

Special Education

Quick Reference

for Administrators

Updated August 2012

OVERVIEW OF SPECIAL EDUCATION

Special Education is defined by law as “specially designed instruction, at no cost to the parents, to meet the unique needs of the child with a disability”.

In order to determine a student's eligibility for Special Education, a multi-disciplinary assessment is conducted. This assessment team determines if a student satisfies both parts of a two-part test. First, the student must meet the definition of one or more of the categories of disabilities specified under the IDEIA 2004. Second, the student must be shown to be in need of Special Education and related services as a result of his or her disability or disabilities. In general, a student is identified to be in need of Special Education and related services if he or she is unable to function satisfactorily in the general education classroom, even with accommodations and modifications to the curriculum. Students whose educational needs are due primarily to limited English proficiency, a lack of instruction in reading or mathematics, temporary physical disabilities, social maladjustment, environmental, cultural, or economic factors, do not qualify as students with disabilities.

Upon determination of eligibility, the Individualized Education Program (IEP) team develops the IEP, which is a document that describes the student's current level of educational performance, a statement of annual goals aligned to the general education standards, a statement of the Special Education and related services the student will receive, and the extent to which he or she will participate in general education. The IEP is reviewed and modified at least annually.

With certain exceptions, at least every three years a reevaluation of the student is conducted to determine if he or she continues to be eligible for Special Education and related services. If determined by the IEP team and other qualified professionals that additional data is not needed to make the determination and the parent agrees, a reevaluation is not necessary. A student may be dismissed from Special Education and related services if the IEP team, based on an assessment, determines that the student no longer meets the eligibility criteria for Special Education.

Students with disabilities and their parents are afforded certain procedural safeguards designed to provide them with meaningful involvement in the educational program. It is in the best interest of students for districts and parents to resolve issues through open communication and the IEP process. The number one indicator for student success is a positive relationship between district and parent.

Parents may file a complaint if they believe that the school district has not complied with the laws and regulations governing Special Education. They may also request a due process hearing in the event they disagree with the district's decisions regarding their child's educational program.

ROLES AND RESPONSIBILITIES IN SPECIAL EDUCATION

DISTRICT SITE ADMINISTRATORS

- Inform parents of the need to file a written request for Special Education assessment when a verbal request is made. Assistance in completing this written notice will be provided to parents if necessary.
 - If a Student Success Team /Student Study Team meeting has not been held then request that the parents participate in this meeting prior to the completion of the *Assessment Plan*. At this meeting it may be determined that general education accommodations should be tried prior to completing *Referral for Special Education and Related Services*. If parents still want Special Education assessment, then proceed with the written Referral.
- Complete *Referral for Special Education and Related Services*, for initial assessments.
- Complete *Notice of Receipt of Referral for Special Education Assessment*, once you have received the signed referral from the parents. Then, send a copy to the parents.
- Supervise the completion of the *Assessment Plan* and delivery to parents within the 15 day timeline, include the *Procedural Safeguards*.
- Verify that the Initial IEP meeting is held within 60 days of the receipt of the signed *Assessment Plan*.
- Schedule all annual IEP review meetings for the school year with the Special Education Case Manager.
- Procedural Safeguards are to be given to parents: Annually, when student is suspended/expelled, with *Assessment Plan*, or when parent files Due Process.
- Conduct all IEP meetings before or on due dates.
 - An administrator designee needs to be assigned for each meeting if administrator cannot attend (see page 36 for IEP Team Members).
- Ensure appropriate representation of all staff at each IEP meeting. It is mandatory that a parent, a Special Education teacher, a general education teacher, and an administrator attend each IEP meeting. As appropriate, the psychologist and any DIS provider should also be included. If the IEP members are unable to attend or not needed, parent can give prior written consent to excuse a member. Administrator and Special Education Teacher cannot be excused.
- Monitor the IEP paper work. Make sure that every item on each page of the IEP is

complete, even if you must write "N/A" (Not Applicable). Make sure the IEP is accurate and is a suitable response to the information needed.

- Identify and document on the IEP who will share goals and benchmarks to make sure the general education teacher(s) who serve the student and are responsible for implementing goals and accommodations/modifications in the classroom understand their assigned responsibilities. Distribute copies of the completed, signed IEP to appropriate IEP team members, including the parent.
- The Individual Transition Plan and Transition Services pages must be completed for all children when they are transitioning from 8th grade to 9th grade. There must also be goals and services in the IEP that support the Post Secondary Goals in the Transition Plan.

CHILD FIND

- District of Residence is responsible for “Child Find”
 - Referral
 - Assessment
 - Eligibility
 - If eligible offer Free Appropriate Public Education (FAPE)
- “Child Find” for Private School students:
 - District of Location (district in which private school is located)
 - Referral
 - Assessment
 - Determine Eligibility
 - District of Residence (district in which student lives)
 - Makes a written offer of FAPE.
 - If the parent agrees, student attends District of Residence public school.
 - If parent declines the written offer of FAPE, student is offered an Individual Service Plan (ISP) by the District of Location (speech is the only ISP service).
 - If student is not eligible for Special Education, the District of Location informs the parents.

DISCIPLINE

- The first ten cumulative days of suspension for a student on an IEP can be treated the same as non-disabled students.
 - For each IEP student suspended, send copy of procedural safeguard with suspension notice.
- A Manifestation Determination IEP meeting must be held once the student reaches 10 days or when recommending expulsion or a pattern of suspension exists.
 - Meeting must be within 10 days of the decision to change placement.
 - No further suspensions are permitted, until meeting held and student’s behavior found not to be a manifestation.

- If behavior is a manifestation:
 - no further suspension or expulsion for that behavior
 - must follow guidelines of Manifestation Determination
 - Functional Behavior Assessment (FBA) and a Behavior Intervention Plan (BIP)
 - possible change of placement
 - change of Positive Behavior Support Plan (PBSP)
- Special circumstances that allow for Interim Alternative Educational Settings (IAES) of not more than 45 school days regardless of whether behavior is determined to be a manifestation of the student's disability, in cases where student, while at school, on school premises, or at a school function:
 - Carries or possesses a weapon
 - Knowingly possesses or uses illegal drugs or sells a controlled substance
 - Has inflicted serious bodily injury upon another person (injuries that need ER)
- The IEP team determines the appropriate IAES.
- If IEP student has a behavior that impedes learning of self or others it must be addressed in IEP (goal, PBSP, BIP).
- Verify the completion of CASEMIS C (Discipline) in Special Education Information System (SEIS) by June 15 each year.

30 DAY INTERIM PLACEMENT, (*only for out of County or out of state*) (If within Siskiyou SELPA you implement the IEP from previous school, no 30 day placement required)

- When student enrolls, District needs to ask if student is on IEP – if yes:
 - Get IEP copy from parent or have previous school fax a copy in order to determine most appropriate placement and services.
 - Be sure to include Special Education Teacher or Program Manager in the decision process.
 - Review placement and services on IEP.
 - Provide the same or similar placement and services during 30 days.
 - Review records to determine if any further assessment is needed.
 - Complete the *Interim Special Education Services* form.
 - Hold IEP meeting within 30 days to either accept current IEP or offer new IEP.

TIMELINES

- Parent requesting IEP meeting – 30 calendar days.
- Provide *Assessment Plan* – 15 calendar days- upon referral for Special Education.
- Assessment and IEP meeting – 60 calendar days from when signed *Assessment Plan* is received by school.
- Interim Placements – 30 calendar days
- Manifestation Determination Meeting – within 10 days of recommendation for expulsion or 10th day of suspension
- Interim Alternative Education Setting – 45 school days.

INDIVIDUALIZED EDUCATION PROGRAM IEP TEAM MEMBERS

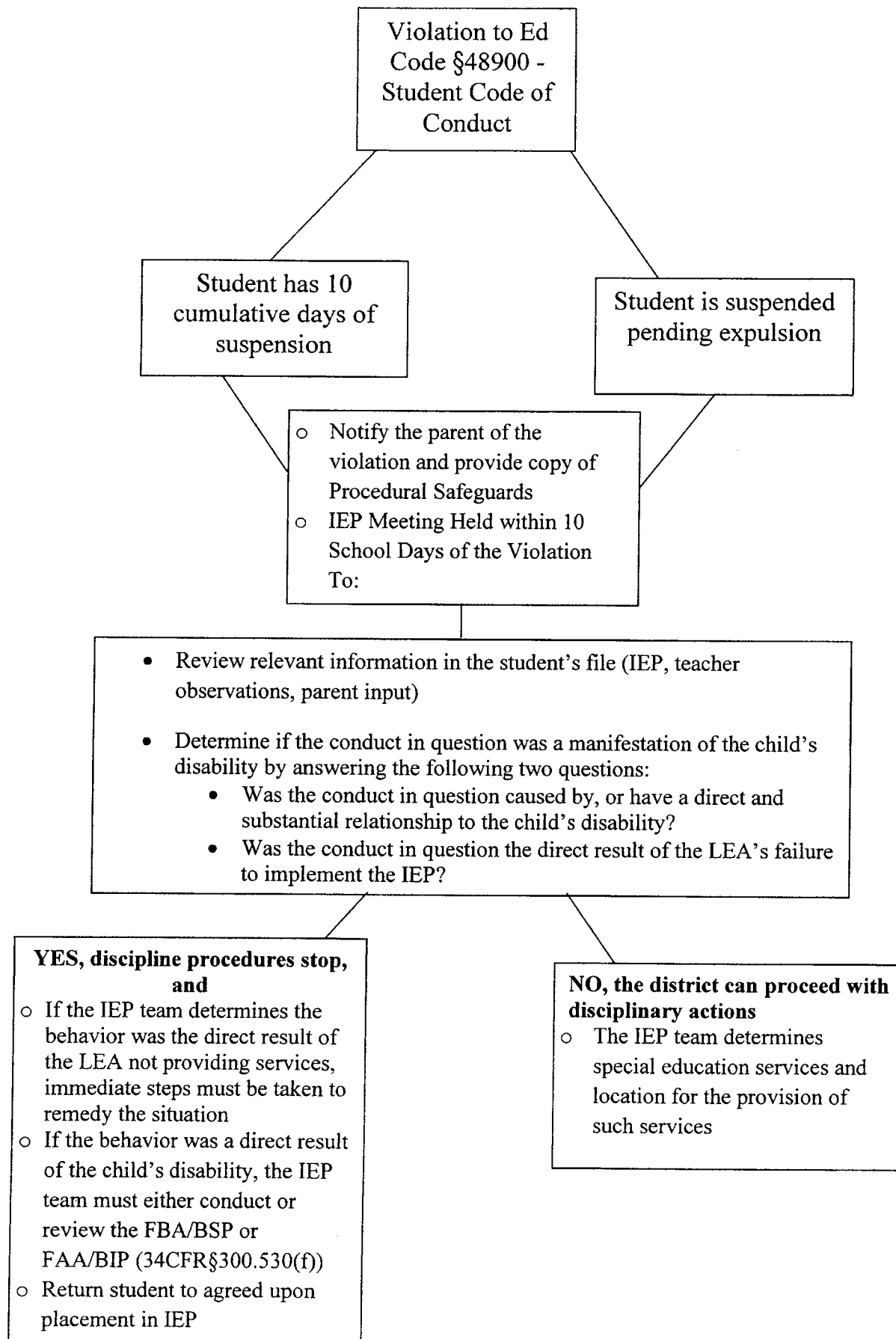
IEP TEAM MEMBERS

1. The IEP team shall include all of the following:
 - a) One or both of the pupil's parents, a representative selected by a parent, or both, in accordance with the federal Individuals with Disabilities Act (20 U.S.C. Sec. 1400 et seq.).
 - b) Not less than one general education teacher of the pupil. If the student is not presently participating in general education, then the general education teacher that the student would have in the future. If more than one general education teacher is providing instructional services to the individual with exceptional needs, one general education teacher may be designated by the local educational agency to represent the others.
 - The general education teacher of an individual with exceptional needs shall, to the extent appropriate, participate in the development, review, and revision of the pupil's Individualized Education Program, including assisting in the determination of appropriate positive behavioral interventions and supports, and other strategies for the pupil, and the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the pupil, consistent with subclause (IV) of clause (i) of subparagraph (A) of paragraph (1) of subsection (d) of Section 1414 of Title 20 of the United States Code.
 - For a preschool child, at least one regular preschool teacher if the child is or may be participating in a general education environment.
 - c) Not less than one Special Education teacher of the pupil, or if appropriate, not less than one Special Education provider of the pupil
 - d) A representative administrator of the local education agency who meets all of the following:
 - Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of individuals with exceptional needs
 - Is knowledgeable about the general curriculum
 - Is knowledgeable about the availability of resources of the local educational agency
 - e) An individual who is qualified to interpret the instructional implications of the assessment results.
 - f) At the discretion of the parent, guardian, or the local educational agency, other individuals who have knowledge or special expertise regarding the pupil, including related services personnel, as appropriate. The determination of whether the individual has knowledge or special expertise regarding the pupil shall be made by the party who invites the individual to be a member of the

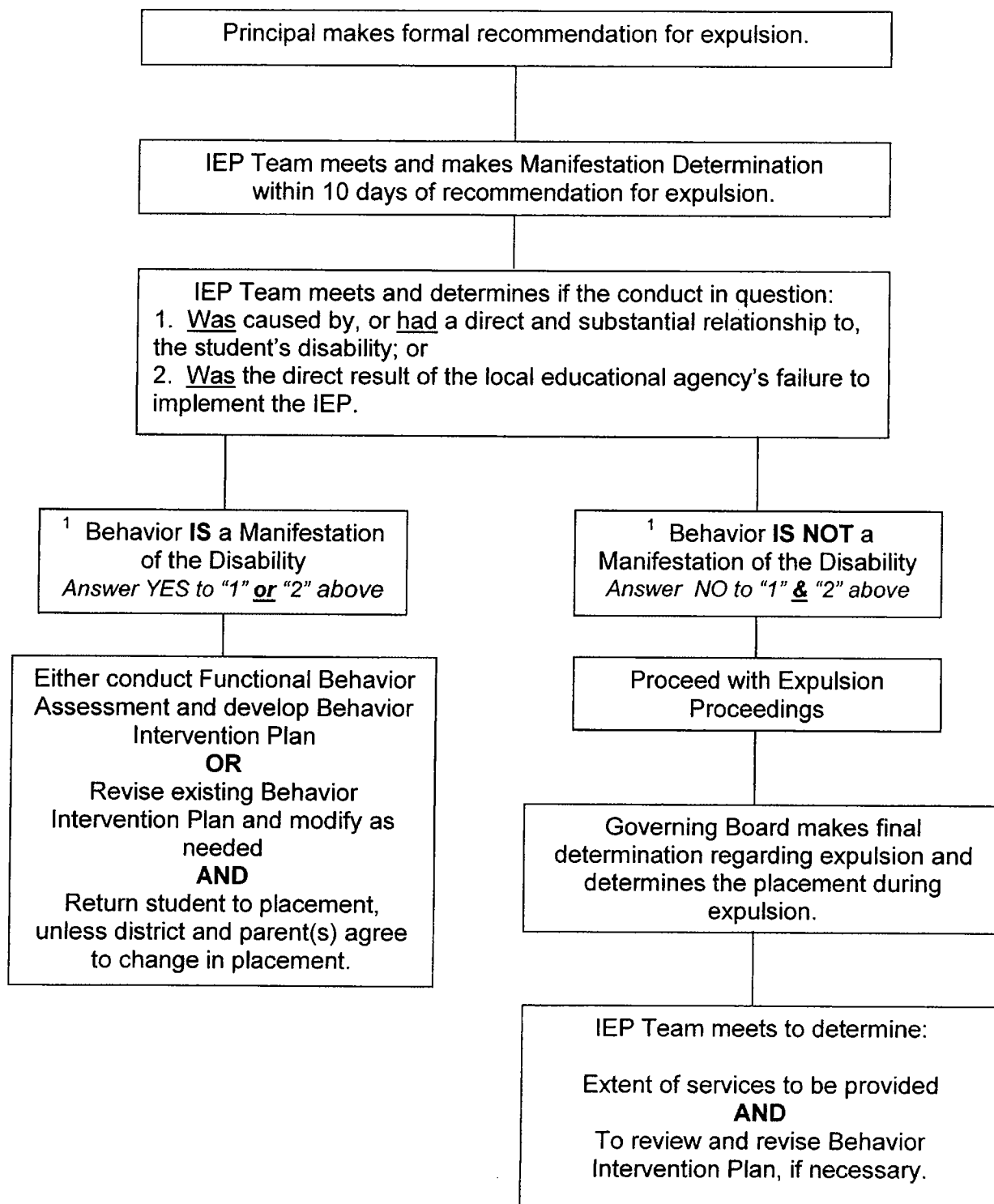
individualized education program team.

- g) Whenever appropriate, the individual with exceptional needs.
2. In the case of transition services, the local educational agency shall invite an individual with exceptional needs to attend his or her Individualized Education Program meeting if a purpose of the meeting will be the consideration of the needed transition services for the individual.
 - a) If the individual with exceptional needs does not attend the Individualized Education Program meeting, the local educational agency shall take steps to ensure that the individual's preferences and interests are considered.
 - b) The local educational agency also shall invite to the Individualized Education Program team meetings a representative that is likely to be responsible for providing or paying for transition services. If an agency that is invited to send a representative to a meeting does not do so, the local educational agency shall take other steps to obtain participation of the other agency in the planning of any transition services.
 3. A local education agency IEP team member may participate at the meeting in more than one role as long as all qualifications for both roles are active and apply.
 4. A member of the Individualized Education Program team shall not be required to attend an Individualized Education Program meeting, in whole or in part, if the parent of the individual with exceptional needs and the local educational agency agree that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meetings.
 5. A member of the Individualized Education Program team may be excused from attending an Individualized Education Program meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if all of the following occur:
 - a) The parent and the local educational agency consent to the excusal after conferring with the member.
 - b) The member submits in writing to the parent and the Individualized Education Program team, input into the development of the Individualized Education Program prior to the meeting.
 - c) A parent's agreement and consent shall be in writing.
 6. In the case of a child who was previously served under Chapter 4.4 (commencing with Section 56425), Early Education of Individuals with Exceptional Needs, or the California Early Intervention Services Act under Title 14 (commencing with Section 95000) of the government Code, an invitation to the initial Individualized Education Program team meeting shall, at the request of the parent, be sent to the infants and toddlers with disabilities coordinator or other representatives of the early education or early intervention system to assist with the smooth transition of services.

7. In the case of a child who has received a functional behavioral analysis assessment, the Behavioral Intervention Case Manager shall attend the IEP meeting to review the results and, if necessary, to develop a Behavioral Intervention Plan.



DISCIPLINE PROCEDURES Expulsion



¹ If the district believes that returning the student to the previous placement presents a danger, the district may file for an expedited due process.

If the parent(s) disagree with the determination, they may file for an expedited due process hearing.



TOP TEN ALTERNATIVES TO SUSPENSION

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| Coordinated Behavior Plan for Any Student Whose Behavior has Impeded Learning | Training will be available to assist appropriate staff in the creation of a structured, coordinated behavior plan specific to the student, and based on the analysis of data and the assessment of the purpose of the target behavior to be reduced. This must focus on increasing desirable behavior and replacing inappropriate behavior. |
| Alternative Programming | Changes in the student's schedule, classes or course content; assignment to an alternative school or program; independent study or work experience program should be tailored to the student's needs. |
| Behavior Monitoring | Strategies to monitor behavior and academic progress might include progress report cards checked after each class regarding behavior, self charting of behaviors, strategies to provide feedback to the student, etc. |
| Appropriate In-School Alternatives | In-school alternatives in which academic tutoring and instruction related to the student's behavior, such as work in social-emotional skills, and a clearly defined procedure to return to class as soon as the student is ready is provided. |
| Community Service | Required amount of time in community service in school system or in the community. |
| Counseling | Students are referred for participation in group or individual counseling. |
| Parent Supervision in School | Following existing school-site visitation policy parent comes to school and provides additional support and supervision for a period or throughout the day. |
| Mini-Courses | Short courses or modules on topics related to social-emotional behavior, used as a disciplinary consequence, after-school or Saturday. |
| Restitution | Financial or "in kind." Permits the student to restore or improve the school environment. |
| Problem-Solving/Contracting | Use negotiation/problem-solving approaches to assist student to identify alternatives. Develop a contract which includes reinforcers for success, and consequences for continuing problems. |

Source: Reece Peterson, University of Nebraska – Lincoln & Russell Skiba, Indiana University, modified by Nancy Franklin



LOS ANGELES UNIFIED SCHOOL DISTRICT
POLICY BULLETIN

CONSEQUENCES/SCHOOL RESPONSE REFERENCE GUIDE

ATTACHMENT I

Level A: Preventive Plans
Misconduct that Requires Classroom Supports

- Reinforce guiding principles
 - Identify, teach and reinforce behavioral expectations, rules and social skills
 - Actively supervise, monitor and provide feedback on behavior in all areas of the school
 - Use firm, fair, corrective, consistent disciplinary techniques
 - Identify resources at school, local district, and in the community
- Examples of School-Related Misconduct**
- Classroom disruption, (e.g., speaking out, out of seat)
 - Occasional tardiness
 - Poor team work/incomplete work
 - Harassing other students
 - Inappropriate clothing for school
 - Non-compliance with rules
- Examples of Consequences**
- Use time-out, demerit, loss of privileges or points consistently and non-emotionally assigned
 - With the student, develop a contract with explicit expectations for behavior and consequences
 - Assign student a written apology
 - Call parents and alert them about behavior, eliciting their partnership
 - Assign a contribution plan (i.e., contributing back to the classroom environment)

- Examples of School Response**
- Re-teach group expectations, routines, and strategies, modify grouping patterns
 - Use systematic positive reinforcement for students when they act appropriately
 - Use mentoring strategies; assign a mentor
 - Utilize a daily report card, involving parents and other staff in a partnership of support
 - Utilize peer tutoring/counseling
 - Determine the function of the student's behavior and teach replacement behavior

Level B: Preventive Plans
Misconduct that Requires a Collaborative Team Response

- Work as a team, coordinating services
- Collaborate with parent/caregiver(s)
- Develop a school-based mentoring program
- Access school, local district, District, and community resources

Examples of School-Related Misconduct

- Fighting
 - Excessive tardiness/ongoing defiance
 - Engaging in habitual profanity or vulgarity
 - Being under the influence of alcohol or drugs
 - Vandalism/Graffiti/Theft
 - Bullying, harassment, sexual harassment
 - Truancy
- Examples of Consequences**
- Assign detention or in-school suspension
 - Involve student in the development of individual behavior support plan to change behavior
 - Enlist parent participation in a consistent response plan, e.g., daily signed behavior report
 - Clean up/make restitution
 - Loss of privileges
 - Assign an out-of-school suspension
 - Possible arrest

Examples of School Response

- Convene a Student Success Team (SST) or COST
- Parent Conference
- Use debriefing forms to address misconduct
- Refer to community agencies
- Assign campus responsibilities
- Provide conflict resolution training, peer mediation, anger management
- Encourage enrichment activities (after school clubs)
- Assign Alternatives to Suspension, including in-school suspension or detention
- Assign out-of-school suspension
- Report to Law Enforcement

Level C: Intervention Plans
Serious Offenses with almost no Administrative Discretion

- Identify crisis intervention plan and procedures
- Identify emergency resources
- Use resources in school, local district, District, and community
- Work as a team, coordinating services
- Collaborate with parent/caregiver(s)

Examples of School-Related Misconduct

- Possessing, selling, or furnishing a firearm
- Possessing and/or brandishing a dangerous object
- Possession of an explosive
- Selling a controlled substance
- Committing or attempting to commit a sexual assault or committing a sexual battery
- Causing or attempting to cause a serious physical injury to another.
- Robbery, extortion

Examples of Consequences

- Assign out-of-school suspension
- Expulsion
- Possible arrest

Examples of School Response

- Conduct investigation, interview all witnesses
- Consult with Student Discipline Proceedings Office
- Report to Law Enforcement
- Conduct parent conference/pre-suspension conference
- Review suspension and expulsion bulletins for specifics regarding mandatory actions
- Review teacher-student-parent interaction history
- Review social adjustment history
- Review Special Education status
- Consult with community agencies (e.g., probation, Mental Health Centers, Children's Services)

Penalties Attached to Federal Maintenance of Effort for IDEA

- SELPA as a whole makes SEMA and SEMB then SELPA continues to receive Federal IDEA funds
- IF district does not make SEMB then they do not received any Federal IDEA funds from SELPA. The district has until First Interim to correct their current budget in order to make SEMB.
- IF district does not make SEMA then the district has to pay back dollar for dollar the difference as the penalty to the SELPA, who then pays CDE, who then pays the Federal Government.
 - That district will still receive current year Federal IDEA funds if they make SEMB
 - The district will have the same MOE level, they are not allowed to rebench

SEMB: Actuals to Budget for current year

SEMA: Actuals to Actuals for two last years

- New Request
- Continuation of Support

Special Education Local Plan Area (SELPA)

Request for SELPA Extraordinary Cost Reimbursement

The SELPA Extraordinary Cost Pool is for partial reimbursement of the cost that a district has incurred while providing special education services to a student with intensive needs.

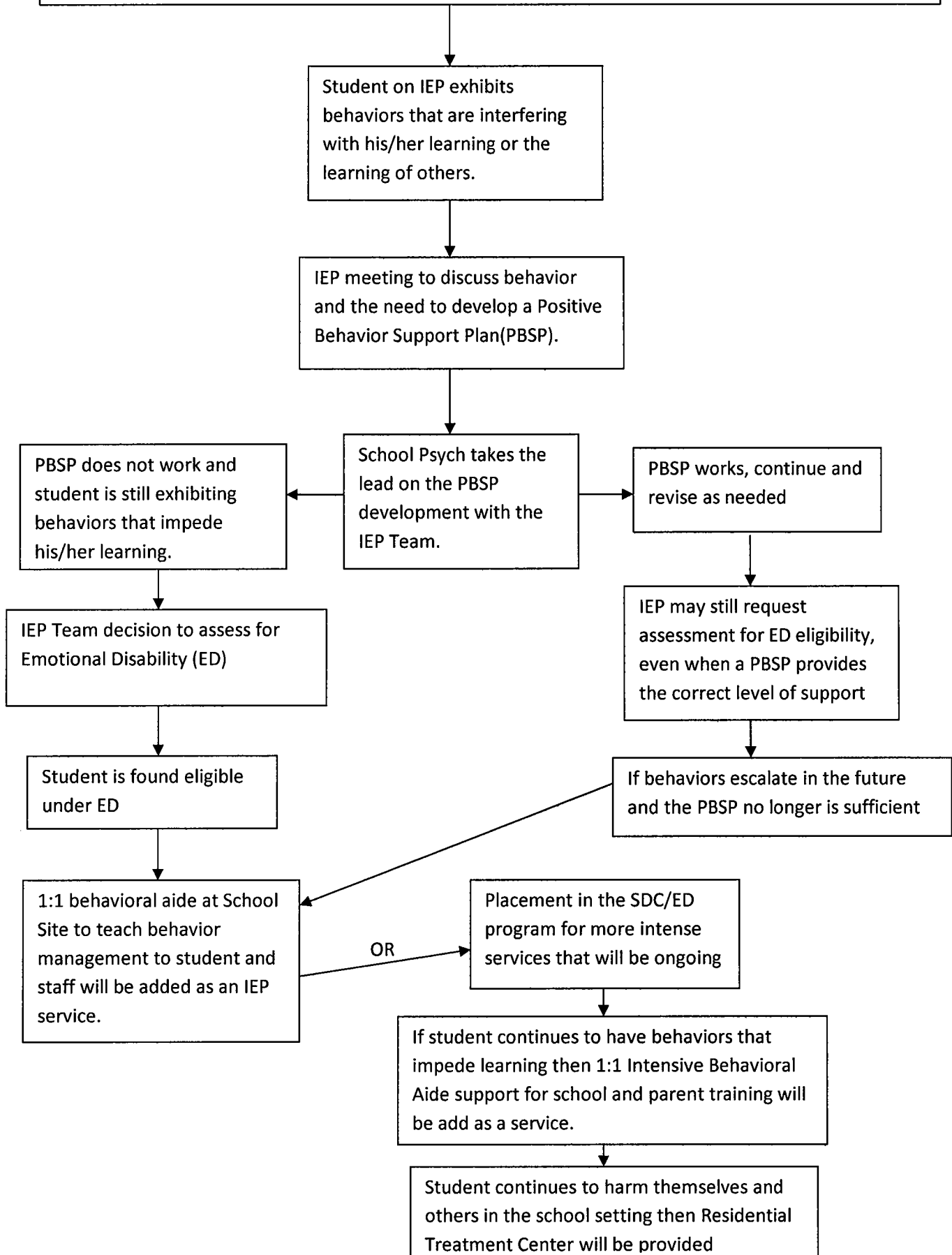
Date: _____
District: _____
Disability: _____
Grade Level: _____

1. What is the situation that requires funds above and beyond the district's normal responsibility to provide services?

2. If funded what educational and/or social/emotional goals would be addressed?

3. What resources are you presently utilizing to pay for this support? (please attach evidence of expenditures)

Educational Related Mental Health Services for Students with IEP



Superintendent Level

**Special Education
Information**

ROLES AND RESPONSIBILITIES
IN SPECIAL EDUCATION

DISTRICT SUPERINTENDENTS

- Attend monthly Special Education Local Plan (SELPA) meetings
 - Review and approve SELPA policy and administrative regulations
 - Review and approve SELPA Annual Budget and Services Plan
 - Participate in Executive Council on a monthly basis, if chosen as a representative
- Monitor district compliance to Maintenance of Effort (MOE)
 - Review MOE SELPA Policy
 - Actuals to Budget (SEMB) and Actuals to Actuals (SEMA) due in November
- Be familiar with the following SELPA documents:
 - SELPA Plan
 - Federal/State/Local Policy and administrative regulations
 - Procedural Manual
- SELPA office
 - Executive Assistant -842-8432
 - SELPA Director -842-8441

If you are also District Site Administrator, please refer to that section.

Federal Assurance Policy

Special Education Local Plan

FAP 13

GOVERNANCE

It shall be the policy of this LEA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the Local Plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Education Agency.

Legal References:

EDUCATION CODE

56205 (a)(12)

56001(f)

56190-4

56195.1(b)(c)

56195.3

56195.9

56205(b)(4)

56205(b)(5)

47640-47647

FEDERAL REFERENCES

20 USC 1412(a)

20 USC 1413(a)(1)

20 USC 1413(a)(5)

State Required Policy

Special Education Local Plan

SRP 13

GOVERNANCE

The Siskiyou County Special Education Local Plan Area shall include all local education agencies (LEAs) located within jurisdiction of the Siskiyou County Superintendent of Schools, and will serve all eligible individuals with special needs residing within the boundaries of the school districts and LEAs. The LEAs within Siskiyou County join together pursuant of Section 56195 and Section 56205 of the California Education Code to assure access to special education and services for all eligible individuals with disabilities residing in the geographic area served by these LEAs, hereafter known as the Siskiyou County Special Education Local Plan Area (Siskiyou County SELPA).

It is the intention of the SELPA to provide a full continuum of services to students with disabilities, including students in charter schools, throughout the geographic region of the SELPA. Access to services is through each of the local education agencies. The referral, assessment and IEP process is utilized to identify the needs of each individual student with disabilities. The local education agencies have committed to policies and procedures to assure that students will have rights to appropriate services provided in the least restrictive environment.

In adopting the Local Plan, each participating LEA agrees to carry out the duties and responsibilities assigned to it within the plan. Each LEA shall provide special education services to all eligible students within its boundaries, including students attending charter schools where a LEA of the SELPA have granted the charter. In addition, each agency shall cooperate to the maximum extent possible with other LEAs to serve individuals with disabilities who cannot be served in the program of the LEA of residence. Such cooperation ensures that a range of program options is available throughout Siskiyou County. Participating agencies may enter into additional contractual arrangements to meet the requirements of applicable federal and state law.

The Local Plan shall be developed and updated cooperatively by a committee of representatives of special and regular teachers and administrators and representatives of charter schools selected by the groups they represent, and with participation by parent members of the Community Advisory Committee, or parents selected by the Community Advisory Committee to ensure adequate and effective participation and communication.

Members of public, including parents or guardians of students with disabilities, may address questions or concerns to the governing boards of the local education agencies, the Steering Committee, the Executive Council, and any subcommittees of the above.

Legal References

EDUCATION CODE:

56195.1(b); 56195.1(c); 56195.3(a); 56195.5(b); 56205(a)(12) 56205(b)(4)

State Required Administrative Regulation

Special Education Local Plan

SRAR 13

GOVERNANCE

Administrative Unit

The Siskiyou County Office of Education shall serve as the Administrative Unit (AU) for the SELPA.

- The Administrative Unit shall be responsible for the distribution of the funds according to an approved Special Education Funding Allocation Plan. The SELPA Director is responsible to ensure that the funds are distributed in accordance with the funding allocation plan.
- The AU employs staff to support SELPA functions
- The AU provides coordination of the Local Plan.
- The AU provides preparation of program and fiscal reports required of the SELPA by Federal and State.
- The AU will operate special education programs to complete full continuum of services.

Legal References

EDUCATION CODE:

56195.1(c)(2), 56205(a)(12)(D)(ii)(II), 56195.1(b)(3), 56205(12)(D)(ii)(IV), 56195.10, 56205(a)(12)(D)(ii)(1), 56195(12)(D)(i), 56195(12)(D)(ii)(III), 56195(12)(D)(ii)(V)

County Board

The County Board of Education shall be responsible for the following as related to management and operation of the SELPA.

- Review and adopt the Annual Service and Budget Plan regarding income and expenditures of the SELPA and review the service options provided by the SELPA.
- Ratify appointments of persons recommended for the Community Advisory Committee in accordance with the bylaws of the Community Advisory Committee.
- Review and approve or recommend for further consideration all policies and/or budget revisions in accordance with existing county procedures.
- Be informed of all program provisions of the SELPA Plan through inclusion of relevant information items at regular board meetings.
- Provide for public, including parents or guardians of students with disabilities, to address the board with questions or concerns.

District Boards

The governing boards of LEAs in Siskiyou County shall adopt policies and administrative regulations for special education programs and services provided in the Siskiyou County Special Education Local Plan Areas.

Responsibilities of the LEA governing boards include, but are not limited to:

- Participating in the governance of the Siskiyou County SELPA by empowering their superintendent or designee to act as their agent in the approval and amendment of SELPA policies and administrative regulations.
- Reviewing and approving revisions to the Siskiyou County SELPA Local Plan by approving the Local Plan the LEA Governing Board enters into an agreement with other local education agencies participating in the plan for the provision of services and programs. The governing board exercises authority over the programs it directly maintains or contracts for, consistent with the Local Plan and individual LEA policies. It shall be fiscally accountable for special education programs operated or contracted for by it's LEA.
- Appointing members to the Siskiyou County Community Advisory Committee.
- Maintaining responsibility for all aspects related to due process, California Department of Education (CDE) complaints, and Office of Civil Rights (OCR) complaints.
- Provide for public, including parents or guardians of students with disabilities, to address the board with questions or concerns.

In the event of a disagreement among, local education agencies, local education agencies and the Administrative Unit, local education agencies and/or the Administrative Unit and the SELPA regarding the distribution of funding, responsibility for service provision and any other governance activities specified in the Local Plan, it is the intent of the Steering Committee (SC), that issues be resolved at the lowest level possible in the governance structure outlined in the Local Plan. The SC is considered to be the board of last resort. This policy is intended to resolve disagreements within a period of 45 days, but is not intended to undermine local authority.

If a local education agency disagrees with a decision or practice of another agency or the SELPA Office, that local education agency has a responsibility to discuss and attempt resolution of the disagreement with the party, or parties, directly involved. The parties involved will present the issues to their respective superintendents, or designees, who will attempt to resolve the matter. Either party may request the direct assistance of the SELPA Director, County Superintendent or his/her designee, or the services of a neutral mediator from outside the SELPA. In the event the issue has not been resolved, either party may request review by the Executive Council.

*Legal References***EDUCATION CODE:**

56205(a)(12)(D)(i); 56195.1(c)(1), 56195.5(a), 56205(b)(4), 56195.8(c), 56205(b)(5)

Member District's Superintendent or Designee

Each superintendent or designee will:

- Provide administrative leadership to the local district programs in the following areas: program operations, curriculum, personnel, and budgeting.
- Supervise and be responsible for all special education personnel under their employment.
- Provide a representative to the Individual Education Plan meeting who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities, can interpret the instruction implications of evaluations, is knowledgeable about general curriculum, and is knowledgeable about the LEA's available resources.
- Submit information to AU as required
- Perform other duties necessary to coordinate the administration of the Local Plan as agreed to.
- Assists in the coordination of community resources including implementation of interagency agreements.
- Maintain necessary records.
- Maintain and implement all procedural safeguards as defined by Individuals with Disabilities Education Act.
- Coordinate and conduct state verification reviews of district special education programs and data collection.
- Implement and monitor corrective action rulings of OCR and CDE complaints and the results of CDE verification reviews, as required.
- Submit to the SELPA Director copies of any OCR, CDE, due process and/or complaint findings including verification review which have SELPA-wide implications.
- Recruit and select representative to the Siskiyou County SELPA Community Advisory Committee.

*Legal References***EDUCATION CODE:**

56205(a)(12)(D)(i)

FEDERAL REFERENCE

34 CFR 300.201

Steering Committee

There shall be an administrative governing body called the Steering Committee (SC). The SC is composed of a superintendent or designee representing each local education agency (LEA) within Siskiyou County SELPA. The County Superintendent of Schools shall be the representative for the AU and shall represent the COE Special Education Programs and the Court and Community School Programs. The LEA governing Boards assure that the SC shall identify the need for, and designate positions necessary for, the operations of the SELPA functions.

In cases where the superintendent or principal must appoint a designee, full voting authority shall be allowed. Each district's vote will be determined based on a percentage of the countywide CBEDS enrollment. The proportion of each district's vote will be determined each year based on prior year's CBEDS data. The SELPA Director will serve as the non-voting facilitator of the committee.

The SC ensures that all provisions of the Local Plan are implemented within the Local Education Agencies (LEAs) in the SELPA by providing instruction to the SELPA Director regarding the implementation, administration, and operation of the Local Plan. This includes ensuring equal access to programs and service for all individuals with special needs within the SELPA.

The SC shall act to establish operational procedures and make decisions on any matters regarding administration and operation of special education programs in accordance with the intent of the Local Plan. The SC will approve operational decisions for the SELPA such as, but not limited to the following:

- Review and approve needed modification of this agreement on behalf of all districts in the SELPA; adopt amendments to the permanent portion of the Local Plan on an "interim basis," not to exceed one year. Amendments approved in this manner shall become permanent upon subsequent approval by LEA governing boards during the annual service and budget plan process and upon subsequent approval of the State Board of Education.
- Approve SELPA policies, regulations, and procedures on behalf of their respective LEA Governing Boards to ensure compliance by districts with the Local Plan and state and federal laws and regulations. Each member shall assume the responsibility for communication and presentation to their respective governing boards of the adopted policies, regulations, and procedures.
- Approve the SELPA-wide Annual Service and Budget Plans, and subsequent modifications.
- Establish and promote the Community Advisory Committee. Encourage parental involvement through the members of the CAC, receive and consider requests and recommendations from their CAC representatives and other parent groups.
- Provide direction to the SELPA Director regarding the development, revision, implementation, and review of the Local Plan.
- Approve the Allocation Plan for the distribution of federal, state and local funds received for special education programs.

Steering Committee

- Advise on the number and type of SELPA staff employed by the AU for SELPA-wide services.
- Provide for public, including parents or guardians of students with disabilities, to address the board with questions or concerns.

*Legal References***EDUCATION CODE:**

56205(a)(12)(A), 56195.1(b)(1), 56205(b)(4)

Executive Council

- Provides leadership for cooperative action among LEAs pertaining to the coordination of the implementation, administration, and operation of the Siskiyou County Special Education Local Plan.
- Recommends programmatic decisions regarding the operation of special education in Siskiyou County.
- Develops and recommends policies, regulations, procedures, and financial actions to the SC.
- Provides leadership for development of statements of philosophy, policies, goals, priorities, and plans for comprehensive services and programs to the special education students of the SELPA ensuring that each individual with special needs has access to appropriate programs and services, regardless of his or her LEA of residence.
- Recommends allocation of resources within the SELPA in accordance with the Local Plan.
- Reviews and recommends needed modification of the Local Plan, with input from the Siskiyou County SELPA to assist in the implementation of the Local Plan. These implementation tools are not considered a permanent portion of the Local Plan and are included in the Local Plan as reference materials only.
- Provides advice to the SELPA Director regarding the development and/or implementation of SELPA policies, programs, and services.
- Develops the Annual Service Plan and Annual Budget Plan for approval by the SC.
- The EC may be requested by the SC to provide advice or assistance on special issues identified within the SELPA. The EC may choose to form special subcommittees to focus on these issues. Such subcommittees shall report to the EC.
- Provide for public, including parents or guardians of students with disabilities, to address the board with questions or concerns.

*Legal References***EDUCATION CODE:**

56195.1(b)(1), 56205(b)(4)

Local Policy

Special Education Local Plan

LP 13

GOVERNANCE

Administrative Unit

SELPA administrative staff shall be employed by the Administrative Unit and supervised by the SELPA Director according to the Administrative Units' policy and practices. The SELPA Director shall be hired using a selection process that includes representation from the Steering Committee, Executive Council, and Community Advisory Committee. The candidate selected in the final interview shall be recommended to the County Superintendent of Schools for consideration and approval.

The development of the Annual Budget Plan shall coincide with the Administrative Unit (AU) budget process for Maintenance of Effort in October. The Annual Service Plan shall be brought to the EC for review at the February and May meetings. The Annual Budget and Service Plan will be approved at the June Siskiyou County Board meeting with a Public Hearing.

SELPA Director and Administrative Support Staff

The fundamental role of the SELPA Director is to provide leadership and facilitate the decision making process. The SELPA Director's role includes the provision of information, specific services identified by the Steering Committee (SC), technical assistance, leadership and arbitration. It is the SELPA Director's responsibility to represent the interests of the SELPA, as a whole, without promoting any particular local education's interest over the interest of any other agencies. In the event there are differences of opinions and/or positions on issues, it is the SELPA Director's responsibility to mediate a reasonable resolution of the issue(s).

The County Superintendent of Schools shall be responsible for the selection, direction, discipline and annual evaluation of the SELPA Director. It is understood that this responsibility includes responsibility for any allegations of violations arising under the federal and state equal employment opportunity act.

The SELPA Director is subject to the Administrative Unit's policies and procedures for day-to-day operations, but receives direction from, and is responsible to, the SC. The SELPA Director is evaluated by the County Superintendent of Schools.

Program Manager/Principals

The Program Manager/Principals are employed by the Administrative Unit for employment purposes, and serve the SELPA under the direction of the SELPA Director. The governing boards of the local education agencies identify the importance of employment of Program Manager/Principals to provide unique and necessary services to the agencies and to pupils in the SELPA. LEA's will be given the opportunity annually to provide input to the SELPA on program quality and services delivery. Program Manager/Principal shall provide the following services:

- Observe, consult with, and assist, resource specialists, designated instructions and services instructions, and special class teachers.
- Plan programs, coordinate curricular resources and evaluate effectiveness of programs for individuals with exceptional needs.

GOVERNANCE (continued)

LP 13(a)

- Participate in each school's staff development, program development, and innovation of special methods of approvals
- Provide coordination, consultation and program development primarily in one or more specialized areas of expertise.
- Be responsible for assuring that pupils have full educational opportunity regardless of the district of residence.
- Upon request, participate in and/or conduct IEP team meetings where technical assistance is needed.
- Assist in mediation, due process hearings and compliance proceedings by providing expertise in knowledge of special education law and regulations as well as programs and appropriate interventions available throughout the SELPA.
- Assist in developing training for parents and members of the Community Advisory Committee.
- Provide inservice training and technical assistance for regular and special education teachers, administrators, support staff and parents.
- Assist as a liaison to various community agencies such as Department of Behavioral Health, Department of Human Services, Far Northern Regional Center, California Children's Services, and the Probation Department.
- Provide supervision and perform evaluation of certificated and classified employees of the County Office of Education in accord with collective bargaining agreements currently in force.

The SELPA Director shall serve on behalf of the member local education agencies and implement the Local Plan including the following regionalized services and operations:

- Coordination of the special education local plan area and the implementation of the local plan.
- Coordinated system of identification and assessment.
- Coordinated system of procedural safeguards.
- Coordinated system of staff development and parent and guardian education.
- Coordinated system of curriculum development and alignment with the core curriculum.
- Coordinated system of internal program review, evaluation of the effectiveness of the local plan, and implementation of a local plan accountability mechanism.
- Coordinated system of data collection and management.
- Coordination of interagency agreements.
- Coordination of services to medical facilities.
- Coordination of services to licensed children's institutions and foster family homes.
- Preparation and transmission of required special education local plan area reports.
- Fiscal and logistical support of the community advisory committee.
- Coordination of transportation services for individuals with exceptional needs.
- Coordination of career and vocational education and transition services.
- Assurance of full educational opportunity.
- Fiscal administration and the allocation of state and federal funds pursuant to Section 56836.01.

- District instructional program support that may be provided by program specialists in accordance with Section 56368.

Steering Committee

The Steering Committee shall meet on a regular basis according to Brown Act requirements and shall receive and act upon information provided by the Executive Council, Community Advisory Committee and the SELPA Director to assist in the administration of the SELPA.

Executive Council

Membership is limited to school superintendents or board designees. Size of the committee will be seven voting members representing local education agencies and the County Superintendent's Office.

- One member representing districts of 500 or more based on prior years CBEDS enrollment.
- Two members representing districts between 120 and 499 CBEDS enrollment operating special education programs by certificated staff.
- One member representing districts with CBEDS enrollment up to 119 that do not operate special education programs.
- The County Superintendent, or designee.
- Two members at large to insure representation of districts in north and south county, and elementary and high school districts.
- SELPA Director serves as non-voting facilitator of meetings.
- The Chair of the Community Advisory Committee is invited to participate as a non-voting member.

Selection of the six district representatives will be taken from the floor of the full Steering Committee. Each nominee is confirmed by a majority vote. The term for each member will be two years. A member may be re-elected to more than one term. To insure continuity of knowledgeable members, the terms for the six district representatives will not run simultaneously. Elections will be held each year at the September SELPA meeting.

The SELPA Director serves as the chairperson of the Executive Council (EC) and is responsible for providing timely written notice of the meeting and agenda, minutes for the meeting and additional documentation as needed to provide for informed decision making.

The EC meets on a regular basis according to Brown Act requirements as established on a yearly calendar. The SELPA Director serves as the chairperson of the committee and is responsible for providing timely written notice of the meeting and agenda, minutes for the meeting and additional documentation as needed to provide for informed decision-making.

Meetings will be calendared monthly. No regular meetings will be calendared for July. Location of meetings will be the County Superintendent's Office. Meetings are open for attendance by any Superintendent of a participating district. At the SELPA Director's discretion, if there are not enough issues to warrant a meeting, the meeting may be cancelled and issues handled at the next Steering Committee meeting or next Executive Council meeting.

A quorum is five members. A member's absence at three consecutive meetings without a valid excuse will result in the member's position being declared vacant. An election to fill the vacancy will occur at the next Steering Committee (SC) meeting.

A charter school that has been approved to operate as its own local education agency for special education purposes shall be represented on the EC according to the above structure as verified by CBEDS enrollment data and shall be represented on the SC in the same manner as all local education agencies within the SELPA.

Legal References

EDUCATION CODE:

56368, 56369, 56836.23

Federal Assurance Policy

Special Education Local Plan

FAP 17

SUPPLEMENTATION OF STATE/FEDERAL FUNDS

It shall be the policy of this LEA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA; will be used to supplement and not to supplant state, local and other Federal funds.

Legal References

EDUCATION CODE:

56205(16)

FEDERAL REFERENCES

20 USC 1412(a)(17)

Federal Assurance Administrative Regulation

Special Education Local Plan

FAAR 17

SUPPLEMENTATION OF STATE/FEDERAL FUNDS

The following funding formulas are included:

1. Home to School transportation bill back.
2. Psychologist bill back.
3. Nonpublic school funding pool assessment.
4. SELPA Professional Services Fund.
5. Special Day Class Utilities Cost.
6. Extraordinary Cost Pool.
7. AB602 Funding Allocation.

Federal Assurance Administrative Regulation

Special Education Local Plan

FAAR 17(a)

SUPPLEMENTATION OF STATE/FEDERAL FUNDS

1. Home to School Transportation Bill Back

(50% factor for transported students; 50% mileage factor)

- a. Using actual expenditures and revenues at the close of the fiscal year, determine the Siskiyou County Superintendent of School Office transportation deficit for that year.
- b. Determine an amount per transported student by dividing 50% of the deficit by the average of the total number of students transported on December 1.
- c. Multiply the average number of students from each district transported during the year by the amount per transported student (step #2) to determine the district's share of the deficit based on pupil count.
- d. Determine the mileage cost factor by dividing 50% of the deficit by the average of the total of on-way miles driven from home to school for all transported student on December 1.
- e. Multiply the mileage cost factor (step #4) by average of the total of one-way miles for all students transported for each district on December 1, to determine the district's share of the deficit based on the mileage factor.

2. Psychologist Bill Back

- a. The County Office shall maintain 4.0 full time equivalent (FTE) psychologist positions.
- b. The County Office shall fund 1.0 FTE from Special Education Support Funds.
- c. The County Office shall fund 1.0 FTE from Direct Service Funds.
- d. Districts shall fund 2.0 FTE, pro-rated based on ADA.
- e. The County Office shall provide information to districts regarding dollar amount, program and account numbers to be used for budgeting

3. Nonpublic School (NPS/Residential Funding Pool Assessment)

- a. Determine actual unfunded NPS cost of contracts for the current year.
- b. Pro-rate unfunded NPS cost current year CBEDS enrollment in the County.
- c. District Assessment: Multiply pro-rated cost CBED enrollment for the district for the current year.
- d. Budget estimates for the following year will be calculated in the spring of the current year, and/or when a new contract is established. Education Code Section 56836.21 requires the California Department of Education (CDE) to administer an extraordinary cost pool that reimburses special education local plan areas (SELPAs) for single high-cost nonpublic, nonsectarian school placement in excess of specific threshold.

4. Siskiyou County SELPA Professional Services Fund

To the extent of available fund resources, generated as described below, the SELPA Administrative Unit will provide supplemental reimbursement to assist district with the cost of legal and other professional services related to special education legal matters. The following process will be used:

- a. Any child, who has been referred to Special Education or has an IEP, or any issue requiring professional assistance for due process matter, may create a situation eligible for supplementary funding through the Professional Service Fund.
- b. Reimbursement may be provided upon application by letter of explanation with full invoice information due to the SELPA on April 1. A \$2,000 deductible per case per fiscal year of action will be applied. A maximum of \$10,000 will be provided per year per case.
- c. The Executive Council will review and approve applications.
- d. A District may appeal Executive Council decision to the Steering Committee.
- e. The SELPA Professional Services Fund will be generated in the following manner:

For a period beginning with 1997-98, the amount of \$1 per P-2 ADA will be assessed to each district to build the Fund to \$50,000. Interest generated by the fund will be added to it annually. In the event expenses are paid by the Fund, district will be assessed at the \$1 per P-2 ADA rate to rebuild the Fund to \$50,000.

5. Special Day Class Utilities Cost

SELPA will reimburse host districts for utility cost based on a square footage formula.

The square footage for each SDC is calculated by the Siskiyou County Office of Education. The total square footage for the host site is calculated by the district. The formula is: SDC square footage divided by total site square footage to get a percentage. The percentage will then be multiplied by total cost of site utilities. Then Siskiyou County Office of Education will take an average and determine one rate for all SDC utility costs.

The base year for the cost of utilities will be 2011/2012. Districts will be reimbursed twice a year, at December and June. Adjustments due to increases in costs of utilities will be reviewed by the Executive Council annually.

6. Extraordinary Cost Pool

This fund will total \$120,000 each year from the AB 602 allocation that is to be utilized for district extraordinary expenditures in the area of special education that cannot be funded in any other manner. The money not utilized each year will be used to offset the excess cost of SCOE special education programs.

Two types of reimbursement available:

- Onetime expense
 - Reimburse based upon actual expenses, up to 80%
- Ongoing student 1:1 support
 - Documented in current IEP
 - \$1500 per year per hour of daily support by 1:1 aide
 - Example would be a 4 hour 1:1 aide for all of the school year would be reimbursed at \$6000; a 6 hour 1:1 aide for all of the school year would be reimbursed at \$9000.

Districts will only be eligible for funding if following financial criteria are met:

- Meet the SEMB Maintenance of Effort requirement of prior year actual compared to current year budgeted, once all exceptions are considered.

SUPPLEMENTATION OF STATE/FEDERAL FUNDS (continued) FAAR (c)

- Meet SEMA Maintenance of Effort requirement of prior year actual compared to second prior year actual, once all exceptions are considered.
- No special education carry over funds from previous year

The reimbursement will be for partial financial support to help offset the extraordinary cost incurred by a district when educating a student with intensive needs. Applications for new expenditures may be submitted at anytime during the year. Applications for ongoing support need to be submitted in the spring prior to the next school year.

An application for reimbursement will consist of a completed application with attached financial supporting documents. SELPA Director will attach the current IEP and present the District request to the Executive Council. Student names will be redacted for confidentiality. The SELPA Executive council will review and approve or disapprove applications. A District may appeal the Executive Council decision to the SELPA Steering Committee at the next scheduled meeting following the Executive Council decision.

The SELPA Director will review the 1:1 support services being provided at different times during the year to assure the student is still enrolled, 1:1 aide is still needed, and that the aide time is actually being provided as specified in the Extraordinary Cost Pool request. The SELPA Director will make changes to the allocation if needed and will report any changes to the Executive Council.

7. AB602 Funding Allocation Plan and Example

Starting in the 07/08 school year the new allocation formula will fund Siskiyou County Office of Education programs first with remainder of funding to go to districts based on a 75%/25% ADA formula. Siskiyou County Office of Education budget will be reviewed and approved by Executive Council in June of each year, with the Executive Council review at first and second interim. This will allow for discussion and understanding of specific issues related to program delivery and its budget impact.

Adjusted state revenues will be totaled from the state apportionment. The Extraordinary Cost Pool (\$120,000) will be subtracted from the adjusted state revenues (*see Extraordinary Cost Allocation Procedures*). A Non Public School (NPS) adjustment will also be subtracted from the total state revenues and placed into the NPS Pool (*see NPS bill-back procedures*). This will result in the total dollars available to allocate to the Siskiyou County Office of Education and the districts for Special Education.

Special Education Revenue

| | |
|-------------------------------|--------------|
| Adjusted Revenues (State) | \$ _____ |
| Less: Extraordinary Cost Pool | \$ <120,000> |
| NPS Pool | \$ < 37,000> |
| *Dollars for Allocation | \$ _____ |

Siskiyou County Office of Education Allocation

The Siskiyou County Office of Education allocation will be based on Budgeted Expenditures as follows:

- The revenue for SELPA Program Specialist/Regional Services (NSS PS/RS).
- The revenue from 75% of the Federal IDEA funds that are received by the SELPA.

Once an annual budget for the Siskiyou County Office of Education is established, a 4% reserve for Siskiyou County Office of Education expenditures, (district transfers, 50% administration and NPS expenditures excluded) will be added to the budgeted amount. This reserve amount will address unknown issues such as; allocation changes, prior year adjustments, COLA and deficit changes, negotiations, high needs student, etc.

At year-end, if there are any excess funds remaining in the Siskiyou County Office of Education budget, funds will be reallocated to the districts based on the 75/25 District Allocation Formula. (See District Allocations.)

County Office:

| | |
|---|--------------|
| Regional Services | \$ _____ |
| Federal IDEA (75%) | \$ _____ |
| *Dollars for Allocation | \$ _____ |
| 4% Reserve-SCOE Expenditures | \$ _____ |
| (Equals Proposed Expenditures) | \$ _____ |
| Balance for Allocation to Districts | \$ _____ |

SUPPLEMENTATION OF STATE/FEDERAL FUNDS (continued) FAAR 17(e)

District Allocations

The remaining funds will be allocated to the districts with 120 ADA and above, and, any district under 120 ADA that has an exemption to run their own resource program granted the prior year by the SELPA Executive Council. The district allocation is based on 75% of dollars being allocated based on the funded P2 ADA from the AB602 allocation. The remaining 25% of the dollars will be allocated based on the district resource program unduplicated pupil count on December 1 of the current year. There may be adjustments for two districts that receive a portion of their funding from Federal sources.

Districts:

Balance of Dollars for Allocation

- 75% - P2 ADA from AB602 Calculation
- 25% - December 1st Unduplicated Pupil Count (Prior year)
- Adjustments for IDEA Funding
 - Yreka Union Elementary
 - Yreka Union High

In the event that a Local Education Agency does not expend their special education allocation, the funds will be returned to the SELPA to be reallocated to the remaining Local Education Agencies. The special education allocation money is to be utilized to provide services to students, not to pay the bill backs for: home to school transportation, psychologist, non public school funding pool, or the SELPA Professional Services Fund. These bill backs are to be paid with local fund contributions. This will take effect July 1, 2010 and will include the 2009/2010 year end closing.

Special Education Cost to Districts under 120 ADA

Districts provided resource special education services directly by the Siskiyou County Office of Education will be billed 50% of the cost for those services based on the prior year average of students enrolled on Dec. 1 and April 1. The total cost of the Siskiyou County Office of Education itinerant resource services will be divided by the total of the average of the two dates of enrollment and then multiplied by 50 percent. This amount will be calculated for the following year's budget. The incarcerated youth receiving resource services would be pulled out of the cost calculations.

Example: Numbers based on actual costs from the Special Education 07-08 Budget 1st Interim Report

District ABC under 120 ADA and receiving Resource Services from SCOE

December 1, 2007 enrollment is 4 students in Resource program

May 1, 2008 enrollment is 5 students in Resource program

The average student enrollment for District ABC is 4.5 Students for 07-08

Total cost for RSP/SCOE for 07-08 = \$288,007.00

Total average number of students = 51

Cost per student = \$5,647 per student

Cost Per Student X Average of Students for School X 50% = Cost to District for RSP/SCOE

$(\$5,647 \times 4.5) = \$25,412 \times 50\% = \$12,705$ for the 07-08 school year.

District ABC would budget that amount for special education expenditure for the 08-09 school year.

**SISKIYOU COUNTY SPECIAL EDUCATION LOCAL PLAN AREA
MAINTENANCE OF EFFORT (MOE) POLICY**

The Siskiyou County Special Education Local Plan Area ("SELPA") shall meet Maintenance of Effort (MOE) regulations requiring the federal funds be used only to pay the excess costs of providing special education and related services to children with disabilities and to supplement and not supplant state and local funds for special education (ref: Title 34 Code of Federal Regulations CFR Section 300.231-300.233).

The SELPA Administrative Unit, as the grantee of federal funds from the State Department of Education, shall distribute all or part of the federal funds received to participating Local Education Agencies (LEA) within the SELPA through a sub-granting process and shall annually conduct and report to the State Education Agency (SEA) the required MOE information. The LEAs within the Siskiyou County SELPA shall compile and submit budget and expenditure information including SEMA and SEMB reports to the Siskiyou County Office of Education. The two required comparison tests are as follows:

First Comparison – Grant year Budget to Prior Actual Expenditures (SEMB)

- LEA will submit to the SELPA the required MOE documentation by each year.
- Budgeted local or state and local expenditures must equal or exceed prior year expenditures for each LEA and for the SELPA, as a whole.
- Comparison is made before the allocations of Part B funds are made to the LEAs

Section 1 - Each year LEA's should record any of the exceptions listed below:

- a. These items will reduce the amount required to meet MOE:
 - The voluntary departure or departure for just cause, of special education or related service personnel, who are replaced by qualified, lower-salaried staff
 - A decrease in the enrollment of children with disabilities
 - The termination of the obligation of the agency to provide a program of special education to a particular child with disabilities that is an exceptionally costly program because the child:
 - a) Has left the jurisdiction of the agency
 - b) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or
 - c) No longer needs the program of special education
 - The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities

Test 2 – LEA's who have met state requirements and have not been found to be significantly Disproportionate may also reduce their MOE requirement by:

- a. Calculating 20 percent of the increase in federal funding received that year over the prior year as "local funds" (34 CFR Section 300.233)

Section 3 – MOE Test

- a. Either local or state and local funding sources are used for comparison at the SELPA level as well as for each individual LEA.
- b. When the capability exists to isolate "local only" funding sources the comparison may be made using only "local" resources.

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- c. Comparison may be either total amount or a per capita (per child with a disability unless some other basis is permitted by the SEA for determining “per capita”) basis (34 CFR Section 300.231(c))

If the SELPA as a whole passes Comparison 1, the SELPA as a whole, is eligible to receive Part B funding.

If the SELPA still fails Comparison 1, the SELPA, as a whole, and all of its participating members will be ineligible to receive Part B funding until budgetary revisions are made to enable the SELPA, as a whole to meet MOE requirements.

If the SELPA, as a whole, passes Comparison 1, but one or more individual LEA sub-grant recipients fail Comparison 1, they shall have until P-1 certification occurs to comply with MOE requirements. If an LEA has not rectified the problem by the date that P-1 certification is made, its proportionate share of the federal funds shall be re-distributed, on a proportionate share basis, to those LEA sub-grant recipients that complied with the MOE requirements at Comparison 1, but only to the extent that they don't reduce state and local or “local only” expenditures to the point that they create MOE problems for the LEA. Any remaining funds from this distribution will be retained by the SELPA AU and used to reduce the level of “excess cost” or “local support” it may require from the LEAs for programs it operates on behalf of the SELPA.

Second Comparison – Prior Year Actuals vs. Second Prior Year Actuals

- Actual local or state and local expenditures must equal or exceed prior year expenditures
- Comparison is made after unaudited actuals data is submitted to CDE on

Section 1 - Each year LEA's should record any of the exceptions listed below:

- b. These items will reduce the amount required to meet MOE:
- The voluntary departure or departure for just cause, of special education or related service personnel, who are replaced by qualified, lower-salaried staff
 - A decrease in the enrollment of children with disabilities
 - The termination of the obligation of the agency to provide a program of special education to a particular child with disabilities that is an exceptionally costly program because the child:
 - d) Has left the jurisdiction of the agency
 - e) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or
 - f) No longer needs the program of special education
 - The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities

Test 2 – LEA's who have met state requirements and have not been found to be significantly Disproportionate may also reduce their MOE requirement by:

- b. Calculating 20 percent of the increase in federal funding received that year over the prior year as “local funds” (34 CFR Section 300.233)

Section 3 – MOE Test

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- d. Either local or state and local funding sources are used for comparison at the SELPA level as well as for each individual LEA.
- e. When the capability exists to isolate “local only” funding sources the comparison may be made using only “local” resources.
- f. Comparison may be either total amount or a per capita (per child with a disability unless some other basis is permitted by the SEA for determining “per capita”) basis (34 CFR Section 300.231(c))

If the SELPA, as a whole, still fails Comparison 2 after applying the exceptions, the SELPA will be billed by the State for the amount the SELPA, collectively, failed to spend from local or state and local funds to maintain its level of effort. The SELPA AU will then bill the individual LEA sub-grant recipients that failed MOE Comparison Test 2 for the amount the LEA(s) failed to spend from local or state and local funds to maintain its level of effort.

If the SELPA, as a whole, passes Comparison 2 but one or more individual LEA sub-grant recipients fail to spend from local or state and local funds to maintain their level of effort, the SELPA AU will bill them for the amount that the LEA failed to spend from local or state and local funds to maintain their level of effort. The amount must be paid to CDE by the LEA from its State and Local funding in the budget year.

For the purposes of Maintenance of Effort, the SELPA AU is the recipient of the federal funds from CDE and is, in turn, a grantor of all, or part, of those funds as sub-grants to participating LEAs. The SELPA AU is not a sub-grant recipient and, therefore, is not required to meet MOE requirements.