



AGENDA
Operational Steering Committee
October 1, 2025
8:00 am Open Session
Marin County Office of Education
1111 Las Gallinas Ave, San Rafael

1.0 Call Public Session to Order

Tracy Smith, Superintendent, Novato Unified School District

Operational Steering Committee:

Area 1: David Rice, Superintendent, Ross Madera School District

Area 1 includes Tamalpais UHSD, Larkspur - Corte Madera SD, Ross SD

Area 2: Tyler Graff, Superintendent, Ross Valley School District

Area 2 includes Shoreline USD, Lagunitas SD, Ross Valley SD, Nicasio SD

Area 3: Raquel Rose, Superintendent, Kentfield School District

Area 3 includes Mill Valley SD, Sausalito Marin City SD, Kentfield SD, Reed SD, Bolinas-Stinson SD

Area 4: Carmen Diaz Ghysels, Superintendent, San Rafael City Schools

Area 4 includes Miller Creek SD, San Rafael Elementary SD, San Rafael High SD

Area 5: Tracy Smith, Superintendent, Novato Unified School District

Area 5 is the Novato Unified School District

Area 6: John Carroll, Superintendent, Marin County Office of Education

Area 6 includes the Marin County Office of Education, Laguna Joint SD

Marin County SELPA Staff:

Rebecca Minnich, SELPA Director

Christine Shields, Assistant Program Manager

2.0 Establishment of Quorum

3.0 Consent Agenda

(Members may remove items from the Consent Agenda)

3.1 Approval of Minutes from September 23, 2025 OSC Meeting

3.2 Approval of Agenda for October 1, 2025 OSC Meeting

4.0 Public Comment

Government Code § 54954.3 provides that the public will have an opportunity to address the board on any item described on a regular or special meeting agenda either before or during the consideration of the item. Per MCOE Board Policy 8566, each person shall limit comments to five (5) minutes.

Rebecca Minnich, SELPA Director
1111 Las Gallinas Avenue, PO Box 4925, San Rafael, CA 94913 (415) 499-5875 Fax (415) 499-5813
www.selpa.marinschools.org

5.0 Action Items

5.1 Marin County SELPA Policy and Procedures for Serving Students with Disabilities Parentally Placed in Private Schools – First Reading

The Marin County SELPA Policy and Procedures for Serving Students with Disabilities Parentally Placed in Private Schools will be presented for a first reading.

6.0 Discussion Items

6.1 Program Transfer: Update

Information will be shared regarding activities related to the Program Transfer Notification received from the Miller Creek School District for the 2026 – 2027 school year.

7.0 Information Items

7.1 Marin County SELPA Autism Demonstration Site: Lucas Valley Elementary

Information will be shared regarding identified activities to support the implementation of the Marin County SELPA Autism Demonstration site at Lucas Valley Elementary School.

7.2 Special Education Program Development & Supporting Inclusive Practices

Information will be presented regarding the shared interests of the SELPA's member LEAs regarding inclusive program development and review of the current continuum of services and programs in operation.

7.3 Marin County SELPA Special Education Advisory Committee Report

Information will be presented regarding the work of the Marin County SELPA's Special Education Advisory Committee.

8.0 SELPA Director's Report

Information, communication, and reports will be presented by the SELPA Director.

9.0 Board Member Comments

Each member of the Governing Board/Operational Steering Committee may report about various matters related to the SELPA. There will be no Board discussion except to ask questions and refer matters to staff, and no action shall be taken unless listed on a subsequent agenda.

10.0 Future Planning

Next Meeting Date: November 5, 2025 - 8:00 a.m. – Marin County Office of Education

12.0 Adjournment

The Marin County SELPA is committed to making its Board meetings accessible to all persons. By request, alternative agenda document formats are available to individuals with special needs. To arrange an alternative agenda document format or to arrange aid or services to modify or accommodate an individual with special needs to permit participation in a public meeting please contact the Marin County SELPA office via phone at (415) 499-5875 or submit electronic mail to brocha@marinschools.org.

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Annotation – Agenda Items 3.1 & 3.2
Operational Steering Committee
October 1, 2025

Agenda Item

- 3.1 Approval of Minutes from September 3, 2025 OSC Meeting
- 3.2 Approval of Agenda for October 1, 2025 OSC Meeting

Item Taken

Action

Summary of Key Issues

The minutes of the September 3, 2025 OSC meeting and the agenda for the October 1, 2025 OSC meeting are presented for adoption.

Summary of Previous OSC Action

None

Recommendation

The SELPA Director recommends that the Operational Steering Committee approve the Consent Agenda as presented.

Attachments to this Agenda Item

Attachment: Minutes, Operational Steering Committee Meeting, September 3, 2025



MINUTES
Operational Steering Committee
September 3, 2025
8:00 am Open Session
Marin County Office of Education
1111 Las Gallinas Ave, San Rafael

1.0 Call Public Session to Order

Tracy Smith, Superintendent, Novato Unified School District

Tracy Smith called the meeting to order at 8:03 am.

Operational Steering Committee:

Area 1: David Rice, Superintendent, Ross Madera School District

Area 1 includes Tamalpais UHSD, Larkspur - Corte Madera SD, Ross SD

Area 2: Tyler Graff, Superintendent, Ross Valley School District

Area 2 includes Shoreline USD, Lagunitas SD, Ross Valley SD, Nicasio SD

Area 3: Raquel Rose, Superintendent, Kentfield School District

Area 3 includes Mill Valley SD, Sausalito Marin City SD, Kentfield SD, Reed SD, Bolinas-Stinson SD

Area 4: Carmen Diaz Ghysels, Superintendent, San Rafael City Schools

Area 4 includes Miller Creek SD, San Rafael Elementary SD, San Rafael High SD

Area 5: Tracy Smith, Superintendent, Novato Unified School District

Area 5 is the Novato Unified School District

Area 6: John Carroll, Superintendent, Marin County Office of Education

Area 6 includes the Marin County Office of Education, Laguna Joint SD

Marin County SELPA Staff:

Rebecca Minnich, SELPA Director

Christine Shields, Assistant Program Manager

In attendance: Tracy Smith, John Carroll, Raquel Rose, Tyler Graff, Carmen Diaz Ghysels, and David Rice (8:08am).

2.0 Establishment of Quorum

A quorum was established with five members in attendance at the time the meeting was called to order.

3.0 Consent Agenda

(Members may remove items from the Consent Agenda)

3.1 Approval of Minutes from May 28, 2025 OSC Meeting

3.2 Approval of Agenda for September 3, 2025 OSC Meeting

The Consent Agenda was approved as presented.

Motion: Carmen Diaz Ghysels Second: Raquel Rose Carried: Unanimous

4.0 Public Comment

Government Code § 54954.3 provides that the public will have an opportunity to address the board on any item described on a regular or special meeting agenda either before or during the consideration of the item. Per MCOE Board Policy 8566, each person shall limit comments to five (5) minutes.

There was no public comment.

5.0 Action Items

5.1 2024 – 2025 Marin County Special Education Ad Hoc Recommendations

The Marin County SELPA Special Education Ad Hoc Committee recommendations related to the AB 602 Marin County Office of Education (MCOE) Base Allocation, Excess Cost Calculation Methodology, and Mental Health Invoice Plan will be presented for consideration and adoption.

The 2024 – 2025 Marin County Special Education Ad Hoc Recommendations were approved as presented.

Motion: Carmen Diaz Ghysels Second: John Carroll Carried: Unanimous

5.2 2025 – 2026 Marin County SELPA Committee Meeting Calendar Revision

The 2025 – 2026 Marin County SELPA Master Committee Meeting Calendar will be presented with a revision to the February meeting date for consideration and approval.

The 2025 – 2026 Marin County SELPA Committee Meeting Calendar Revision was approved as presented.

Motion: Carmen Diaz Ghysels Second: Raquel Rose Carried: Unanimous

5.3 2025 – 2026 Operational Steering Committee Membership Amendment

The 2025 – 2026 Operational Steering Committee will be presented for consideration to change to the Region One (1) representative for the 2025 – 2026 school year.

The 2025 – 2026 Operational Steering Committee Membership Amendment was approved as presented.

Motion: John Carrol Second: Carmen Diaz Ghysels Carried: Unanimous

- 5.4 Approval of a Classification and Compensation Study: SELPA Director Position**
The OSC shall consider for approval the Marin County Superintendents of Schools' recommendation to conduct a review of the SELPA Director job description, position title, and compensation to provide recommendations based on the analysis.

The County Superintendent of Schools presented a recommendation to conduct a review of the SELPA Director's job description, title, and compensation. The Classification and Compensation Study for the SELPA Director Position was approved as presented.

Motion: Raquel Rose Second: David Rice Carried: Unanimous

6.0 Discussion Items

- 6.1 2025 – 2026 Regionalized Special Education Classrooms and Services**
Information will be presented regarding the continuum of regionalized special education classes and services available to the SELPA's member LEAs during the 2025 – 2026 school year.

Janelle Campbell, Assistant Superintendent for the Marin County Office of Education presented information about the regionalized special education classrooms and services operated by the Marin County Office of Education this school year.

The SELPA Director presented information regarding the 2025 - 2026 regionalized special education programs operated by districts in the Marin County SELPA. The Kentfield School District Superintendent noted that the Kentfield School District does not currently operate a special day classes as was noted.

- 6.2 Marin County SELPA Special Education Program Development**
Information will be presented regarding the current needs of the SELPA's member LEAs specific to special education programming.

The SELPA Director presented information regarding the current needs of the SELPA's member LEAs specific to special education programming. The SELPA Director shared that multiple LEAs have expressed a need to expand programming to meet the needs of students with autism while also recognizing a need to develop more inclusive programs. The SELPA Director shared that there are multiple factors that need to be considered when developing special education programs. The SELPA Director proposed that the OSC consider enhancing current programs and building the capacity of the SELPA's member LEAs to meet the needs of students with autism.

The OSC discussed the information presented by the SELPA Director. The OSC Chairperson requested the SELPA gather additional information from the Advisory Steering Committee for further discussion.

7.0 Information Items

7.1 Marin County SELPA Special Education Ad Hoc Recommended Activities

Information will be provided regarding the activities identified by the Special Education Ad Hoc Committee for the 2025 - 2026 school year.

The SELPA Director provided information regarding the activities identified by the Special Education Ad Hoc Committee for the 2025 - 2026 school year. With the approval of the 2024 – 2025 Ad Hoc Committee recommendations, the SELPA Director noted that an analysis of the SELPA Risk Pool will also be done this year. The Superintendent of San Rafael City Schools, Carmen Diaz Ghysels, volunteered to be the OSC representative on the Ad Hoc Committee.

7.2 Supporting Innovative Practices (SIP) Grant Award Activity Update

Information will be presented regarding activities supported by Supporting Innovative Practices in the 2024 – 2025 school year and upcoming activities for the current school year to continue the development of systems that support inclusive practices.

The SELPA Director provided information regarding the activities supported by Supporting Innovative Practices in the 2024 – 2025 school year and upcoming activities for the current school year.

7.3 Marin County SELPA Special Education Advisory Committee Report

Information will be presented regarding the work of the Marin County SELPA’s Special Education Advisory Committee.

The SELPA Director provided information regarding the work of the Marin County SELPA Special Education Advisory Committee and the current membership roster.

8.0 SELPA Director’s Report

Information, communication, and reports will be presented by the SELPA Director.

The SELPA Director provided information regarding the following:

- *The CALPADS Fall 1 Census will take place on the first Wednesday of October. The SELPA continues to provide electronic resources, technical assistance, and professional development to support LEAs with reporting requirements.*
- *The Marin County SELPA has notified all nonprofit private schools located within the SELPA of the 2025 – 2026 Private School Protocol. The nonprofit private schools have been notified of the annual private school meeting that will take place on Friday, November 14, 2025 at the Marin County Office of Education.*

10.0 Board Member Comments

Each member of the Governing Board/Operational Steering Committee may report about various matters related to the SELPA. There will be no Board discussion except to ask questions and refer matters to staff, and no action shall be taken unless listed on a subsequent agenda.

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There were no Board Member comments.

11.0 Future Planning

Next Meeting Date: October 1, 2025 - 8:00 a.m. – Marin County Office of Education

12.0 Adjournment

The Meeting was adjourned at 9:01 am with no objection.

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Annotation – Agenda Item 5.1
Operational Steering Committee
October 1, 2025

Agenda Item

- 5.1 SELPA Policy C-17: Policy and Procedures for Serving Students with Disabilities Parentally Placed in Private Schools – First Reading

Item Type

Action

Summary of Key Issues

The current SELPA Policy C-17: Policy and Procedures for Serving Students with Disabilities Parentally Placed in Private Schools is silent on three matters: the collaboration between the SELPA and its member Local Education Agencies regarding activities related to Child Find, Referral, and Assessment; parent consent specific to sharing of information between the District of Location and District of Special Education of Accountability; and, students in transitional kindergarten.

Summary of Previous OSC Action

The Marin County SELPA Policy and Procedures for Serving Students with Disabilities Parentally Placed in Private Schools was last revised and approved by the Operational Steering Committee in October 2021.

Recommendation

The SELPA Director recommends that the Operational Steering Committee approve the first reading of the SELPA Policy C-17: Policy and Procedures for Serving Students with Disabilities Parentally Placed in Private Schools.

Attachments to this Agenda Item

Attachment 1: SELPA Policy C-17: Policy and Procedures for Serving Students with Disabilities Parentally Placed in Private Schools.

Attachment 2: Draft Policy C-17: Policy and Procedures for Serving Students with Disabilities Parentally Placed in Private Schools.



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SELPA Policy E/39

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The Marin County Special Education Local Plan Area (SELPA) will ensure that school districts locate and identify all children with disabilities enrolled by their parents in private, including religious, elementary schools and secondary schools, pursuant to Education Code 56170.

The SELPA will ensure that each school district will accept and consider referrals for assessment and will offer a free appropriate public education (FAPE) to such children who are determined to be eligible for special education services. These procedures are intended to ensure compliance with all federal and state laws and regulations.

A. Child Find, Referral and Assessment

1. The Marin County SELPA will:

- a) Provide information for local private schools about the provisions in the Federal Law for students enrolled by their parents in private schools who may be eligible for special education services. Information will include criteria for special education eligibility and special education referral procedures.
- b) Ensure that child find activities undertaken for private school students are comparable to activities undertaken for children with disabilities in public elementary and secondary schools.

2. Districts of Location (DOL) - districts that have private schools within their boundaries, will:

- a) Identify all private schools within their boundaries that have an affidavit on file with the California Department of Education (Education Code 33190) and have six or more students enrolled.
- b) Between October 1 and December 1 each year, ask private schools to list all students enrolled in the school who are eligible for special education services, with and without ISPs, and the districts of residence of those children.
- c) Provide the district of special education accountability (DSEA) within the Marin County SELPA names of those students identified in each private school who are from their district.
- d) Hold at least one annual meeting at which representatives of the private school (including parents) will be given an opportunity to give input about:

i) The child find process

ii) How the consultation process will operate through the school year. If the private school representatives do not attend, the information will be mailed to them

e) Obtain written affirmation from each private school within their boundaries that they were given opportunity to participate in a timely and meaningful consultation with the district.

f) Upon request, provide a written explanation to the private school if the district disagrees with the input of the private school.

g) Follow all appropriate policies and procedures for assessment for eligibility for special education services, including:

i.) All Child Find responsibilities for a student whose DSEA is outside of Marin County. If the DSEA is located within Marin County, the DSEA will be responsible for initial and ongoing Child Find obligations following notification by the DOL to the DSEA.

ii.) Obtain all information from local private schools regarding pupils with suspected disabilities, obtain the Release and Exchange of Information form from the parent and notify the DSEA.

iii.) Complete the assessment and determine eligibility if the DSEA is a district located outside of Marin County. If a Release and Exchange of Information is obtained by the DOL, the DSEA will be invited to the IEP/ISP meeting.

h) If the DSEA is a district within Marin County, the DSEA will complete the assessment and determine eligibility.

If the parent expresses an interest in having the student attend public school, the DSEA will develop an IEP.

If the parent does not wish to consider an offer of public school, the DSEA will refer the parent back to the DOL to consider development of an Individual Service Plan.

i) The DOL will offer an ISP and review the plan annually, as appropriate.

3. Private schools will:

- a) Refer students for special education instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized.
- b) Direct referrals to the district in which the private school is located for assessment for eligibility if the DSEA is outside Marin County, or to the DSEA if the DSEA is within Marin County.
- c) Participate on an ongoing basis with the district in which they are located to give input on the provision of special education services

4. Students in Preschool and of Kindergarten Age:

- a) Students of preschool age who attend a private school will be served by their DSEA through the IEP process.
- b) Students of kindergarten age but who continue to be enrolled in a preschool program in a private school will be served by their DSEA through the IEP process.
- c) Students of kindergarten age and who are enrolled in a private kindergarten program will be served by the DOL (where the private school is located) through the Individual Services Plan.

B. Guidelines for Services

Each district in the Marin County SELPA shall spend a proportionate share of federal funds to provide special education and related services to children with disabilities in private schools as to those spent on children in public schools. These funds may not be used for repair, remodeling or construction of private school facilities. Annually the SELPA Director shall inform each district of the amount of federal special education dollars to be spent on private school students (ages 6-21), based on Fall 1 Census. Each district that has private schools located within its boundaries in the Marin County SELPA shall develop guidelines regarding the special education and related services to be provided to special education eligible students in private schools. Such decisions shall be made after consulting in a timely and meaningful way with representatives of private school(s) within their boundaries and shall include:

- 1. Which eligible children may receive services;
- 2. Types of services to be provided (including direct and alternative methods of service delivery);
- 3. How, where and by whom the services will be provided;

Guidelines will be forwarded to the SELPA. The SELPA will make a compilation of all guidelines available to all districts within the SELPA.

C. Initial Individualized Education Program (IEP) Team Meeting

When all assessment is completed, the DSEA shall convene the initial IEP team meeting within 60 calendar days, excluding school holidays in excess of 5 days of receipt of the signed Assessment Plan. Representatives of private schools will be invited, with parent permission. If the IEP team determines that the student is eligible for special education services, the IEP team shall develop an appropriate IEP for the student, which serves as an offer of FAPE in accordance with federal and state laws and regulations. Such offer shall be recorded on appropriate IEP forms. If the parent agrees that the IEP would be the appropriate program if the child were enrolled in the public school, and consents to the IEP developed by the IEP team, the IEP shall be implemented by the DSEA without undue delay following the IEP meeting. If the parent agrees that the IEP would be appropriate but declines the IEP developed by the DSEA, the parent shall indicate in writing that they are voluntarily placing their child in a private school. An Individual Services Plan may be developed according to district guidelines.

D. Individual Services Plan (ISP)

The ISP will be developed by the district in which the private school is located. The ISP will specify services that the district has determined it will make available, according to its guidelines. No parentally placed private school child with a disability has an individual right to receive some or all of the special education services that the child would receive if enrolled in a public school. A representative of the private school will be invited to attend the ISP meeting. If the representative of the private school cannot attend the meeting, the district special education case manager will consult with the private school representative by other methods such as sending a copy of the ISP (with parent permission) and/or individual or conference calls.

The services provided pursuant to an ISP may be provided at a private school, including a religious school, to the extent consistent with law. Services must be provided by personnel meeting the same standards as personnel providing the services in public schools. These personnel shall be employees of the district or contractors of the district. However, the Marin County SELPA and/or the district shall not use federal special education funds to finance the existing level of instruction in a private school or to otherwise benefit the private school or the general needs of other students enrolled in the private schools.

If necessary for the child to benefit from or participate in the services provided pursuant to the ISP, a private school child with a disability must be provided transportation to/from the service location. However, districts are not required to provide transportation from home to the private school. The cost of the transportation may be included in calculating whether the district has met the obligation to spend a proportionate share of federal funds on providing special education and related services to private school children with disabilities eligible for special education services as it spends on its children enrolled in public schools.

Any specialized equipment provided to benefit private school children with disabilities shall remain the property of the district and must be able to be removed without remodeling the private school facility. It shall be returned to the district when no longer required by the child, the child is no longer enrolled in the private school, or removal is necessary to avoid unauthorized use.

The district does not have the responsibility to develop/continue an ISP if:

- a) The proportionate share of federal funds has been expended
- b) The student's needs do not fall within district guidelines for services.

E. Review

If an ISP is developed, it will be reviewed and updated on an annual basis.

F. Due Process and Complaints

Parents will be informed that as long as they continue to place their child in a private school their rights for due process are limited.

A school district is NOT required to pay for the cost of educating a child with a disability at a private school (including special education and related services) if the school district made FAPE available to the child and the parents voluntarily elected to place the child in a private school. No parentally placed private school child is entitled to any service or amount of service that he or she would receive if enrolled in a public school. Disputes regarding whether a school district made FAPE available to the child via the IEP, as well as disputes about identification and evaluation of parentally placed private school children with disabilities, may be resolved pursuant to due process procedures specified in the "Parent Rights for Special Education." Due process procedures DO NOT apply to disputes regarding provision of services specified in the ISP. Parents have the right to file a complaint alleging a violation by the SELPA or district in implementation of state or federal law on any other issue, according to complaint procedures specified in the "Parent Rights for Special Education."

Private Schools may submit a complaint to California Department of Education if they believe that the district did not:

1. Engage in meaningful and timely consultation.
2. Give due consideration to the view of the private school official.

G. Record Keeping

The DOL (where the private school is located) will report through CALPADS each parentally placed private school student evaluated to determine eligibility for special education services. They also will report each child found eligible.

The DOL will report through CALPADS each student who is served through an ISP.

EDUCATION CODE

56329 Notice to parents or guardians; independent educational assessments; hearings; proposals for publicly financed nonpublic placements 56506(c) Due process rights of pupil and parent

CALIFORNIA CODE OF REGULATIONS, TITLE 5

3022 Assessment Plan.

UNITED STATES CODE, TITLE 20

1415(b)(1)

CODE OF FEDERAL REGULATIONS, TITLE 34

300.502 Independent Educational Evaluation



SELPA Policy C-17

**Policy and Procedures for
Serving Students with
Disabilities Parentally Placed in
Private Schools**

DRAFT

Adopted by OSC February 2009
Revised September 25, 2009;
May 6, 2020;
October 6, 2021

DRAFT

The Marin County Special Education Local Plan Area (SELPA) will ensure that school districts locate and identify all children with disabilities enrolled by their parents in private, including religious, elementary schools and secondary schools, pursuant to Education Code 56170.

The SELPA will ensure that each school district will accept and consider referrals for assessment and will offer a free appropriate public education (FAPE) to such children who are determined to be eligible for special education services. These procedures are intended to ensure compliance with all federal and state laws and regulations.

Working Definitions

District: All districts located within the Marin County SELPA, excluding the Marin County Office of Education.

District of Special Education Accountability (DSEA): Known as “District of Residence (DOR),” referring to the district where the student resides.

District of Location (DOL): The district where the private school is located.

Individual Service Plan (ISP): A plan developed and implemented for each private school student with a disability who has been designated by the District of Location (DOL) to receive special education or related services.

A. Child Find, Referral and Assessment

1. The Marin County SELPA will:

- a) Provide information for local private schools about the provisions in the Federal Law for students enrolled by their parents in private schools who may be eligible for special education services. Information will include criteria for special education eligibility and special education referral procedures.
- b) Ensure that child find activities undertaken for private school students are comparable to activities undertaken for children with disabilities in public elementary and secondary schools.

2. Districts of Location (DOL) ~~—districts that have private schools within their boundaries,~~ **will in collaboration with the SELPA:**

- a) Identify all private schools within their boundaries that have an affidavit on file with the California Department of Education (Education Code 33190) and

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have six or more students enrolled.

b) Between ~~October 1~~ **September 1** and December 1 each year, ask private schools to list all students enrolled in the school who are eligible for special education services, with and without ISPs, and the districts of residence of those children.

c) Provide the district of special education accountability (DSEA) within the Marin County SELPA names of those students identified in each private school who are from their district.

d) Hold at least one annual meeting at which representatives of the private school (including parents) will be given an opportunity to give input about:

i) The child find process

ii) How the consultation process will operate through the school year.

iii) If the private school representatives do not attend, the information will be mailed to them.

e) Obtain written affirmation from each private school within their boundaries that they were given opportunity to participate in a timely and meaningful consultation with the district.

f) Upon request, provide a written explanation to the private school if the district disagrees with the input of the private school.

g) Follow all appropriate policies and procedures for assessment for eligibility for special education services, including:

i.) All Child Find responsibilities for a student whose DSEA is outside of Marin County. If the DSEA is located within Marin County, the DSEA will be responsible for initial and ongoing Child Find obligations following notification by the DOL to the DSEA **with parent consent, unless the parent specifically requests that the DOL conduct the initial assessment..**

ii.) Obtain all information from local private schools regarding pupils with suspected disabilities

iii.) Obtain the Release and Exchange of Information form from the parent and notify the DSEA.

iv.) Complete the assessment and determine eligibility if the DSEA is a district located outside of Marin County. If a Release and Exchange of Information is obtained by the DOL, the DSEA will be invited to the IEP/ISP meeting.

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h) If the DSEA is a district within Marin County, **and unless the parent requests assessment by the DOL**, the DSEA will complete the assessment and determine eligibility.

If the parent expresses an interest in having the student attend public school, the DSEA will develop an IEP.

If the parent does not wish to consider an offer of public school, the DSEA will refer the parent back to the DOL to consider development of an Individual Service Plan. The DOL will offer an ISP and review the plan annually, as appropriate.

3. Private schools will:

- a) Refer students for special education instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized.
- b) Direct referrals to the district in which the private school is located (**DOL**) for assessment for eligibility if the DSEA is outside Marin County, or to the DSEA if the DSEA is within Marin County.
- c) Participate on an ongoing basis with the district in which they are located to give input on the provision of special education services

4. Students in Preschool and of Kindergarten Age (**including Transitional Kindergarten**):

- a) Students of preschool age who attend a private school will be served by their DSEA through the IEP process **if the parent consents to the full implementation of the Offer of a Free and Appropriate Public Education (FAPE)**.
- b) **Students of preschool age that attend a nonprofit private preschool connected to an elementary school may be served by the DOL through an ISP.**
- e) ~~Students of kindergarten age but who continue to be enrolled in a preschool program in a private school will be served by their DSEA through the IEP process.~~
- d) Students of kindergarten age and who are enrolled in a private kindergarten program ~~will~~ may be served by the DOL (where the private school is located) through the ~~Individual Services Plan~~ **ISP**.

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B. Guidelines for Services

Each district in the Marin County SELPA shall spend a proportionate share of federal funds to provide special education and related services to children with disabilities in private schools as to those spent on children in public schools. These funds may not be used for repair, remodeling or construction of private school facilities. Annually the SELPA Director shall inform each district of the amount of federal special education dollars to be spent on private school students (ages 6-21), based on Fall 1 Census. Each district that has private schools located within its boundaries in the Marin County SELPA shall develop guidelines regarding the special education and related services to be provided to special education eligible students in private schools. Such decisions shall be made after consulting in a timely and meaningful way with representatives of private school(s) within their boundaries and shall include:

1. Which eligible children may receive services;
2. Types of services to be provided (including direct and alternative methods of service delivery);
3. How, where and by whom the services will be provided.

The guidelines will be forwarded to the SELPA. The SELPA will make a compilation of all guidelines available to all districts within the SELPA.

C. Initial Individualized Education Program (IEP) Team Meeting

When all the assessment is completed, the DSEA shall convene the initial IEP team meeting within 60 calendar days, excluding school holidays in excess of 5 days of receipt of the signed Assessment Plan. Representatives of private schools will be invited, with parent permission. If the IEP team determines that the student is eligible for special education services, the IEP team shall develop an appropriate IEP for the student, which serves as an offer of FAPE in accordance with federal and state laws and regulations. Such offer shall be recorded on appropriate IEP forms. If the parent agrees that the IEP would be the appropriate program if the child were enrolled in the public school, and consents to the IEP developed by the IEP team, the IEP shall be implemented by the DSEA without undue delay following the IEP meeting. If the parent agrees that the IEP would be appropriate but declines the IEP developed by the DSEA, the parent shall indicate in writing that they are voluntarily placing their child in a private school. An Individual Services Plan may be developed according to district guidelines by the DOL.

D. Individual Services Plan (ISP)

The ISP will be developed by the district in which the private school is located. The ISP will specify services that the district has determined it will make available, according to its guidelines. No parentally placed private school child with a disability has an individual right to receive some or all of the special education services that the child would receive if enrolled in a public school.

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A representative of the private school will be invited to attend the ISP meeting. If the representative of the private school cannot attend the meeting, ~~the district special education case manager~~ a representative of the district of special education accountability will consult with the private school representative by other methods such as sending a copy of the ISP (with parent permission) and/or individual or conference calls.

The services provided pursuant to an ISP may be provided at a private school, including a religious school, to the extent consistent with law. Services must be provided by personnel meeting the same standards as personnel providing the services in public schools. These personnel shall be employees of the district or contractors of the district. However, the Marin County SELPA and/or the district shall not use federal special education funds to finance the existing level of instruction in a private school or to otherwise benefit the private school or the general needs of other students enrolled in the private schools.

If necessary for the child to benefit from or participate in the services provided pursuant to the ISP, a private school child with a disability must be provided transportation to/from the service location. However, districts are not required to provide transportation from home to the private school. The cost of the transportation may be included in calculating whether the district has met the obligation to spend a proportionate share of federal funds on providing special education and related services to private school children with disabilities eligible for special education services as it spends on its children enrolled in public schools.

Any specialized equipment provided to benefit private school children with disabilities shall remain the property of the district and must be able to be removed without remodeling the private school facility. It shall be returned to the district when no longer required by the child, the child is no longer enrolled in the private school, or removal is necessary to avoid unauthorized use.

The district does not have the responsibility to develop/continue an ISP if:

- a) The proportionate share of federal funds has been expended, and
- b) The ~~student's needs~~ needs of the student do not fall within district guidelines for services.

E. Review

If an ISP is developed, it will be reviewed and updated on an annual basis.

F. Due Process and Complaints

Parents will be informed that as long as they continue to place their child in a private school their rights for due process are limited.

A school district is NOT required to pay for the cost of educating a child with a disability at a private school (including special education and related services) if the school district made FAPE available to the child and the parents voluntarily elected to place the child in a private school. No parentally placed private school child is entitled to any service or amount of service that he or she would receive if enrolled in a public school. Disputes regarding

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whether a school district made FAPE available to the child via the IEP, as well as disputes about identification and evaluation of parentally placed private school children with disabilities, may be resolved pursuant to due process procedures specified in the “Parent Rights for Special Education.” Due process procedures DO NOT apply to disputes regarding provision of services specified in the ISP. Parents have the right to file a complaint alleging a violation by the SELPA or district in implementation of state or federal law on any other issue, according to complaint procedures specified in the “Parent Rights for Special Education.”

Private Schools may submit a complaint to California Department of Education if they believe that the district did not:

1. Engage in meaningful and timely consultation.
2. Give due consideration to the view of the private school official.

G. Record Keeping

The ~~DOL (where the private school is located)~~ **DSEA** will report through CALPADS each parentally placed private school student evaluated to determine eligibility for special education services. They also will report each child found eligible. The DOL will report through CALPADS each student who is served through an ISP.

EDUCATION CODE

56329 Notice to parents or guardians; independent educational assessments; hearings; proposals for publicly financed nonpublic placements 56506(c) Due process rights of pupil and parent

CALIFORNIA CODE OF REGULATIONS, TITLE 5

3022 Assessment Plan.

UNITED STATES CODE, TITLE 20

1415(b)(1)

CODE OF FEDERAL REGULATIONS, TITLE 34

300.502 Independent Educational Evaluation

Annotation – Agenda Item 6.1
Operational Steering Committee
October 1, 2025

Agenda Item

6.1 Program Transfer Update

Item Type

Discussion

Summary of Key Issues

The Miller Creek School District provided notice to the Marin County SELPA of its intent to conduct a Program Transfer of Assessments and Speech and Language services for Preschool-Age students commencing in the 2026 – 2027 school year. Prior to the transfer taking place, the OSC must review and approve the LEA’s stated assurances related to a Program Transfer. Additionally, the SELPA’s member LEAs will be advised regarding the amount of revenue that will transfer when the original operator ceases to provide assessments and Speech and Language services to preschool age students as a result of the transfer.

Summary of Previous OSC Action

None

Recommendation

None

Attachments to this Agenda Item

Attachment 1: SELPA Policy A-5: Program Transfer Policy and Procedures

Attachment 2: Marin County SELPA Miller Creek School District Program Transfer Activities



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SELPA Policy A-5

Program Transfer: Policy and Procedures

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Pursuant to California Education Code Section 56207, special education programs may be transferred from an operating Local Educational Agency (LEA) to a receiving LEA.

Definition of a Program Transfer

A change to special education programs operated within the SELPA shall be considered a program transfer when the following occurs:

- A transfer of students from one or more classes operated by an LEA which, when combined, form an intact, identifiable class or an itinerant caseload for which the LEA proposing the transfer.

A program transfer is not required when students who are served in a program matriculate and/or return to an educational program operated by their district of special education accountability (DSEA) via the Individualized Education Program (IEP) process.

Program Transfer Timelines

Pursuant to Section 56207(b) of the California Education Code, the date on which the transfer will take effect may be no earlier than the first day of the second fiscal year beginning after the date on which the sending or receiving local educational agency has informed the local educational agency operating the program and the Operational Steering Committee. The Operational Steering Committee has the authority to waive the minimum year and a day timeline for the implementation of the program transfer. A request for a waiver of the timeline shall be submitted to the SELPA office and the sending LEA no later than February 1st in order to permit the LEA to meet March 15th notice requirements. In the case of a program transfer that is a reorganization, a revised Local Plan must be filed with California Department of Education (CDE) before July 1st of the fiscal year when the new organization takes place. The CDE recommends submitting the proposal at least sixty (60) days in advance to allow adequate time for review and finalization.

Program Transfer Procedures

The LEA proposing the transfer shall submit a request in writing to the affected LEA and the SELPA Office prior to June 30th of any given school year.

The LEA proposing the transfer shall submit a completed Program Transfer Assurances to the SELPA Office prior to October 1st of the school year prior to the program transfer taking effect. Information contained in the Program Transfer Assurances shall include all of the program information required in section 56207(a) of the California Education Code.

The Program Transfer Assurances shall be approved by the Operational Steering Committee on or before February 1st of the school year prior to the program transfer taking effect.

Transfer Requirements

Pursuant to section 56207(a) of the California Education Code, in order for a proposed program transfer to be approved by the Operational Steering Committee, all of the following elements must be identified by the LEA proposing the program transfer:

- Is the program transfer consistent with pupil needs?
- Will the program transfer ensure the availability of a full continuum of services to affected pupils?
- Will the program transfer impact the functional continuation of the current Individualized Education Programs (IEPs) of all affected pupils?
- Will the program transfer allow the provision of services in the least restrictive environment from which affected pupils can benefit?
- The degree to which the program transfer affects the maintenance of all appropriate services?
- The assurance that there will be compliance with all federal and state laws and regulations and special education local plan area policies.
- The means through which parents and staff were represented in the planning process.

Funding

The SELPA's member LEAs shall be informed on or before January 1st of any fiscal implications of the resulting program transfer. **Facilities**

The transfer of facilities due to a program transfer shall be addressed through the SELPA's Facilities Plan.

Materials and Equipment

All materials and equipment utilized by the sending LEA in the program to be transferred shall be offered to the receiving LEA. The receiving LEA may decline or accept the materials and/or equipment in whole or in part. Any material or equipment purchased with Low Incidence funds is the property of the California Department of Education (CDE) and shall remain with the student. Specialized equipment purchased by the sending LEA for a particular student shall remain with the student during the program transfer. The specialized equipment shall become the property of the receiving LEA.

Employee Transfer Procedures

When a program transfer rises to the level of a "reorganization", requiring revision to the Local Plan, certificated and/or classified employees who have been terminated, reassigned or transferred as a result of the program transfer will be accorded the rights and entitlements in Education Code sections 44903.7 and 45120.2.

A program transfer is identified as a reorganization based on consideration of all of the following factors:

- Will the membership in the SELPA change?
- Will the SELPA function as it did before?
- Are the changes to the SELPA structure significant?
- Will the change result in modification to the Local Plan that shall require approval by the California Department of Education prior to implementation?

When the program transfer fits the above parameters and is deemed a reorganization, terminated, reassigned or transferred employees are entitled to "first priority" in being informed of and in filling vacant special education positions within the receiving LEA. First priority means more than mere consideration, but less than a right to re-employment. All terminated, reassigned or transferred employees shall be informed and considered for employment by the receiving LEA before outside applicants.

Certificated Employee Transfer Procedures

When a program is being transferred from one LEA to another, the receiving LEA shall observe the following procedures consistent with California Education Code Section 44903.7:

- Subsequent to the reassignment or transfer of any certificated employee as a result of the reorganization of special education programs, pursuant to Chapter 797 of the Statutes of 1980, that employee shall have priority, except as provided below, in being informed of and in filling certificated positions in special education in the areas in which the employee is certificated within the district or county office by which the certificated employee is then currently employed. This priority shall expire 24 months after the date of reassignment or transfer, and may be waived by the employee during that time period.
- A certificated employee who has served as a special education teacher in a district or county office and has been terminated from his or her employment by that district or county office pursuant to Section 44955, shall have first priority in being informed of and in filling vacant certificated positions in special education, for which the employee is certificated and was employed, in any other county office or school district that provides the same type of special education programs and services for the pupils previously served by the terminated employee. For a period of 39 months for permanent employees and 24 months for probationary employees from the date of termination, the employee shall have the first priority right to reappointment as provided in this section, if the employee has not attained the age of 65 years before reappointment.

Seniority for Transferred or Reassigned Employees:

When the receiving LEA hires an employee that has been terminated, reassigned or transferred due to a reorganization the following shall occur:

Certificated

Consistent with California Education Code Section 44903.7, the reassignment, transfer, or new employment caused by the reorganization of special education programs pursuant to Chapter 797 of the Statutes of 1980, shall not affect the

seniority or classification of certificated employees already attained in any school district that undergoes the reorganization. These employees shall have the same status with respect to their seniority or classification, with the new employer, including time served as probationary employees.

Classified

The reassignment of an employee, transfer of an employee, or new employment of an employee caused by the reorganization of special education programs does not affect the seniority or classification that a classified employee already attained in any school district that undergoes the reorganization. The employee has the same status with respect to his or her seniority or classification, with the new employer, including time served as a probationary employee. Salary placement for Transferred or Reassigned Employees

Certificated

The total number of years served as a certificated employee with the former district or county office shall be credited, year for year, for placement on the salary schedule of the new district or county office.

Classified

The total number of years served as a classified employee with the former school district or county office shall be credited, year for year, for placement on the salary schedule of the new school district or county office.

Disputes

All disputes within the SELPA over the transfer of special education programs will be addressed through the dispute resolution procedures described in the Governance section of the SELPA local plan.

Legal Reference:

Education Codes 56207, 44903.7, 45120.2

**Marin County SELPA - Miller Creek School District
Program Transfer Activities**

Program Transfer in 2026 – 2027 School Year

Activity	Due Date	OSC Discussion/Action	Completed
Notification of Intent	Prior to June 30, 2025	October	Yes
Identification of Students	By October 1, 2025	N/A	No
Submission of Program Transfer Assurances	By October 1, 2025	N/A	No
Determination of Fiscal Impact (MCOE Base and Excess Cost)	Prior to January 1, 2026	Scheduled for December 3, 2024	No
Program Transfer Approval	On or Before February 1, 2026	Scheduled for January 7, 2026	No

Following receipt of the Miller Creek School District Notification of Intent to Conduct a Program Transfer, the following activities have taken place:

- Review of the 2025 – 2026 Adopted Regionalized Excess Costs
- Review of the Program Transfer Revenue Transfer Formula for Preschool Age Students
- Review of the Facilities Plan facility calculation
- Review of Miller Creek School District Pupil Count (December 2024)

Annotation – Agenda Item 7.1
Operational Steering Committee
October 1, 2025

Agenda Item

7.1 Marin County SELPA Demonstration Site: Lucas Valley Elementary School

Item Type

Information

Summary of Key Issues

None

Summary of Previous OSC Action

The OSC approved a Regional Implementation Lead (RIL) to support the development of a second SELPA Demonstration site in the 2025 – 2026 school year at Lucas Valley Elementary School in the Miller Creek School District.

Recommendation

None

Attachments to this Agenda Item

Attachment 1: 2025 – 2026 Marin County SELPA Demonstration Site Implementation Plan

2025 - 2026 Marin County SELPA Autism Demonstration Site Implementation Plan

Date	Activity
August 2025	<ul style="list-style-type: none"> • SELPA Autism Implementation Team (SAIT) Meeting • SELPA engaged in onboarding activities with District and Lucas Valley School administration & classroom teacher • SELPA shared resources to support communication with site staff and families • District shared information about purpose of Demonstration Site and SELPA activities to support implementation with site staff
September 2025	<ul style="list-style-type: none"> • SELPA Autism Implementation Team (SAIT) Meeting • District Autism Implementation Team (DAIT) Meeting • Regional Implementation Lead and CAPTAIN Cadre administered Autism Program Environmental Rating Scale (APERS) at Demonstration Site
October 2025 – June 2026	<p>SELPA Autism Implementation Team (SAIT) will:</p> <ul style="list-style-type: none"> • Identify qualitative and quantitative data to measure progress of implementation • Analyze data related to implementation status • Identify barriers (internal/external) that impede implementation and use a problem-solving process to develop solution(s) or action plans • Support Regional Implementation Lead and CAPTAIN Cadre with coaching and training at the Demonstration site • Make recommendations to SELPA Director regarding implementation of District Demonstration site <p>District Autism Implementation Team (DAIT) will:</p> <ul style="list-style-type: none"> • Develop implementation goals and review progress • Review qualitative and quantitative data related to the implementation of Evidence Based Practices • Share barriers (internal/external) that impede implementation and use a problem-solving process to develop solution(s) or action plans

2025 - 2026 Marin County SELPA Autism Demonstration Site Implementation Plan

	<p>Regional Implementation Lead will:</p> <ul style="list-style-type: none">• Review APERS results with DAIT and identify three (3) Evidence Based Practices to implement this school year• Provide coaching monthly (3 hours) to classroom certificated and classified staff and related service provider• Deliver training (1.5 hours) to classroom certificated and classified staff and related service provider on an Evidence Based Practice identified as an area of need by APERS• Collect implementation data and monitor progress• Make recommendations to SAIT regarding implementation of District Demonstration site
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Annotation – Agenda Item 7.2
Operational Steering Committee
October 1, 2025

Agenda Item

7.2 Special Education Program Development & Supporting Inclusive Practices

Item Type

Information

Summary of Key Issues

Member LEAs have highlighted the need to strengthen inclusive special education programs designed to meet the unique needs of students with disabilities in the least restrictive environment and to review the continuum of existing programs.

Summary of Previous OSC Action

None

Recommendation

None

Attachments to this Agenda Item

None

**Annotation – Agenda Item 7.3
Operational Steering Committee
October 1, 2025**

Agenda Item

7.3 Marin County SELPA Special Education Advisory Committee

Item Type

Information

Summary of Key Issues

None

Summary of Previous OSC Action

None

Recommendation

None

Attachments to this Agenda Item

None