



SELPA Policy C-23

Policy and Procedures for Special Day Class Placements for Extended School Year

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Policy and Procedures for Special Day Class Placements For Extended School Year (ESY)

Purpose

This policy aims to identify appropriate special day class (SDC) placement options for pupils requiring ESY services and ensure efficient, orderly placement processes across districts within the Marin Special Education Local Plan Area (SELPA). It encourages collaboration among districts to accommodate pupils in the most appropriate SDCs, even if operated by a district other than the pupil's District of Special Education Accountability (DSEA).

This policy applies to any non-severe SDC operated by a SELPA Local Education Agency (LEA), including the Marin County Office of Education (MCOE). Placements will be facilitated through a coordinated Individualized Education Program (IEP) team meeting involving both the "sending" and "receiving" districts, following these procedures. Inter-district collaboration and SELPA-sponsored local mediation are strongly encouraged to resolve placement disputes.

Key Principles

- **Collaboration:** Districts must work together to meet the needs of all pupils.
- **Accountability:** The DSEA retains primary responsibility for referral, placement, programming, and due process.
- **Compliance:** All placements must adhere to local policies, state and federal regulations.
- **Parental Involvement:** Parents are integral to the placement process and are involved in all placement decisions.

Placement Guidelines

1. Pupils with an IEP may be placed in any appropriate SDC for ESY through a joint IEP team meeting or an Amendment without an IEP Meeting involving the "sending" and "receiving" districts.
2. For pupils placed in an SDC outside their DSEA, the "receiving" district assumes case management responsibilities, while the district where the parent resides remains the DSEA.

Non-Severe Special Day Class Definition

A Non-Severe Special Day Class is typically a class with pupils with mild to moderate disabilities who demonstrate the ability to learn reading, written language, and mathematics one to three grade levels below their chronological peers. Pupils receive direct instruction in areas of development including communication, self-help, social-emotional, and fine and gross motor skills. The staff of a classroom includes one (1) appropriately credentialed teacher with one (1) paraeducator.

Operational Responsibilities

An LEA operating an ESY Non-Severe Special Day Class will be responsible for the following:

- One (1) Special Education Teacher
- One (1) Paraeducator
- Instructional materials
- Case Management
- Administrative Support
- Speech and Language Services
- Universal Meals

An LEA operating an ESY Non-Severe Special Day Class will not be responsible for the delivery and/or costs of the following services for pupils placed by another LEA:

- Intensive Individual Services
- Adaptive Physical Education
- Physical Therapy
- Occupational Therapy Services
- Mental Health Services
- Specialized Equipment and/or Services
- Transportation

Referral Procedures for Inter-District SDC Placements

Definitions

- **District:** All districts located within the Marin County SELPA, including the Marin County Office of Education.
- **Sending District:** The DSEA, also known as the “District of Residence.”
- **Receiving District:** Any district operating an ESY SDC.

Responsibility of SELPA

Annually, no later than April 1st, SELPA is responsible for identifying the districts within its jurisdiction that plan to operate Non Severe ESY special day classes. SELPA must notify its member districts of this information to support informed decision-making and the proper placement of pupils. This identification process ensures that districts are aware of available placement options and caseload capacities across the SELPA.

Responsibilities of Sending Districts

Sending districts, defined as the pupil’s DSEA, are responsible for initiating the placement process when their own ESY program(s) are unavailable, at capacity, or otherwise not appropriate for the individual pupil's needs. These responsibilities include:

1. Determining if the pupil requires placement in an SDC operated by another district.
2. Coordinating with SELPA and the receiving district(s) to facilitate observation, assessment, and data sharing with parent permission.
3. Convening IEP team meetings with parent/guardian(s) in collaboration with receiving districts to finalize placement decisions.
4. Ensure transportation arrangements and costs are managed by the DSEA.

Responsibilities of Receiving Districts

The receiving district, as the district offering the non-severe ESY special day class placement, has the following responsibilities:

1. Evaluate the suitability of the pupil’s placement based on the district’s available caseload capacity and the pupil's individual needs.

2. Actively participate in joint IEP team meetings to ensure a comprehensive evaluation of the placement decision.
3. Assume responsibility for managing and implementing the pupil's IEP, including providing the necessary services outlined.
4. Ensure that progress reports are completed in a timely manner, in accordance with the pupil's IEP.

Timeline for Placement Decisions

- **Acknowledgment of referral by receiving district:** Within five (5) business days.
- **Decision on potential placement suitability:** Within 15 business days.
- **Joint IEP meeting scheduling:** Within 20 business days after receiving district approval.

Rate Criteria

1. Non-Severe Special Day Class:

- An LEA operating a non-severe SDC shall receive a base reimbursement rate of **\$12,000 per operated class**.
 - An LEA may claim a **per-pupil reimbursement** of **\$2,500** for each pupil served in the SDC that has been referred by another LEA within the Marin County SELPA.
2. Costs associated with the operation of a standard ESY Non-Severe program and services may not be billed to another LEA for the provision of services to a pupil. The LEA of service shall be provided with the established allocation for serving the pupil during ESY.
 3. If the operating LEA provides one or more services beyond its responsibility to a pupil from another LEA placed in the ESY classroom, the operating LEA shall invoice the District of Special Education Accountability (District of Residence) the fee for the service(s) following the development of a written agreement that outlines the services to be delivered and associated costs.
 4. The rate criteria will be revisited every three (3) years.

5. Allocation of ESY Set-Aside Balance:

- Following the allocation of all approved LEA ESY expenses, any remaining ESY set-aside balance will be applied to offset Excess Costs associated with the delivery of regionalized special education programming provided by the MCOE to Extensive Support Needs Special Day Classes.

6. Annual Adjustments:

- The prior year's Cost of Living Adjustment (COLA) shall be applied to the per-classroom ESY reimbursement on an annual basis.

7. Expenditure Reporting:

- All member LEAs operating ESY non-severe special day classes must submit total actual expenditures to the SELPA using a standardized form.

Exclusions

- This policy does not apply to intra-district school transfers.
- Parental requests for inter-district transfers outside the IEP process are subject to the receiving district's inter-district transfer policy.

Dispute Resolution

In the event of a dispute during the placement process between LEAs, the SELPA will facilitate dispute resolution to ensure a fair and timely resolution. The following steps outline the dispute resolution process:

1. Level 1

- Disputes are escalated to the SELPA Director for review and facilitated resolution.
- The SELPA may request mediation between the sending and receiving districts before finalizing placement.

2. Level 2

- If the dispute remains unresolved, it can be appealed to the SELPA Operational Steering Committee (OSC). The OSC's decision will be final unless further challenged through due process or legal action.

Cost-Sharing and Financial Responsibilities

1. Cost Agreements:

- Sending and receiving districts may negotiate written agreements detailing cost-sharing for placement services before IEP decisions. Agreements can include DSEA operational responsibilities that the Receiving District agrees to provide.

2. Billing:

- Receiving districts invoice sending districts annually. Agreements will expire upon the conclusion of the ESY period and must be renewed before the next ESY period.