and shall provide the parents an opportunity to request rescheduling of the SST meeting to a different time.

Evidence of Performance: For each SST meeting, a signed and dated verification by the person who provided the notice that the notice required by Requirement 5.3.1 was sent at least ten days prior to the SST meeting or record of parental attendance on the date of the SST meeting. The District shall be deemed to have complied with this requirement if it demonstrates that 95% of parents were sent the required notification and/or attended their child's SST meeting.

Maintenance Period: 4 semesters

5.4. Corrective Activity: *For parents whose primary language is not English, the District shall provide an interpretation from trained interpreters during their*

child's SST meeting and shall provide parents with a fully translated SST plan within thirty days after the conclusion of the SST meeting.

Requirement 5.4.1: The District shall ensure that all interpreters used by the District to interpret SST meetings have been provided training to translate the content of the meeting.

Evidence of Performance: Training materials; a verification signed by each trainee and their trainer that the trainee received the training set forth in Requirement 5.4.1; documentation of the trainers' qualifications (including schooling, prior training experience, and other relevant experience).

Maintenance Period: Four (4) semesters.

Requirement 5.4.2: For any SST meeting held where the parents' primary language is not English, the District shall provide interpretation to the parents in their primary language by a person who received training in accordance with Requirement 5.4.1. Such interpretation shall be sufficient to allow the parents to understand the SST meeting. The District shall develop a questionnaire for parents to determine: (a) whether the interpretation service provided was sufficient to allow the parents to understand the SST meeting; (b) whether the parents decline a written SST plan in their primary language; and (c) whether the parents decline a verbal translation of the SST plan (which the District shall provide upon the parents' request whether or not the parents request a written translation). If the parents express concerns regarding the interpretation, the District will offer to reconvene the meeting or otherwise address and resolve the parents' concerns.

Evidence of Performance: For each SST meeting held where the parents' primary language is not English, a questionnaire signed and dated by the parents that the District provided interpretation sufficient to allow the parents to understand the SST meeting and documentation that the District offered to reconvene the meeting or otherwise address and resolve parents' concerns regarding interpretation, if any. The district shall be deemed to be compliant with this requirement if 95% of the parents (whose primary language is not English) signed a questionnaire.

Maintenance Period: 4 semesters.

Requirement 5.4.3: Within thirty days of any SST meeting, the District shall provide to parents, whose primary language is not English and who requested a written translation of the SST plan, a full written translation of the SST plan. In addition, if requested by the parents, the District shall provide a verbal translation of the SST plan prior to sending the written translation.

Evidence of Performance: A copy of each completed parent questionnaire set forth in Requirement 5.4.2 and each translated SST plan

sent to the parents pursuant to Requirement 5.4.3, signed and dated by the translator and, if applicable, written verification from the interpreter that s/he verbally translated the SST plan. A copy of each questionnaire, translation, and verification shall be maintained in the student's file. The District shall be deemed to have complied with this requirement if it demonstrates no less than 95% of translations are completed within the timelines.

Maintenance Period: Four (4) semesters.

- 5.5. **Corrective Activity:** *As necessary to assist the child and the teacher, the District shall develop appropriate interventions in the general education classroom to assist children who have been referred to the school site's SST.*

Requirement 5.5.1: Within 30 days of a student's referral to an SST, the District shall convene an SST meeting to consider developing an SST plan, and to develop the SST plan if the team finds it necessary.

Evidence of Performance: Evidence from the STD and/or students' files sufficient to demonstrate compliance with Requirement 5.5.1. The District shall be deemed to have complied with this requirement if it demonstrates that SST meetings were held for at least 95% of the students referred and consideration given to the development of an SST plan.

Maintenance Period: Four (4) semesters.

Requirement 5.5.2: The District shall ensure that (a) the SST reconvenes within 45 days of the initial SST meeting whenever an SST plan is developed, and (b) the SST documents the implementation and effects, if any, of the interventions set forth in the SST plan and if any intervention was not implemented, the reasons for the failure to implement the intervention.

Evidence of Performance: Evidence from the STD and/or students' files sufficient to demonstrate compliance with Requirement 5.2. The District shall be deemed to have complied with this requirement if it demonstrates that the SST was reconvened for at least 95% of the students who had SST plans developed at their initial SST meetings.

Maintenance Period: Four (4) semesters.

Requirement 5.5.3: The District shall ensure the following persons are present at a child's initial SST meeting: (a) SST Chairperson; (b) general education teacher; and (c) the child's parent, or if the parent did not attend the SST meeting, documentation that the parent was notified of the SST meeting in accordance with Requirement 3.1.

Evidence of Performance: Signatures on SST plans. The District shall be deemed to have complied with this requirement if it demonstrates no less

than 95% of SST meetings included the participants listed in Requirement 5.5.3

Maintenance Period: Four (4) semesters.

Requirement 5.5.4: The District shall ensure that SST plans document: (a) the specific educational needs of the child, (b) the specific interventions, (c) the expected outcome(s) of those interventions, and (d) in the case of a plan for a follow-up SST meeting, the effects of any interventions or, if any intervention was not implemented, the reasons for the failure to implement the intervention..

Evidence of Performance: SST plans. The District shall be deemed to have complied with this requirement if it demonstrates no less than 95% meet the criteria listed in 5.5.4

Maintenance Period: Four (4) semesters.

- 5.6. **Corrective Activity.** *The District shall ensure that all recommended interventions are provided to students who receive an SST plan.*

Requirement 5.6.1: The District shall provide to all students the interventions delineated by their SST plans. The Monitor shall review student records four times a year (including student files, SSTs, timelogs and progress reports) and observe the provision of services to evaluate whether the services have been provided in accordance with SSTs. The Monitor shall review no less than 15% of students with SST plans each quarter and report findings to the court and all parties.

Evidence of Performance: SST plans and documentation. The District shall be deemed in compliance with this requirement if it demonstrates that no less than 95% of students reviewed received the interventions delineated by their SST plans.

Maintenance Period: Four (4) semesters.

Item 6
Assessments

Expected Results: The District shall ensure that all students with suspected disabilities are assessed by a multidisciplinary assessment team using person/family-centered assessment practices in all areas of suspected disability, including behavioral, emotional, and mental health areas.

Persons Responsible: Assistant Superintendent; School Psychologists

Corrective Activities and Requirements:

- 6.1. **Corrective Activity:** *The District shall develop and maintain a set of policies and procedures intended to ensure the provision of assessment services consistent with Requirement 6.1.1.*

Requirement 6.1.1: Within 60 days of signing the Consent Decree, the District shall develop and maintain a set of policies and procedures intended to ensure the provision of assessment services consistent with the following:

- (a) assessments used to assess a child are selected and administered so as not to be discriminatory on a racial or cultural basis;
- (b) assessments are conducted in the child's primary language by specialists conversant in that language, and if an agency or private contractor specialist is not reasonably available, the assessment may be conducted using interpreters conversant in that language;
- (c) materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills;
- (d) assessments are conducted in all areas of suspected disability including systematic methods to determine the behavioral, emotional and mental health needs of the child, with valid procedures and instruments;
- (e) ecological (functional) assessments are conducted of students with moderate-severe disabilities, in addition to curriculum-based assessments, to identify communication, social, sensory, motor, academic, and self-care skills that increase the child's ability to participate in activities in which age-level peers without identified disabilities participate;
- (f) assessment plans specify the assessment instruments and techniques to be used, including those instruments and techniques for culturally and linguistically diverse students;

- (g) assessments of students suspected of having a specific learning disability include at least one written classroom observation by a member of the assessment team other than the child's classroom teacher;
- (h) assessment teams develop an assessment report that reflects interdisciplinary interaction including a variety of assessment tools and strategies used to gather relevant functional and developmental information, including information related to enabling the child to be involved in and progress in the general curriculum;
- (i) assessments are student centered, based in part on information from the child's primary care provider, and may include home, school and community observations when required by the assessment plan or requested by the parent;
- (j) A meeting is convened to develop IEPs within 50 days of a signed assessment plan, excluding the summer and school holiday periods in excess of five (5) days;
- (k) All children who transfer into the District and are placed on a 30-day interim IEP are assessed within that 30-day period, excluding the summer and school holiday periods in excess of five (5) days; and
- (l) special education teachers implement curriculum-based assessments, aligned with the California curriculum framework, to assess academic skills development in each curricular area;
- (m) outcomes from these assessments are shared with other members of the child's educational team and are used to develop yearly, standards-referenced IEP objectives; and
- (n) special education teachers and designated instructional services personnel (DIS personnel) on the child's educational team collect, on an ongoing basis, evaluation data on student progress on each IEP objective and use that information to revise educational goals, instructional strategies, curricular adaptations, and social and behavioral supports.

Within 30 days of signing the Consent Decree, the District shall submit this set of policies and procedures to the Monitor, the CDE, and Plaintiffs' Counsel for comments.

Evidence of Performance: A copy of the set of policies and procedures created pursuant to Requirement 6.1.1.

Maintenance Period: Not applicable.

Requirement 6.1.2: Within 30 days of receipt of the set of policies and procedures set forth in Requirement 6.1.1, the Monitor, the CDE and Plaintiffs' Counsel shall provide any comments to the District. Within 20 days of the

deadline to submit comments, the District shall consider revising the set of policies and procedures, taking into account any comments received from the Monitor, the CDE, and Plaintiffs' Counsel, and shall submit the policies and procedures to the Board of Trustees for approval.

Evidence of Performance: A copy of the policies and procedures created pursuant to Requirement, along with a verification, signed and dated by the person who submitted the set of policies and procedures to the Board of Trustees.

Maintenance Period: Not applicable.

- 6.2. **Corrective Activity:** *The District shall ensure that assessments are conducted in accordance with Requirement 6.2.1.*

Requirement 6.2.1: The District shall ensure that assessments include the following components:

- (a) tests and materials used to assess a child shall be selected so as not to be racially or culturally biased;
- (b) assessments shall be conducted in the child's primary language by specialists conversant in that language, and if an agency or private contractor specialist is not reasonably available, the assessment shall be conducted using interpreters conversant in that language;
- (c) materials and procedures used to assess a child with limited English proficiency shall be selected so as to measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills;
- (d) assessments shall be conducted in all areas of suspected disability including methods to determine the behavioral, emotional and mental health needs of the child;
- (e) ecological (functional) assessments shall be conducted of students with moderate-severe disabilities, in addition to curriculum-based assessments;
- (f) assessment plans shall specify the assessment instruments and techniques to be used, including those instruments and techniques for culturally and linguistically diverse students;
- (g) assessments of students suspected of having a specific learning disability shall include at least one classroom observation by a member of the assessment team other than the child's classroom teacher;
- (h) assessment teams shall develop an assessment report that reflects interdisciplinary interaction including a variety of assessment tools and

strategies used to gather relevant information, including information related to enabling the child to be involved in and progress in the general curriculum;

- (i) assessments shall be student centered, and may be based in part on information from the child's primary care provider, and may include home, school and community observations when required by the assessment plan or requested by the parent;
- (j) IEPs shall be developed within 50 days of a signed assessment plan, excluding the summer and school holiday periods in excess of five (5) days; and
- (k) All children who transfer into the District and are placed on a 30-day interim IEP shall be assessed within that 30-day period, excluding the summer and school holiday periods in excess of five (5) days.
- (l) special education teachers implement curriculum-based assessments, aligned with the California curriculum framework, to assess academic skills development in each curricular area;

The Monitor shall, four times each school year, review student records to evaluate whether the procedures set forth above have been followed.

Evidence of Performance: Student records; integrated assessment team reports and assessment plans; documents demonstrating recruitment efforts for bilingual assessors; any reports or notes of the review team or any member of the team. The District shall be deemed to have complied with this requirement if the procedures set forth above have been followed for at least 95% of the students reviewed.

Maintenance Period: Four (4) semesters.

Item 7

Functional Analysis Assessments and Behavior Intervention Plans

Expected Results: The District shall ensure that a functional analysis assessment ("FAA") is conducted whenever an IEP team determines that a student with a disability exhibits serious behavioral problems that interfere with the implementation of the student's IEP or the student's education. The District shall ensure that a behavioral intervention plan ("BIP") is developed whenever an IEP team determines, after reviewing an FAA, that a student with a disability exhibits serious behavioral problems that interfere with the implementation of the student's IEP or the student's education.

Person Responsible: Assistant Superintendent

Corrective Activities and Requirements:

- 7.1. ***Corrective Activity:** The District shall develop and maintain a set of policies and procedures intended to ensure the provision of functional analysis assessment services consistent with the Requirement 1.1.*

Requirement 7.1.1: Within 60 days of signing the Consent Decree, the District shall develop and maintain a set of policies and procedures intended to ensure the provision of functional analysis assessment services consistent with the following:

- (a) whenever an IEP team determines that a student's behavior is not adequately addressed by the instructional/behavioral approaches specified in a student's IEP and a behavior intervention plan may be needed, it shall initiate the functional analysis assessment ("FAA") process;
- (b) the District shall seek to obtain written parental consent prior to conducting an FAA;
- (c) an FAA report shall be created at the conclusion of the FAA reflecting the considerations and conclusions made during the FAA;
- (d) the FAA report shall be provided to the student's parents in advance of subsequent IEP meetings and shall be maintained in the student's file;
- (e) information for the FAA shall be gathered from: (1) interviews with significant others, including parents and others; (2) a review of available data (including a review of health/medical records looking for factors which may influence the behavior); and (3) direct observation of the student and the targeted behavior (so long as such observation does not require provoking student to display the targeted behavior); and
- (f) the FAA and FAA report shall include: (1) a description of the duration, frequency and intensity of the behavior in objective and measurable terms; (2) observation of immediate antecedent events associated with each

instance of the display of the targeted inappropriate behavior; (3) observation and analysis of the consequences following the display of the behavior to determine the function the behavior serves; (4) baseline data of targeted behavior antecedents and consequences across settings where behavior occurs; (5) a description of the rate of alternative behaviors including antecedents and consequences, an analysis of the settings where behavior occurs the most (considering physical setting, social setting, activities and nature of instruction, scheduling); and (6) specific recommendations for the IEP team.

Evidence of Performance: A copy of the set of policies and procedures created pursuant to Requirement 1.1.

Maintenance Period: Not applicable.

Requirement 7.1.2: Within thirty (30) days of receipt of the set of policies and procedures set forth in Requirement 1.1, the Monitor, the CDE and Plaintiffs' Counsel shall provide any comments to the District. Within 20 days of the deadline for submission of comments, the District shall consider revising the set of policies and procedures, taking into account any comments received from the Monitor, the CDE, and Plaintiffs' Counsel, and shall submit the policies and procedures to the Board of Trustees for approval.

Evidence of Performance: A copy of the policies and procedures set forth in Requirement 7.1.2, along with a verification signed and dated by the person who submitted the policies and procedures to the Board of Trustees.

Maintenance Period: Not applicable.

7.2. **Corrective Activity:** *The District shall develop and maintain a set of policies and procedures intended to ensure the provision of behavioral intervention plan ("BIP") services consistent with Requirement 7.2.1.*

Requirement 7.2.1: Within 60 days of signing the Consent Decree, the District shall develop and maintain a set of policies and procedures intended to ensure the provision of behavioral intervention plan ("BIP") services consistent with the following:

- (a) an IEP meeting shall be held to review the results of a functional analysis assessment;
- (b) a BIP shall be developed whenever, after reviewing an FAA of the student, the IEP team determines that a BIP is needed;
- (c) when a BIP is being developed, the student's IEP team shall be expanded to include (1) a behavioral intervention case manager who has documented training in behavior analysis with an emphasis on positive behavioral

interventions; and (2) other qualified personnel knowledgeable about the student's health needs;

- (d) each BIP shall be implemented/supervised by the behavioral intervention case manager;
- (e) each BIP shall be written with sufficient detail to allow direct implementation of the BIP, which may include altering the identified antecedent event to prevent the occurrence of the behavior, teaching alternative behaviors, teaching individual adaptive behaviors, manipulating the consequences for display of targeted behavior with acceptable alternative behaviors to achieve desired outcomes, and listing positive acceptable responses;
- (f) each BIP shall be incorporated into the IEP;
- (g) the IEP team shall schedule reviews of the BIP and the measurements to be used during those reviews; and
- (h) in the event of emergencies involving behavioral problems, a behavioral emergency report shall be provided to the parents and an IEP meeting shall be held to review/modify the existing BIP or to begin the assessment process, and to determine whether to put an interim plan into place.

Evidence of Performance: A copy of the set of policies and procedures created pursuant to Requirement 7.2.1.

Maintenance Period: Not applicable.

Requirement 7.2.2: Within 30 days of receipt of the set of policies and procedures set forth in Requirement 7.2.1, the Monitor, the CDE and Plaintiffs' Counsel shall provide any comments to the District. Within 20 days of the deadline for submission of comments, the District shall consider revising the set of policies and procedures, taking into account any comments received from the Monitor, the CDE, and Plaintiffs' Counsel, and shall submit the policies and procedures to the Board of Trustees for approval.

Evidence of Performance: A copy of the policies and procedures set forth in Requirement 7.2.2, along with a verification signed and dated by the person who submitted the policies and procedures to the Board of Trustees.

Maintenance Period: Not applicable.

- 7.3. **Corrective Activity:** *The District shall ensure that whenever an IEP team determines that a student's behavior is not adequately addressed by the instructional/behavioral approaches specified in a student's IEP and a behavior*

intervention plan may be needed, it shall initiate the functional analysis assessment process consistent with District policies and procedures.

Requirement 7.3.1: The District shall conduct an FAA for each student whose IEP team determines (1) that the student's behavior is not adequately addressed by the instructional/behavioral approaches specified in a student's IEP, and (2) that a behavior intervention plan may be needed. The District shall be deemed to have complied with this requirement if it demonstrates that 95% of students who were to be provided FAAs by this Requirement 3.2, received them, excluding students whose parents refused to allow an FAA to be conducted.

Evidence of Performance: Student files, IEPs, records of FAAs. The District shall be deemed to have complied with this requirement if it demonstrates that 95% of students who were to be provided FAAs by this Requirement 3.2, received them, excluding students whose parents refused to allow an FAA to be conducted.

Maintenance Period: 4 semesters

Requirement 7.3.2: The District shall not (a) expel or suspend a student with an IEP or (b) otherwise act to preclude the provision of IEP-required services to a student with disabilities, for more than 10 days during a school year without first convening an IEP team meeting to conduct or review on an FAA and/or BIP.

Evidence of Performance: Student files, IEPs, and records of FAAs. The District shall be deemed to have complied with this requirement if it demonstrates that 95% of students who were to be provided FAAs by this Requirement 3.2, received them, excluding students whose parents refused to allow an FAA to be conducted.

Maintenance Period: 4 semesters

Requirement 7.3.3: Whenever the District initiates the FAA process in accordance with Requirement 7.3.1, an FAA shall be conducted consistent with the following:

- (a) the District shall seek to obtain written parental consent prior to conducting an FAA;
- (b) an FAA report shall be created at the conclusion of the FAA reflecting the considerations and conclusions made during the FAA;
- (c) the FAA report shall be provided to the student's parents in advance of subsequent IEP meetings and is maintained in the student's file;
- (d) information for the FAA shall be gathered from: (1) interviews with significant others, including parents and others; and (2) a review of available data (including a review of health/medical records looking for

factors which may influence the behavior); (3) direct observation of the student and the targeted behavior (so long as such observation does not require provoking student to display the targeted behavior);

- (e) the FAA and FAA report shall include: (1) a description of the duration, frequency and intensity of the behavior in objective and measurable terms; (2) observation of immediate antecedent events associated with each instance of the display of the targeted inappropriate behavior; (3) observation and analysis of the consequences following the display of the behavior to determine the function the behavior serves; (4) baseline data of targeted behavior antecedents and consequences across settings where behavior occurs; (5) a description of the rate of alternative behaviors including antecedents and consequences of those, an analysis of the settings where behavior occurs the most (considering physical setting, social setting, activities and nature of instruction, scheduling); and (6) specific recommendations for the IEP team.

Evidence of Performance: The files of students who have received FAAs. The District shall be deemed in compliance with this requirement if it demonstrates that no less than 95% of FAAs complied with Requirement 3.2.

Maintenance Period: 4 semesters

- 7.4. **Corrective Activity:** *The District shall ensure that whenever an FAA is conducted, an IEP team meeting is convened to review the FAA, and that a BIP is developed consistent with District policies and procedures whenever, after reviewing an FAA of the student, the IEP team determines that a behavior intervention plan is needed.*

Requirement 7.4.1: The District shall ensure that (1) whenever it conducts an FAA, it holds an IEP team meeting to review the results of the functional analysis assessment, and (2) if the IEP team determines that a BIP is needed, the District develops a BIP, consistent with Requirement 2.1.

Evidence of Performance: Student files, IEPs, records of FAAs and BIPs. The District shall be deemed to have complied with this requirement if it demonstrates that the provisions of Requirement 7.4.1 are followed no less than 95% of the time.

Maintenance Period: 4 semesters

- 7.5. **Corrective Activity:** *The District shall ensure that IEP teams review BIPs within 30 days after the initial BIP was developed.*

Requirement 7.5.1: The District shall ensure that IEP teams review BIPs within 60 days after the initial BIP was developed.

Evidence of Performance: Records and IEPs of students who have received an initial BIP during the school semester. The District shall be deemed compliant with this item if it demonstrates that 95% of BIPs initially developed during a school semester were reviewed by the IEP team within 60 days.

Maintenance Period: 4 semesters

Item 8

Parent Participation in IEPs and Child's Education

Expected Results: The District shall ensure that (1) parents/guardians are informed of their rights in their primary language before initial and annual IEP team meetings occur; (2) parents are notified in their primary language of IEP team meetings; (3) parents are provided the opportunity to participate in the development of IEPs; and (4) parents are afforded opportunities to participate in their child's school site and education.

Person Responsible: Assistant Superintendent.

Corrective Activities and Process-Oriented Requirements:

- 8.1. **Corrective Activity:** *The District shall provide a full explanation of rights to parents in their primary language prior to any proposed initial assessment or reassessment, any annual IEP team meeting, and any proposed initiation or refusal to initiate a change in the placement or provision of FAPE for a child with disabilities.*

Requirement 8.1.1: At least five days prior to: (a) any proposed initial assessment or reassessment, or (b) any proposed initiation or refusal to initiate a change in the placement or provision of FAPE for a child with disabilities; and at every IEP meeting for a child with disabilities, the District shall provide to the child's parents a notice of rights in their primary language. Such notice shall also include, in the case of any proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child, the following: (a) a description of the action proposed or refused by the District; (b) an explanation of why the District proposes or refuses to take the action; (c) a description of any other option the District considered and the reasons why those options were rejected; (d) a description of each evaluation, procedure, test, record, or report the District used as a basis for the proposed or refused action; and (e) sources for parents to contact to obtain assistance in understanding the provisions of the notice

Evidence of Performance: A notation in the student's file indicating the date that the notice required by Requirement 8.1.1 was provided to the parents, signed and dated by the person who provided it, or a copy of any notice sent pursuant to this requirement, signed and dated by the person who sent the notice. The District shall be deemed to have complied with this requirement if it demonstrates through the student database that appropriate notices has been provided no less than 95% of the time.

Maintenance Period: 4 semesters

- 8.2. **Corrective Activity:** *The District shall provide parents advance notification in their primary language of the scheduling of an IEP team meeting and shall give*

parents the opportunity to reschedule the IEP team meeting at a mutually convenient time and place.

Requirement 8.2.1: At least ten days prior to each scheduled IEP team meeting, the District shall provide to the child's parents a notification of the IEP team meeting. The notice shall be in the parents' primary language. The District shall provide the parents the opportunity to reschedule the IEP meeting for a more convenient time and place. The notice shall indicate the purpose, time, and location of the meeting and who shall be in attendance. The notice shall also inform the parents of the right to bring other people to the meeting who have knowledge or special expertise regarding the student.

Evidence of Performance: A notation in the student's file indicating the date that the notification required by Requirement 8.2.1 was provided to the parents, signed and dated by the person who provided it, and records of parental attendance at IEP meetings. The District shall be deemed to have complied with this requirement if it demonstrates through the student database that appropriate notices has been provided no less than 95% of the time.

Maintenance Period: 4 semesters

- 8.3. **Corrective Activity:** *The District shall provide to parents a copy of the completed assessment reports. Such reports shall be in the parents' primary language or, the primary language is other than English or Spanish, the District shall provide the opportunity to receive a verbal translation of the report to be discussed at the child's IEP team meeting at least five days prior to the IEP team meeting.*

Requirement 8.3.1: At least five days prior to an IEP team meeting, the District shall provide to the parents a copy of the written assessment report. Such report shall be in the parents' primary language. If the primary language is other than English or Spanish, the District shall provide the opportunity for the parents to receive a verbal translation of any assessment report to be discussed at the child's IEP team meeting.

Evidence of Performance: A notation in the student's file indicating the date that the report was provided to the parents or a signed verification from the translator that a verbal translation was provided, signed and dated by the person who provided it. The District shall be deemed to have complied with this requirement if the student's file contains documentation that parents received assessment reports or verbal translation 95% of the time.

Maintenance Period: 4 semesters

- 8.4. **Corrective Activity:** *The District shall provide to parents whose primary language is not English interpretation from interpreters of their child's IEP team meeting and shall provide parents a fully-translated IEP within twenty days after the conclusion of the IEP team meeting.*

Requirement 8.4.1: The District shall ensure that all interpreters used by the District to interpret IEP meetings have been provided training to translate the content of the meeting.

Evidence of Performance: Training materials; a verification signed by each trainee and their trainer that the trainee received the training set forth in Requirement 8.4.1; documentation of the trainers' qualifications (including schooling, prior training experience, and other relevant experience).

Maintenance Period: 4 semesters

Requirement 8.4.2: For any IEP team meeting held where the parents' primary language is not English, the District shall provide interpretation to the parents in their primary language by a person who received training in accordance with Requirement 8.4.1. Such interpretation shall be sufficient to allow the parents to understand the IEP meeting. The District shall develop a questionnaire for parents to determine: (a) whether the interpretation service provided was sufficient to allow the parents to understand the IEP meeting; (b) whether the parents decline a written IEP in their primary language; and (c) whether the parents decline a verbal translation of the IEP (which the District shall provide upon the parents' request whether or not the parents request a written translation). If the parents express concerns regarding the interpretation, the District will offer to reconvene the meeting or otherwise address and resolve the parents' concerns.

Evidence of Performance: For each IEP team meeting held where the parents' primary language is not English, a verification on the questionnaire signed and dated by the parents that the District provided interpretation sufficient to allow the parents to understand the IEP team meeting, and documentation that the District offered to reconvene the meeting or otherwise address and resolve parents' concerns regarding interpretation, if any. The district shall be deemed to be compliant with this requirement if 95% of the parents (whose primary language is not English) signed a questionnaire.

Maintenance Period: 4 semesters

Requirement 8.4.3: Except as noted in this Requirement, within forty-five days of any IEP team meeting, the District shall provide to parents, whose primary language is not English and who requested a written translation of the IEP, a full written translation of the IEP. For those parents who request that a translation be provided sooner than 45 days, the District shall provide such translation within 30 days. For those parents who request a translation for purposes of a due process hearing request or compliance complaint, the District shall provide such translation within ten days. In addition, if requested by the parents, the District shall provide a verbal translation of the IEP prior to sending the written translation.

Evidence of Performance: A copy of each completed parent questionnaire set forth in Requirement 8.4.2 and each translated IEP sent to the parents pursuant to Requirement 8.4.3, signed and dated by the translator and, if applicable, written verification from the interpreter that s/he verbally translated the IEP. A copy of each questionnaire, translation, and verification shall be maintained in the student's file. The District shall be deemed to have complied with this requirement if it demonstrates no less than 95% of translations are completed within the timelines.

Maintenance Period: 4 semesters

- 8.5. **Corrective Activity:** *The District shall provide parents with a meaningful opportunity to participate in the development of their child's IEP.*

Requirement 8.5.1: The District shall give parents the opportunity to provide written and/or oral information or questions at the beginning of or during any IEP team meeting.

Evidence of Performance: A verification signed and dated by the parents that the District gave the parents the opportunity to provide written and/or oral information at the beginning of or during any IEP team meeting. A copy of each such verification or written comments, if any, shall be maintained in the student's file.

Maintenance Period: 4 semesters

Requirement 8.5.2: If parents provide any input and/or concerns, the District shall document the inputs/concerns in the record of the meeting.

Evidence of Performance: Input and/or concerns provided by parents which appear in the record of IEP team meetings.

Maintenance Period: 4 semesters

- 8.6. **Corrective Activity:** *The District shall provide parents with a meaningful opportunity to participate in their children's school-site and education.*

Requirement 8.6.1: The District shall form special education advisory committees at the District level and at each district site and charter schools where the District is responsible for the provision of special education services.

Evidence of Performance: The agenda and attendance list for each meeting of the special advisory committees.

Maintenance Period: 4 semesters

Requirement 8.6.2: The District shall recruit parents to participate in these advisory committees and shall provide announcements to parents in the form of take-home fliers.

Evidence of Performance: Copies of take-home fliers, indicating the dates of their distribution.

Maintenance Period: 4 semesters

Item 9
Development of IEPs

Expected Results: The District ensures that proper procedures are followed in developing IEPs and that students with disabilities receive appropriate IEPs.

Person Responsible: Superintendent; Assistant Superintendent

Corrective Activities and Requirements:

9.1. **Corrective Activity:** *The District shall develop policies and procedures and IEP forms intended to ensure the proper conduct of IEP team meetings and the development of appropriate IEPs in accordance with Requirement 9.1.1.*

Requirement 9.1.1: Within 30 days of signing the Consent Decree, the District shall develop policies, procedures, and forms intended to ensure at least the following regarding the conduct of IEP team meetings (where appropriate):

- (a) The IEP is developed within 50 days of a parent's consent to the assessment plan for an initial referral, excluding the summer and school holiday periods in excess of five (5) days;
- (b) The IEP is developed within 50 days of a parent's consent to the assessment plan for a triennial evaluation, excluding the summer and school holiday periods in excess of five (5) days;
- (c) The IEP is developed within 50 days of a parent's consent to an assessment plan for any other services (e.g., mental health services, speech and language services, occupational therapy services), excluding the summer and school holiday periods in excess of five (5) days;
- (d) The annual IEP is conducted within one year of the previous IEP;
- (e) The triennial re-evaluation and IEP is conducted within three years of the initial IEP or last triennial re-evaluation and IEP;
- (f) All notices of IEP team meetings contain the purpose, time, location, and identities of those who will be in attendance, as well as a statement that parents may invite individuals with knowledge or special expertise about the child;
- (g) A special education service provider, district administrator with authority to commit and knowledge of the resources available, and a general education teacher attend the IEP team meeting;
- (h) The IEP is developed and approved by the parent prior to its implementation;

- (i) Students who transfer into the district are immediately placed in conformity with the child's current IEP for a period of not to exceed 30 days, excluding the summer and school holiday periods in excess of five (5) days, by the conclusion of which period a new IEP is developed for the student.

The policies, procedures and forms shall also be intended to ensure that at least the following are included in an IEP (where appropriate):

- (a) A statement of the child's present levels of performance, including how the disability affects the child's involvement and progress in the general education curriculum in academic and non-academic areas;
- (b) A statement regarding and evidence of the consideration of the strengths of the student;
- (c) A statement regarding and evidence of the consideration of the parent concerns;
- (d) Measurable annual goals, including benchmarks/short-term objectives related to the student's needs resulting from the child's disability and the student's current levels of performance;
- (e) Annual goals/benchmarks that will enable the child to progress in the general education curriculum;
- (f) A relationship between the child's identified educational needs and goals, short-term objectives/benchmarks, and special educational services to be provided;
- (g) A statement of the special education services, related services, and supplementary aids and services to be provided to or on behalf of the child;
- (h) A statement of the anticipated frequency, duration, and location of the recommended special education and related services;
- (i) Consideration of the need for extended school year services;
- (j) A description of program modifications and supports that will be provided to enable the child to advance toward attaining goals, be involved and progress in the general education curriculum, and participate in extracurricular activities and other non-academic activities;
- (k) Consideration of a positive behavioral intervention plan for a child whose behavior impedes his or her learning or the learning of others;

- (l) Consideration of the language needs of a child with limited English proficiency;
- (m) Consideration of assistive technology devices and services needed to increase, maintain or improve the functional capabilities of the child;
- (n) Consideration of instruction in Braille for a child who is blind or visually impaired;
- (o) A transition plan to ensure a smooth transition from early intervention (IFSP) to special education (IEP), if applicable;
- (p) A statement of the extent, if any, to which the child will not participate with non-disabled children in the regular class and activities;
- (q) A statement of how the student's parents will be regularly informed at least as often as the parents of non-disabled students regarding their student's progress toward annual goals and the extent to which that progress will enable the child to achieve the annual goals by year's end;
- (r) A statement of whether the child will take district and state-wide achievement tests, including a statement of whether the child will take the tests with or without accommodations; or an explanation of why the child will not participate in such testing if the IEP team so decides along with a statement of how that student will be tested if such tests are not used.

Within 30 days of signing the Consent Decree, the District shall also submit these policies, procedures and forms to the Monitor, the CDE, and Plaintiffs' Counsel for comments.

Evidence of Performance: A copy of the policies, procedures and forms set forth in Requirement 9.1.1.

Maintenance Period: Not applicable

Requirement 9.1.2: Within 30 days of receipt of the policies, procedures and forms set forth in Requirement 9.1.1, the Monitor, the CDE and Plaintiffs' Counsel shall provide any comments to the District. Within 20 days of the deadline for submission of comments, the District shall consider revising the policies, procedures and forms, taking into account any comments received from the Monitor, the CDE, and Plaintiffs' Counsel, and shall submit the policies, procedures and forms to the Board of Trustees for approval.

Evidence of Performance: A copy of the policies, procedures and forms set forth in Requirement 9.1.2, along with a verification signed and dated by the person who submitted them to the Board.

Maintenance Period: Not applicable

- 9.2. **Corrective Activity:** *The District shall ensure that IEPs are conducted in accordance with the procedures set forth in Requirement 9.2.1.*

Requirement 9.2.1: The District shall ensure that IEPs are conducted in accordance with the following procedures:

- (a) The IEP shall be developed within 50 days of a parent's consent to the assessment plan for an initial referral, excluding the summer and school holiday periods in excess of five (5) days;
- (b) The IEP shall be developed within 50 days of a parent's consent to the assessment plan for a triennial evaluation, excluding the summer and school holiday periods in excess of five (5) days;
- (c) The IEP shall be developed within 50 days of a parent's consent to an assessment plan for any other services (e.g., mental health services, speech and language services, occupational therapy services), excluding the summer and school holiday periods in excess of five (5) days;
- (d) The annual IEP team meeting shall be conducted within one year of the previous IEP;
- (e) The triennial re-evaluation and IEP team meeting shall be conducted within three years of the initial IEP team meeting or last triennial re-evaluation and IEP team meeting;
- (f) All notices of IEP team meetings shall contain the purpose, time, location, and identities of those who will be in attendance, as well as a statement that parents may invite individuals with knowledge or special expertise about the child;
- (g) A special education service provider and a district administrator with authority to commit and knowledge of the resources available and at least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment shall attend the IEP team meeting;
- (h) The IEP shall be presented to the parent prior to its implementation; and
- (i) Students who transfer into the district are immediately placed in conformity with the child's extant IEP for a period of not to exceed 30 days, excluding the summer and school holiday periods in excess of five (5) days, by the conclusion of which period a new IEP shall be developed for the student.
- (j) outcomes from these assessments are shared with other members of the child's educational team and are used to develop yearly, standards-referenced IEP objectives; and

- (k) special education teachers and designated instructional services personnel (DIS personnel) on the child's educational team collect, on an ongoing basis, evaluation data on student progress on each IEP objective and use that information to revise educational goals, instructional strategies, curricular adaptations, and social and behavioral supports.

The Monitor, four times each school year shall review student records of 15% of students with disabilities in the District and to discuss the conduct of IEP meetings to evaluate whether the procedures set forth above have been followed.

Evidence of Performance: IEPs and documentation;. The District shall be deemed to have complied with this requirement if the procedures set forth above have been followed for 95% of the students reviewed.

Maintenance Period: Not applicable

- 9.3. **Corrective Activity:** *The District shall develop IEPs that contain the content set forth in Requirement 9.3.1.*

Requirement 9.3.1: The District shall ensure that IEPs include the following components:

- (a) A statement of the child's present levels of performance, including how the disability affects the child's involvement and progress in the general education curriculum in academic and non-academic areas;
- (b) A statement demonstrating that the IEP team considered the strengths of the student;
- (c) A statement demonstrating that the IEP team considered the parent concerns;
- (d) Measurable annual goals, including benchmarks/short-term objectives related to meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum, or for preschool children, to participate in appropriate activities; and meeting each of the child's other educational needs that result from the child's disability;
- (e) A direct relationship between the present levels of performance, the goals and objectives, and the specific educational services to be provided;
- (f) A statement of the special education services, related services, and supplementary aids and services to be provided to or on behalf of the child.
- (g) A statement of the anticipated frequency, duration, and location of the recommended special education and related services;

- (h) A statement demonstrating that the IEP team considered the need for extended school year services, if applicable;
- (i) A description of program modifications and supports that will be provided to enable the child to advance toward attaining goals, be involved and progress in the general education curriculum, and participate in extracurricular activities and other non-academic activities;
- (j) A statement demonstrating that the IEP team considered a positive behavioral intervention plan for a child whose behavior impedes his or her learning or the learning of others;
- (k) A statement demonstrating that the IEP team considered the language needs of a child with limited English proficiency;
- (l) A statement demonstrating that the IEP team considered assistive technology devices and services needed to increase, maintain or improve the functional capabilities of the child;
- (m) A statement demonstrating that the IEP team considered instruction in Braille for a child who is blind or visually impaired;
- (n) A statement setting forth the extent, if any, to which the child will not participate with non-disabled children in the regular class and activities;
- (o) A statement of how the student's parents will be regularly informed at least as often as the parents of non-disabled students regarding their student's progress toward annual goals and the extent to which that progress will enable the child to achieve the annual goals by year's end;
- (p) A statement of how the child will take district and state-wide achievement tests, including a statement of whether the child will take the tests with accommodations, without accommodations; or the alternate assessment according to state guidelines.

The Monitor, four times each school year, shall review at least 15% of the student records and placements to evaluate whether the procedures set forth above have been followed.

Evidence of Performance: IEPs and student records. The District shall be deemed to have complied with this requirement if all of the procedures set forth above have been followed for 95% of the students reviewed.

Maintenance Period: 4 semesters

Item 10
Integrated Educational Practices

Expected Results: The District shall ensure that all special education students are educated with children who are nondisabled to the maximum extent appropriate and that special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Persons Responsible: Superintendent, Assistant Superintendent

Corrective Activities and Requirements:

10.1. Corrective Activity: The District shall develop policies and procedures that ensure the provision of educational supports and services in the least restrictive environment in accordance with Requirement 10.1.1.

Requirement 10.1.1: Within 30 days of the signing of the Consent Decree, the District shall develop policies and procedures intended to ensure the provision of educational supports and services in the least restrictive environment consistent with the following:

- (a) the District considers the first educational placement option for each student with an IEP to be the school the student would attend if not disabled, with appropriate aids and services to facilitate such placement;
- (b) the District considers the full range of supplementary aids and services that if provided would facilitate the student's placement in the regular classroom setting appropriate to the student's chronological age;
- (c) placement decisions are individually determined on the basis of the student's needs, and not solely on factors such as (1) category of disability, (2) significance of disability, (3) availability of special education and related services, (4) configuration of the service delivery system, (5) availability of space, or (6) administrative convenience;
- (d) student academic and/or social development of a specific performance level is not a prerequisite for placement into an age-appropriate regular classroom;
- (e) students are not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum, including the need for a positive behavior support plan; and
- (f) each student's IEP forms the basis for the educational placement decision.

Within 30 days of the signing of the Consent Decree, the District shall submit this set of policies and procedures to the Monitor, the CDE, and Plaintiffs' Counsel for comments.

Evidence of Performance: A copy of the policies and procedures set forth in Requirement 10.1.1.

Maintenance Period: Not applicable

Requirement 10.1.2: Within 30 days of receipt of the policies and procedures set forth in Requirement 10.1.1, the Monitor, the CDE and Plaintiffs' Counsel shall submit any comments. Within 20 days of the deadline for submission of comments, the District shall consider revising the policies and procedures, taking into account any comments received from the Monitor, the CDE, and Plaintiffs' Counsel, and shall submit the policies and procedures to the Board of Trustees for approval.

Evidence of Performance: A copy of the policies and procedures set forth in Requirement 10.1.2, along with a verification, signed and dated by the person who submitted the policies and procedures to the Board of Trustees.

Maintenance Period: Not applicable

10.2. Corrective Activity: *The District shall ensure that students with IEPs receive services in the least restrictive environment in accordance with Requirement 10.2.1.*

Requirement 10.2.1: The District shall ensure that students with IEPs receive services in the least restrictive environment in accordance with the following:

- (a) The preferred educational placement option considered for each student with an IEP shall be the school the student would attend if not disabled, with appropriate aids and services to facilitate such placement;
- (b) the District shall consider the full range of supplementary aids and services that if provided would facilitate the student's placement in the regular classroom setting;
- (c) placement decisions shall be individually determined on the basis of the student's needs, and not solely on (1) category of disability, (2) significance of disability, (3) availability of special education and related services, (4) configuration of the service delivery system, (5) availability of space, or (6) administrative convenience;
- (d) student academic and/or social development of a specific performance level shall not be a prerequisite for placement into an age-appropriate regular classroom;

- (e) students shall not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum, including the need for a positive behavior support plan; and
- (f) each student's IEP shall form the basis for the educational placement decision.

At the annual review (or initial review, as appropriate) of each child, including but not limited to each District child in non-District programs such as SMCOE and charter schools for which the District is responsible for providing special education services, the IEP team shall consider the factors set forth in Requirement 10.2.1. The District shall inform the inclusion expert (see Corrective Activity 10.3, below) of any IEP team proposal to place a child (including initial placement) outside the regular class that exceeds 20% of the school week. The expert's opinions concerning the placement decision shall be conveyed to the parents for their consideration. If this information then results in a parent request for an IEP meeting, the expert(s) shall provide written recommendation to the IEP team of the modifications and supports that would be necessary for the child to participate in the regular classroom program. The IEP team shall reconvene within 30 days to consider the recommendations of the expert(s) and, if adopted, to develop a transition plan that includes the recommended supports and modifications, to allow the student to participate in the less restrictive placement option. If the IEP team rejects the recommendation of the inclusion expert, the team shall set forth in writing in the IEP the reasons for such rejection.

Evidence of Performance: Expert recommendations, students' IEPs; parent requests for an IEP team meeting; IEP team reasons for acceptance, modifications or rejection of the expert recommendations; all of which shall be maintained in the students' file.

Maintenance Period: 4 semesters

10.3. Corrective Activity: *The District shall contract for consultants as described in Requirement 10.3.1.*

Requirement 10.3.1: The District shall contract with Wayne Saylor and another inclusion expert as agreed upon by the Defendants and Plaintiffs, to provide technical assistance and to develop a comprehensive least restrictive environment plan for the District..

- (a) Within 45 days of the signing of the Consent Decree the expert shall visit the Belle Haven and Chavez schools and design the critical features, implementation and assessment system for the comprehensive least restrictive environment plan.
- (b) The expert will meet at least 4 times during the school year for a minimum of 2.5 days each to provide technical assistance and to work on developing and implementing the plan.

- (c) Each visit, the District and the expert will designate a set of specific implementation steps to be undertaken at each school in the District, with those schools which have the largest number of students with IEPs implementing the greatest number of critical features early in the process.
- (d) The expert will provide the Monitor, the District, the Plaintiffs' Counsel, and the CDE with critical feature progress data as developed in (a) above at the conclusion of each visit.

Evidence of Performance (for outcome requirement): Expert comprehensive least restrictive environment plan developed pursuant to Requirement 10.3.1, including critical features, implementation and assessment plans, and district reports on implementation steps; and district data from student files and the STD. The District will be deemed in compliance with Requirement 10.3.1 once it has received the above-described services of the expert for a minimum of 8 of the described visits over the course of a minimum of two years, and once it has satisfied the following outcome requirement for its maintenance period: The critical features established in 10.3.1 shall be implemented at Belle Haven, Chavez, one other school chosen by the consultant, and one other chosen by the District and there will be no student with an IEP in those schools who will spend more than 30% of his or her school week outside the regular class. The consultant shall select the school site to be subject to this Requirement by no later than March 31, 2003. Nothing in this requirement affects the parent's choice of placement options available through the IEP process in accordance with 10.2.

Maintenance Period (for outcome requirement): 4 semesters

Item 11
Access to Extracurricular Activities

Expected Results: The District provides access for all students with disabilities who the District is required to serve to all extracurricular activities that are available to their non-disabled peers, and makes available required modifications and supports.

Person Responsible: Superintendent, Assistant Superintendent.

Corrective Activities and Requirements:

11.1. Corrective Activity: The District shall develop policies and procedures intended to ensure that children with disabilities have access to the same extracurricular activities and after-school programs as their non-disabled peers, and shall develop procedures for providing necessary supports and accommodations.

Requirement 11.1.1: Within 60 days of signing the Consent Decree, the District shall develop policies and procedures intended to ensure that all students with disabilities who the District is required to serve have access to the same extracurricular activities and after-school programs as their non-disabled peers, and shall develop procedures for providing necessary supports and recommendations to the children. Within 30 days of signing the Consent Decree, the District shall submit the policies and procedures to the Monitor, the CDE, and Plaintiffs' Counsel for comments.

Evidence of Performance: A copy of the policies and procedures set forth in Requirement 11.1.1.

Maintenance Period: Not applicable

Requirement 11.1.2: Within 30 days of receipt of the policies and procedures set forth in Requirement 11.1.1, the Monitor, the CDE and Plaintiffs' Counsel shall provide any comments. Within 20 days of the deadline for submission of comments, the District shall consider revising the policies and procedures, taking into account any comments received from the Monitor, the CDE, and Plaintiffs' Counsel, and shall submit the policies and procedures to the Board of Trustees for approval.

Evidence of Performance: A copy of the policies and procedures set forth in Requirement 11.1.2, along with a verification signed and dated by the person who submitted the revised policies and procedures to the Board of Trustees.

Maintenance Period: Not applicable

11.2. Corrective Activity: The District shall provide all parents of a disabled child with notification of their child's opportunity to participate in the same extracurricular

activities and after-school programs as his/her non-disabled peers and shall document in the child's IEP the accommodations and supports needed for the child to participate in such activities.

Requirement 11.2.1: By no later than January 31, 2003, for the 2002-2003 school year, and by September 1 of every school year thereafter, and at the beginning of every IEP meeting, the District shall provide written notice, in Spanish and English, to all parents of a child with disabilities of their child's opportunity to participate in the same extra-curricular activities and after-school programs as his/her non-disabled peers, as well as the name and telephone number of a contact person at the child's school who shall be available to answer questions about available opportunities, programs, and activities.

Evidence of Performance: A copy of the written notice, a certification from the Assistant Superintendent that the notice was provided to parents at the beginning of the school year, and a verification or record of delivery of the notice to parents at each IEP meeting.

Maintenance Period: 4 semesters

Requirement 11.2.2: The IEP for every student shall include documentation that the IEP team discussed participation in extracurricular activities. The IEP of every student for whom accommodations and supports to participate in extra-curricular activities and after-school programs were determined by the IEP team to be necessary, shall contain those accommodations and supports.

Evidence of Performance: IEPs. The District shall be deemed to have complied with this requirement if 95% of the IEPs of students sampled contain documentation of the discussion and the specifications where they were deemed necessary and are provided with such supports and accommodations.

Maintenance Period: 4 semesters

Item 12
Implementation of IEPs and Student Progress

Expected Results: The District implements the individualized instructional objectives, specialized teaching strategies, adaptations, supports, and modifications specified in the IEPs of students with disabilities and such students make intended academic progress and achieve the intended benefit from goals and objectives specified in their IEPs.

Person Responsible: Superintendent, Assistant Superintendent.

Corrective Activities and Requirements:

12.1. Corrective Activity: *The District shall ensure the provision of all services, including resource specialist and/or related services as specified in the IEPs of students with disabilities.*

Requirement 12.1.1: Each person who provides a child with services shall maintain a timelog of the services provided to the child. The timelog shall include (a) the type and nature of the service(s) provided; (b) the date and time the service(s) were provided; and (c) a certifying signature of the service provider.

Evidence of Performance: A copy of the timelogs. The District shall be deemed to comply with this requirement if it demonstrates no less than 95% of personnel providing services maintain complete timelogs

Maintenance Period: 4 semesters

Requirement 12.1.2: If at any time the District becomes aware either through self-monitoring or notification by parents that the District failed to make available to a student any services required by the student's IEP, the District shall provide to the parents within fifteen days: (a) a written notification of the type and amount of services missed; (b) a proposal to make up missed services, specifying the frequency, duration, location, and date for initiation of the proposed services, and (c) a Notice of Procedural Safeguards. In the event of disagreement over the District's proposal or the District's failure to make a proposal, at the parents' request, the District will convene an IEP meeting within twelve days to reconsider the services proposed by the District. The District shall provide parents with information about alternative recourse, as set forth in the Procedural Safeguards, including the rights to file a compliance complaint or a compensatory education claim pursuant to the Consent Decree.

Evidence of Performance: A copy of the written notification and proposal, if any; the Notice of Procedural Safeguards; documents sufficient to show that the services agreed to by the parent or obtained pursuant to an appeal, a complaint, or a compensatory education claim were provided; all of this documentation shall be maintained in the student's record. The District shall be deemed to have complied with this

requirement if: (a) it provides the written notification and proposal within the specified timeframe; (b) it convenes an IEP meeting within twelve days after notification of disagreement from the parents, if any; and (c) it provides the services agreed to by the parent or obtained pursuant to an appeal, a complaint, or a compensatory education claim.

Maintenance Period: 4 semesters

Requirement 12.1.3: The District shall ensure that all services in a student's IEP are provided to the student. The Monitor shall, four times each year, review student records (including student files, IEPs, timelogs and progress reports) and provision of services to evaluate whether the services have been provided in accordance with IEPs. The Monitor shall review no less than 15% of the special education student body each quarter. Each quarterly review will include a sample of the students from each setting type (i.e., charter schools which are not a separate LEA for special education services, county programs, non-public schools, and home/hospital instruction).

Evidence of Performance: Student records and other documentation; The District shall be deemed to have complied with this requirement if it demonstrates that 95% of students in the sample received specified services.

Maintenance Period: 4 semesters

- 12.2. **Corrective Activity:** *On at least a quarterly basis, the District shall provide progress reports to parents, including the student's progress toward achievement of goals and objectives.*

Requirement 12.2.1: At least once every grading period or as prescribed by the student's IEP, the District shall send progress reports to parents, which shall include the student's progress toward achievement of goals and objectives. The progress report shall also include a statement of the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.

Evidence of Performance: A notation in the student's file indicating the date that the progress report was sent to the parents, signed and dated by the person who sent it, and copies of progress reports. The District shall be deemed to have complied with this requirement if it demonstrates no less than 95% notations of students sampled.

Maintenance Period: 4 semesters

- 12.3. **Corrective Activity:** *The District shall ensure implementation of the specialized instruction, adaptations, supports, and modifications as specified in the IEPs of students with disabilities.*

Requirement 12.3.1: The District shall ensure that students at each school site and program are receiving specialized instruction, adaptations, supports, and modifications as specified in the students' IEPs. The Monitor shall, four times each year, review student records (including student files, IEPs, timelogs and progress reports) and provision of services to evaluate whether the District has provided services in accordance with IEPs. The Monitor will evaluate the District's provision of the specialized instruction, adaptations, supports and modifications provided to a random sample of at least 10% of the students in each setting type (i.e., charter schools which are not a separate LEA for special education services, county programs, non-public schools, and home/hospital instruction). The Monitor will (i) conduct as many classroom observations and interviews with teachers as is necessary to evaluate compliance, (ii) visit each school site in the District at least once during the academic year, (iii) review teacher records, and (iv) conduct interviews with parents, administrators and related service providers.

Evidence of Performance: Teacher and student records and documentation. The District shall be deemed in compliance with this requirement if it demonstrates no less than 95% of students sampled are receiving the specialized instruction, adaptations, supports and modifications specified in their IEPs.

Maintenance Period: 4 semesters

Requirement 12.3.2: If at any time the District becomes aware of service-delivery deficiency either identified by the review process in Requirement 12.3.1 or by notification by parents, the District shall, within fifteen days, provide to the parents: (a) a written notification of the type and amount of services missed; (b) a proposal to remedy the service-delivery deficiency, and (c) a Notice of Procedural Safeguards. In the event of disagreement over the District's proposal or the District's failure to make a proposal, at the parents' request, the District will convene an IEP meeting within twelve days to consider the services proposed by the District. The District shall provide parents with information about alternative recourse, as set forth in the Procedural Safeguards, including the rights to file a compliance complaint or a compensatory education claim pursuant to the Consent Decree.

Evidence of Performance: A copy of the written notification and proposal, if any; the Notice of Procedural Safeguards; documents sufficient to show that the services agreed to by the parent or obtained pursuant to an appeal, a complaint, or a compensatory education claim were provided; all of this documentation shall be maintained in the student's record. The District shall be deemed to have complied with this requirement if: (a) it provides the written notification and proposal within the specified timeframe; (b) it convenes an IEP meeting within twelve days after notification of disagreement from the parents, if any; and (c) it

provides the remedies agreed to by the parent or obtained pursuant to an appeal, a complaint, or a compensatory education claim.

Maintenance Period: 4 semesters

Requirement 12.3.3: The District shall discuss student participation in District and statewide assessments for children with disabilities during the IEP development process, and the District shall implement all reasonable adaptations and accommodations for District and statewide assessments as delineated in each student's IEP.

Evidence of Performance: IEPs and observations. The District shall be deemed to have complied with this requirement if 95% of the students sampled have evidence in their IEPs and from observation by the monitor of the students' assessment conditions that (i) the IEP team discussed reasonable adaptations and accommodations for students with disabilities to ensure participation in District and statewide assessments; (ii) such reasonable adaptations and accommodations, if appropriate, are set forth in the student's IEP; and (iii) such reasonable adaptations and accommodations have been implemented.

Maintenance Period: 4 semesters

Item 13
Staff Recruitment and Retention

Expected Results: The District develops a staff recruitment and retention plan intended to result in a special education staff that is certified and qualified.

Person Responsible: Superintendent, Assistant Superintendent.

Corrective Activities and Requirements:

13.1. Corrective Activity: *The District shall develop a staff recruitment and retention plan for all special education staff including school psychologists, intensive special education service providers, non-intensive special education service providers, inclusion specialists, behavior support providers, speech and language therapists, occupational therapists, SST coordinators, early childhood education service providers, mental health therapists, and paraprofessionals in accordance with Requirement 13.1.1.*

Requirement 13.1.1: Within 120 days of signing the Consent Decree, the District shall develop a staff recruitment and retention plan for all special education staff, including: (a) school psychologists, (b) intensive special education service providers, (c) non-intensive special education service providers, (d) inclusion specialists, (e) behavior support provider, (f) speech and language therapists, (g) occupational therapists, (h) SST coordinators, (i) early childhood education service providers, (j) mental health therapists, and (k) paraprofessionals. The plan shall include at least the following components: (i) procedures for outreach to local colleges and universities, teacher training programs, and paraprofessional training programs, attendance at job fairs, and advertisements in national and statewide electronic and print publications; (ii) financial and other incentives to attract and retain qualified and certified staff, including salaries and stipends with the goal of competing in the labor market for qualified staff in the San Francisco Peninsula; (iii) an analysis of financial and other incentives to encourage further professional training and development; and (iv) job descriptions that contain job responsibilities and required qualifications. Within 120 days of signing the Consent Decree, the District shall submit the plan to the Monitor, the CDE, and Plaintiffs' Counsel for comments.

Evidence of Performance: A copy of the plan set forth in Requirement 13.1.1.

Maintenance Period: Not applicable

Requirement 13.1.2: Within 30 days of receipt of the plan set forth in Requirement 13.1.1, the Monitor, the CDE and Plaintiffs' Counsel shall provide any comments to the District. Within 20 days of the deadline for submission of comments, the District shall consider revising the plan, taking into account any

comments received from the Monitor, the CDE, and Plaintiffs' Counsel, and shall then submit the plan to the Board of Trustees for approval

Evidence of Performance: A copy of the plan set forth in Requirement 13.1.2, along with a verification signed and dated by the person who submitted the plan to the Board of Trustees.

Maintenance Period: Not applicable

- 13.2. Corrective Activity:** *The District shall ensure that all special education classified staff, including paraprofessionals and other special education classified positions have successfully completed a program of training that provides such staff the skills to perform their job.*

Requirement 13.2.1: Within 150 days of signing the Consent Decree, the District shall submit to the Monitor a list of all special education classified staff, including paraprofessionals and all District staff in other special education classified positions shall describe the training to be provided to each such person. The training to be provided shall be intended to supply such staff with the skills to perform their jobs..

Evidence of Performance: The list set forth in Requirement 13.2.1, including the description of training intended to supply to the paraprofessionals and other special education positions with necessary skills; a verification signed by each trainee and their trainer that the trainee received the training set forth in the list. The District shall be deemed to have complied with this requirement once the paraprofessionals and all District staff in other special education positions for which there is no relevant credential have received the training described by the District

Maintenance Period: Not applicable

- 13.3. Corrective Activity:** *The District shall establish a pre-internship and internship program with a local university or universities that provides coursework and financial support for special education staff seeking credential in accordance with Requirement 13.3.1.*

Requirement 13.3.1: By the first day of the 2003-2004 school year, the District shall establish a pre-internship and internship program with a local university or universities that provides coursework and financial support for special education staff seeking to obtain an appropriate credential. The program will include the following: (a) any staff participating in the program must maintain satisfactory progress in all coursework (C average or better); (b) the program of study must be designed to be completed within two years of initiation; and (c) any staff member participating in the program who fails to complete it within two years will be terminated from employment with the District, unless they can otherwise provide credentialed special education services under California law.

Evidence of Performance: Documentation of the program established by the District containing the components specified in Requirement 13.3.1.

Maintenance Period: Not applicable

- 13.4 **Corrective Activity:** *The District shall increase the number of special education staff with a valid and clear credential issued by the California Commission on Teacher Credentialing.*

Requirement 13.4.1: For each school year beginning with the 2003-2004 school year, the District will increase the aggregate number of special education staff, excluding paraprofessionals and other positions for which there is no relevant credential, with a valid and clear credential issued by the California Commission on Teacher Credentialing in the field in which they are providing services by 10 percent of the total number of such persons employed by the District. The District shall not be held in contempt for failing to achieve compliance with this provision if it demonstrates that exigent circumstances prevent it from complying with the requirement.

Evidence of Performance: A current roster of special education staff for whom a credential is required and records from the California Commission on Teacher Credentialing reflecting each such person's credential status.

Maintenance Period: Five school years.

Item 14
Complaint Investigation and Resolution

Expected Results: The District implements policies and procedures for investigation and resolution of complaints alleging failure to comply with state and federal special education law. The District investigates and seeks to resolve all complaints alleging failure to comply with state and federal special education law.

Person Responsible: Superintendent.

Corrective Activities and Requirements:

- 14.1. **Corrective Activity:** *The District shall ensure that all complaints from parents of students with disabilities are investigated and resolved according to established District complaint procedures and within 60 days of their submission.*

Requirement 14.1.1: The District shall maintain a file for each submitted complaint that includes: (a) a dated copy of the complaint; (b) documentation that the District provided parents and/or their representatives the services of an interpreter if requested by the parents, and provided the parents and/or their representative an opportunity to discuss the complaint and to present information relevant to the complaint; (c) a dated copy of the factual findings and disposition of the complaint provided to the parents in their primary language; (c) a statement as to whether the investigation of the complaint revealed that the District was compliant or non-compliant; (d) any agreement for compensatory services entered by the District related to the complaint; and (e) documentation that parents were given notice of appeal rights, including the procedures for filing an appeal to the Governing Board for resolution within 60 days of the date the complaint was originally filed, procedures for filing a complaint with the California Department of Education, and information regarding sources for parents to contact to obtain assistance.

Evidence of Performance: The complaint file set forth in Requirement 14.1.1. The District shall be deemed to have complied with this requirement if it demonstrates that no less than 95% of complaints submitted to the District comply with (a) — (e) above.

Maintenance Period: 4 semesters

Requirement 14.1.2: The District shall ensure that all complaints are investigated and resolved within 60 days of their submission.

Evidence of Performance: The complaint file set forth in Requirement 14.1.1. The District shall be deemed to have complied with this requirement if it demonstrates that no less than 95% of complaints submitted to the District are investigated and resolved within 60 days of their submission.

Maintenance Period: 4 semesters

14.2. ***Corrective Activity:** The District shall ensure that any corrective action is implemented and completed within the period of time agreed upon by the parent(s) of the affected student(s) and the District.*

Requirement 14.2.1: When the District provides compensatory services to resolve a complaint, the District shall place in the complaint file set forth in Requirement 1.1 a dated and written certification from the compensatory education service provider stating when compensatory services began and concluded.

Evidence of Performance: The complaint file set forth in Requirement 14.1.1 and documentation that the compensatory services were provided. The District shall be deemed to have complied with this requirement if it demonstrates no less than 95% compliance.

Maintenance Period: 4 semester

CERTIFICATE OF SERVICE BY FACSIMILE AND MAIL

I, Kathy Petit, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of documents for facsimile transmittal and correspondence for mailing with the United States Postal Service. In the ordinary course of business, documents would be transmitted via facsimile, and correspondence would be deposited with the United States Postal Service on this date.

On this date, I served **STIPULATION AND [PROPOSED] ORDER** on each person listed below, by consigning the document(s) to a facsimile operator for transmittal and by placing the document(s) described above in an envelope addressed as indicated below, which I sealed. I placed the envelope(s) for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

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5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct. Executed at Palo Alto, California on March 12, 2003.
7

8 
9 Kathy Petit