

**SPECIAL EDUCATION
TITLE 5
REGULATIONS**

§ 3043. Extended School Year.

Extended school year services shall be provided, in accordance with 34 C.F.R. section 300.106, for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have disabilities which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disabling condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the IEP team determines the need for such a program and includes extended school year in the IEP pursuant to subdivision (e).

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

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

(1) Are placed in special classes; or

(2) Are individuals with exceptional needs whose IEPs specify an extended year program as determined by the IEP team.

(c) The term "extended year" as used in this section means the period of time between the close of one academic year and the beginning of the succeeding academic year. The term "academic year" as used in this section means that portion of the school year during which the regular day school is maintained, which period must include not less than the number of days required to entitle the district, special education services region, or county office to apportionments of state funds.

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

(e) An extended year program, when needed, as determined by the IEP team, shall be included in the pupil's IEP.

(f) In order to qualify for average daily attendance revenue for extended year pupils, all of the following conditions must be met:

(1) Extended year special education shall be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age unless otherwise specified in the IEP to meet a pupil's unique needs.

(2) The special education and related services offered during the extended year period are comparable in standards, scope and quality to the special education program offered during the regular academic year.

(g) If during the regular academic year an individual's IEP specifies integration in the regular classroom, a public education agency is not required to meet that component of the IEP if no regular summer school programs are being offered by that agency.

(i) This section shall not apply to schools which are operating a continuous school program pursuant to Chapter 5 (commencing with Section 37600) of Part 22, Division 3, Title 2, of the Education Code.

NOTE: Authority cited: Section 56100, Education Code. Reference: Sections 37600, 41976.5 and 56345, Education Code; and 34 C.F.R. Section 300.106.

HISTORY

1. Amendment filed 3-21-88; operative 4-20-88 (Register 88, No. 15).

2. Amendment of section and NOTE filed 5-5-2014; operative 7-1-2014 (Register 2014, No. 19).

Article 5. Implementation (Program Components)

§ 3051. Standards for Related Services and Staff Qualifications.

(a) General Provisions.

(1) Related services may be provided to individuals or to small groups in a specialized area of educational need, and throughout the full continuum of educational settings.

(2) Related services, when needed are determined by the IEP.

(3) All entities and individuals providing related services shall meet the qualifications found in 34 C.F.R. sections 300.156(b) and 3001(r) and the applicable portions of section 3051 et seq. and shall be either:

(A) Employees of the school district or county office, or

(B) Employed under contract pursuant to Education Code sections 56365-56366, or

(C) Employees, vendors or contractors of the State Departments of Health Care Services or State Hospitals, or any designated local public health or mental health agency.

(4) To be eligible for certification to provide related services to individuals with exceptional needs, nonpublic schools and nonpublic agencies shall meet the requirements of this section.

(5) An individual providing related services out of state, pursuant to sections 56365 and 56366 of the Education Code, as required in a pupil's IEP, must:

(A) Hold a current valid credential or license to render that related service as required by that state, and

(B) Be employed by a nonpublic, nonsectarian school or agency certified by the CDE.

NOTE: Authority cited: Sections 33031, 56100 and 56366.1, Education Code. Reference: Sections 56363, 56365 and 56366, Education Code; and 34 C.F.R. Sections 300.12, 300.18, 300.34 and 300.156(b).

HISTORY

1. Amendment filed 3-21-88; operative 4-20-88 (Register 88, No. 15).

2. Amendment of subsections (a)(2) and (a)(3)(B) and NOTE filed 7-18-97 as an emergency; operative 7-18-97 (Register 97, No. 29). A Certificate of Compliance must be transmitted to OAL by 11-17-97 or emergency amendments will be repealed by operation of law on the following day.

3. Amendment of subsections (a)(2) and (a)(3)(B) and amendment of NOTE refiled 11-14-97 as an emergency; operative 11-14-97 (Register 97, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-16-98 or emergency language will be repealed by operation of law on the following day.

4. Reinstatement of section and NOTE as they existed prior to 7-18-97 emergency amendment by operation of Government Code section 11346.1(f) (Register 98, No. 16).

5. Amendment of subsections (a)(2) and (a)(3)(B) and amendment of NOTE filed 4-16-98 as an emergency; operative 4-16-98 (Register 98, No. 16). A Certificate of Compliance must be transmitted to OAL by 8-14-98 or emergency language will be repealed by operation of law on the following day.

6. Reinstatement of section and NOTE as they existed prior to 4-16-98 emergency amendment by operation of Government Code section 11346.1(f) (Register 98, No. 34).

7. Amendment of subsections (a)(2) and (a)(3)(B) and amendment of NOTE filed 8-19-98 as an emergency; operative 8-19-98 (Register 98, No. 34). A Certificate of Compliance must be transmitted to OAL by 12-17-98 or emergency language will be repealed by operation of law on the following day.

8. Reinstatement of section and NOTE as they existed prior to 8-19-98 emergency amendment by operation of Government Code section 11346.1(f) (Register 98, No. 52).

9. Amendment of subsections (a)(2) and (a)(3)(B)-(C) and amendment of NOTE filed 12-21-98 as an emergency; operative 12-21-98 (Register 98, No. 52). A Certificate of Compliance must be transmitted to OAL by 4-20-99 or emergency language will be repealed by operation of law on the following day.

10. Repealer and new section filed 3-25-99 as an emergency; operative 3-25-99 (Register 99, No. 13). A Certificate of Compliance must be transmitted to OAL by 7-23-99 or emergency language will be repealed by operation of law on the following day.

11. Certificate of Compliance as to 3-25-99 order transmitted to OAL 7-23-99 and filed 9-1-99 (Register 99, No. 36).

12. Amendment of section heading, section and NOTE filed 3-27-2009; operative 4-26-2009 (Register 2009, No. 13).

13. Amendment of section heading, section and NOTE filed 5-5-2014; operative 7-1-2014 (Register 2014, No. 19).

§ 3051.1. Language, Speech and Hearing Development and Remediation.

(a) Language, Speech and Hearing Development and Remediation services include:

(1) Referral and assessment of individuals suspected of having a disorder of language, speech, or hearing. Such individuals are not considered as part of the caseload pursuant to Education Code section 56363.3 unless an IEP is developed and services are provided pursuant to sections 3051.1(a)(2) and (3).

(2) Specialized instruction and services for individuals with disorders of language, speech, and hearing, including monitoring of pupil progress on a regular basis, providing information for the review, and when necessary participating in the review and revision of IEPs of pupils.

(3) Consultative services to pupils, parents, teachers, or other school personnel.

(4) Coordination of speech and language services with an individual's regular and special education program.

(b) Caseloads of full-time equivalent language, speech and hearing specialists providing instruction and services within the district, SELPA, or county office shall not exceed a district-wide, SELPA-wide, or county-wide average of 55 individuals unless prior written approval has been granted by the SSPI.

(c) Language and speech development and remediation shall be provided only by personnel who possess:

(1) a license in Speech-Language Pathology issued by a licensing agency within the Department of Consumer Affairs; or

(2) a credential authorizing language or speech services.

(d) Services may also be provided by speech-language pathology assistants working under the direct supervision of a qualified language, speech, and hearing specialist, as defined in Business and Professions Code section 2530.2(i), and if specified in the IEP. No more than two assistants may be supervised by one qualified language, speech, and hearing specialist. The caseloads of persons in subdivision (b) shall not be increased by the use of assistants.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Section 2530, Business and Professions Code; Sections 56363 and 56363.3, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. Repealer and new section filed 3-21-88; operative 4-20-88 (Register 88, No. 15).
2. Amendment of section and NOTE filed 5-5-2014; operative 7-1-2014 (Register 2014, No. 19).

§ 3051.2. Audiological Services.

(a) In addition to provisions of 34 C.F.R. Section 300.34, audiological instruction and services may include:

(1) Aural rehabilitation (auditory training, speech reading, language habilitation, and speech conservation) and habilitation with individual pupils or groups and support for the hearing-impaired pupils in the regular classroom.

(2) Monitoring hearing levels, auditory behavior, and amplification for all pupils requiring personal or group amplification in the instructional setting.

(3) Planning, organizing, and implementing an audiology program for individuals with auditory dysfunctions, as specified in the IEP.

(4) Consultative services regarding test findings, amplification needs and equipment, otological referrals, home training programs, acoustic treatment of rooms, and coordination of educational services to hearing-impaired individuals.

(b) Audiological services shall be provided only by personnel who possess:

(1) a license in Audiology issued by a licensing agency within the Department of Consumer Affairs; or

(2) a credential authorizing audiology services.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Section 2530, Business and Professions Code; Sections 49422 and 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. Amendment of section and NOTE filed 5-5-2014; operative 7-1-2014 (Register 2014, No. 19).

§ 3051.3. Orientation and Mobility Instruction.

(a) Orientation and mobility instruction may include:

(1) Specialized instruction for individuals in orientation and mobility techniques.

(2) Consultative services to other educators and parents regarding instructional planning and implementation of the IEP relative to the development of orientation and mobility skills and independent living skills.

(b) Orientation and mobility instruction shall be provided only by personnel who possess a credential that authorizes services in orientation and mobility instruction.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Section 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. Amendment of section heading, section and NOTE filed 5-5-2014; operative 7-1-2014 (Register 2014, No. 19).

§ 3051.4. Instruction in the Home or Hospital.

(a) Special education and related services provided in the home or hospital for school age pupils is limited to those pupils who have been identified as individuals with exceptional needs in accordance with section 3030 and for whom the IEP team recommends such instructions or services.

(b) Instructions may be delivered individually, in small groups or by teleclass.

(c) For those individuals with exceptional needs with a medical condition such as those related to surgery, accidents, short-term illness or medical treatment for a chronic illness, the IEP team shall review, and revise, if appropriate, the IEP whenever there is a significant change in the pupil's current medical condition.

(d) When recommending placement for home instruction, the IEP team shall have in the assessment information a medical report from the attending physician and surgeon or the report of the psychologist, as appropriate, stating the diagnosed condition and certifying that the severity of the condition prevents the pupil from attending a less restrictive placement. The report shall include a projected calendar date for the pupil's return to school. The IEP team shall meet to reconsider the IEP prior to the projected calendar date for the pupil's return to school.

(e) Instruction in the home or hospital shall be provided by a regular class teacher, the special class teacher or the resource specialist teacher, if the teacher or specialist is competent to provide such instruction and services and if the provision of such instruction and services by the teacher or specialist is feasible. If not, the appropriate related services specialist shall provide such instruction.

(f) The teacher providing the home instruction shall contact the pupil's previous school and teacher to determine:

(1) The course work to be covered;

(2) The books and materials to be used;

(3) Who is responsible for issuing grades and promoting the pupil when appropriate;

(4) For pupils in grades 7 to 12, the teacher shall confer with the school guidance counselor to determine:

(A) For the hours the pupil has earned toward semester course credit in each subject included in the IEP and the grade as of the last day of attendance;

(B) Who is responsible for issuing credits when the course work is completed;

(C) Who will issue the diploma if the pupil is to graduate.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Sections 56001 and 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. New section filed and 3-21-88; operative 4-20-88 (Register 88, No. 15).
2. Change without regulatory effect amending section and NOTE filed 9-27-2012 pursuant to section 100, title 1, California Code of Regulations (Register 2012, No. 39).
3. Amendment of subsection (e) and NOTE filed 5-5-2014; operative 7-1-2014 (Register 2014, No. 19).

§ 3051.5. Adapted Physical Education for Individuals with Exceptional Needs.

(a) Adapted physical education is for individuals with exceptional needs who require developmental or corrective instruction and who are precluded from participation in the activities of the general physical education program, modified general physical education program, or in a specially designed physical education program in a special class. Consultative services may be provided to pupils, parents, teachers, or other

school personnel for the purpose of identifying supplementary aids and services or modifications necessary for successful participation in the regular "D" Physical education program or specially designed physical education programs.

(b) Adapted physical education shall be provided only by personnel who possess a credential issued by the California CTC that authorizes service in adapted physical education.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Section 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. Amendment filed 3–21–88; operative 4–20–88 (Register 88, No. 15).
2. Amendment of subsection (b) and NOTE filed 5–5–2014; operative 7–1–2014 (Register 2014, No. 19).

§ 3051.6. Physical and Occupational Therapy.

(a) When the district, SELPA, or county office contracts for the services of a physical therapist or an occupational therapist, the following standards shall apply:

(1) Occupational or physical therapists shall provide services based upon recommendation of the IEP team. Physical therapy and occupational therapy services for infants are limited by Education Code section 56426.6. Physical therapy services may not exceed the services specified in the Business and Professions Code section 2620. Occupational therapy services may not exceed the services specified in the Business and Professions Code section 2570.2(k).

(2) The district, SELPA, or county office shall assure that the therapist has available safe and appropriate equipment.

(b) Individuals providing physical or occupational therapy shall be qualified.

(1) Physical therapy shall be provided only by personnel who possess a valid license in Physical Therapy issued by a licensing agency within the Department of Consumer Affairs.

(2) Occupational therapy shall be provided only by personnel who possess a license in occupational therapy issued by a licensing agency within the Department of Consumer Affairs. Services provided by a Certified Occupational Therapist Assistant shall be supervised by a registered occupational therapist in accordance with professional standards outlined by the American Occupational Therapy Association.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Sections 2570.2 and 2620, Business and Professions Code; Section 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. Amendment filed 3–21–88; operative 4–20–88 (Register 88, No. 15).
2. Amendment of section and NOTE filed 5–5–2014; operative 7–1–2014 (Register 2014, No. 19).

§ 3051.7. Vision Services.

(a) Vision services may include:

(1) Adaptations in curriculum, media, and the environment, as well as instruction in special skills.

(2) Consultative services to pupils, parents, teachers, and other school personnel.

(b) An assessment of and provision for services to visually impaired pupils may be conducted by an eye specialist who has training and expertise in low vision disabilities and has available the appropriate low vision aids for the purpose of assessment. The eye specialist may provide consultation to the pupil, parents, teacher and other school personnel as may be requested by an IEP team.

(c) Procedures which may be utilized by qualified personnel are those procedures authorized by federal and state laws and regulations and performed in accordance with these laws and regulations and standards of the profession.

(d) For the purposes of this section, and eye specialist shall mean a licensed optometrist, ophthalmologist, or other licensed physician and surgeon who has training and expertise in low vision disabilities.

(e) Vision services shall be provided only by personnel who possess:

- (1) a license as an Optometrist, Ophthalmologist, Physician or Surgeon, issued by a licensing agency within the Department of Consumer Affairs and authorizing the licensee to provide the services rendered, or
- (2) a valid credential authorizing vision instruction or services.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Sections 49422 and 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. Amendment of subsection (a) and new subsections (b)–(d) filed 3–21–88; operative 4–20–88 (Register 88, No. 15).
2. Amendment of section and NOTE filed 5–5–2014; operative 7–1–2014 (Register 2014, No. 19).

§ 3051.75. Vision Therapy.

(a) Vision therapy may include: Remedial and/or developmental instruction provided directly by or in consultation with the optometrist, ophthalmologist, or other qualified licensed physician and surgeon provided ongoing care to the individual.

(b) Vision therapy shall be provided by an optometrist, ophthalmologist, or by appropriate qualified school personnel when prescribed by a licensed optometrist, ophthalmologist, or other qualified licensed physician and surgeon.

(c) Procedures which may be utilized by qualified personnel are those procedures authorized by federal and state laws and regulations and performed in accordance with these laws and regulations and standards of the profession.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Section 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. Change without regulatory effect amending NOTE filed 9–27–2012 pursuant to section 100, title 1, California Code of Regulations (Register 2012, No. 39).
2. Amendment of NOTE filed 5–5–2014; operative 7–1–2014 (Register 2014, No. 19).

§ 3051.8. Specialized Driver Training Instruction.

(a) Specialized driver training instruction may include instruction to an individual with exceptional needs to supplement the regular driver training program. The IEP team shall determine the need for supplementary specialized driver training instruction. The need to supplement the regular program shall be based on an assessment of the pupil's health, physical, and/or educational needs which require modifications which cannot be met through a regular driver training program.

(b) Driver training for individuals herein described must be provided by qualified teachers, as defined by Education Code sections 41906 and 41907.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Sections 41906, 41907 and 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. Change without regulatory effect amending section and NOTE filed 9–27–2012 pursuant to section 100, title 1, California Code of Regulations (Register 2012, No. 39).
2. Amendment of NOTE filed 5–5–2014; operative 7–1–2014 (Register 2014, No. 19).

§ 3051.9. Counseling and Guidance Services.

(a) Counseling and guidance services may be provided to an individual with exceptional needs who requires additional counseling and guidance services to supplement the regular guidance and counseling program. The IEP team shall determine the need for additional guidance and counseling services.

(b) Counseling and guidance services necessary to implement the IEP may include:

(1) Educational counseling in which the pupil is assisted in planning and implementing his or her immediate and long-range educational program.

(2) Career counseling in which the pupil is assisted in assessing his or her aptitudes, abilities, and interests in order to make realistic career decisions.

(3) Personal counseling in which the pupil is helped to develop his or her ability to function with social and personal responsibility.

(4) Counseling and consultation with parents and staff members on learning problems and guidance programs for pupils.

(c) Counseling and guidance shall be provided only by personnel who possess a:

(1) license as a Marriage and Family Therapist, or Marriage and Family Therapist Registered Intern who is under the supervision of a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Professional Clinical Counselor, a Licensed Psychologist, or a Physician who is certified in psychiatry by the Medical Board of California, the Board of Behavioral Sciences, or the Board of Psychology, within the Department of Consumer Affairs.

(2) license as a Clinical Social Worker, or Associate Clinical Social Worker who is under the supervision of either a Licensed Clinical Social Worker or a licensed Mental Health Professional by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or

(3) license as an Educational Psychologist issued by a licensing agency within the Department of Consumer Affairs; or

(4) license in psychology, or who are working under supervision of a licensed psychologist, both regulated by the Board of Psychology, within the Department of Consumer Affairs; or

(5) Pupil Personnel Services Credential, which authorizes school counseling or school psychology.

(6) license as a Licensed Professional Clinical Counselor, or a Professional Clinical Counselor Registered Intern who is under the supervision of a Licensed Professional Clinical Counselor, a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Clinical Psychologist, or a Physician who is certified in psychiatry by the American Board of Psychiatry and Neurology.

NOTE: Authority cited: Sections 56100 and 56366, Education Code. Reference: Sections 2903, 2905, 4980.02, 4989.24, 4996.9 and 4999.10, Business and Professions Code; Sections 49422 and 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. Change without regulatory effect amending section and NOTE: filed 9–27–2012 pursuant to section 100, title 1, California Code of Regulations (Register 2012, No. 39).

2. Amendment of subsection (c), new subsections (c)(1)–(6) and amendment of NOTE: filed 5–5–2014; operative 7–1–2014 (Register 2014, No. 19).

§ 3051.10. Psychological Services Other Than Assessment and Development of the IEP.

(a) Psychological services may include:

(1) Counseling provided to an individual with exceptional needs by a credentialed or licensed psychologist or other qualified personnel.

(2) Consultative services to parents, pupils, teachers, and other school personnel.

(3) Planning and implementing a program of psychological counseling for individuals with exceptional needs and parents.

(4) Assisting in developing positive behavioral intervention strategies.

(5) This term does not include assessment services and the development of an IEP.

(b) Psychological services required by a student's IEP may be rendered by any of the following professionals who possess the credential or license required by law for the performance of particular psychological services by members of that profession:

(1) Licensed Educational Psychologist pursuant to Business and Professions Code section 4989.14;

(2) Licensed Marriage and Family Therapist pursuant to Business and Professions Code section 4980.02;

(3) Licensed Clinical Social Worker pursuant to Business and Professions Code section 4996.9; or

(4) Licensed Psychologist pursuant to Business and Professions Code section 2903; or

(5) Pupil Personnel Services Credential that authorizes school psychology.

NOTE: Authority cited: Sections 56100 and 56366, Education Code. Reference: Section 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. Amendment of section heading, section and NOTE: filed 5–5–2014; operative 7–1–2014 (Register 2014, No. 19).

§ 3051.11. Parent Counseling and Training.

(a) Parent counseling and training may include:

(1) Assisting parents in understanding the special needs of their child, and

(2) Providing parents with information about child development.

(b) Parent counseling and training shall be provided only by personnel who possess a:

(1) credential that authorizes special education instruction; or

(2) credential that authorizes health and nursing services; or

(3) license as a Marriage and Family Therapist, or Marriage and Family Therapist Registered Intern who is under the supervision of a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Professional Clinical Counselor, a Licensed Psychologist, or a Physician who is certified in psychiatry by the Medical Board of California, the Board of Behavioral Sciences, or the Board of Psychology, within the Department of Consumer Affairs; or

(4) license as a Clinical Social Worker, or Associate Clinical Social Worker who is under the supervision of either a Licensed Clinical Social Worker or a licensed Mental Health Professional by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or

(5) license as an Educational Psychologist, issued by a licensing agency within the Department of Consumer Affairs; or

(6) license as a Psychologist, or who are working under the supervision of a licensed Psychologist, both regulated by the Board of Psychology, within the Department of Consumer Affairs; or

(7) Pupil Personnel Services Credential that authorizes school counseling or school psychology or school social work.

(8) license as a Licensed Professional Clinical Counselor, or a Professional Clinical Counselor Registered Intern who is under the supervision of a Licensed Professional Clinical Counselor, a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Clinical Psychologist, or a Physician who is certified in psychiatry by the American Board of Psychiatry and Neurology.

NOTE: Authority cited: Sections 56100 and 56366, Education Code. Reference: Sections 2903, 2905, 4980.02, 4989.14, 4996.9 and 4999.10, Business and Professions Code; Sections 49422 and 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. Amendment of section and NOTE: filed 5–5–2014; operative 7–1–2014 (Register 2014, No. 19).

§ 3051.12. Health and Nursing Services.

(a) Health and nursing services may include:

(1) Providing services by qualified personnel.

(2) Managing the individual's health problems on the school site.

(3) Consulting with pupils, parents, teachers, and other personnel.

(4) Group and individual counseling with parents and pupils regarding health problems.

(5) Maintaining communication with health agencies providing care to individuals with disabilities.

(b) Specialized physical health care may be provided as described in Education Code section 49423.5.

(1) Definitions.

(A) Specialized physical health care services means those health services prescribed by the child's licensed physician and surgeon requiring medically related training for the individual who performs the services and which are necessary during the school day to enable the child to attend school.

(B) Standardized procedures means protocols and procedures developed through collaboration among school or hospital administrators and health professionals, including licensed physicians and surgeons and nurses, to be utilized in the provision of the specialized physical health care services.

(C) Qualified means the ability to demonstrate competence in Cardio-Pulmonary Resuscitation, current knowledge of community emergency

medical resources, and skill in the use of equipment and performance of techniques necessary to provide specialized physical health care services for individuals with exceptional needs. In addition:

1. "Qualified" for the professional school or public health nurse or licensed physician and surgeon shall mean trained in the procedures to a level of competence and safety which meets the objectives of the training.

2. "Qualified" for the designated school personnel shall mean trained in the procedures to a level of competence and safety which meets the objectives of the training as provided by the school nurse, public health nurse, licensed physician and surgeon, or other programs which provide the training.

(D) Supervision means review, observation, and/or instruction of a designated school person's performance and of physical health care services, but does not necessarily require the immediate presence of the supervisor at all times.

1. Immediate supervision means that the supervisor shall be physically present while a procedure is being administered.

2. Direct supervision means that the supervisor shall be present in the same building as the person being supervised and available for consultation and/or assistance.

3. Indirect supervision means that the supervisor shall be available to the qualified designated school person either in person or through electronic means to provide necessary instruction, consultation, and referral to appropriate care and services as needed. Supervision of designated school persons shall include review on-site by a qualified school nurse, qualified public health nurse, or qualified licensed physician and surgeon. Supervision shall also include review of the competence of that individual in performing the specialized health care service, maintenance of appropriate records, physical environment, and equipment.

(E) Training means preparation in the appropriate delivery and skillful performance of specialized physical health care services. In addition:

1. Medically related training of credentialed school nurses or public health nurses shall be that training in an approved program which may be necessary to update or make current the nurse's professional skills and knowledge related to meeting pupils' needs for specialized physical health care services.

2. Medically related training of employed designated school personnel is that training in an approved program in standardized procedures provided by a qualified school nurse, qualified public health nurse, qualified licensed physician and surgeon, or other approved programs to enable the person to provide the specialized physical health care services necessary to enable the child to attend school.

(F) Competence in Cardio-Pulmonary Resuscitation means possession of a current valid certificate from an approved program.

(2) Standards and Staffing.

(A) Allocation of qualified designated school personnel shall be determined by the amount and type of supervision necessary to this regulation, and also the type and frequency of services needed by students in special classes and centers, and regular instructional settings.

(B) Approved training for qualified personnel shall be provided in one or more of the following ways:

1. By a qualified school nurse, qualified public health nurse, or qualified licensed physician and surgeon, as defined in these regulations.

2. By career and continuing education programs, approved by the appropriate licensing board.

3. By training programs through public or private medical institutions, i.e., hospitals, public health agencies, Visiting Nurses Associations, and Red Cross.

(3) Organization and Administration.

(A) Specific continuing specialized physical health care services required in order for the individual to benefit from special education will be included in the individualized education program. If the parent elects to perform the service during the school day, a waiver shall be signed relieving the school of the responsibility.

(B) Appropriate accommodations for safety and necessary physical care services for the individual with exceptional needs in the school set-

ting shall be provided by the school. Personal privacy and dignity of an individual with exceptional needs shall be assured.

(C) The school district shall not be required to purchase medical equipment for an individual pupil. However, the school district, SELPA, or county office is responsible for providing other specialized equipment for use at school that is needed to implement the IEP.

(D) In accordance with Education Code section 49423.5(a)(2), a qualified school nurse, qualified public health nurse, or qualified licensed physician and surgeon responsible for supervising the physical health care of an individual with exceptional needs in the school setting shall:

1. Coordinate the health care services to the individuals with exceptional needs on the school site.

2. Consult with appropriate personnel regarding management of health care services for individuals with exceptional needs.

3. Make appropriate referrals and maintain communication with health agencies providing care to individuals with exceptional needs.

4. Maintain or review licensed physician and surgeon and parent requests and daily documentation records.

(E) Written licensed physician and surgeon and parent requests, as well as the specific standardized procedures to be used if physical health care services are provided, shall be maintained for each individual with exceptional needs. Daily documentation of specific services which are provided shall be maintained on a district-approved form which shall include the signatures of the qualified designated school person(s) who performs the procedure.

1. Any pupil who is required to have specialized physical health care services during the school day, prescribed for him or her by a licensed physician and surgeon, may be assisted by a qualified school nurse, qualified public health nurse, or other qualified school personnel, if the school district receives:

a. A written statement from the licensed physician and surgeon stating the procedure and time schedules by which such procedures are to be given; and

b. A written statement from the parent or guardian of the pupil, indicating the desire that the school district assist the pupil in the matters set forth in the licensed physician and surgeon's statement, and granting consent for the delivery of such services.

2. This written statement of a licensed physician and surgeon and parent requests and daily documentation shall be maintained in accordance with the requirements of confidentiality of pupil records, and are considered mandatory interim pupil records.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Sections 49422, 49423.5 and 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. Amendment of subsection (b)(3)(C) filed 3-21-88; operative 4-20-88 (Register 88, No. 15).

2. Change without regulatory effect amending subsections (b), (b)(1)(C) and (b)(3)(C)-(D) and amending NOTE filed 9-27-2012 pursuant to section 100, title I, California Code of Regulations (Register 2012, No. 39).

3. Amendment of subsection (a)(5) and NOTE filed 5-5-2014; operative 7-1-2014 (Register 2014, No. 19).

§ 3051.13. Social Worker Services.

(a) Social work services may include:

(1) Individual and group counseling with the individual and his or her immediate family.

(2) Consultation with pupils, parents, teachers, and other personnel regarding the effects of family and other social factors on the learning and developmental requirements of individual pupils with exceptional needs.

(3) Developing a network of community resources, making appropriate referral and maintaining liaison relationships among the school, the pupil with exceptional needs, the family, and the various agencies providing social, income maintenance, employment development, mental health, or other developmental services.

(b) Social worker services shall be provided only by personnel who possess a:

(1) license as a Clinical Social Worker, or Associate Clinical Social Worker who is under the supervision of either a Licensed Clinical Social Worker or a licensed Mental Health Professional by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or

(2) license as a Marriage and Family Therapist, or Marriage and Family Therapist Registered Intern who is under the supervision of a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Professional Clinical Counselor, a Licensed Psychologist, or a Physician who is certified in psychiatry by the Medical Board of California, the Board of Behavioral Sciences, or the Board of Psychology, within the Department of Consumer Affairs; or

(3) credential authorizing school social work.

(4) license as a Licensed Professional Clinical Counselor, or a Professional Clinical Counselor Registered Intern who is under the supervision of a Licensed Professional Clinical Counselor, a Licensed Marriage and Family Therapist, a Licensed Clinical Social Worker, a Licensed Clinical Psychologist, or a Physician who is certified in psychiatry by the American Board of Psychiatry and Neurology.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Sections 2903, 2905, 4980.02, 4989, 14, 4996, 9 and 4999, 10, Business and Professions Code; Sections 49422 and 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. Change without regulatory effect amending NOTE: filed 9–27–2012 pursuant to section 100, title 1, California Code of Regulations (Register 2012, No. 39).
2. Amendment of section and NOTE: filed 5–5–2014; operative 7–1–2014 (Register 2014, No. 19).

§ 3051.14. Specially Designed Vocational Education and Career Development.

(a) Specially designed vocational education and career development for individuals with exceptional needs regardless of severity of disability may include:

(1) Providing prevocational programs and assessing work-related skills, interests, aptitudes, and attitudes.

(2) Coordinating and modifying the regular vocational education program.

(3) Assisting individuals in developing attitudes, self-confidence, and vocational competencies to locate, secure, and retain employment in the community or sheltered environment, and to enable such individuals to become participating members of the community.

(4) Establishing work training programs within the school and community.

(5) Assisting in job placement.

(6) Instructing job trainers and employers as to the unique needs of the individuals.

(7) Maintaining regularly scheduled contact with all work stations and job-site trainers.

(8) Coordinating services with the Department of Rehabilitation and other agencies as designated in the IEP.

(b) Specially designed vocational education and career development shall be provided only by personnel who possess:

(1) an adult education credential with a career development authorization; or

(2) a credential that authorizes instruction in special education or vocational education; or

(3) a Pupil Personnel Services Credential that authorizes school counseling.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Section 56363, Education Code; 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. Amendment of section and NOTE: filed 5–5–2014; operative 7–1–2014 (Register 2014, No. 19).

§ 3051.15. Recreation Services.

(a) Recreation services include but are not limited to:

(1) Therapeutic recreation services which are those specialized instructional programs designed to assist pupils in becoming as indepen-

dent as possible in leisure activities, and when possible and appropriate, facilitate the pupil's integration into regular recreation programs.

(2) Recreation programs in schools and the community which are those programs that emphasize the use of leisure activity in the teaching of academic, social, and daily living skills; and, the provision of nonacademic and extracurricular leisure activities and the utilization of community recreation programs and facilities.

(3) Leisure education programs which are those specific programs designed to prepare the pupil for optimum independent participation in appropriate leisure activities, including teaching social skills necessary to engage in leisure activities, and developing awareness of personal and community leisure resources.

(b) Recreation services shall be provided only by personnel who possess:

(1) a certificate issued by the California Board of Recreation and Park Certification; or

(2) a certificate issued by the National Council for Therapeutic Recreation; or

(3) the National Recreation and Park Association, authorizing services in recreation or therapeutic recreation.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Section 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. New section filed 3–21–88; operative 4–20–88 (Register 88, No. 15).
2. Editorial correction of NOTE: (Register 98, No. 33).
3. Amendment of section and NOTE: filed 5–5–2014; operative 7–1–2014 (Register 2014, No. 19).

§ 3051.16. Specialized Services for Low-Incidence Disabilities.

(a) Specialized services for low-incidence disabilities may include:

(1) Specially designed instruction related to the unique needs of pupils with low-incidence disabilities provided by teachers credentialed pursuant to Education Code section 44265.

(2) Specialized services related to the unique needs of pupils with low-incidence disabilities provided by qualified individuals such as interpreters, notetakers, readers, transcribers, and other individuals who provide specialized materials and equipment.

(b) An "educational interpreter" provides communication facilitation between students who are deaf or hard of hearing, and others, in the general education classroom and for other school-related activities, including extracurricular activities, as designated in a student's IEP.

(c) An educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent: in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter and Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of 4.0 or above on the EIPA – Cued Speech.

(d) Specialized services for pupils with low-incidence disabilities shall be provided only by personnel who possess a credential that authorizes services in special education or clinical rehabilitation services in the appropriate area of disability.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Section 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. New section filed 3–21–88; operative 4–20–88 (Register 88, No. 15).
2. Editorial correction of first sentence (Register 98, No. 33).
3. Amendment of section and NOTE: filed 7–29–2002; operative 8–28–2002 (Register 2002, No. 31).
4. Repealer and new subsection (b)(1), new subsections (b)(2)–(c) and amendment of NOTE: filed 2–22–2008; operative 3–23–2008 (Register 2008, No. 8).
5. Amendment of section and NOTE: filed 5–5–2014; operative 7–1–2014 (Register 2014, No. 19).

§ 3051.17. Services for Pupils with Chronic Illnesses or Acute Health Problems.

(a) Specialized services may be provided to pupils determined eligible pursuant to section 3030(f). Such services include but are not limited to:

- (1) Individual consultation;
- (2) Home or hospital instruction; and
- (3) Other instructional methods using advanced communication technology.

(b) For pupils whose medical condition is in remission or in a passive state, the IEP team shall specify the frequency for monitoring the pupil's educational progress to assure that the illness does not interfere with the pupil's educational progress.

(c) When a pupil identified pursuant to section 3030(f) experiences an acute health problem which results in his or her non-attendance at school for more than five consecutive days, upon notification of the classroom teacher or the parent, the school principal or designee shall assure that an IEP team is convened to determine the appropriate educational services.

(d) If there is a pattern of sporadic illness, the IEP team shall convene to consider alternative means for the pupil to demonstrate competencies in the required course of study so that the cumulative number of absences do not prevent educational progress.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Section 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. New section filed 3-21-88; operative 4-20-88 (Register 88, No. 15).
2. Change without regulatory effect amending section and NOTE filed 9-27-2012 pursuant to section 100, title 1, California Code of Regulations (Register 2012, No. 39).
3. Amendment of NOTE filed 5-5-2014; operative 7-1-2014 (Register 2014, No. 19).

§ 3051.18. Related Services for the Deaf and Hard of Hearing.

(a) Instruction and services for deaf and hard of hearing pupils shall be provided by an individual holding an appropriate credential, who has competencies to provide services to the hearing impaired and who has training, experience and proficient communication skills for educating pupils with hearing impairments. Such services may include but need not be limited to:

- (1) Speech, speech reading and auditory training.
- (2) Instruction in oral, sign, and written language development.
- (3) Rehabilitative and educational services for hearing impaired individuals to include monitoring amplification, coordinating information for the annual review, and recommending additional services.
- (4) Adapting curricula, methods, media, and the environment to facilitate the learning process.
- (5) Consultation to pupils, parents, teachers, and other school personnel as necessary to maximize the pupil's experience in the regular education program.

(b) A specially trained instructional aide, working with and under the direct supervision of the credentialed teacher of the deaf and hard-of-hearing, may assist in the implementation of the pupil's educational program.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Section 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. New section filed 3-21-88; operative 4-20-88 (Register 88, No. 15).
2. Change without regulatory effect amending subsection (a) and NOTE filed 9-27-2012 pursuant to section 100, title 1, California Code of Regulations (Register 2012, No. 39).
3. Amendment of section heading and NOTE filed 5-5-2014; operative 7-1-2014 (Register 2014, No. 19).

§ 3051.19. Assistive Technology Service.

(a) "Assistive technology service" means any service that directly assists an individual with exceptional needs in the selection or use of an assistive technology device that is educationally necessary. The term includes the evaluation of the needs of an individual with exceptional needs

including a functional evaluation of the individual in the individual's customary environment; coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education programs and rehabilitation plans and programs; training or technical assistance for an individual with exceptional needs or, where appropriate, the family of an individual with exceptional needs or, if appropriate, that individual's family; and training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with exceptional needs.

(b) Assistive technology services shall be provided only by personnel who possess a:

(1) license in Physical Therapy issued by a licensing agency within the Department of Consumer Affairs, where the utilization of assistive technology services falls within the scope of practice of physical therapy as defined in Business and Professions Code section 2620 and implementing regulations; or

(2) license in Occupational Therapy issued by a licensing agency within the Department of Consumer Affairs; or

(3) license in Speech-Language Pathology issued by a licensing agency within the Department of Consumer Affairs or a valid document, issued by the California CTC, where the function of the assistive technology service is augmentative communication; or

(4) baccalaureate degree in engineering with emphasis in assistive technology; or

(5) baccalaureate degree in a related field of engineering with a graduate certificate in rehabilitation technology or assistive technology; or

(6) certification from the Rehabilitation Engineering and Assistive Technology Society of North America and Assistive Technology Provider (RESNA/ATP); or

(7) certificate in assistive technology applications issued by a regionally accredited post-secondary institution; or

(8) credential that authorizes special education of physically impaired, orthopedically impaired, or severely impaired pupils.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Sections 2530, 2570.2 and 2620, Business and Professions Code; Section 56363, Education Code; 20 U.S.C. Section 1401; and 34 C.F.R. Sections 300.5, 300.6, 300.105, 300.34, and 300.156(b)(1).

HISTORY

1. New section filed 5-5-2014; operative 7-1-2014 (Register 2014, No. 19).

§ 3051.20. Early Education Programs.

(a) "Early education" means the program and services specified by Education Code section 56425 et. seq.

(b) Early education programs for children with disabilities, as defined in Education Code section 56426, shall be provided only by personnel who meet the appropriate personnel qualifications set forth in this article and comply with Education Code section 56426.2.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Sections 56363 and 56430, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. New section filed 5-5-2014; operative 7-1-2014 (Register 2014, No. 19).

§ 3051.21. Music Therapy.

(a) According to the Certification Board for Music Therapists "Music therapy is the specialized use of music by a credentialed professional who develops individualized treatment and supportive interventions for people of all ages and ability levels to address their social, communication, emotional, physical, cognitive, sensory and spiritual needs."

(b) Music therapy shall be provided only by personnel who hold a Music Therapist – Board Certified credential from the Certification Board for Music Therapists (CBMT) on the completion of all academic and clinical training requirements, and after successfully passing the CBMT National Board Certification Examination.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Section 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. New section filed 5–5–2014; operative 7–1–2014 (Register 2014, No. 19).

§ 3051.22. Transcription Services.

Transcribers for visually impaired pupils shall have a certificate issued by the Library of Congress as a Braille Transcriber.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Section 56363, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. New section filed 5–5–2014; operative 7–1–2014 (Register 2014, No. 19).

§ 3051.23. Behavioral Intervention.

(a) Pursuant to Education Code section 56520, behavioral interventions shall be designed or planned only by personnel who have a:

(1) Pupil Personnel Services Credential that authorizes school counseling or school psychology; or

(2) credential authorizing the holder to deliver special education instruction; or

(3) license as a Marriage and Family Therapist certified by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or

(4) license as a Clinical Social Worker by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or

(5) license as an Educational Psychologist issued by a licensing agency within the Department of Consumer Affairs; or

(6) license in psychology regulated by the Board of Psychology, within the Department of Consumer Affairs; or

(7) master's degree issued by a regionally accredited post-secondary institution in education, psychology, counseling, behavior analysis, behavior science, human development, social work, rehabilitation, or in a related field.

(b) To provide behavioral intervention, including implementation of behavior intervention plans, but not including development or modification of behavior intervention plans, an LEA shall deliver those services using personnel who:

(1) possess the qualifications under subdivision (a); or

(2)(A) are under the supervision of personnel qualified under subdivision (a); and

(B) possess a high school diploma or its equivalent; and

(C) receive the specific level of supervision required in the pupil's IEP.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Sections 56363 and 56520, Education Code; and 34 C.F.R. Sections 300.34 and 300.156(b)(1).

HISTORY

1. New section filed 5–5–2014; operative 7–1–2014 (Register 2014, No. 19).

§ 3051.24. Other Related Services.

Other related services not identified in sections 3051.1 through 3051.23 shall be provided only by staff who possess a:

(a) license to perform the service issued by an entity within the Department of Consumer Affairs or another state licensing office; or

(b) credential issued by the California CTC authorizing the service.

NOTE: Authority cited: Sections 56100 and 56366.1, Education Code. Reference: Section 56363, Education Code; and 34 C.F.R. Sections 300.18, 300.34 and 300.156(b)(1).

HISTORY

1. New section filed 5–5–2014; operative 7–1–2014 (Register 2014, No. 19).

§ 3052. Designated Positive Behavioral Interventions.**[Repealed]**

NOTE: Authority cited: Section 56100, Education Code. Reference: Sections 56520, 56521 and 56523, Education Code.

HISTORY

1. New section filed 4–20–93; operative 5–20–93 (Register 93, No. 17).

2. Amendment of subsections (b), (b)(2)(D), (c), (i), (i)(5) and (i)(7) filed 2–23–96 as an emergency; operative 2–23–96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6–22–96 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 2–23–96 order including further amendment of subsection (b) transmitted to OAL 6–21–96 and filed 8–5–96 (Register 96, No. 32).

4. Change without regulatory effect amending subsections (a)(1), (a)(3), (b), (b)(2)(D), (c), (g), (i)(2), (i)(9), (k)–(l), (l)(5)–(6) and (m) and amending NOTE: filed 9–27–2012 pursuant to section 100, title 1, California Code of Regulations (Register 2012, No. 39).

5. Change without regulatory effect repealing section filed 10–16–2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 42).

§ 3053. Special Classes.

(a) Placement in a special day class shall not limit or restrict the consideration of other options, including services provided in a vocational education program or any combination of programs and placements as may be required to provide the services specified in a pupil's IEP.

(b) The following standards for special classes shall be met:

(1) A special class shall be composed of individuals whose needs as specified in the IEPs can be appropriately met within the class.

(2) Pupils in a special class shall be provided with an educational program in accordance with their IEPs for at least the same length of time as the regular school day for that chronological peer group:

(A) When an individual can benefit by attending a regular program for part of the day, the amount of time shall be written in the IEP.

(B) When the IEP team determines that an individual cannot function for the period of time of a regular school day, and when it is so specified in the IEP, an individual may be permitted to attend a special class for less time than the regular school day for that chronological peer group.

(3) The procedure for allocation of aides for special classes shall be specified in the local plan. Additional aide time may be provided when the severity of the disabling conditions of the pupils or the age of the pupils justifies it, based on the IEPs.

(4) Special class(es) shall be located to promote maximum appropriate interaction with regular educational programs.

(c) The special class shall be taught by a full-time-equivalent teacher whose responsibility is the instruction, supervision, and coordination of the educational program for those individuals enrolled in the special class.

The special class shall be taught by a teacher who holds an appropriate special education credential authorized by the Commission on Teacher Credentialing and who possesses the necessary competencies to teach individuals assigned to the class. Special class teachers with a Special Education Credential employed as of September 1, 1975, as teachers in special classes for pupils in severe language disorder aphasia programs and who possess the necessary competencies to teach individuals assigned to the class, shall be authorized to continue to teach.

NOTE: Authority cited: Section 56100, Education Code. Reference: Sections 56001 and 56364.2, Education Code; and 34 C.F.R. Section 300.114.

HISTORY

1. Amendment filed 3–21–88; operative 4–20–88 (Register 88, No. 15).

2. Change without regulatory effect amending subsections (a) and (b)(1)–(3) and amending NOTE: filed 9–27–2012 pursuant to section 100, title 1, California Code of Regulations (Register 2012, No. 39).

§ 3054. Special Center. [Repealed]

NOTE: Authority cited: Section 56100(a) and 56100(i), Education Code; 20 U.S.C. 1414(c)(2)(B); and 34 C.F.R. 300.600. Reference: Sections 56001 and 56364, Education Code; and 34 C.F.R. 300.550–554.

HISTORY

1. Repealer filed 5–5–2014; operative 7–1–2014 (Register 2014, No. 19).

Article 6. Nonpublic, Nonsectarian School and Agency Services**§ 3060. Application for Certification.**

(a) Any school, person or agency desiring to obtain certification as a nonpublic school or nonpublic agency shall file an application with the SSPI on forms developed and provided by the CDE.

(b) Applications to be certified as a nonpublic school or a nonpublic agency shall be filed at the time allowed by Education Code section 56366.1(b) and (h).

(c) Each nonpublic school or nonpublic agency application shall include all information required by the CDE's application pursuant to Education Code sections 56366.1(a) and (b) and: