



Agenda
Operational Steering Committee
January 7, 2026
8:00 am: Open Session
Marin County Office of Education
1111 Las Gallinas Avenue, San Rafael, CA

1.0 Call Public Session to Order

Tracy Smith, Chair, Superintendent, Novato Unified School District

Operational Steering Committee:

Area 1: David Rice, Superintendent, Ross School District

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

Area 2: Adam Jennings, Superintendent, Shoreline Unified 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 November 5, 2025 OSC Meeting

3.2 Approval of Agenda for January 7, 2026 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.

5.0 Discussion Item

5.1 Fiscal Implications, Facility Obligations, and Materials and Equipment: Current Program Transfer

Information will be shared regarding the anticipated fiscal implications, facility obligations, and materials and equipment transfer related to Program Transfer.

6.0 Information Items

6.1 Marin County SELPA Ad Hoc Committee Progress Update

Information will be shared regarding the work of the current SELPA Ad Hoc Committee.

6.2 Marin County SELPA Special Education Advisory Committee

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

7.0 Action Item

7.1 Program Transfer Assurances Plan Approval – Miller Creek School District

The Operational Steering Committee will consider approval of the Program Transfer Assurances Plan submitted by the Miller Creek School District. Effective with the 2026–2027 school year, the plan addresses the transfer of responsibility from the Marin County Office of Education to the Miller Creek School District for the provision of speech and language services to preschool-aged students who qualify for speech-only services under their Individualized Education Program (IEP) and the completion of all initial special education assessments for preschool-aged students.

7.2 2025 – 2026 Interagency Memorandum of Understanding Between Golden Gate Regional Center and Marin County SELPA/Local Educational Agencies Regarding IDEA Part C Services

The 2025 – 2026 Interagency Memorandum of Understanding Between Golden Gate Regional Center and Marin County SELPA/Local Educational Agencies Regarding IDEA Part C Services will be presented for approval.

7.3 2025 – 2026 Interagency Memorandum of Understanding Between California Children's Services and Marin County SELPA

The 2025 – 2026 Interagency Memorandum of Understanding Between California Children's Services and Marin County SELPA will be presented for approval.

Rebecca Minnich, SELPA Director

1111 Las Gallinas Avenue, PO Box 4925, San Rafael, CA 94913 (415) 499-5870 Fax (415) 499-5813

www.selpa.marinschools.org

7.4 First Reading: Marin County SELPA Policy C-10: Policy and Procedures for Independent Education Evaluations

The Marin County SELPA Policy C-10: Policy and Procedures for Independent Education Evaluations will be presented for first reading.

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: February 4, 2026 – Marin County Office of Education, Board Room

11.0 Adjournment

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Annotation – Agenda Items 3.1 & 3.2
Operational Steering Committee
January 7, 2026

Agenda Item

- 3.1 Approval of Minutes from November 5, 2025 OSC Meeting
- 3.2 Approval of Agenda for January 7, 2026 OSC Meeting

Item Taken

Action

Summary of Key Issues

The minutes of the November 5, 2025 OSC meeting and the agenda for the January 7, 2026 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, November 5, 2025



MINUTES
Operational Steering Committee
November 5, 2025
8:00 am Open Session
Marin County Office of Education
1111 Las Gallinas Ave
San Rafael, CA

1.0 Call Public Session to Order

Tracy Smith, Superintendent, Novato Unified School District

Tracy Smith called the meeting to order at 8:09 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 (8:11), Barbara Snekkevik, Carmen Diaz Ghysels.

2.0 Establishment of Quorum

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

3.0 Consent Agenda

(Members may remove items from the Consent Agenda)

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

- 3.1 Approval of Minutes from October 1, 2025 OSC Meeting
- 3.2 Approval of Agenda for November 5, 2025 OSC Meeting

The Consent Agenda was approved as presented.

Motion: Carmen Diaz Ghysels Second: Barbara Snekkevik 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 Second Reading: Marin County SELPA Policy and Procedures for Serving Students with Disabilities Parentally Placed in Private Schools

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

The SELPA Director presented the Marin County SELPA Policy and Procedures for Serving Students with Disabilities Parentally Placed in Private Schools for a Second Reading and consideration of adoption. The Marin County SELPA Policy and Procedures for Serving Students with Disabilities Parentally Placed in Private Schools was adopted as presented.

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

5.2 2025 – 2026 Marin County SELPA Annual Goals

The 2025 – 2026 Marin County SELPA Annual Goals will be presented for review and adoption.

The SELPA Director presented the 2025-2026 Marin County SELPA Annual Goals. The goals address the following areas: Conflict Resolution and Alternative Dispute Resolution, Program Development – Inclusive Programming, Program Development – Autism Demonstration Site, Fiscal Management, and Communication and Parent Partnership. The 2025 – 2026 Marin County SELPA Annual Goals were approved as presented.

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

6.0 Discussion Items

- 6.1 Program Transfer: Preschool Programs – Revenue Transfer Considerations**
Information will be shared regarding the current revenue transfer methodology for program transfers and sources of preschool funding for LEAs operating special education preschool programs.

The SELPA Director presented information regarding the current revenue transfer methodology for program transfers and sources of preschool funding for LEAs operating special education preschool programs. The OSC discussed the information presented.

A district operating a new preschool program through a Program Transfer shall only receive a proportionate share of federal preschool revenue as part of the Preschool Fiscal Allocation Plan. In the year of Program Transfer, the Fiscal Allocation Plan will be updated after Fall 1 Census certification to account for preschool students served by each Local Education Agency.

7.0 Information Items

- 7.1 Marin County Alternative Dispute Resolution Program**
Information will be presented regarding the activities of the Marin County SELPA Alternative Dispute Resolution Program.

The SELPA Director provided information regarding the activities of the Marin County SELPA Alternative Dispute Resolution Program.

- 7.2 Special Education Program Development: Update**
Information will be shared regarding the current interests and needs of Marin County SELPA's member LEAs regarding special education program development.

The SELPA Director outlined Marin County SELPA member LEAs' current interests and needs for special education program development, identifying six priority areas: staffing and training; coaching and collaborative systems; inclusive settings; behavioral and mental health supports; facilities and classroom/site design; and data-driven decision-making.

The SELPA Director discussed the role of Nonpublic Schools within the special education continuum and highlighted the importance of prioritizing the least restrictive environment for students with disabilities.

- 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's Special Education Advisory Committee. The Special Education Advisory Committee is scheduled to meet next on November 18, 2025.

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 Marin County Office of Education has initiated the SELPA Director Classification Study;*
- *The SELPA, in partnership with the Marin County Early Childhood Department and Supporting Innovative Practices will conduct visits to Preschool and Transitional Kindergarten classes this year to observe the learning environment, collect information about the setting, and support districts with designing developmentally appropriate inclusive learning environments; and*
- *The Annual Private School meeting will be held on Friday, November 14th at the Marin County Office of Education.*

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.

There were no Board Member comments.

10.0 Future Planning

Next Meeting Date: December 3, 2025 - 8:00 a.m. – Marin County Office of Education

11.0 Adjournment

The Meeting was adjourned at 8:56 am.

Motion: Barbara Snekkevik Second: Carmen Diaz Ghysels Carried: Unanimous

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Annotation – Agenda Item 5.1
Operational Steering Committee
January 7, 2026

Agenda Item

5.1 Fiscal Implications, Facility Obligations, and Materials and Equipment:
Current Program Transfer

Item Type

Discussion

Summary of Key Issues

The Marin County Marin County SELPA’s Program Transfer Policy and Procedures require the SELPA’s member LEAs to be informed of any fiscal implication of a resulting Program Transfer on or before February 1st and a formal process for the transfer of materials and equipment related to the Program Transfer. Additionally, the OSC shall review a draft of a Facilities Plan which shall include pupil data that reflects the potential loss of pupils in Marin County Office of Education (MCOE) operated regionalized special education classrooms due to the Program Transfer.

Summary of Previous OSC Action

None

Recommendation

None

Attachments to this Agenda Item

Attachment 1: 2026 – 2027 Program Transfer: Marin County SELPA Member LEA Fiscal Implications

Attachment 2: 2026 – 2027 Program Transfer: Facilities Plan Impact

Attachment 3: Materials and Equipment: Program Transfer Procedures

2026 - 2027 Program Transfer: Marin County SELPA Member LEA Fiscal Implications

Miller Creek School District

Preschool Program Transfer Comparison For The 2026-27 School Year

Summary - Excess Costs and Preschool Grant Allocation

Pupil Count of Program Transfer 7

DISTRICT	EXCESS COSTS - EXPENDITURES			PRESCHOOL ALLOCATION - REVENUE			NET CHANGE (revenue less Exp)
	CURRENT	REVISED	DIFF	CURRENT	REVISED	DIFF	
BOLINAS-STINSON	-	-	-	-	-	-	-
KENTFIELD	579,823	580,772	949	-	-	-	(949)
LAGUNA	64,074	64,241	167	-	-	-	(167)
LAGUNITAS	51,320	51,432	112	-	-	-	(112)
LARKSPUR CORTE-MADERA	550,967	552,028	1,061	-	-	-	(1,061)
MILL VALLEY	406,043	406,881	838	43,756	43,756	-	(838)
MILLER CREEK	2,110,386	2,082,563	(27,823)	-	61,257	61,257	89,080
NICASIO	162,320	162,711	391	-	-	-	(391)
NOVATO	3,637,819	3,646,310	8,491	446,305	446,305	-	(8,491)
REED	107,154	107,437	283	-	-	-	(283)
ROSS	46,803	46,858	55	-	-	-	(55)
ROSS VALLEY	591,624	593,189	1,565	8,751	8,751	-	(1,565)
SAN RAFAEL ELEM.	1,303,959	1,307,535	3,576	358,794	358,794	-	(3,576)
SAN RAFAEL HIGH	1,287,764	1,290,725	2,961	-	-	-	(2,961)
SAUSALITO-MARIN CITY	697,859	699,535	1,676	17,503	17,503	-	(1,676)
SHORELINE	316,955	317,737	782	-	-	-	(782)
TAMALPAIS	1,666,089	1,671,005	4,916	-	-	-	(4,916)
MCOE	-	-	-	376,295	315,038	(61,257)	(61,257)
TOTAL:	13,580,959	13,580,959	-	1,251,404	1,251,404	-	-

Miller Creek School District

Preschool Program Transfer Comparison For The 2026-27 School Year

Excess Costs Comparison

Excess Cost Calculation Based on the Current 2025-26 Excess Cost Allocated with 2026-27 Excess Costs Formula Adjustments

- >Costs by Setting Only
- >Excess Cost to Include Compass Academy and Autism Costs
- >Pupil Count Updated to Include Compass and Autism Pupils to the DIS Count

CURRENT EXCESS COSTS

MARIN COUNTY OFFICE OF EDUCATION

ESTIMATED SPECIAL EDUCATION PROGRAM EXCESS COSTS Fiscal Year 2025-26

(Based on December 20, 2024 Pupil Count)

ESTIMATED % AND AMOUNT OF EXCESS COST BY SETTING:

Setting	Excess		%	Excess Amt. / Setting
SDC	\$13,580,959	x	78.15%	\$10,613,519
RSP	\$13,580,959	x	2.79%	\$378,909
DIS	\$13,580,959	x	19.06%	\$2,588,531
	\$13,580,959		100.00%	\$13,580,959

PREPARED ON: 5-21-25

Budget Proposal May Update

EXCESS PER PUPIL COST BY SETTING:

Setting	Excess/Setting	Pupils	Per Pupil Cost
SDC	\$10,613,519	251	\$42,284.94
RSP	\$378,909	30	\$12,630.29
DIS	\$2,588,531	573	\$4,517.51
TOTAL	\$13,580,959	854	

Proposed 2025-26 EXCESS COSTS

DISTRICT	NUMBER OF PUPILS *				COST BY SETTING			TOTAL COST
	SDC	RSP	DIS	TOTAL	SDC	RSP	DIS	
BOLINAS-STINSON				-	\$0	\$0	\$0	\$0
KENTFIELD	11	3	17	31	\$465,134	\$37,891	\$76,798	\$579,823
LAGUNA		4	3	7	\$0	\$50,521	\$13,553	\$64,074
LAGUNITAS	1		2	3	\$42,285	\$0	\$9,035	\$51,320
LARKSPUR CORTE-MADERA	11		19	30	\$465,134	\$0	\$85,833	\$550,967
MILL VALLEY	8		15	23	\$338,280	\$0	\$67,763	\$406,043
MILLER CREEK	41	3	75	119	\$1,733,682	\$37,891	\$338,813	\$2,110,386
NICASIO	1	7	7	15	\$42,285	\$88,412	\$31,623	\$162,320
NOVATO	68	6	152	226	\$2,875,376	\$75,782	\$686,661	\$3,637,819
REED	2		5	7	\$84,570	\$0	\$22,588	\$107,154
ROSS	1		1	2	\$42,285	\$0	\$4,518	\$46,803
ROSS VALLEY	11		28	39	\$465,134	\$0	\$126,490	\$591,624
SAN RAFAEL ELEM.	24		64	88	\$1,014,839	\$0	\$289,120	\$1,303,959
SAN RAFAEL HIGH	23	6	53	82	\$972,554	\$75,782	\$239,428	\$1,287,764
SAUSALITO-MARIN CITY	13	1	30	44	\$549,704	\$12,630	\$135,525	\$697,859
SHORELINE	6		14	20	\$253,710	\$0	\$63,245	\$316,955
TAMALPAIS	30		88	118	\$1,268,548	\$0	\$397,541	\$1,666,089
TOTALS	251	30	573	854	\$10,613,520	\$378,909	\$2,588,534	\$13,580,959

Miller Creek School District

Preschool Program Transfer Comparison For The 2026-27 School Year

Excess Costs Comparison

Excess Cost Calculation Based on the Current 2025-26 Excess Cost Allocated with 2026-27 Excess Costs Formula Adjustments

- >Costs by Setting Only
- >Excess Cost to Include Compass Academy and Autism Costs
- >Pupil Count Updated to Include Compass and Autism Pupils to the DIS Count

PROGRAM TRANSFER CHANGES				
DISTRICT	NUMBER OF PUPILS *			
	SDC	RSP	DIS	TOTAL
BOLINAS-STINSON				-
KENTFIELD				-
LAGUNA				-
LAGUNITAS				-
LARKSPUR CORTE-MADERA				-
MILL VALLEY				-
MILLER CREEK			(7)	(7)
NICASIO				-
NOVATO				-
REED				-
ROSS				-
ROSS VALLEY				-
SAN RAFAEL ELEM.				-
SAN RAFAEL HIGH				-
SAUSALITO-MARIN CITY				-
SHORELINE				-
TAMALPAIS				-
TOTALS	-	-	(7)	(7)

Miller Creek School District

Preschool Program Transfer Comparison For The 2026-27 School Year

Excess Costs Comparison

Excess Cost Calculation Based on the Current 2025-26 Excess Cost Allocated with 2026-27 Excess Costs Formula Adjustments
 >Costs by Setting Only
 >Excess Cost to Include Compass Academy and Autism Costs
 >Pupil Count Updated to Include Compass and Autism Pupils to the DIS Count

REVISED EXCESS COSTS WITH PROGRAM TRANSFER

MARIN COUNTY OFFICE OF EDUCATION
 ESTIMATED SPECIAL EDUCATION PROGRAM EXCESS COSTS Fiscal Year 2025-26
 (Based on December 20, 2024 Pupil Count)

ESTIMATED % AND AMOUNT OF EXCESS COST BY SETTING:

Setting	Excess		%	Excess
				Amt. / Setting
SDC	\$13,580,959	x	78.15%	\$10,613,519
RSP	\$13,580,959	x	2.79%	\$378,909
DIS	\$13,580,959	x	19.06%	\$2,588,531
	\$13,580,959		100.00%	\$13,580,959

PREPARED ON: 5-21-25
 Budget Proposal May Update

EXCESS PER PUPIL COST BY SETTING:

Setting	Excess/	Pupils	Per Pupil Cost
	Setting		
SDC	\$10,613,519	251	\$42,284.94
RSP	\$378,909	30	\$12,630.29
DIS	\$2,588,531	566	\$4,573.38
TOTAL	\$13,580,959	847	

Proposed 2025-26 EXCESS COSTS

DISTRICT	NUMBER OF PUPILS *				COST BY SETTING			TOTAL COST
	SDC	RSP	DIS	TOTAL	SDC	RSP	DIS	
BOLINAS-STINSON	-	-	-	-	\$0	\$0	\$0	\$0
KENTFIELD	11	3	17	31	\$465,134	\$37,891	\$77,747	\$580,772
LAGUNA	-	4	3	7	\$0	\$50,521	\$13,720	\$64,241
LAGUNITAS	1	-	2	3	\$42,285	\$0	\$9,147	\$51,432
LARKSPUR CORTE-MADERA	11	-	19	30	\$465,134	\$0	\$86,894	\$552,028
MILL VALLEY	8	-	15	23	\$338,280	\$0	\$68,601	\$406,881
MILLER CREEK	41	3	68	112	\$1,733,682	\$37,891	\$310,990	\$2,082,563
NICASIO	1	7	7	15	\$42,285	\$88,412	\$32,014	\$162,711
NOVATO	68	6	152	226	\$2,875,376	\$75,782	\$695,153	\$3,646,310
REED	2	-	5	7	\$84,570	\$0	\$22,867	\$107,437
ROSS	1	-	1	2	\$42,285	\$0	\$4,573	\$46,858
ROSS VALLEY	11	-	28	39	\$465,134	\$0	\$128,055	\$593,189
SAN RAFAEL ELEM.	24	-	64	88	\$1,014,839	\$0	\$292,696	\$1,307,535
SAN RAFAEL HIGH	23	6	53	82	\$972,554	\$75,782	\$242,389	\$1,290,725
SAUSALITO-MARIN CITY	13	1	30	44	\$549,704	\$12,630	\$137,201	\$699,535
SHORELINE	6	-	14	20	\$253,710	\$0	\$64,027	\$317,737
TAMALPAIS	30	-	88	118	\$1,268,548	\$0	\$402,457	\$1,671,005
TOTALS	251	30	566	847	\$10,613,520	\$378,909	\$2,588,531	\$13,580,959

Miller Creek School District

Preschool Program Transfer Comparison For The 2026-27 School Year

Preschool Grant Allocation Comparison

Data Based on 2025-26 Preschool Grant Allocation

District	Current Pre-School Federal Allocation					Revised Allocation with Program Transfer						Change
	Pupil Count	Ratio	3315 award	3320 award	Total	Pupil Count Transfer	Revised Pupil Count	Ratio	3315 award	3320 award	Total	
			\$ 273,095	\$ 978,307					\$ 273,095	\$ 978,307		
MILL VALLEY	5	3.5%	9,549	34,207	43,756	-	5	3.5%	9,549	34,207	43,756	-
MILLER CREEK	-	0.0%	-	-	-	7	7	4.9%	13,368	47,889	61,257	61,257
NOVATO	51	35.7%	97,398	348,907	446,305	-	51	35.7%	97,398	348,907	446,305	-
ROSS VALLEY	1	0.7%	1,910	6,841	8,751	-	1	0.7%	1,910	6,841	8,751	-
SAN RAFAEL ELEM.	41	28.7%	78,300	280,494	358,794	-	41	28.7%	78,300	280,494	358,794	-
SAUSALITO-MARIN CITY	2	1.4%	3,820	13,683	17,503	-	2	1.4%	3,820	13,683	17,503	-
MCOE	43	30.1%	82,119	294,176	376,295	(7)	36	25.2%	68,751	246,287	315,038	(61,257)
Total	143	100.0%	273,096	978,308	1,251,404	-	143	100.0%	273,096	978,308	1,251,404	-

Facilities Plan Impact: 2026 – 2027 Program Transfer

The OSC shall review a draft of the Facilities Plan, which shall include pupil data that reflects the potential loss of pupils in Marin County Office of Education (MCOE) operated regionalized special education classrooms due to the Program Transfer.

2026 -2027 Program Transfer Pupil Data

Number of Pupils Identified in the Program Transfer: 7

Number of Identified Program Transfer Pupils Placed in a District Operated Classroom per the IEP	Number of Identified Program Transfer Pupils Placed in a MCOE Operated Regionalized Classroom per the IEP
0	0

The seven (7) students identified in the Program Transfer receive only speech and language services. None of the students identified are placed in a MCOE operated regionalized classroom per their IEP.

Calculation of Impact

The Marin County SELPA's Facilities Plan groups member LEAs by Areas. When the established pupil threshold is met, each Area within the SELPA is responsible for providing the MCOE with a facility for pupils who reside within their Area and require a regionalized special education classroom placement operated by the MCOE. The Miller Creek School District is the member of Area 4 which includes San Rafael Elementary School District and Nicasio School District.

Outcome

Given this calculation, there is no anticipated impact to facility obligations for the transferring LEA or any of the SELPA's member LEAs due to the proposal of seven (7) students being removed from MCOE operated regionalized programs because of the intended Program Transfer. The seven (7) students do not require a regionalized special day class. The current Facilities Plan does not need a recalculation.



Materials and Equipment: Program Transfer Procedures

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 following the Program Transfer. The specialized equipment shall become the property of the receiving LEA following enrollment of the student into the receiving LEA's program/classroom.

Annotation – Agenda Item 6.1
Operational Steering Committee
January 7, 2026

Agenda Item

6.1 Marin County SELPA Ad Hoc Committee Progress Update

Item Type

Information

Summary of Key Issues

None

Summary of Previous OSC Action

None

Recommendation

None

Attachments to this Agenda Item

Attachment: Marin County SELPA Ad Hoc Committee Progress Update

Marin County SELPA Ad Hoc Committee Progress Update

Marin County SELPA Ad Hoc Committee

Meeting Date	Activity	Outcomes
October 9, 2025	<ul style="list-style-type: none"> • Reviewed Marin County SELPA Guiding Principles • Reviewed & discussed OSC approved Ad Hoc recommendations • Reviewed the Marin County SELPA Facilities Plan 	<ul style="list-style-type: none"> • Requested the SELPA share the Marin County Office of Education “Host Site Agreement” for discussion at the next meeting
November 13, 2025	<ul style="list-style-type: none"> • Reviewed & discussed each section of the Marin County SELPA Facilities Plan • Discussed the purpose of the Marin County Office of Education “Host Site Agreement” • Reviewed the content of the Marin County Office of Education “Host Site Agreement” 	<ul style="list-style-type: none"> • Identified areas of the Facilities Plan to potentially revise to provide clarity and improve coherency • Discussed the development of Addendums to visualize decision-making processes and memorialize agreements between LEAs for the provision of facilities
December 18, 2025	<ul style="list-style-type: none"> • Reviewed Facilities Plan with drafted revisions • Reviewed Addendum document • Discussed areas of the Facilities Plan to reference the Marin County Office of Education “Host Site Agreement” 	<ul style="list-style-type: none"> • Agreed to proposed revisions in the Facilities Plan; a draft with revisions to be presented at the next meeting • Made changes to the Addendum based on feedback from the committee; a revised addendum be presented at the next meeting • Identified areas of the Facilities Plan to reference the Host Site Agreement • Proposed a new title for the Host Site Agreement • Identified areas of the Host Site Agreement to revise for clarity and purpose; a draft with revisions to be presented at the next meeting

Future Ad Hoc Committee meetings are scheduled for the following dates:

January 26, 2026	April 21, 2026
February 24, 2026	May 5, 2026
March 17, 2026	

Annotation – Agenda Item 6.2
Operational Steering Committee
January 7, 2026

Agenda Item

6.2 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

Annotation – Agenda Item 7.1
Operational Steering Committee
January 7, 2026

Agenda Item

- 7.1 Program Transfer Assurances Plan Approval – Speech and Language Services for
Preschool-Age Students and Initial Assessments for Preschool-Age Students:
Miller Creek School District

Item Type

Action

Summary of Key Issues

Per the Marin County SELPA’s Program Transfer Policy and Procedures, the Operational Steering Committee (OSC) shall approve all Program Transfer Assurances on or before February 1 of the school year prior to the Program Transfer taking effect.

Summary of Previous OSC Action

None

Recommendation

The SELPA Director recommends that the Operational Steering Committee approves the Program Transfer Assurances Plans as presented.

Attachments to this Agenda Item

Attachment 1: Identified Elements for an Approved Program Transfer

Attachment 2: Program Transfer Assurances Plan – Miller Creek School District

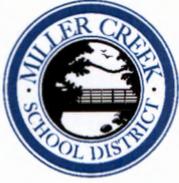


Identified Elements for an Approved Program Transfer

Pursuant to section 56207(a) of the California Education Code, for a proposed program transfer to be approved by the Operational Steering Committee, all the following elements must be identified by the LEA proposing the program transfer¹:

- 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 (SELPA) policies.
- The means through which parents and staff were represented in the planning process.

¹ The Marin County SELPA Program Transfer Assurances Plan is designed to record an LEA's reported compliance with all applicable requirements under federal and state law and SELPA policy related to a potential Program Transfer.



Miller Creek School District
380 Nova Albion Way
San Rafael, CA. 94903
(415) 492-3706

April 28, 2025

Rebecca Minnich
Marin SELPA Director
MARin County SELPA
1111 Las Gallinas Avenue
San Rafael, CA 94903
rminnich@marinschools.org

Subject: Miller Creek School District Intent to Request a Program Transfer from the MARIN SELPA and Marin County Office of Education in the 2026-2027 School Year

Dear Ms. Minnich,

Pursuant to Marin SELPA Policy MC-04-2020.18 and Section 56207(b), the Miller Creek School District is formally noticing the Marin SELPA and the Marin County Office of Education that it is considering a program transfer for students that have been historically served in Marin County SELPA regionalized programs provided by the Marin County Office of Education, in the 2026-2027 School year. Specifically, the District is considering a transfer of preschool speech assessment and EARly Intervention Speech services to the District for the 2026-2027 school year.

A completed *Program Transfers Assurances* document will be submitted prior to October 1, 2025, consistent with the timeline prescribed in the transfer policy.

Sincerely,

A handwritten signature in blue ink that reads "Becky Rosales".

Becky Rosales
Superintendent
brosales@millercreeksd.org

cc: Kristy Treewater, MCSD Current Deputy Superintendent and Incoming Superintendent
Philippa Vedros, MCSD Executive Director of Special Education and Student Services
Elizabeth Foehr, MCSD Incoming Executive Director of Educational and Student Services
Marie Henrio, MCSD Chief Business Official
Janelle Campbell, Assistant Superintendent, Marin County Office of Education
Stacey Tachiki, Director of Special Education, Marin County Office of Education



Date: November 21, 2025

To:

Rebecca Minnich
SELPA Director
Marin County Office of Education

Subject: Addendum to the 2026–2027 Program Transfer Request – Initial Assessments for Preschool Students, Miller Creek School District

This letter serves as an official addendum to the Miller Creek School District's 2026–2027 program transfer request, originally submitted on October 1, 2025.

As part of the district's work to provide direct, timely, and comprehensive support to preschool-aged children within its boundaries, Miller Creek School District proposes to assume full responsibility for conducting all initial assessments for Early Education students beginning in the 2026–2027 school year.

This change includes the following assessment types:

- Speech and language assessments
- Psychoeducational assessments
- Physical therapy assessments
- Occupational therapy assessments

This addendum also clarifies how the district will handle designated instructional services for speech and language instruction beginning in the 2026–2027 school year. Miller Creek School District intends to serve all Early Education students who qualify for speech and language services during the 2026–2027 school year.

With these changes, the district strengthens its identification and intervention efforts for children who may need special education services. This approach supports district priorities and reflects best practices in early childhood education.

We respectfully request that this addendum be reviewed and added to the original program transfer documentation for the 2026–2027 school year.

LUCAS VALLEY ELEMENTARY MARY
VALLEJO ELEMENTARY MILLER



ESPIVIERA ELEMENTARY
CREEK MIDDLE

Please feel free to reach out with any questions or for further clarification.

Sincerely,

A handwritten signature in black ink, which appears to read "Philippa Vedros".

Philippa Vedros, MA.Ed, BCBA
Director of Special Education
Miller Creek School District

**SPECIAL EDUCATION PROGRAM TRANSFER:
PROGRAM TRANSFER ASSURANCES PLAN**

The Miller Creek School District certifies that the agency herein represented will comply with all applicable requirements of federal and state laws and regulations, and special education local plan area policies, including compliance with the Individuals with Disabilities Education Act, Section 504 of Public Law, and the provisions of the California Education Code Code, Part 30, specifically:

- Section 56207(a) – development of a detailed program transfer plan
- Section 56207(a)(1) and (3) – pupil needs and the continuation of the current IEP for all affected students
- Section 56207(a)(2) and (4) – availability of the full continuum of program placements and services in the most inclusive setting (least restrictive environment) for all affected students
- Section 56207(a)(5) – maintenance of all appropriate support services, to include qualified support staff and administrative support
- Section 56207 (a)(6)-assurance of compliance with all federal, state, and SELPA policies and regulations
- Section 56207(a)(7) – involvement and representation of parents of all affected students and staff (e.g., special and non-special education teachers, itinerant specialists, administrators, and classified) in the planning process
- Section 56207(c) – & Section 56205(b)(5) – resolving disagreements related to program transfers



Signature of Special Education Administrator

10/1/25
Date



Signature of MCSD Superintendent

10/1/25
Date

Submitting District: Miller Creek Elementary District

Date of Submission: 10/1/25

**MARIN COUNTY SELPA:
DETAILED PLAN FOR SPECIAL EDUCATION PROGRAM TRANSFERS**

Submitting District: Miller Creek Elementary District

Date of Submission: 10/1/25

This required a Detailed Plan for Special Education Program Transfers that complies with Section 56207(a) and other procedural safeguards.

1. Section 56207(a) (1) and (3) – pupil needs and the continuation of the current individualized education program (IEP) for all affected students.

(a) Specialized Academic Instruction

The district intends to serve all transition-kindergarten students who require speech and language services through an IEP. Based on the most recent pupil count as of **September 19, 2025**, the district anticipates transferring approximately **7 students** who currently receive speech and language services. This count will be used as the reference point for planning and service delivery.

In addition, the district will assume responsibility for conducting all **initial assessments for preschool-age students** referred for potential speech and language services. This includes approximately **30–40 preschool student referrals annually**, encompassing referrals received from the regional center, families, and health care providers. Assessments will cover children turning 3 within three months of referral, as well as children turning 4 within the required timelines, including those enrolling in the district’s transitional kindergarten program.

The district affirms its commitment to meeting all federal compliance requirements for initial evaluations and ensuring timely, individualized assessments for each student.

(b) Related Services and Equipment

Students will continue to receive all required supports and related services as outlined in their IEPs. These services will be delivered by licensed/credentialed staff with appropriate training and administrative backing. The Miller Creek School District will provide the following related services: initial assessments for preschool-age students requiring early intervention speech and language services.

Low-incidence equipment will transfer with students. The current regionalized service provider will complete an inventory to determine which equipment accompanies transferring students. Miller Creek School District has allocated funds in its budget to purchase any additional required equipment.

(c) Facilities

Outlined below is a list of facilities by school available to house the students involved in the program transfer.

School Site	Available Facility	Comments
Lucas Valley Elementary, Mary E Silveira Elementary, Vallecito Elementary	Office and classroom spaces are currently being utilized for the delivery of designated instructional services.	One site will be determined as a focus site for service provision

(d) Services from Non-Educational Agencies

Not applicable.

The program transfers will not affect the involvement of these non-educational agencies.

2. Section 56207(a)(2),(4) – the availability of the full continuum of program services for all affected students and the provision of services in the least restrictive environment environment from which pupils can benefit.

(a) Plans for Providing Special Education and Related Services

Miller Creek School District's licensed/credentialed staff will conduct the assessments for preschool students residing within the District boundaries. Students found eligible for Early Intervention Speech services will receive speech-only services on the campus with attendance boundaries corresponding with their home address. Students will be placed on campuses that allow them to remain with their community throughout their educational experience in the Miller Creek School District.

The proposed program transfers do not include all the regionalized services, and the current provider will continue to operate these classes. Preschool students who require specialized academic instruction in addition to designated instructional services will attend the MCOE Early Intervention Program.

(b) If the program transfer involves students with low-incidence disabilities, the following will occur:

The district will provide support for students requiring low-incidence support.

3. Section 56207(a) (5) – the maintenance of all appropriate support services.

(a) Number (FTEs), Qualifications, and Experience of Support Staff

Miller Creek School District, licensed/ credentialed staff will conduct the necessary assessments for preschool students residing within the District boundaries

Speech and Language services will be provided by certificated SLP personnel hired or contracted by the Miller Creek School District.

Sample Language:

(b) Availability of other support services (Supervision and Clerical)

Administrative support will include a .5 FTE Special Education Coordinator to be hired in the spring before the transfer of programs to ensure planning, preparation, and a smooth program transition. A .5 FTE clerical will be hired as well.

Current staff on the comprehensive campuses will provide supervision and general office support services.

4. Section 56207 (a)(6)-assurance of compliance with all federal, state, and SELPA policies and regulations.

(a) Plans for assuring compliance with all federal, state, and SELPA policies and regulations

Miller Creek School District will continue to monitor and provide guidance and support for all staff to ensure compliance with all federal, state, and SELPA policies and regulations. Systems of communication and accountability will include a digital procedural handbook accessible to all special education staff, memorandums of understanding with signature confirmation, professional development, compliance workshops and training, and monthly Special Education meetings.

5. Section 56207(a) (7) – the involvement and representation of parents of all affected students and staff in the planning process.

(a) Involvement of Parents

Meetings with parents involved in the program transfer were held on the following

dates at the identified locations.

Date of Meeting	Location of Meeting
Listening Interviews, March 19, 2025	District Office
Parent Comments, Board Meeting 4/14	Lucas Valley Elementary MPR
Parent Focus Groups	District Office
Family Council mtgs	District wide
Attendance at GGRC meetings with MCOE	Virtual

(b) Involvement of Staff

Meetings were held on the following dates and for the identified personnel positions.

Date of Meeting	Participants
SELPA/MCOE/ Miller Creek SpEd planning, 10/14	MCSD SpEd Director, MCSD Superintendent and Deputy Superintendent, SELPA Director, MCOE Assistant Superintendent and Special Education Director
Special Education Summit, 2/5/25	All Special Education Staff, counselors, and general education certificate representatives, all district administrators
Thursday District Admin Team Meetings: 1/15, 1/30, 2/6, 2/26, 3/20, 3/27, 4/1	All Site and District Certificated Admin
Site Staff Meetings between 3/12-4/7	All certificated staff at LVE, MES, VAL, and MCMS
SELPA consultation. 2/25	MCSD SpEd Director and Superintendent, SELPA Director
MCOE Consultation, 3/17	MCSD SpEd Director, MCSD Superintendent, and Deputy Superintendent with MCOE Assistant Superintendent and Special Education Director,
MCSD and MCOE Special Ed Directors,	

California Code, Education Code - EDC § 56207

(a) No educational programs and services already in operation in school districts or a county office of education pursuant to Part 30 (commencing with Section 56000) shall be transferred to another school district or a county office of education or from a county office of education to a school district unless the special education local plan area has developed a plan for the transfer which addresses, at a minimum, all of the following:

- (1) Pupil needs.
- (2) The availability of the full continuum of services to affected pupils.
- (3) The functional continuation of the current individualized education programs of all affected pupils.
- (4) The provision of services in the least restrictive environment from which affected pupils can benefit.
- (5) The maintenance of all appropriate support services.
- (6) The assurance that there will be compliance with all federal and state laws and regulations and special education local plan area policies.
- (7) The means through which parents and staff were represented in the planning process.

(b) 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 agency has informed the other agency and the governing body or individual identified in subparagraph (A) of paragraph (12) of subdivision (a) of Section 56205, unless the governing body or individual identified in subparagraph (A) of paragraph (12) of subdivision (a) of Section 56205 unanimously approves the transfer taking effect on the first day of the first fiscal year following that date.

(c) If either the sending or receiving agency disagrees with the proposed transfer, the matter shall be resolved by the alternative resolution process established pursuant to paragraph (5) of subdivision (b) of Section 56205.

(d) Notwithstanding Section 56208, this section shall apply to all special education local plan areas commencing on July 1, 1998, whether or not a special education local plan area has submitted a revised local plan for approval or has an approved revised local plan pursuant to Section 56836.03.

Annotation – Agenda Item 7.2
Operational Steering Committee
January 7, 2026

Agenda Item

- 7.2 2025 – 2026 Interagency Memorandum of Understanding Between Golden Gate Regional Center and Marin County SELPA/Local Educational Agencies Regarding IDEA Part C Services

Item Type

Action

Summary of Key Issues

None

Summary of Previous OSC Action

The OSC approves the Interagency Memorandum of Understanding Between Golden Gate Regional Center and Marin County SELPA/Local Education Agencies Regarding IDEA Part C Services annually.

Recommendation

The SELPA Director recommends that the Operational Steering Committee approves the 2025 – 2026 Interagency Memorandum of Understanding Between Golden Gate Regional Center and Marin County SELPA/Local Educational Agencies Regarding IDEA Part C Services as presented.

Attachments to this Agenda Item

Attachment: 2025 – 2026 Interagency Memorandum of Understanding Between Golden Gate Regional Center and Marin County SELPA/Local Educational Agencies Regarding IDEA Part C Services

**INTERAGENCY MEMORANDUM OF UNDERSTANDING
BETWEEN
GOLDEN GATE REGIONAL CENTER AND
MARIN COUNTY SELPA/LOCAL EDUCATIONAL AGENCIES
REGARDING IDEA PART C SERVICES
2025-2026**

I. AGREEMENT

The parties to this agreement are Golden Gate Regional Center (GGRC) and the Marin County Special Education Local Plan Area (SELPA), Marin County Office of Education (MCOE), and all other local education agencies (LEA) programs that operate Early Start Programs within Marin County, hereafter referenced as Marin SELPA/LEAs. This agreement applies to activities and services performed on behalf of infants/toddlers and toddlers birth to thirty six months of age, and their families who are eligible for early intervention services under Title 14, California Early Intervention Services Act, Chapter 4, Section 95014, and Part C 303.16.303.300: (34 CFR Part 303.)

II. PURPOSE

The purpose of this agreement is to describe selected policies and procedures of GGRC and Marin SELPA/LEAs, relating to the implementation of Part C of the Individuals with Disabilities Education Act (IDEA), hereinafter referred to as Part C. GGRC and Marin SELPA/LEAs will work cooperatively with parents and with other appropriate agencies to enhance coordination, delivery, and quality of services for families. Specifically, this agreement will define the obligation for provision of services of each party, the financial responsibilities of each party, procedures for resolving disputes, and other required components necessary to ensure effective cooperation and coordination between Marin SELPA/LEAs and GGRC.

III. INTERAGENCY COLLABORATION

A. Financial Responsibility

GGRC and Marin SELPA/LEAs will operate within the provisions of the State Interagency Agreement executed between the Department of Developmental Services and the California Department of Education in July 2000. Due to the importance of provisions "Payer of Last Resort", those pertinent sections of the state interagency agreement are incorporated below:

1. "Payer of Last Resort" means the Regional Center or Local Education Agency that is ultimately responsible to arrange, provide, or pay for appropriate early intervention services, which are defined in 34 CFR, Section 303.12 and listed on and Individualized Family Service Plan (IFSP) as a required service. All other providers or payers will have been considered.
2. Local Education Agency (LEA): The MCOE will be the payer of last resort for those infants/toddlers with solely visual, hearing or severe orthopedic impairment, or any combination thereof, who meet the criteria in Sections 56026 and 56026.5 of the Education Code and in Subdivisions (a) (b) (d) or (e), of Section 3030 and Section 3031 of Title 5 of the California Code of Regulations.

3. Regional Center: The Regional Center will be the payer of the last resort for all Part C eligible infants/toddlers. This includes dually eligible infants/toddlers who may be eligible for Regional Center and eligible for early intervention services from MCOE, due to low incidence disabilities. It will not include infants/toddlers with solely visual, hearing, or severe orthopedic impairments, or any combination thereof who meet the criteria in, Sections 56026 and 56026.5 of the Education Code and in Subdivisions (a), (b), (d) or (e), of Section 3030 and Section 3031 of Title 5 of the California Code of Regulations (See Title 14, California Early Intervention Services Act, Chapter 4, Section 95014, and Part C 303.16, 303.300).

4. GGRC is the designated payer of the last resort for infants/toddlers served by GGRC and infants/toddlers jointly served by GGRC and the MCOE. The MCOE shall provide services to infants/toddlers who have solely low incidence (SOLE) disabilities and/or are dually eligible up to the MCOE maximum funded capacity of twenty-six (26) infants/toddlers. Once the MCOE reaches its maximum funded capacity, at MCOE's discretion, it will refer dually eligible infants/toddlers and families to GGRC who will then assume responsibility for providing appropriate Part C services, except for children with solely low incidence disabilities. MCOE and GGRC will share information about available openings under maximum funded capacity or maintenance of effort.

B. Information Exchange

GGRC and MCOE staff will have regularly scheduled meetings to exchange information regarding infant/toddler and family needs and services and information about the status of the MCOE maximum funded capacity. Both agencies also agree to participate in regular meetings to discuss Early Start service delivery, agency procedures, changes in funding, and other pertinent matters that may affect services to those mutually served. It is also the forum for discussion regarding new resource development and the identification of gaps in services and other matters of mutual concern.

For planning purposes, GGRC will send a monthly non-child identifiable demographic list of students (Birth to 3) currently enrolled in GGRC Programs to MCOE/relevant LEA (MCOE shall receive information on behalf of all LEAs except for students residing in Sausalito Marin City School District, Mill Valley School District, Ross Valley School District, San Rafael Elementary School District, and Novato Unified School District). As part of the child find requirements for transition, GGRC will send individual notification to MCOE/relevant LEA of all children ages 2.6 to 36 months who are currently receiving GGRC services. The notifications will serve as notifications of children potentially eligible for Part C services. In addition, GGRC will provide the MCOE/relevant LEA with information (child's name, date of birth, child's primary language, parent contact information, Part C service coordinator's name and contact information, and language(s) spoken by the parents) for infants/toddlers beginning at age 2.6 pursuant to Subsection E ("Transition Procedures") of Section IV ("Program Implementation") of this Agreement. GGRC will further, with parent permission, provide the MCOE/relevant LEA with records if the family has opted to sign a release.

IV. PROGRAM IMPLEMENTATION

A. Referral Process

GGRC will be the single point of entry for most eligible infants/toddlers; however, the MCOE will provide intake of infants/toddlers with solely low incidence disabilities. The agency receiving the initial referral will contact the family and notify the other agency of the referral if it appears that the child may be eligible for services from the other agency and will be reviewed and acted upon within appropriate timelines. Every effort will be made to work collaboratively with parents to enhance communication among families and agencies.

Referrals to GGRC Early Start will be directed to the:

Intake Department
Golden Gate Regional Center
1900 S. Norfolk St. Suite 100
San Mateo, CA 94403
Phone: 888.339.3305
Fax: 888.339.3306 intake@ggrc.org

Referrals to the MCOE/ Early Start Program will be directed to the:

Marin County Office of Education
Special Education Services/Early Start Program
Attn: Stacey Tachiki and Tracy Totman
1111 Las Gallinas Ave
San Rafael, CA 94903
Phone: 415.499-6615
Fax.: 415.491-0981

Referrals will be accepted at all times during the year by both agencies. The for t y- f i v e (45) day intake timeline begins on the day the complete referral is received, as documented on each agency's Early Start Referral Form. (For children in Foster Placement, written consent must be received by the person(s) holding the Educational Rights for the child prior to initiating the assessment and evaluation). Referrals between GGRC and MCOE must be exchanged (as indicated) within five (5) working days of the receipt of the complete referral.

When the complete referral is received by GGRC or the MCOE, a service coordinator will be assigned by the Early Start Program Coordinator for that agency (see Service Coordination).

Once a complete referral is received, and a service coordinator is assigned, an assessment/evaluation for eligibility will be scheduled by the service coordinator.

B. Service Coordination

For children with solely low incidence disabilities, MCOE will provide the service coordination. GGRC will assume responsibility for service coordination of children eligible for services that do not have a solely low incidence disability. Both agencies will carry out service coordination responsibilities as noted in Section 52121 in the Early Start Regulations and will collaboratively determine which agency is responsible for service coordination for children who are dually eligible.

C. Initial Assessment/Evaluation Procedures and Exchange of Information

With written parental consent, qualified Early Intervention Staff from the appropriate agency will provide assessments and evaluation based on the following considerations: which agency received the referral, the priorities, needs and concerns of the family, the agency most likely to have services for which the child and family may be eligible, and the status of the mandated capacity for education. The assessment and evaluation may be conducted jointly, with parental consent, if services are likely to be provided by both agencies. MCOE has responsibility for assessments/evaluations for children with solely low incidence disabilities and/or children who may be dually eligible until MCOE reaches the funded capacity of twenty-six (26) children. GGRC has responsibility of assessments/evaluations for all other children who may be eligible for GGRC and for children who may be jointly eligible beyond the MCOE capacity of 26 children. Assessments and Evaluations will be conducted in accordance with 17 CCR, Sections 52082, 52084, and 52086. Assessment/Evaluation data and information obtained by one agency will be made available to the other agency for use in determining eligibility and service needs, with parent permission.

Note: If a referral is received by GGRC or MCOE of a child previously unknown to either agency who is within 6 months of turning age 3, an assessment and evaluation will be conducted, and an initial IFSP will be developed, which includes transition planning and a date for referral to MCOE/LEA.

D. Individualized Family Service Plans (IFSP)

Both parties to this Agreement will participate in the multi-agency IFSP meeting for any child served by both agencies. Neither agency will make a commitment for the other agency.

The initial IFSP meeting will be held within forty-five (45) days of the documented receipt of the complete referral. The IFSP will contain current information on the child's level of performance, the family's priorities, needs and concerns, potential outcomes, and services to be provided. A schedule of services will be noted on the IFSP, with breaks in service indicated. The IFSP team shall determine procedures to ensure the provision of necessary services during periods of breaks when services are required as noted on the IFSP. GGRC and MCOE may provide services to eligible children as described in the IFSP until the child turns age 3.

The service coordinator will provide written notice of all IFSP meetings to the family and to parties providing services. Every attempt will be made to schedule meetings for multi-agency participation, with consideration of appropriate timelines. The parents and GGRC and MCOE will participate in the annual IFSP and 6-month review meetings for any child served by both agencies. When a service is requested of either agency whose representative cannot attend the IFSP meeting or be otherwise available, the meeting must be rescheduled. Agreements cannot be made without participation by both agencies.

Both agencies agree that early intervention services shall be provided in a timely manner.

Both agencies will follow rules and regulations in accordance with Subchapter 3, Articles 1 and 2, Section 52100, et seq. Any changes made to the IFSP must be documented and a copy sent to the other agency.

If English is not the primary language of the family, and the Service Coordinator or available staff does not speak that language, it is agreed the Service Coordinator's agency will provide the services of an interpreter. The IFSP will provide necessary translation services.

E. Transition Procedures

GGRC, MCOE, and SELPA will work together to assist with smooth transition from services under Part C of the Individuals with Disabilities Education Act (IDEA) to services under IDEA, Part B. GGRC, MCOE, and SELPA will schedule quarterly meetings with service coordinators and LEA representatives to plan for transition, to assist with calendaring transition meetings for families. Participants in the quarterly "Forum" will have opportunities for input regarding ways to improve either agency's services to eligible children and families. GGRC and SELPA will work closely with the local Family Resource Center and SELPA's CAC to support parents and develop strategies to increase parent knowledge of rights and involvement in transition planning.

1. TRANSITION PLANNING

- California has determined that all children being serviced in Early Start programs are potentially eligible for LEA special education and related services at the age of three. Therefore, all eligible children must be referred to Part B Services.
- When a child receiving Early Start Services approaches 30 months of age, the service coordinator from the agency responsible will initiate the transition process from IDEA Part C to Part B services.
- The parent is notified that transition planning will occur within the next three to six (3-6) months and no later than 90 days before the child's third birthday. The IFSP Meeting is held to review the child's progress and parents are notified of the termination of early start services as of the child's 3rd birthday.

2. NOTIFICATION OF TRANSITION PLANNING CONFERENCE

- The GGRC service coordinators are required to notify the child's/family's school district of residence with or without the parents' consent. Parents should be informed about the mandatory referral notification process during the transition planning discussions. In the event the family objects to Part B services, they may decline the assessment plan offered by the LEA.
- All children eligible for Part C services must have a Transition Planning Conference to plan the transition steps necessary for movement into services under Part B. The Transition Planning Conference must be scheduled no later than ninety (90) days prior to the child's third (3rd) birthday, and at the discretion of all parties, no earlier than nine (9) months prior to the child's third (3rd) birthday. Transition Planning Conferences should happen well before the Notification of the

Potentially Eligible.

Transition Planning Conferences must meet all IFSP accessibility requirements. The Parties agree that mutual cooperation and collaboration in the scheduling process is important to facilitating the transition planning process. The GGRC service coordinator shall make best efforts to schedule the Transition Planning Conference at a date and time that works for all parties, including the parents and LEA representative. The LEA's participation is critical to the LEA being able to provide the parents with information about Part B preschool services. In the event of limited family availability, the LEA shall also make best efforts to make itself available at a date and time that works for the family. Transition Planning Conferences are IFSPs and must be written up, reviewed, and signed by all attendees.

3. C O N T E N T OF TRANSITION PLANNING CONFERENCE

At the Transition Planning Conference, the team will plan the transition steps necessary for movement into services of Part B IDEA and exit from Early Start – Part C IDEA. The Transition Planning Conference must include parent concerns and priorities regarding transition, information regarding general education preschool opportunities including Head Start, and child development programs (private and public), steps to prepare the toddler for changes in service delivery, including steps to help the toddler adjust to, and function in, a new setting; and when the Transition Planning Conference is not considered a Notification of Potentially Eligible to the LEA.

4. P O T E N T I A L L Y E L I G I B L E

The State of California has determined that ALL children in Early Start are “potentially eligible” for Part B services at age of three (3). No later than 90 days prior to the age of three (3), GGRC will provide a directory of information of “potentially eligible” students, which is called the Notification of Potentially Eligible (NOPE), to the LEA where the student resides. This is in accordance with Family Educational Rights and Privacy Act (FERPA) and Child Find responsibility of Part B IDEA.

The Notification of Potentially Eligible (NOPE) will include (34 CFR Sec. 303.401 (d)):

- Child's name and date of birth;
- Parent contact information (including names, addresses and telephone numbers); and
- Service coordinator's name and contact information.

The NOPE may additionally include:

- Release/Exchange of Information Form;
- The language spoken by the child and family; and
- With parent consent, Early Start records, including IFSPs and developmental reports

5. N O T I F I C A T I O N OF Potentially Eligible

The Notification of Potentially Eligible is considered a formal notification. MCOE/LEA will work with GGRC on the timeline for notification/referral which will be no later than ninety (90) days before the 3rd birthday. A referral for evaluation and assessment/evaluation for services under Part B of the IDEA, Title 20 USC Sections 1400- 1420, no later than ninety (90) days prior to the 3rd birthday or before the LEA's break in school services longer than 5 days if the child will become three (3)

years of age during a break in school services. The Transition Planning Conference IFSP shall contain steps necessary to satisfy the referral and the IEP development requirements contained in Education Code Sections 56321 and 56344. The State of California does not have an opt-out policy for parents and parents cannot decline a Notification of Potentially Eligible (under FERPA). Parents will be informed of this procedure and that Early Start Records are protected under HIPAA. Early Start Records require Release of Information by the parent before they can be provided to any LEA.

6. L E A RESPONSE TO NOPE

Once the NOPE is received by the Local Education Agency, the LEA will review the referral and determine if an assessment and evaluation would be appropriate. The LEA will respond to the parent in writing within fifteen (15) days of receipt of the referral. If the LEA agrees that the child should be assessed/evaluated, a proposed Assessment/Evaluation Plan which includes a Prior

Written Notice with a cover letter will be mailed to the family. The parent will sign accepting or declining the proposed Assessment/Evaluation Plan under Part B of the IDEA. If, after reviewing the referral, the LEA does not agree to assess/evaluate the child. A Prior Written Notice will be sent to the family within fifteen (15 days) upon receipt of the referral. The LEA will provide a referral status and any other relevant information to the GGRC Service Coordinator, once GGRC obtains appropriate exchange/release of information and parent consent.

7. L A N T E R M A N ELIGIBILITY DETERMINATION

GGRC will complete evaluations by age three (3) to determine if a children will continue to be served over the age of three (3) and will develop Person Centered Individual Program Plans to ensure continuation of services under the Lanterman Act. If GGRC determines through assessment and evaluation that the child will not continue to receive services through GGRC, the parent will be provided information about alternative services. If MCOE/LEA determines through evaluation that the child will likely not be eligible for services under Part B, information will be given to the family for alternative services.

8. I E P DEVELOPMENT

The LEA is obligated to develop an IEP, as appropriate, before the child's third (3rd) birthday for any child deemed eligible for special education services. The LEA is obligated to consider the unique circumstances of each child with an IEP and consider whether the implementation of the IEP should begin on the child's third birthday or one a date most appropriate for the child and the program where the child would receive appropriate services and/or placement. The IEP Team, with parent consent, will invite GGRC Service Coordinator to the IEP.

9. S E R V I C E S DURING SUMMER BREAK

GGRC may provide or purchase services only for preschoolers determined eligible for regional center services under the Lanterman Act. (Title 17, Chapter 2, Subchapter 3, Article 3, 52112 (f). GGRC continues to act as the payer of last resort when the LEA and other payment resources have been exhausted. The purchase of educational services by regional center has been

suspended except for the following exceptions: If GGRC is requested to fund services for a child during a time when school is not in session and the child is a Lanterman eligible child, the Regional Center may grant an exemption. The exemption would be on an individual basis in extraordinary circumstances to permit the purchase of a service identified above when the Regional Center determines that the service is a primary or critical means for ameliorating the physical, cognitive, or psychosocial effects of the child's developmental disability, or the service is necessary to enable the child to remain in his or her home and no alternative service is available to meet the child's need. This is based on a multidisciplinary team process.

10. "LATE REFERRALS"

For children who are referred to GGRC and or/MCOE between the ages of 2-years 6-months and 2-years 10.5-months, transition planning will occur simultaneously with the development of the initial IFSP. The LEA will be notified as early as possible, but in no case later than at the time of eligibility. For children who are referred to GGRC and/or MCOE forty-five (45) to ninety (90) days before the 3rd birthday, a notification/referral will be made to the LEA by GGRC and/or the MCOE. It is the responsibility of the IFSP service coordinator to provide the family with transition planning information as required in Title 17 CCR 52112. A transition conference may be held but is not mandatory. For children referred to GGRC and/or MCOE less than or equal to 45 days before the 3rd birthday, a referral will be made to the LEA only with parent consent.

Notification of Potentially Eligible (NOPE), Transition Planning Conference with the LEA is not required. Both parties agree to abide by the timetable of activities outlined in the IFSP transition plan document.

11. EXIT IFSP

Exit IFSP will be developed with parent by the third birthday to review outcomes and completion of the steps for Transition. The Exit IFSP can be completed in conjunction with the IEP.

F. Transfer of Infants/toddlers with Existing Individual Family Service Plans (IFSPs)

In accordance with 17 CCR Section 52111, GGRC/MCOE, as appropriate shall arrange for delivery of similar early intervention services as soon as possible for children who have moved to Marin County. Assignment of the service provider will be determined using referral procedures as described above, and IFSP review meeting will be held within thirty (30) days.

G. Coordination of Child-Find Activities

GGRC and MCOE will provide early intervention services to all eligible children within Marin County and will coordinate child find efforts within the community. Every effort will be made to provide information to the general public and to public and private agencies about the availability of early intervention services throughout Marin County.

Each agency, as appropriate agrees to conduct specific efforts to inform home visiting programs, Child Protection and Welfare (foster care and child protective services) including Child Abuse Treatment and Prevention Act, Family Violence Prevention and Services Act, Early Hearing Detection and

Intervention (EHDI), Children's Health Insurance Program (CHIP), homeless shelters, domestic violence shelters and agencies, Child Care (including Early Head Start/Head Start, and private/public childcare programs), pediatricians, hospital neo-natal intensive care units, and other programs that serve children from birth to 3 years regarding the availability of services.

GGRC and MCOE shall inform primary referral sources of the:

- Eligibility criteria for early intervention services;
- Types of early intervention services available through the Early Start Program;
- Names of contact persons and telephone numbers for GGRC and the MCOE Early Start program;
- Federal requirement that a referral shall be made to the GGRC or MCOE Early Start Program within seven (7) working days of identification of an infant or toddler who is in need of early intervention services.

Referrals of children who may be in need of early intervention services will be actively solicited from community members. Efforts will be ongoing to identified children who are not yet in programs or children who have left the program prior to 2 years 11 months who may be eligible for services. The family will be informed of how to access services.

V. Surrogate Parents

Marin County SELPA will continue to implement a Surrogate Parent Program in accordance with the California Education Code. Staff development will include requirements contained in 17 CCR Section 52175. The IFSP service coordinator will arrange for a Surrogate Parent if needed.

VI. Procedural Safeguards

Each agency shall provide annually a written notification to all children and families enrolled in Early Start Programs within Marin County notifying families of their right to appropriate early intervention services as stipulated in State and Federal statutes. The statement of parent's rights shall be provided to parents at the time of referral for assessment/evaluation, initial enrollment in the program and any subsequent IFSP meetings, and upon request.

VII. Dispute Resolution

The following steps will be followed if a dispute arises between GGRC and SELPA/LEAs as to:

- The eligibility of the child;
- Which agency is responsible for the child and family assessment and evaluation, service coordination, and the development and implementation of the IFSP; and/or
- Which agency is responsible for the provision or purchase of early intervention services?

Step (a): Every attempt will be made to resolve the dispute at the lowest possible administrative level starting with the supervisory level up to the agency Executive Director at GGRC and MCOE SELPA administrator.

Step (b): If the resolution of the dispute is not achieved, the two parties will request technical assistance from the Department of Developmental Services (DDS) and California Department of Education (CDE).

Step (c): If resolution cannot be reached within 120 calendar days for the date of request for mediation/facilitation or technical assistance; the issue will be jointly referred to DDS and CDE for a state-level review and resolution.

Step (d): The state level review will be conducted jointly by DDS and CDE and a decision rendered within 120 calendar days of receipt of the written request for review and resolution.

If a dispute arises between a parent and a provider agency:

- During the pendency of a dispute involving Early Intervention Services, the child will continue to receive the Early Intervention Services currently stated on the IFSP and agreed to by the parent.
- If the mediation or due process hearing involved the initiation of a service, the child shall receive those services that are not in dispute.
- Nothing in these dispute resolution procedures shall preclude a parent or an agency from initiating due process or complaint procedures in accordance with 34 CFR Sections 303.420-303.425 or 34 CFR Sections 303.510-303.512 respectively.

VIII. AGREEMENT IMPLEMENTATION

Both agencies agree to semi-annual meeting of LEA, MCOE, SELPA, and GGRC Service Coordinators for joint staff development regarding the implementation of Part C. Both agree to notify the other party of any conferences or workshops pertinent to the implementation of Part C. Early Start program staff and administrators of GGRC and MCOE as well as the local school district special education directors and/or their designees will receive a copy of this Agreement and be informed of the contents of this Agreement for implementation. Future training may be held if new procedures are developed, or this Agreement is substantially modified.

IX. TERM OF AGREEMENT AND REVIEW SCHEDULE

The term of this agreement shall be from March 5, 2025 through June 30, 2025. The parties will review this agreement annually for renewal.

X. NOTICE TO THE PARTIES

All notices to be given by the parties to this agreement shall be in writing and served by depositing the same in the United States Post Office as follows:

NOTICE TO SELPA:

DISTRICT SITE/DEPARTMENT	Marin County SELPA
HEAD OF SITE/DEPARTMENT	SELPA
CONTACT PERSON	Rebecca Minnich
STREET ADDRESS	1111 Las Gallinas Avenue
CITY, STATE, ZIP	San Rafael, CA 94903
TELEPHONE	(415) 499-5875
FAX	(415) 4999-5813

NOTICE TO MCOE:

DISTRICT SITE/DEPARTMENT	Early Start Director
HEAD OF SITE/DEPARTMENT	Special Education Department
CONTACT PERSON	Stacey Tachiki
STREET ADDRESS	1111 Las Gallinas Avenue
CITY, STATE, ZIP	San Rafael, CA 94903
TELEPHONE	(415) 499-6615
FAX	(415) 491-0981

NOTICE TO GGRC:

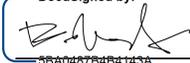
AGENCY	Golden Gate Regional Center
CONTACT NAME	Elisha Prather, Manager Early Start Services
STREET ADDRESS	1900 S Norfolk Suite 100
CITY, STATE, ZIP	San Mateo, CA 94403
TELEPHONE	415-374-0443

XI. EXECUTION; EXECUTION IN COUNTERPARTS

- A. Original copies of this agreement shall be executed by the respective party's authorized signatory(ies).
- B. This agreement may be executed in one or more counterparts, each of which shall be deemed an original agreement, but all of which shall be considered one instrument and shall become a binding agreement when one or more counterparts have been signed by each of the parties and delivered to the other, provided that any other conditions herein regarding the effectiveness of this agreement have been met.

XII. SIGNATURES OF THE PARTIES

IN WITNESS WHEREOF, with the signatures of their authorized representatives, the parties hereby execute this agreement.

<p>For GOLDEN GATE REGIONAL CENTER</p> <p>APPROVED:</p> <p><small>DocuSigned by:</small>  11/05/2025 9:58:58 AM PST</p>	<p>For Marin County Office of Education and SELPA/LEAs</p> <p>APPROVED:</p>
<p>Eric Zigman Executive Director GGRC</p> <p><small>DocuSigned by:</small>  10/03/2025 8:20:27 AM PDT</p>	<p>Rebecca Minnich SELPA Director Marin County SELPA</p>
<p>Brenda Gonzalez, LCSW Chief, Regional Center Services GGRC</p>	<p>John Carroll, County Superintendent Marin County Office of Education</p>

Annotation – Agenda Item 7.3
Operational Steering Committee
January 7, 2026

Agenda Item

7.3 2025 – 2026 Interagency Memorandum of Understanding Between California Children’s Services and Marin County SELPA

Item Type

Action

Summary of Key Issues

In May 2014, all County California Children's Services Programs were notified by the Department of Health Care Services to not amend or renew local interagency agreements proposed by an LEA or SELPA until the Department of Health Care Services receives legal clarification on various issues.

In 2024, the California Department of Education, in collaboration with the Department of Health Care Services, developed and released a new Interagency Agreement for Local Educational Agencies and SELPAs to use.

Summary of Previous OSC Action

The last approved Interagency Memorandum of Understanding Between California Children’s Services and Marin County SELPA was in February 2010.

Recommendation

The SELPA Director recommends that the Operational Steering Committee approves the 2025 – 2026 Interagency Memorandum of Understanding Between California Children’s Services and the Marin County SELPA.

Attachments to this Agenda Item

Attachment: 2025 – 2026 Interagency Memorandum of Understanding Between California Children’s Services and Marin County SELPA

2025-2026
INTERAGENCY
MEMORANDUM OF
UNDERSTANDING
MARIN COUNTY SELPA AND
CALIFORNIA CHILDREN'S
SERVICES



LOCAL INTERAGENCY AGREEMENT

1) PURPOSE

The purpose of this interagency agreement (“Agreement”) between the CCS county MTP and the LEA and SELPA (collectively, the “Parties”) is to facilitate the provision of medically necessary and educationally necessary occupational and physical therapy services, as required under Title 2 of the California Code of Regulations (2 CCR) section 60310 et.seq., and Title 34 of the Code of Federal Regulations (34 CFR) section 300.154, respectively, and which are incorporated by reference into this agreement

2) ACRONYMS

The following acronyms shall apply to this agreement:

CCS	California Children’s Services
CDE	California Department of Education
DHCS	California Department of Health Care Services
HIPAA	Health Information Portability and Accountability Act
FAPE	Free and Appropriate Public Education
IEP	Individualized Education Program
LEA	Local Education Agency
MTC	Medical Therapy Conference
MTP	Medical Therapy Program
MTU	Medical Therapy Unit
OT/PT	Occupational Therapy/Physical Therapy
ROI	Release of Information
SELPA	Special Education Local Plan Area



3) DEFINITIONS

- a) The definitions contained in 2 CCR section 60300 are incorporated herein by reference.
- b) “Overlapping services” means therapy services that, upon assessment by both the CCS county MTP and the qualified education representative at the SELPA or LEA level, have been found to be both medically necessary (by CCS) and necessary for the pupil to benefit from their IEP (by the qualified education representative).
- c) The term “pupil” and “client” shall be used interchangeably within this document as it applies to the educational needs and/or medical needs of the individuals pertaining to the coordination between the entities listed in this agreement.

4) SELPA and LEA DUTIES

- a) Referrals, assessments & initial IEP team meeting
 - i) Pupils referred to the LEA for assessment of fine and/or gross motor/physical skills shall be considered for assessment by the LEA and/or CCS county MTP, if CCS deems the assessment medically necessary.
 - ii) The LEA will refer pupils, birth to 21 years of age, to CCS who may have or are suspected of having a CCS MTP-eligible condition that may require medically necessary OT and/or PT.
 - iii) The LEA referral to CCS shall include the pupil’s medical diagnosis, current medical records, parental or legal guardian permission for ROI between agencies, and a signed application for the CCS program if the pupil is unknown to CCS.
 - iv) The LEA shall schedule an IEP meeting to be held within 50 days from the date parental or legal guardian consent to the therapy assessment is obtained by CCS.



- v) The LEA is responsible for assessing for any special education/unique educational needs.
 - vi) Prior to any IEP meeting discussing CCS services related to the IEP, the LEA shall provide at least a 10-day notice of the IEP meeting to CCS for a pupil served by the CCS MTP.
 - vii) The LEA shall provide a copy, with a ROI signed by the parent or legal guardian, of the IEP to CCS whenever therapy services, as stated in the proposed/approved CCS Therapy Plan, and/or transportation to the therapy site, are included in the IEP.
 - viii) OT/PT that is not deemed to be medically necessary by CCS, but the IEP team determines is necessary to enable a pupil to benefit from special education, shall be provided by the LEA.
 - ix) If the LEA determines that a referral to CCS (to address fine and/or gross motor/physical skills for medically necessary reasons) is not appropriate, the LEA shall propose an assessment plan to the parent or legal guardian to assess these skills in relation to the pupil's unique educational needs.
- b) IEP participation and procedures
- i) The LEA shall provide at least a 10-day notice to CCS prior to every IEP team meeting where services will be discussed for a pupil served by the CCS MTP. The LEA shall



coordinate with CCS and the parent or legal guardian, within any applicable timelines, regarding the time and place of the IEP meetings.

- ii) The LEA shall convene the IEP team to review all assessments, request additional assessments if needed, determine whether fine or gross motor or physical needs exist, and consider designated services, instruction, or related services that are necessary to enable the pupil to benefit from the special education program.
 - iii) When the IEP team determines that OT or PT services are necessary for the pupil to benefit from the special education program, goals and objectives relating to the activities identified in the assessment reports shall be written into the IEP and provided by personnel qualified pursuant to the California Code of Regulations, Title 5, Section 3051.6.
 - iv) The LEA shall provide a copy, with a ROI signed by the parent or legal guardian, of the updated IEP to CCS any time the therapy services in the IEP of a pupil, who is in the CCS medical therapy program is amended. This includes changes made by CCS to the CCS Therapy Plan for services in the IEP or by the qualified education representative to the overlapping therapy services in the IEP.
- c) Medical Therapy Conference (MTC)
- A LEA representative may, with either the written consent of the parent or legal guardian or signed ROI, participate in the MTC for the purpose of coordination with medical services. The MTC staff shall provide reasonable notice to LEA staff prior to every MTC conference meeting for a pupil served by the CCS county MTP.



d) Facility needs

- i) The LEA/SELPA shall provide the necessary space and equipment for the provision of CCS MTP occupational therapy and physical therapy in the most efficient and effective manner.
- ii) The MTU shall have the necessary space and equipment to accommodate the following functions: administration, medical therapy conference, comprehensive evaluation, private treatment, activities of daily living, storage, and modification of equipment. The specific space and equipment requirements are dependent upon local needs as determined by joint agreement of state CCS, county CCS, and LEAs, and approved by both the CDE and the DHCS.
- iii) The LEA shall be responsible for the day-to-day maintenance of the MTU physical plant. Maintenance includes, but is not limited to, structural repairs, custodial and housekeeping services, replacement of broken items, and replacement of consumed items.
- iv) All new construction, relocation, remodeling, or modification of medical therapy units and medical therapy unit satellites shall be mutually planned and approved by the CDE and the DHCS.
- v) The LEA/SELPA will work with the CCS county MTP to determine the need for and location of MTUs or MTU satellites, or other off-site facilities authorized by DHCS and the CDE.
- vi) The LEA/SELPA shall identify the LEA(s) fiscally responsible for the provision, maintenance, and operation of the facilities housing the medical therapy unit or medical therapy unit satellite during the CCS workday on a twelve-month basis. There may be more than one LEA with students receiving services at the MTU or MTU satellite, and each LEA shall support the MTU or MTU satellite based on the percentage of students served, as determined by the SELPA allocation plan.



- vii) The LEA/SELPA will identify the process for a change in the LEA with fiscal/administrative responsibility for the provision and maintenance of necessary space, supplies, and equipment.
- viii) The space and equipment of the medical therapy unit and medical therapy unit satellites shall be for the exclusive use of CCS staff when they are on site.
- ix) The LEA/SELPA shall coordinate with the CCS staff for other use of the space and equipment when the CCS staff is not present.
- e) Equipment and supplies
 - i) The LEA shall provide the necessary space and equipment for the provision of OT/PT in the most efficient and effective manner.
 - ii) The LEA/SELPA shall identify the LEA having the fiscal/administrative responsibility for the provision and maintenance of necessary equipment and supplies.
 - iii) The LEA/SELPA shall identify the process for a change in the LEA with fiscal/administrative responsibility for the provision and maintenance of necessary equipment and supplies.
 - iv) The LEA/SELPA must receive, on an annual basis, the MTP list of necessary equipment and supplies for the school year within the defined budget by the following date: February 15th.
- f) Transportation
 - i) The LEA shall communicate with CCS to ensure transportation is discussed in the IEP meeting for students receiving CCS services as a designated service, instruction, or related service on their IEP.



- g) Provision of services
- i) When medically necessary services provided by CCS are determined no longer necessary by CCS, the LEA will assume responsibility for the provision of any services if the IEP team determines the services are still required to ensure the pupil receives a FAPE.
 - ii) When the CCS county MTP Liaison has notified the LEA that it is unable to provide medically necessary OT and/or PT services as stated in the approved CCS Therapy Plan and contained in the IEP related to goals and services, and it has been unable to vendor the service to an appropriate agency (paneled provider), the LEA shall provide the medically-necessary OT and/or PT services as soon as possible and shall notify the county MTP Liaison of the start of LEA-provided services. The LEA providing or contracting with a vendor to provide the service is authorized to claim reimbursement for the services from CCS.
 - iii) To claim reimbursement for the cost of providing the medically necessary OT and/or PT services as stated in the approved CCS Therapy Plan, the LEA or SELPA will:
 - A) Notify the MTP liaison in writing of its intent to request reimbursement, stating the time period (start and end dates) of the requested reimbursement and the total amount requested for reimbursement for that time period.
 - B) The LEA or SELPA will provide the invoice(s) and/or contract for services with a vendor evidencing the cost for the



provision of services and service log(s) or invoice(s) demonstrating the completion of service hours for the relevant time period of the requested reimbursement. In the event that the LEA uses school personnel to provide said services, the LEA will provide evidence of the employee's rate of pay and a service log demonstrating the provision of services.

iv) Disputes between the CCS county MTP and LEA/SELPA that cannot be resolved informally regarding reimbursement pursuant to this Section will be resolved utilizing the mediation and complaint process and procedures of the Office of Administrative Hearings.

h) Exchange of information

Exchange of information, both verbal and written, shall only be provided with written consent of the pupil's parent or legal guardian.

i) Staff development

The LEA/SELPA Liaison shall plan joint staff development activities in conjunction with the CCS MTP education liaison.

5) COUNTY CALIFORNIA CHILDREN'S SERVICES MEDICAL THERAPY PROGRAM DUTIES

a) Referrals, assessments & initial IEP team meeting

i) Upon receipt of a client referral from the LEA, the county MTP shall:

A) Evaluate the applicant's medical eligibility for MTP services under the California Code of Regulations, title 22, section 41517.5 MTP medical eligibility regulations.

B) Notify the client's parent or legal guardian and LEA within 15 days of the receipt of the referral if medical eligibility cannot be determined by the submitted medical records.



- C) If medical eligibility cannot be determined by medical records submitted by the LEA, the county MTP may request additional information from the LEA or seek an assessment from a CCS-paneled physician.
 - D) If county MTP finds that the client is medically ineligible for MTP services, the county shall notify the client's LEA and parent or legal guardian in accordance with section b.iii. below.
 - E) If the county MTP finds that the client is medically eligible for MTP services, the county MTP shall obtain written consent from the client's parent or legal guardian to perform an assessment and provide the parent or legal guardian a copy of the assessment plan. The county MTP shall also obtain a ROI from the parent or legal guardian. The county MTP shall provide a copy of the parent or legal guardian's written consent to the LEA.
 - F) A MTP therapist performs the assessment and develops a proposed CCS Therapy Plan based on assessment findings. The MTP therapist reviews the assessment findings and proposed CCS Therapy Plan with the client's parent or legal guardian. This proposed therapy plan shall be implemented not more than 45 days following the evaluation and construction of the CCS Therapy Plan when physician prescription is signed and on file, per MTP guidelines.
- ii) The proposed CCS Therapy Plan shall include:
- A) The client's present level of functional performance;
 - B) The proposed functional goals to achieve a measurable change in function or recommendations for services to prevent loss of present function and documentation of progress to date;



- C) Recommended medically necessary OT/PT services (i.e., treatment, consultation, or monitoring);
 - D) The proposed initiation, frequency, and duration of the services; and
 - E) The proposed date of medical re-evaluation for therapy-related needs.
- iii) The county MTP shall schedule a MTC upon determination that a client is medically eligible to participate in MTP services, and upon completion of a CCS Therapy Plan by the evaluating MTP therapist.
 - iv) The county MTP may, instead of utilizing MTC services, approve the client to receive medical case management from a private CCS paneled physician, or CCS Special Care Center team.
 - v) The MTC physician, private CCS paneled physician, or Special Care Center team physician will, with assistance from the evaluating MTP therapist, approve or modify the CCS Therapy Plan, based on the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) medical necessity standard.
 - vi) MTP services in a MTU or MTU satellite shall be provided by or under the supervision of a licensed occupational therapist or physical therapist.
 - vii) If the county MTP, or its delegees or representatives, determines that a client does not have an MTP-eligible medical condition, or that MTP services are not medically necessary under the EPSDT medical necessity standard, the county shall send a notice of action to the client's parent or legal guardian and the LEA within five (5) business days explaining the reasons for this determination. The county MTP shall also send the parent or legal guardian and the LEA a copy of the assessment report, if applicable.
- b) IEP participation and procedures
 - i) The county MTP shall participate in initial IEP team meetings as requested by education in accordance with Government Code section 7572(d). The county MTP shall coordinate with the LEA



regarding the time and place of any IEP meeting that the county MTP will attend.

- ii) The county MTP shall provide at least a 10-day notice to the LEA and the parent or legal guardian of any impending changes in medically necessary MTP services that may require a change in the IEP.
- iii) The county MTP shall participate in the IEP meeting convened by the LEA in response to the county's determination to change any MTP services.
- iv) The county MTP shall provide the LEA and the parent or legal guardian a copy of the client's previously approved CCS Therapy Plan or a proposed CCS Therapy Plan prior to any scheduled IEP meeting, as requested.

c) Medical Therapy Conference (MTC)

- i) The MTC team shall meet to review a client's CCS Therapy Plan to ensure the inclusion of measurable functional goals and objectives for MTP services, including activities that can be performed by the family as part of a home program. Families may share these activities with other service support personnel such as LEA staff, daycare providers, etc.
- ii) Each MTC includes a managing physician who is responsible for overall medical case management of the client's MTP rehabilitation needs. The managing physician shall approve services based on the EPSDT medical necessity standard.

d) Facility needs

- i) The county MTP will collaborate with the LEA/SELPA to identify appropriate sites to serve as MTUs or MTU satellites. Any proposed construction, relocation, remodeling, or modification of a MTU or MTU satellite remains subject to approval and shall be



mutually planned and approved by the county MTP, DHCS, SELPA/LEA, and CDE.

- ii) The county MTP shall collaborate with the LEA/SELPA to identify and plan for day-to-day maintenance and housekeeping for MTUs and MTU satellites. The county MTP shall notify any maintenance and housekeeping needs outside of day-to-day maintenance and housekeeping to the LEA as soon as practicable.
 - iii) The county MTP will prepare an annual budget for MTU equipment and supplies and provide this budget to the LEA(s) for approval by the SELPA that have been given the responsibility to support the MTU and any MTU satellites.
 - iv) The MTU and MTU satellite space shall be for the exclusive use of MTP staff during hours when they are on site.
 - v) The county MTP shall coordinate with the LEA/SELPA staff for other uses of the MTU or MTU satellite space when it is not in use by the CCS county MTP staff.
- e) Equipment and supplies
- i) The county MTP shall provide to the LEA, on an annual basis, the estimated cost of equipment and supplies for the provision of MTP services at the MTU and MTU satellite(s) no later than the date mutually agreed upon by the LEA and MTP. Any amount above \$2000 will be negotiated with the LEA on an "as needed" basis. The annual budget for supplies will not exceed the annual budgeted amount for instructional supplies for four (4) special day classes maintained by the LEA.
 - ii) The county MTP shall provide the MTU and MTU satellite(s) with the necessary supplies for MTP administrative and case management activities.
 - iii) The county MTP shall provide the MTU and MTU satellite(s) with the necessary medical supplies to deliver MTC services.
 - iv) The county MTP is responsible to provide an assessment and/or authorization, where appropriate, for any equipment that will become the personal property of the client.
 - v) The county MTP shall send to the LEA/SELPA, at least annually, a list of necessary equipment and supplies on or before February 15th.



- f) Transportation
 - i) Pursuant to section 123840(j) of the Health and Safety Code, CCS county MTP shall be responsible for transportation costs to and from MTUs and MTU satellites for clients to receive medically necessary services, when unavailable through their Managed Care Plan (MCP). The CCS county MTP program shall authorize transportation services in accordance with CCS Numbered Letter 03-0810 (or any NL superseding this NL) once efforts to seek reimbursement or coverage of transportation by the client's MCP have been exhausted.

- g) Provision of services
 - i) The county MTP will provide medically necessary PT and OT services for clients once those services are approved by the CCS paneled physician.
 - ii) When the county MTP has determined that the level of OT and/or PT services will change based on the determination of medical necessity, and the service is included in the IEP as a related service, the county MTP shall notify the IEP team and parent in writing within five (5) business days of the decision which overlapping services are no longer medically necessary.
 - iii) If the county MTP is unable to provide the medically necessary therapy services and needs to hire the LEA as a vendor for the service, the county MTP shall be financially responsible for the LEA's provision of such services. CCS must reimburse the LEA in full for the cost of providing the medically necessary OT and/or PT services as stated in the approved CCS Therapy Plan and contained in the IEP.
 - iv) Following a request for reimbursement for the provision of medically necessary OT and/or PT services as stated in the approved CCS Therapy Plan and contained in the IEP, the county MTP shall provide the reimbursement within 30 days of receipt of the request for reimbursement from the LEA/SELPA.
 - v) If the county MTP becomes able to resume the provision of medically necessary OT and/or PT services for the client as stated



in the approved CCS Therapy Plan and contained in the IEP, it shall notify the LEA/SELPA liaison. CCS and the LEA/SELPA will coordinate the transition of the provision of services to CCS while minimizing interference in any existing contract or agreement for services entered into by the LEA or SELPA to perform said services. The LEA and SELPA will not be required to breach any existing contract or agreement for the provision of medically necessary OT or PT services entered into due to CCS's county MTP's notification of its inability to provide the requisite services.

6) IDENTIFICATION OF LIAISON

The Parties shall each identify a liaison to serve as a primary contact for matters pertaining to this Agreement.

7) EXCHANGE OF INFORMATION

Any exchange of information, both verbal and written, shall only be provided with the written informed consent of the pupil's parent or legal guardian.

8) STAFF DEVELOPMENT

The Parties shall collaborate to plan joint staff development activities.

9) AGREEMENT DURATION, REVIEW OF INTERAGENCY AGREEMENT

This Agreement shall continue indefinitely until amended or canceled by the Parties. The Parties shall meet annually to discuss this Agreement, including making amendments as necessary.

10) AMENDMENT OR CANCELLATION

Either Party may request an amendment of this Agreement by submitting a written request to the other Party. This Agreement can only be amended by mutual consent of both Parties.

This Agreement can only be canceled by written consent from both Parties, DHCS and the CDE.



11) **DISPUTE RESOLUTION**

The Parties shall meet to discuss and resolve all disputes informally. In cases where a dispute cannot be resolved informally, the Parties shall adhere to the dispute resolution process provided in California Government Code section 7585.

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized representatives to execute this Agreement as of the day first above stated:

COUNTY OF MARIN

_____ OSC Chairperson Date: _____

_____ SELPA Director Date: _____

Lisa Workhus Date: 12/05/2025
Director, Health and Human Services

Lael Lambert, County CCS Administrator Date: 12/05/2025

Annotation – Agenda Item 7.4
Operational Steering Committee
January 7, 2026

Agenda Item

7.4 First Reading: Marin County SELPA Policy C-10: Policy and Procedures for Independent Education Evaluations

Item Type

Action

Summary of Key Issues

The current SELPA Policy C-10: Independent Educational Evaluations was updated to align with current terminology and best practices, clarify procedures for identifying and contracting with assessors, outline fiscal responsibilities, and incorporate a SELPA-maintained preferred provider list.

Summary of Previous OSC Action

The Marin County SELPA Policy C-10 was last revised and approved by the Operational Steering Committee on May 6, 2020.

Recommendation

None

Attachments to this Agenda Item

Attachment 1: SELPA Policy C-10: Policy and Procedures Independent Education Evaluations

Attachment 2: Draft SELPA Policy C-10: Policy and Procedures Independent Education Evaluations



SELPA Policy C-10

Policies and Procedures Independent Education Evaluation

Adopted by OSC May 6, 2020

1111 LAS GALLINAS AVENUE PO BOX 4925 SAN RAFAEL, CA 94913 (415)-499-0850

Policy and Procedures Independent Educational Evaluations

This policy sets forth the procedures under which students with disabilities are entitled to an IEE at public expense.

Definitions

Independent educational evaluation (IEE) means an evaluation conducted by a qualified examiner who is not employed by the School District of Special Education Accountability (DSEA).

Public expense means that the School District pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

Policy and Procedures

Parents have the right to an IEE at public expense if they disagree with an evaluation completed by the local educational agency.

Parents must indicate in writing to the district or inform the district at an IEP meeting that they:

1. Disagree with the district's evaluation, and
2. They are requesting an IEE at public expense. The District may ask for the parent's reason(s) for disagreeing with the school district's evaluation, but the parent is not required to provide those reasons. The District may offer to conduct another evaluation of its own with parent consent. If the parent does not agree to another District evaluation, the District must respond to the parent's request by ensuring an IEE is provided at public expense in a timely manner or initiate a due process hearing in accordance with this policy. The district may not unnecessarily delay either providing the IEE at public expense or initiating a due process hearing to defend its evaluation.

Parents may only request one publicly funded independent evaluation for each evaluation completed by the District. The parents must request the IEE within two calendar years of the date that the results of the District's evaluation were shared with the parents.

Adopted by OSC May 6,2020

Once the parent communicates his/her disagreement with the District's evaluation and requests an IEE at public expense in writing or at an IEP meeting, the following procedures will be followed:

1. The District's administrator responsible for special education will be notified.
2. The District will provide to the parents a copy of the Marin SELPA policy and procedures including criteria for IEEs, the option for an alternative District examiner (Option A below), and options for an IEE at public expense (Options B, C, and D below) as follows:
 - A. A district staff member from another school
 - B. A staff member from another LEA in the SELPA
 - C. A staff member from another SELPA 2 04/2020
 - D. A private sector provider.
3. The parents will communicate to the District, in writing, their preferred option.
4. The district will determine whether the District will initiate due process to establish the appropriateness of its evaluation or proceed with obtaining an independent educational evaluation.

The above procedure must be completed in a timely manner. Without unnecessary delay, the district must decide whether to initiate a due process hearing to show that the District's evaluation is appropriate, or must ensure that an IEE is provided at public expense.

If the District agrees to provide an IEE:

- Parents will be sent an assessment plan for their review and consent.
- Upon receipt of the signed written consent to assess, the District will arrange for the completion of the IEE.
- Parents will be required to sign a release and exchange of information between the IEE evaluator(s) and the District.

If the District determines that it will initiate a due process hearing to establish the appropriateness of its evaluation, the District will notify the parent of such decision in writing prior to filing a due process hearing complaint. This written notice shall include all of the elements of prior written notice as required by section 300.503(b) of Title 34 of the Code of Federal Regulations.

If the parent obtains an independent educational evaluation at private expense, the results of the evaluation:

1. Must be considered by the District, if it meets District criteria, in any decision made with respect to the provision of FAPE to the student; and

Adopted by OSC May 6,2020

2. May be presented as evidence at a due process hearing regarding that student.

If the District initiates a hearing and the final decision is that the District's evaluation is appropriate, the parents still have the right to an IEE, but not at public expense.

Adopted by OSC May 6,2020

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District Criteria

The criteria under which an IEE is obtained at public expense, including the location limitations for the evaluation, minimum qualifications of the examiner, and cost containment criteria, must be consistent with the criteria set forth in this policy, and consistent with the criteria that the District uses when it initiates an evaluation.

If the District observed the student in conducting the evaluation with which the parents disagree or if its assessment procedures allow in-class observations, the independent examiner will be provided with an equivalent opportunity to observe the student in the current educational setting, and to observe the District's proposed setting, if any. This opportunity shall also be provided if the parents obtain an evaluation at private expense.

The District shall define the nature and scope of an independent examiner's in-class observations consistent with the right to an equivalent opportunity to observe, but also consistent with its obligations to prevent unnecessary disruption in the class and to protect the privacy interests of other students. This may include, but is not limited to, identifying the time constraints of such observation, district personnel who will participate in the observation and restrictions on student/teacher interactions.

All independent educational evaluators must utilize testing and assessment materials and procedures which are selected and administered so as not to be racially, culturally, or sexually discriminatory. Tests and other assessment materials must be provided and administered in the student's primary language or other mode of communication, unless there are stated reasons why this provision and administration are not clearly feasible. All assessment instruments utilized must have been validated for the specific purpose for which they are used, and be administered by trained personnel in conformity with the instructional provided by the publisher. All written reports must meet the requirements of the IDEA and California Ed. Code Section 56327.

Geographic Limitations for Evaluators

Evaluators will be located within the greater Bay Area including Marin, Sonoma, Napa, San Francisco, Contra Costa, Alameda, San Mateo, and Santa Clara Counties. Evaluators outside of this area will be approved only on an exceptional basis, providing parents can demonstrate the necessity of using personnel outside the specified area. Any expenses beyond the evaluation (i.e., food, lodging, transportation, etc.) are not covered in the cost

Adopted by OSC May 6, 2020

of the independent evaluation.

Minimum Qualifications for Evaluators

Evaluators with credentials other than those listed below will not be approved unless the parent can demonstrate the appropriateness of using an evaluator meeting other qualifications (Ed. Code 56320 (b))

Type of Assessment	Qualifications
Academic Achievement	Credentialed Special Education Teacher School Psychologist Licensed Educational Psychologist
Adaptive Behavior	School Psychologist Licensed Educational Psychologist
Assistive Technology	Credentialed or Licensed Speech/Language Pathologist Credentialed Assistive Technology Specialist Credentialed Special Education Teacher
Auditory Acuity	Licensed Educational Audiologist Licensed or Credentialed Speech/Language Pathologist
Auditory Perception (Central Auditory Processing)	Licensed Educational Audiologist Licensed or Credentialed Speech/Language Pathologist
Behavioral	School Psychologist Licensed Educational Psychologist
Cognitive	School Psychologist Licensed Educational Psychologist
Health (including neurological)	Licensed Physician Nurse
Motor	Licensed Physical Therapist Registered Occupational Therapist Credentialed Teacher of the Physically Impaired Adaptive Physical Education Teacher
Occupational Therapy	Licensed Occupational Therapist
Speech and Language	Credentialed or Licensed Speech/Language Pathologist
Social/Emotional	School Psychologist Licensed Educational Psychologist
Visual Acuity/Developmental Vision	Licensed Ophthalmologist Optometrist
Functional Vision	Credentialed Teacher of the Visually Impaired
Vision Perception	Credentialed Special Education Teacher School Psychologist
Transition	Credentialed Special Education Teacher School Psychologist Licensed Educational Psychologist

Adopted by OSC May 6,2020

Cost Containment Criteria for Evaluations

The cost of an IEE shall be comparable to those costs that the District incurs when it uses its own employees or contractors to perform a similar assessment. Costs include observations, administration and scoring of tests, report writing, and attendance in person or by phone at an IEP team meeting. Reimbursement will be in an amount no greater than the actual cost to the parent and will be subject to proof of payment.

Guidelines for all IEE costs are calculated by considering time required for the assessment and the appropriate District employee hourly rate. Costs above these amounts will not be approved unless the parent can demonstrate that such costs reflect unique circumstances justifying the selection of an evaluator whose fees fall outside these criteria. A school district will not necessarily fund the attendance of the assessor at the IEP team meeting convened to consider the IEE.

When insurance will cover all or partial costs of the IEE, the District will request that the parent voluntarily have their insurance pay the IEE costs covered by their insurance. However, parents will not be asked to have insurance cover independent evaluation costs if such an action would result in a financial cost to the parents including, but not limited to the following:

- A. A decrease in available lifetime coverage or any other benefit under an insurance policy;
- B. An increase in premiums or the discontinuance of the policy; or C. An out-of-pocket expense such as payment of a deductible amount incurred in filing a claim unless the parent is willing to have the District reimburse them for the amount of the deductible.

As part of the contracted evaluation, independent evaluators must:

- Provide protocols of all the assessments, and
- Provide a written report prior to the IEP team meeting

Independent evaluators must agree to release their assessment information and results to the school district prior to receipt of payment for services. The results of the IEE will be considered in the determination of eligibility, program decisions, and placement of the student with disabilities as required by the Individuals With Disabilities Education Act.

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

Adopted by OSC May 6,2020

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

Adopted by OSC May 6, 2020

1111 LAS GALLINAS AVENUE PO BOX 4925 SAN RAFAEL, CA 94913 (415)-499-0850

C-10 Policy and Procedures Independent Educational Evaluation

This policy sets forth the procedures under which students with disabilities are entitled to an Independent Education Evaluation (IEE) at public expense.

Definitions

Independent educational evaluation (IEE) means an evaluation conducted by a qualified examiner who is not employed by the Local Educational Agency (LEA) which is the District of Special Education Accountability (DSEA).

Public expense means that the LEA pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

Policy and Procedures

Parents have the right to an IEE at public expense if they disagree with an evaluation completed by the LEA.

Parents must indicate in writing to the LEA or inform the LEA at an IEP meeting that they:

1. Disagree with the LEA's evaluation, and
2. They are requesting an IEE at public expense.

The LEA may ask for the parent's reason(s) for disagreeing with the LEA's evaluation, but the parent is not required to provide those reasons. The LEA may offer to conduct another evaluation of its own with parent consent. If the parent does not agree to another LEA evaluation, the LEA must respond to the parent's request by ensuring an IEE is provided at public expense in a timely manner or initiate a due process hearing in accordance with this policy. The LEA may not unnecessarily delay either providing the IEE at public expense or initiating a due process hearing to defend its evaluation.

Parents may only request one publicly funded independent evaluation for each evaluation completed by the LEA. The parents must request the IEE within two calendar years of the date that the results of the LEA's evaluation were shared with the parents. The right for an IEE is not triggered until there is an evaluation by the LEA with which the Parents disagree (*Student v Lake Elsinore Unified School LEA*, OAH Case No. 2016040427)

Once the parent communicates their disagreement with the LEA's evaluation and requests an IEE at public expense in writing or at an IEP meeting, the following procedures will be followed:

1. The LEA's administrator responsible for special education will be notified.

2. The LEA will provide the parents with a copy of the Marin SELPA Policies and Procedures: Independent Education Evaluation, the option for an alternative LEA examiner (Option A below), and options for an IEE at public expense (Options B, C, and D below) as follows:

- A. An LEA staff member from another school;
- B. A staff member from another LEA in the SELPA;
- C. A staff member from another SELPA;
- D. A private sector provider.

3. The parents will communicate to the LEA, in writing, their preferred option; OR

4. The LEA will determine whether the LEA will initiate due process to establish the appropriateness of its evaluation or proceed with obtaining an IEE.

The above procedure must be completed in a timely manner. Without unnecessary delay, the LEA must decide whether to initiate a due process hearing to show that the LEA's evaluation is appropriate or must ensure that an IEE is provided at public expense.

If the LEA agrees to provide an IEE:

- A LEA Assessment Plan is NOT completed because the LEA is not conducting the assessment nor is responsible for timelines and/or results of the IEE assessments.
- Once the LEA and parent have agreed upon an assessor, the LEA will arrange for or initiate a contract with the examiner for the completion of the IEE. The contracted assessor will be required to meeting district contractor requirements.
- Parents will be required to sign a release and exchange of information between the IEE evaluator(s) and the LEA.

Once assessments are completed and provided to the LEA, the LEA should schedule an IEP meeting to review the IEE.

Payment/Reimbursement options for IEEs:

- The LEA may directly contract with and directly provide the payment to the independent evaluator for the IEE. Alternatively, the LEA may issue payment to the independent evaluator for the costs of the IEE following its receipt of the items listed below.

- Or, the LEA may reimburse the parent for the costs of a procured IEE in a timely manner in accordance with the LEA's policies and procedures and in the amount no greater than the actual cost to the parent.

If the LEA determines that it will initiate a due process hearing to establish the appropriateness of its evaluation, the LEA will notify the parent of such decision in writing prior to filing a due process hearing complaint. This written notice shall include all the elements of prior written notice as required by section 300.503(b) of Title 34 of the Code of Federal Regulations.

If the parent obtains an independent educational evaluation at private expense, the results of the evaluation:

1. Must be considered by the LEA, if it meets LEA criteria, in any decision made with respect to the provision of FAPE to the student; and
2. May be presented as evidence at a due process hearing regarding that student.

If the LEA initiates a hearing and the final decision is that the LEA's evaluation is appropriate, the parents still have the right to an IEE, but not at public expense.

LEA Criteria

The criteria under which an IEE is obtained at public expense, including the location limitations for the evaluation, minimum qualifications of the examiner, and cost containment criteria, must be consistent with the criteria set forth in this policy, and consistent with the criteria that the LEA uses when it initiates an evaluation.

If the LEA observed the student in conducting the evaluation with which the parents disagree or if its assessment procedures allow in-class observations, the independent examiner will be provided with an equivalent opportunity to observe the student in the current educational setting, and to observe the LEA's proposed setting, if any. This opportunity shall also be provided if the parents obtain an evaluation at private expense.

The LEA shall define the nature and scope of an independent examiner's in-class observations consistent with the right to an equivalent opportunity to observe, but also consistent with its obligations to prevent unnecessary disruption in the class and to protect the privacy interests of other students. This may include, but is not limited to, identifying the time constraints of such observation, LEA personnel who will participate in the observation and restrictions on student/teacher interactions.

All independent educational evaluators must utilize testing and assessment materials and procedures which are selected and administered so as not to be racially, culturally, or sexually discriminatory. Tests and other assessment materials must be provided and administered in the student’s primary language or other mode of communication, unless there are stated reasons why this provision and administration are not clearly feasible.

Geographic Limitations for Evaluators

Evaluators will be located within the greater Bay Area including Marin, Sonoma, Napa, San Francisco, Contra Costa, Alameda, San Mateo, and Santa Clara Counties. Evaluators outside of this area will be approved only on an exceptional basis, providing parents can demonstrate the necessity of using personnel outside the specified area. Any expenses beyond the evaluation (i.e., food, lodging, transportation, etc.) are not covered in the cost of the independent evaluation.

Minimum Qualifications for Evaluators

Evaluators with credentials other than those listed below will not be approved unless the parent can demonstrate the appropriateness of using an evaluator meeting other qualifications (Ed. Code 56320 (b))

Type of Assessment	Qualifications
Academic Achievement	Credentialed Special Education Teacher School Psychologist Licensed Educational Psychologist
Adaptive Behavior	School Psychologist Licensed Educational Psychologist
Assistive Technology	Credentialed or Licensed Speech/Language Pathologist Credentialed Assistive Technology Specialist Credentialed Special Education Teacher
Auditory Acuity	Licensed Educational Audiologist Licensed or Credentialed Speech/Language Pathologist

Auditory Perception (Central Auditory Processing)	Licensed Educational Audiologist Licensed or Credentialed Speech/Language Pathologist
Behavioral	School Psychologist Licensed Educational Psychologist
Cognitive	School Psychologist Licensed Educational Psychologist
Health (including neurological)	Licensed Physician Nurse
Motor	Licensed Physical Therapist Registered Occupational Therapist Credentialed Teacher of the Physically Impaired Adaptive Physical Education Teacher
Occupational Therapy	Licensed Occupational Therapist
Speech and Language	Credentialed or Licensed Speech/Language Pathologist
Social/Emotional	School Psychologist Licensed Educational Psychologist
Visual Acuity/Developmental Vision	Licensed Ophthalmologist Optometrist
Functional Vision	Credentialed Teacher of the Visually Impaired
Vision Perception	Credentialed Special Education Teacher School Psychologist
Transition	Credentialed Special Education Teacher School Psychologist Licensed Educational Psychologist

Cost Containment Criteria for Evaluations

The cost of an IEE shall be comparable to those costs that the LEA incurs when it uses its own employees or contractors to perform a similar assessment.

Costs include observations, administration and scoring of tests, report writing, and attendance in person or by phone at an IEP team meeting. Reimbursement will be in an amount no greater than the actual cost to the parent and will be subject to proof of payment.

Guidelines for all IEE costs are calculated by considering time required for the assessment and the appropriate LEA employee hourly rate. Costs above these amounts will not be approved unless the parent can demonstrate that such costs reflect unique circumstances justifying the selection of an evaluator whose fees fall outside these criteria. A school LEA will not necessarily fund the attendance of the assessor at the IEP team meeting convened to consider the IEE.

When insurance covers all or partial costs of the IEE, the LEA will request that the parent voluntarily have their insurance pay the IEE costs covered by their insurance. However, parents will not be asked to have insurance cover independent evaluation costs if such an action would result in a financial cost to the parents including, but not limited to the following:

- A. A decrease in available lifetime coverage or any other benefit under an insurance policy.
- B. An increase in premiums or the discontinuance of the policy; or C. An out-of-pocket expense such as payment of a deductible amount incurred in filing a claim unless the parent is willing to have the LEA reimburse them for the amount of the deductible.

As part of the contracted evaluation, independent evaluators must:

- Provide protocols of all the assessments, and
- Provide a written report prior to the IEP team meeting

Independent evaluators must agree to release their assessment information and results to the school LEA prior to receipt of payment for services. The results of the IEE will be considered in the determination of eligibility, program decisions, and placement of the student with disabilities as required by the Individuals with Disabilities Education Act.

Marin County SELPA maintains a list of assessors who satisfy the criteria for conducting individual evaluations. This list is not exhaustive and does not include all the assessors in the area who meet the SELPA's criteria for performing assessments.

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

DRAFT

The cost of an IEE will be limited to the table below absence of extraordinary circumstances.

Type of Assessment	Maximum Allowable Rate
Augmentative & Alternative Communication (AAC)	
Academic Achievement	
Bilingual Academic Achievement	
Assistive Technology (AT)	
Adapted Physical Education (APE)	
Audiological Services	
Functional Behavioral Assessment (FBA)	
Health and Nursing	
Social Emotional	
Orientation and Mobility (OM)	
Occupational Therapy (OT)	
Physical Therapy (PT)	
Psycho-Educational (Psychological Assessment with Academic Achievement)	
Bilingual Psycho-Educational (Psychological Assessment with Academic Achievement)	
Speech & Language	
Transition	