Special Education Local Plan Area (SELPA) Local Plan

SELPA **San Joaquin County SELPA** **Fiscal Year** 2026-27

LOCAL PLAN
Section B: Governance and Administration
SPECIAL EDUCATION LOCAL PLAN AREA

California Department of Education
Special Education Division

CDE Form Version June 2022

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

B. Governance and Administration

California *Education Code* (*EC*) sections 56195 et seq. and 56205, EC 56000 et seq., and applicable federal law, including the Individuals with Disabilities Education Act (IDEA), 20 United States Code section 1400 et seq., and Title 34 of the Code of Federal Regulations, Part 300, govern the development and implementation of this Local Plan.

Participating Local Educational Agencies

Participating local educational agencies (LEAs) included in the Special Education Local Plan Area (SELPA) local plan must be identified in Attachment I.

Special Education Local Plan Area—Local Plan Requirements

1. Describe the geographic service area covered by the local plan: [*EC 56195.1(d); EC 56195.1(a)(1); EC 56211; EC 56212*]

The San Joaquin County Special Education Local Plan (SELPA) is composed of ten Local Education Agencies (LEAs) and the San Joaquin Office of Education (SJCOE).

The following are San Joaquin County SELPA (SJC SELPA) agencies:

Banta Unified School District

- Epic Academy
- Next Generation STEAM Academy River Islands High
- River Islands Technology Academy ||

Escalon Unified School District

Jefferson Elementary School District

Lammersville Unified School District

Lincoln Unified School District

Linden Unified School District

Manteca Unified School District

New Jerusalem Unified School District

Ripon Unified School District

Tracy Unified School District

San Joaquin County Office of Education County Programs

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

2. Describe the SELPA regional governance and administrative structure of the local plan. Clearly define the roles and structure of a multi-LEA governing body, or single LEA administration as applicable: [EC 56195.1(b)(1)-(3)(c); EC 56205(a)(12)]

DESCRIPTION OF GOVERNANCE STRUCTURE

[56195.1(c)(1-2), 56205 (a)(12)(A), 56205(a)(12)(D)(ii)].

It shall be the policy of the SJC SELPA to maintain a governance structure consistent with Education code 56205 (a) (12), including clearly defined roles, responsibilities, and decision-making authority for the Governing Council, Administrative Unit, and member LEAs described in this local plan.

The San Joaquin County Special Education Local Plan Area (SJC SELPA) has been designated by the California State Board of Education as a SELPA, having met the size and scope requirements delineated by the area State Board. When the SJC SELPA was first established, the governance option selected was that of a multi-district SELPA with the SJCOE serving as the Administrative Unit (AU), and the San Joaquin County Superintendent of Schools as the Superintendent of the AU. Any changes to this governance option must follow the procedures as stated in the Local Plan. In developing and approving a Local Plan, Districts agree to cooperate with the San Joaquin County Office of Education (SJCOE) to assure that the Local Plan is compatible with the other local plans in SJCOE. SJCOE shall review any local plans developed according to EC 56195.3(d). In adopting the completed Local Plan, each LEA agrees to carry out the duties and responsibilities assigned to each agency within the Local Plan, or which may be delegated at a later date through agreement of the participating agencies.

The executive structure of the San Joaquin County Special Education Local Plan Area (SELPA) consists of ten District Superintendents and the County Superintendent acting on behalf of eleven governing boards, each retaining independent local authority except where collective action is expressly authorized by this Local Plan and applicable law. Collectively, they constitute the SJC SELPA Governing Council, which will be the decision-making body of the consortium, for matters expressly delegated to the SELPA pursuant to this Local Plan and applicable state and federal law, while each participating local educational agency retains its independent local authority and will meet regularly or at the request of a member. Decisions will be made by a quorum of the attending Superintendents. A majority vote is required for action, and Superintendents may vote in their absence by proxy. In case of a tie, the AU Superintendent shall cast the deciding vote.

The management structure of the SELPA consists of eleven Local Plan Agency Directors, (including the County Director), SELPA Director (, and such other management positions as may be specified by the SJC SELPA Governing Council. The eleven Directors and SELPA Director constitute the Council of Directors (COD), which is responsible for coordinating special education services in the SELPA and advising the SJC SELPA Governing Council on programmatic, fiscal, and operational matters**.** The SELPA Director will administer and implement regionalized services as specified in the Local Plan and pursuant to policies, rules, guidelines, and procedures adopted by SJC SELPA Governing Council.

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

Implementation and operation of regionalized services are the responsibility of the designated implementing agency. Regionalized services may be implemented pursuant to memoranda of understanding or other agreements approved by the SELPA Governing Council, consistent with this Local Plan and applicable law.

The SJCOE is designated as the Administrative Unit (AU) for the SJC SELPA. It shall be responsible for, but not limited to, the following functions:

1. Receipt and distribution of special education funds to district accounts for the operation of special education programs and services.

2. Receipt and distribution of special education funds to accounts exclusively designated for SELPA use.

3. Employment of staff to support SELPA functions and to ensure monitoring, reporting, and corrective action necessary for compliance with state and federal special education law.

POLICY-MAKING RESPONSIBILITIES OF THE GOVERNING BOARDS

[56195.7(i), 56195.8]

The role of the Governing Boards of Trustees is to review and adopt policies which govern the implementation of the Local Plan and are required by the California Education Code.

Identification of issues for policymaking may be made by the COD, SJC SELPA Governing Council, SJC SELPA Director, Agency AU Superintendent, or an AU governing board. The COD, assisted by the SELPA Staff, and advised by the Community Advisory Committee (CAC), Final authority for adoption of SELPA policies shall remain with the appropriate governing boards in accordance with California Education Code sections 56195.7 and 56195.8**.**

PUBLIC PARTICIPATION

[56205(a)(12)(E)(20), 56205(b)(4)]

Members of the public, including parents or guardians of Students With Disabilities (SWD), staff, public and non-public agencies and members of the public at large, may address questions to the governing boards of local educational agencies and the AU, the COD, the SJC SELPA Governing Council, and the CAC. Public participation shall be conducted in accordance with the Ralph M. Brown Act (Gov. Code §54950 et seq.)

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

RESPONSIBILITIES OF SJC SELPA GOVERNING COUNCIL

[56205(a)(12)(A)(D)]

It is the responsibility of the SJC SELPA Governing Council, chaired by the AU Superintendent, in implementing the Local Plan to:

1. Act as the decision-making body for the AU. Act as the decision-making body for SELPA-wide matters, including policy development, approval of the Local Plan, and allocation of SELPA resources in accordance with Education Code. The Administrative Unit retains authority and responsibility for functions assigned under state and federal law.

2. Direct the allocation and utilization of special education management and support services and other resources within the SJC SELPA in accordance with the provisions of the Local Plan.

3. Review special education issues and recommend effective solutions to the COD and their respective governing boards.

4. Provide leadership in the development of policy and procedures, goals, priorities, and plans for the comprehensive and systematic provision of special education programs and services and recommend their adoption by participating boards.

5. Adopt executive rules for the management of special education programs and services in the SELPA, and the implementation of agreements.

6. Monitor special education programs and services with respect to both planned and actual efforts, progress, and results.

   6(a). Monitor systemic patterns related to due process, compliance complaints, and dispute resolution outcomes in order to inform SELPA-wide improvement efforts.

7. Adopt guidelines for the conduct of special education programs and services available through the Local Plan.

8. Provide executive direction to the SELPA Director responsible for regionalized services and to the AU Superintendent, when appropriate, regarding the implementation, administration and operation of special education programs and services in accordance with the Local Plan excluding direct administration of individual local educational agency programs except as expressly authorized by law or agreement.

9. Direct that data be gathered, interpreted, and reported regarding the implementation, administration, and operation of the Local Plan.

10. Review fiscal data, about current status and accomplishments of special education programs, as well as needs for program growth in the SELPA.

11. Provide leadership for inter-district and intra-district SELPA actions pertaining to the implementation, administration, and operation of the Local Plan.

12. Review, upon request of a local agency, the LEA portion of the special education programs and services in accordance with the provisions of the Local Plan.

13. Facilitate liaison with community resources, the LEAs, the AU, and the CAC.

14. Approve an annual budget and program plan composed of the individually adopted budget and program plans from each LEA and the county operated program.

RESPONSIBILITIES OF LOCAL EDUCATION AGENCY BOARDS OF EDUCATION

[56195.1(b)(2), 56195.5(a), 56205(a)(12)(D)(i)]

The responsibilities of LEA Boards of Education in implementing the Local Plan are as follows:

1. Exercise authority over, assume responsibility for, and be fiscally accountable for special education programs operated by the LEA.

2. Enter into an AU Agreement with other LEAs participating in the Local Plan, for purposes of delivery of services and programs.

3. Review and approve revisions of the SJC SELPA Local Plan for Special Education.

4. Participate in the governance of the SJC SELPA through their designated representative to the SJC SELPA Governing Council.

5. Appoint members to the CAC.

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

RESPONSIBILITIES OF SUPERINTENDENTS OF PARTICIPATING LOCAL EDUCATION AGENCIES

[56195.1(b)(2), 56205(a)(12)(D)]

It is the responsibility of the Local Education Agency (LEA) Superintendents in implementing the Local Plan to:

1. Implement special education responsibilities of the LEA as agreed upon in the Local Plan and as determined by the SJC SELPA Governing Council, utilizing locally established procedures.

2. Recommend special education policies to the local governing board.

3. Assist the AU in the selection of the SELPA Director.

4. Respond to LEA due process hearing requests and complaints.

5. Serve as a member of the SJC SELPA Governing Council.

RESPONSIBILITIES OF PARTICIPATING LOCAL EDUCATION AGENCIES

[56195.1(b)(2), 56195.1(c)(1), 56195.5(b), 56205(a)(12)(D)(i)]

The responsibilities of the participating LEAs in implementing the Local Plan are as follows:

Each participating LEA is responsible for implementing those services to the local agency as provided for in local budget and service plans. Each LEA provides programs and services through its own facilities and staff.

When an LEA is unable to provide an appropriate program for an individual pupil, that LEA shall, in cooperation with the SELPA Program Specialists and/or LEA Program Specialists or Directors, arrange for an appropriate placement, through an Individualized Education Team through an IEP team decision meeting. Such placement may be in another LEA within the SJC SELPA or in a San Joaquin County operated program. If such placement is not possible, the San Joaquin County SELPA Director will assist the LEA in a placement outside of the SJC SELPA. The SJCOE shall perform the services of a LEA for SWDS residing in Juvenile Court Schools in the SJC SELPA.

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

COMMUNITY ADVISORY COMMITTEE

[56205(a)(12)(C), 56205(b)(6)]

The SJC SELPA CAC has been established in accordance to EC 56205 (a) (12)(C) and 56205(b)(6) and is comprised of parents/guardians of SWDS enrolled in public or non-public schools within the SJC SELPA. The CAC may include pupils (18-22 years of age) and adults with disabilities; general education teachers and parents, special education providers, and other school personnel within the SJC SELPA. It may also include representatives of other public and non-public agencies, and persons concerned with the education of SWDS. The school boards of the participating LEAs shall appoint one member and alternate to the CAC. The SJC SELPA Department shall establish policies and procedures for the operation of the CAC in accordance with the state regulations for CAC responsibilities.

The agendas will be posted ahead of time and will follow Brown Act provisions.

The CAC will be advisory to the COD and each member will be responsible to the appointing Board of Education or agency.

1. Procedures for Appointment to the Community Advisory Committee:

a. Recommendations for appointment of parents to the CAC will be solicited by each LEA Director. These recommendations will be presented to their respective governing boards for appointment.

b. Appointment of agency representation will be requested of agency management personnel by the SELPA Director or designee.

c. Appointment of general and special education teachers and other school personnel will be solicited by the SELPA Director, or the LEA Directors of Special Education.

2. Responsibilities of the CAC are implemented as follows:

a. Input is solicited from members of the CAC regarding areas to be addressed in the Local Plan. Once the Local Plan has been developed, it is presented to the CAC for review and comment at least 30 days prior to the submission of the Local Plan to the SJC SELPA Governing Council.

b. At the time initial input is solicited, members of the CAC may provide recommendations for prioritizing services.

c. Members of the CAC are encouraged to provide suggestions for parent education activities. Also, members are encouraged to participate in parent education activities and to recruit individuals who might assist in the implementation of the Local Plan.

d. Members of the CAC are encouraged to discuss all aspects of the Local Plan in the community. Information is made available to them so they can become a resource to the community.

e. Information about various disabilities and agencies available to assist individuals with these needs is made available to members of the CAC. Members are encouraged to be supportive of families and SWD and to support and participate in activities on their behalf.

f. Members of the CAC are encouraged to make regular meeting attendance a high priority.

g. Members of CAC are a liaison of the LEA or represented agency and are responsible for reporting back the priorities and education activities related to the Local Plan.

RESPONSIBILITIES OF DISTRICT AND COUNTY ADMINISTRATORS OF SPECIAL EDUCATION

[56205(a)(12)(D)]

The responsibilities of each District and County Administrator of Special Education in coordinating the administration of the Local Plan are as follows:

1. Manage and operate LEA Programs and Services.

2. Participate in the development of the annual budget and service plans by making budgetary recommendations to the SJC SELPA Governing Council regarding regionalized classes.

3. Serve as a member of the COD which has responsibility to:

a. Identify and prioritize special education program and service needs for the districts and for the SELPA.

b. Establish priorities for the use of regionalized services.

c. Recommend effective solutions for special education issues and policies for consideration by the SJC SELPA Governing Council.

d. Collect and report information on program operations as required.

e. Participate in the interview process for the SELPA Director.

f. Provide mutual technical assistance in due process and complaint procedures. Provide input to the development and implementation of standards, agreements, policies, and procedures for implementation of the Local Plan.

g. Consider and respond to concerns expressed by the CAC.

h. Consider and respond to concerns expressed by the CAC.

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

i. Keep the CAC informed of pending decisions and encourage CAC input.

j. Provide leadership for special education within the SELPA.

k. In cooperation with the SELPA Director, provide liaison among participating Districts, private providers of services, and advisory groups.

3. Describe the SELPA's regional policy making process. Clearly define the roles of a multi-LEA governing body, or single LEA administration as applicable related to the policy making process for coordinating and implementing the local plan: [EC 56195.7(i)(j)(1)(2)]

The SJCOE has been designated as the AU and the San Joaquin County Superintendent of Schools as the Superintendent of the AU.

POLICY-MAKING RESPONSIBILITIES OF THE GOVERNING BOARDS

[56195.7(i), 56195.8]

The role of the Governing Boards of Trustees is to review and adopt policies, which govern the implementation of the Local Plan and are required by the California Education Code.

Identification of issues for policymaking may be made by the COD, SJC SELPA Governing Council, Local or AU Superintendent or the Local or AU Governing Board. The COD, assisted by the SELPA Staff, and advised by the CAC, will draft recommended policy statements when requested. The SJC SELPA Governing Council will review and act upon policies recommended by the COD.

Should the SJC SELPA Governing Council not approve the policies as written and presented, the policies shall be returned to the COD with recommendations. Once modified, the policies shall be again presented to the SJC SELPA Governing Council for approval. The policies will receive final approval by the Governing Boards of Trustees of the SJCOE and the local district boards.

RESPONSIBILITIES OF THE SJC SELPA GOVERNING COUNCIL

[56205(a)(12)(A)(D)]

It is the responsibility of the SJC SELPA Governing Council, chaired by the AU Superintendent, in implementing the Local Plan to:

1. Act as the decision - making body for the AU.

2. Direct the allocation and utilization of special education management and support services and other resources within the Special Education Local Plan Area (SELPA) in accordance with the provisions of the Local Plan.

3.Review and act upon on the recommendations related to special education issues and policies from the Council Directors (COD).

4. Provide leadership in the development of policy and procedures, goals, priorities, and plans for the comprehensive and systematic provision of special education programs and services and recommend their adoption by participating boards.

5. Adopt executive rules for the management of special education programs and services in the SELPA, and the implementation of agreements.

6. Adopt guidelines for the implementation of special education programs and services available through the Local Plan.

7. Monitor special education programs and services with respect to both planned and actual efforts, progress, and results.

8. Provide executive direction to the SELPA Director responsible for regionalized services and to the AU Superintendent, when appropriate regarding the implementation, administration and operation of special education programs and services in accordance with the Local Plan.

9. Direct that data be gathered, interpreted, and reported regarding the implementation, administration, and operation of the Local Plan.

10. Review fiscal current status and accomplishments of special education programs, as well as needs for growth or decline in the SELPA.

11. Provide leadership for inter-district and intra-SELPA district actions pertaining to the implementation, administration, and operation of the Local Plan.

12. Review, upon request of a local agency, the LEA portion of the special education programs and services in accordance with the provisions of the Local Plan.

13. Act as a liaison for community resources, the LEA, the AU, and the CAC.

14. Approve the annual budget and service plan composed of the individually adopted budget and program plans from each LEA and the SJCOE.

The SJC SELPA Governing Council has major responsibilities in approving both fiscal and programmatic policies submitted to them by the COD. The adoption of administrative regulations and procedures lies with the COD. The policies and administrative regulations addressing the assurances required by CDE are included as part of the Local Plan. However, only the policies are approved by the Districts' and SJCOE's respective board of trustees.

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

RESPONSIBILITIES OF LOCAL EDUCATION AGENCY BOARDS OF

EDUCATION

[56195.1(b)(2), 56195.5(a), 56205(a)(12)(D)(i)]

The responsibilities of LEA Boards of Education in implementing the Local Plan are as follows:

1. Exercise authority over, assume responsibility for, and be fiscally accountable for special education programs operated by the LEA.

3. Review and approve through their designated representative revisions of the SJC SELPA Local Plan for Special Education.

4. Participate in the governance of the SJC SELPA through their designated representative to the SJC SELPA Governing Council.

5. Appoint members to the Community Advisory Committee (CAC).

The Trustees of their respective LEA and the SJCOE Boards will review and approve policies related to the fiscal and programmatic operation of Special Education programs throughout the SJC SELPA.

RESPONSIBILITIES OF SUPERINTENDENTS OF PARTICIPATING LOCAL EDUCATION AGENCIES

[56195.1(b)(2), 56205(a)(12)(D)] It is the responsibility of the LEA Superintendents in implementing the Local Plan to:

1. Implement special education responsibilities of the LEA as agreed upon in the Local Plan and as determined by the SJC SELPA Governing Council, utilizing locally established procedures.

2. Recommend special education policies to the local governing board.

3. Assist the AU in the selection of the SELPA Director.

4. Respond to LEA due process hearing requests and complaints.

5. Serve as a member of the SJC SELPA Governing Council.

The local district Superintendents through their participation on the SJC SELPA Governing Council shall provide input and approval to fiscal and programmatic policies which are included in the SJC Local Plan. Once approved by the SJC SELPA Governing Council, the respective Superintendent shall recommend and lead discussion with their respective governing board trustees the policies being presented to them for approval. In addition, the respective Superintendents shall discuss with governing board trustees the policies addressing due process hearing and complaint requests.

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

RESPONSIBILITIES OF PARTICIPATING LOCAL EDUCATION AGENCIES

[56195.1(b)(2), 56195.1(c)(1), 56195.5(b), 56205(a)(12)(D)(i)]

The responsibilities of the participating LEA in implementing the Local Plan are as follows:

Each participating LEA is responsible for implementing those services to the local agency as provided for in local budget and service plans. Each LEA provides programs and services through its own facilities and staff.

When an LEA is unable to provide an appropriate program for an individual pupil, that LEA shall, in cooperation with the SELPA Program Specialists and/or LEA Program Specialists or Directors, arrange for an appropriate placement, through an Individualized Education Team meeting. Although efforts will be made to place pupils within the boundaries of the LEA, such placement may need to occur in another LEA within the SJC SELPA or in a San Joaquin County operated program. If such placement is not possible, the San Joaquin County SELPA Director will assist the district in a placement outside of the SJC SELPA. The SJCOE shall perform the services of an LEA for SWDs residing in Juvenile Court Schools in the SJC SELPA.

The Directors of Special Education as well as their respective Program Specialists shall be knowledgeable and able to implement all policies addressing fiscal and programmatic aspects of special education services being provided to SWDs. They will engage collaboratively when determining appropriate placements for students whether within their respective district boundaries or within an alternate district. The ultimate outcome will result in a program which provides a FAPE to all SWDs within their service boundary and meeting all State and Federal regulations addressing Special Education.

RESPONSIBILITIES OF DISTRICT AND COUNTY ADMINISTRATORS OF SPECIAL EDUCATION

[56205(a)(12)(D)]

The responsibilities of each District and County Administrator of Special Education in coordinating the administration of the Local Plan are as follows:

1. Manage and operate LEA Programs and Services.

2. Participate in the development of the annual budget and service plans by making budgetary recommendations to the SJC SELPA Governing Council regarding regionalized classes.

3. Serve as a member of the COD which has responsibility to:

a. Identify and prioritize special education program and service needs for the districts and for the SELPA.

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

b. Establish priorities for the use of regionalized services.

c. Recommend effective solutions for special education issues and policies for consideration by the SJC SELPA Governing Council.

d. Collect and report information on program operations as required.

e. Participate in the interview process for the SELPA Director.

f. Provide mutual technical assistance in due process and complaint procedures.

g. Provide input to the development and implementation of standards, agreements, policies, and procedures for implementation of the Local Plan.

h. Consider and respond to concerns expressed by the Community Advisory Committee (CAC).

i. Keep the CAC informed of pending decisions and encourage CAC input.

j. Provide leadership for special education within the SELPA.

k. In cooperation with the SELPA Director, provide liaison services among participating Districts, private providers of services, and advisory groups.

District and County Administrators of Special Education retain a critical role in the development and approval of policies regarding special education. Draft proposals of policies will be presented to the COD for review, modification, and ultimate approval by the SELPA Director or the SJC SELPA Governing Council. Input shall be provided from respective Program Specialists and/or CAC members by participating Directors. When providing and implementing services and programs for SWDs, District and County Administrators will assure that policies are understood by service providers and implemented as such.

4. Clearly define the roles of the County Office of Education (COE) as applicable, and/or any other administrative supports necessary to coordinate and implement the local plan: [EC 56195.1(c);

The SJCOE is designated as the Administrative Unit, the AU, for the SJC SELPA. It shall be responsible for, but not limited to the following functions:

1. Receipt and distribution of special education funds to district accounts for the operation of special education programs and services.

2. Receipt and distribution of special education funds to accounts exclusively designated for SELPA use.

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

3.Employment of staff to support SELPA functions.

4.Provide regionalized programs and transportation for SWDs as described in the annual service and budget plans.

PROCEDURE BY WHICH DISPUTES AMONG MEMBERS WILL BE RESOLVED

Should disputes arise concerning special education related matters or related to the interpretation of the Local Plan between or among the LEAs regarding the scope of the AU or interpretation of the Local Plan or other matters pertaining to special education, the disputing LEAs shall first attempt to arrive at a settlement. If settlement is not reached at the LEA level, the SJC SELPA Director shall mediate the dispute in a neutral and non-adversarial manner. Any dispute not successfully resolved by the SJC SELPA Director shall be referred to the SJC SELPA Governing Council.

The SJC SELPA Governing Council shall hear the facts of the dispute and shall render a written decision on the matter, which shall be binding on the parties. In case of a tie vote, the AU Superintendent shall cast the deciding vote.

5. Does the SELPA have policies and procedures that allow for the participation of charter schools

● Yes ○ No

If No, explain why the SELPA does not have the policy and procedures.

Section B: Governance and Administration

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

Introduction

These procedures apply to all charter schools that are authorized by a member LEA of the San Joaquin SELPA and which are operating as a school of the authorizing LEA for purposes of compliance with the Individuals with Disabilities Education Improvement Act (IDEIA) or any charter school petition granted by the State Board of Education (SBE) in which oversight responsibilities have been assigned to an entity within the SELPA (Education Code section 47605.5(k)(2)(E) that will serve as the charter school's LEA for purposes of the IDEIA. Such compliance includes, but is not limited to, child find activities, assessment and evaluation timelines, development and implementation of individualized education programs, discipline protections, and dispute resolution procedures as required under IDEA and California law.

Students enrolled in charter schools are entitled to special education services provided in a like manner to students enrolled in other public schools. Charter schools shall comply with all applicable requirements of state and federal law regarding provision of special education services (Education Code section 56000 et seq., Individuals with Disabilities Education Improvement Act 20 U.S.C. Chapter 33).

A charter school shall not discriminate against any pupil in its admission criteria on the basis of disability. Charter schools are legally required to maintain open enrollment policies and practices that allow students with disabilities to enroll on the same basis and to the same degree as students without disabilities. Children with disabilities applying to or enrolled in charters may not be treated differently from all other students based on their disability. Students, whether disabled or not disabled, may not be “counseled out” or “counseled in” to the charter school program, and the charter school may not otherwise influence an enrollment decision based on the child's disability. Advising families of students with disabilities that they are not allowed to attend or should not attend due to their disability related needs (i.e. education program does not have the services, modifications or accommodations necessary to enable them to attend) is discriminatory and illegal.

A LEA reviewing the petition for the establishment or renewal of a charter school may not refuse to grant the petition solely because the charter school might enroll students with disabilities who reside in a SELPA other than the one in which the LEA is a member (Education Code section 47647). Charter schools should delineate in their petition or a memorandum of understanding (MOU) the entity responsible for providing special education instruction and services. This document should reference any anticipated transfer of special education funds between the authorizing entity and the charter school and any provisions for sharing deficits in funding. This document should affirm, in writing, that the district where the student resides, if different than the authorizing entity, is not responsible for providing special education services to students that are enrolled in the charter school.

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

Whether and to what extent a charter school may be required to modify or otherwise add to or change its educational programming options to meet the unique needs of a student with disabilities depends on whether the charter school is operating as an LEA for special education purposes or is operating as a school of the authorizing LEA. In general, charter schools that are their own LEAs are solely responsible for providing a free and appropriate public education (FAPE) in the least restrictive environment (LRE) in accordance with their SELPA's Local Plan to all students who are enrolled. Charter schools that are operating as a school of the authorizing LEA will share this responsibility in like manner with other schools in the authorizing LEA, as outlined in the SELPA Local Plan, including schools that may offer specialized or regional programs for students with certain types of disabilities, and in accordance with the terms of any agreement with the LEA governing the specific means of compliance.

Authorizers should require petitioners to articulate their mission explicitly in the charter petition and ensure that the charter school is committed and prepared to offer FAPE to students with disabilities who elect to attend the school. Authorizers should monitor charter schools' admission policies, procedures and practices to ensure that they don't block or discourage enrollment for particular students or groups of students. Authorizers should also monitor the charter school's compliance with federal and state special education laws. SELPA Involvement with Approval and Renewal of Charters Prior to approval or renewal of a charter, the superintendent or designee of the authorizing entity should consult with the SELPA Administrator regarding the sufficiency of assurances in the petition related to the provision of special education services. The petition presented should include assurances that all eligible students enrolled in the charter school will receive appropriate special education services in accordance with applicable state and federal laws and regulations as well as the SELPA Local Plan. The petition must provide that no student otherwise eligible to enroll in the charter school will be denied enrollment due to a disability or to the charter school's inability to provide necessary services. In compliance with Education Code section 47605, each charter petition must contain a reasonably comprehensive description of the charter school's educational program. These descriptions should include comprehensive descriptions of special education services, including the following:

- The specialized instruction and related services available at the charter school;
- The procedures for ensuring that students are referred, assessed and served in a timely manner;
- Assurance that staff members providing special education services are appropriately credentialed;
- Assurance that charter school will comply with SELPA policies;
- Assurance that the facility used by the charter school does not present physical barriers that would limit an eligible student's full participation in the educational and extracurricular program;
- Assurance that disenrollment, suspension and expulsion policies and procedures afford the protections of federal and state law to special education and 504 eligible students;
- Dispute resolution procedures that will apply to any disputes between educational entities, including the SELPA and its member LEAs, regarding the provision of special education services in the charter school;

- Assurance that the charter school will provide all required data within timelines; for example CALPADS and Maintenance of Effort (MOE);

- Assurance that no student otherwise eligible to enroll in the charter school will be denied nor discouraged from enrollment due to disability or due to the charter school's concerns about its ability to provide appropriate services and that no student enrolled in the charter school will be encouraged to disenroll due to disability or due to the charter school's concerns about its ability to provide appropriate services;
- Assurance that the charter school shall fully inform parents of students with disabilities seeking enrollment in the school of their special education rights and educational options available;
- Assurance that a student with disabilities attending the charter school will have access to special education services in the same manner as a student with a disability who attends another public school within the chartering entity; and
- Assurance that the charter school and its employees will work under the direction of the chartering entity or the SELPA in which the charter school is a member with regard to the delivery of special education services or that the charter school will contract for such services though another entity.

Categories of Charter Schools

Charter schools must comply with the Individuals with Disabilities Education Act (IDEIA). The Charter School Act allows charter schools to comply with the IDEA by either operating as a school of its authorizing LEA or participating as an LEA member in a SELPA (EC § 47641, 47646). The decision lies with the charter school and is made at the time it petitions for a charter. The charter school may apply to change status over time, depending on its charter language.

The degree to which a charter school is responsible for its special education programming and services depends upon whether the charter school is operating as an LEA for special education purposes or is operating as a school of the authorizing LEA. In general, charter schools that are their own LEAs are solely responsible for providing FAPE to students enrolled in the charter school, whereas charter schools that operate as a school of the district have the same responsibilities as individual schools within the authorizing district, as determined by the authorizer and the charter school.

For the purposes of provision of special education services; charter schools shall be deemed either a public school within the authorizing LEA or an LEA that receives funds and provides
services independent of the authorizing LEA. All approved charter schools will be deemed public schools within the authorizing LEA until the charter school has been deemed an LEA following these procedures and the SELPA Local Plan. The differences between operating as a school of the LEA, LEA participant in the local SELPA and out of geographic SELPA membership are described below.

A. Public School within a School District or County Office

Charter schools that are deemed to be public schools within the authorizing LEA will participate in state and federal funding in the same manner as other schools or programs within the authorizing LEA. The authorizing LEA will be responsible for ensuring that all children with disabilities as defined in IDEIA enrolled in the charter school receive special education and designated instruction and services in a manner that is consistent with all applicable provisions of state and federal law, no matter where the student may reside. The authorizing LEA will determine the policies and procedures necessary to ensure that the protections of special education law extend to students in the charter school in the same manner

as students enrolled in other schools or programs administered by the authorizing LEA. The authorizing LEA will:

• Receive all applicable special education funds. Funds will be allocated in the manner specified by the SELPA allocation plan;
• Represent the needs of the charter school in the SELPA governance structure;
• Be responsible for ensuring that all eligible students enrolled in the charter school are appropriately referred, assessed and served in a timely manner, no matter where the child may live;
• Be responsible for procuring and funding appropriate special education services even though the student may reside anywhere in the state of California; and
• Provide necessary special education services or contract for these services with public or private educational agencies and assume direct liability for all areas of special education at the charter school including serving students who enroll in the charter school, but do not reside in the authorizing LEA, or enter into an agreement with the charter school specifying how such services will be provided and liability therefor.

The authorizing LEA and the charter school may enter into business agreements or contracts whereby the charter school agrees to pay for the excess costs associated with providing special education services to identified students, including the administration of special education programs. When the authorizing LEA is a district, the charter school should be held fiscally responsible for a fair share of any encroachment on district general funds that is created by the provision of special education services throughout the district. The authorizing LEA may not condition granting a charter on a provision that the charter school must become an LEA.

B. Charter School as an LEA Within The SELPA

A charter school that includes in its petition for establishment or renewal, or that otherwise provides verifiable written assurances that the charter school will participate as an LEA for the purposes of providing special education, may apply to become a member of the San Joaquin SELPA, or another approved SELPA. The charter petition or other written assurances should state that prior to final approval of a request to be deemed an LEA, the charter school will be deemed a public school within the authorizing LEA.

Charter schools that wish to become member LEAs in the San Joaquin SELPA must submit their application on or before November 1 of the school year preceding the school year in which the charter school anticipates operating as a member LEA within the SELPA. The SELPA administrator and/or staff will review the charter school's application and develop a written recommendation within 30 days of receipt of application. Both the applicant and members of the Council of Superintendents will receive copies of the written recommendation at least 10 days prior to the item appearing on an agenda.

The application process for a proposed charter school LEA will be the same as any other LEA wishing to be a member of the SELPA. The SELPA Governing Board will determine whether the charter school has the capacity and intent to meet all requirements of a LEA, provided, however, that all changes to the SELPA Local Plan to add an LEA as a member of the SELPA require the approval of all LEA Governing Boards. Therefore, if the SELPA Governing Board determines (by majority

vote of quorum present) that a charter school meets the criteria for LEA membership in the SELPA and upon the instructions of the SELPA Governing Board, the SELPA Administrator shall distribute to all LEA Governing Boards a proposed resolution to amend the LEA Participants section of the SELPA Local Plan. The categorization as a separate LEA will become effective on the first day of the fiscal year (July 1), following final approval by the SELPA Governing Board.

The Council of Superintendents will take action to approve or disapprove the charter school as a member LEA within 60 days of application. If approved, the charter school LEA will become a member effective on July 1 of the school year in which final approval was granted. Prior to final approval and full acceptance as a member LEA, the charter school will continue to be deemed a public school of the authorizing LEA. If disapproved, the SELPA administrator will provide the applicant with a written finding that delineates the reason(s) for disapproval. Once granted membership within the SELPA, the LEA charter school will participate on an equal basis with other members in the governance of the SELPA. A charter school LEA will have equal voting power with non-charter LEAs. Charter schools shall contribute to, participate in, and receive the benefits of reimbursement from all SELPA fiscal pools and participate in any costs in the same manner as other members.

The following documents shall be submitted to the SELPA:

• A copy of the agency's budget which includes an account for special education which is sufficiently large to cover the cost of anticipated services;
• A copy of the Charter, (as amended as appropriate) which sufficiently describes the provision of special education and related services by the charter LEA;
A copy of the charter school's liability insurance policy of at least $10,000,000 per person per occurrence;
A copy of audit reports for the past two years (if applicable);
A document that provides income/expense reports for special education programs for the past two years (if applicable);
• A copy of the Dashboard for the school - history of last five years, if available;
A copy of the School Accountability Report Card (SARC); A copy of the School Accountability Report Card (SARC), if available for public reporting purposes only.
• Information contained in the School Accountability Report Card is provided for informational purposes and is not used by the SELPA to determine eligibility, readiness, or approval of a charter school seeking membership as a local educational agency.
• A list of credentials for all certificated staff: name, position, credential number, if highly qualified.
• A statement signed by the charter's fiscal official and Governing Board acknowledging the charter's obligation to “search and serve”, its obligation to pay the costs of special education whether or not those costs are adequately covered from the charter's SELPA allocation and assuring that it has adequate fiscal reserves to cover those costs. Costs of special education may include, but are not limited to, instruction, transportation, non-public school/agency placements, inter and intra SELPA placements, due process proceedings, complaints and attorney fees; and
• A copy of the charter school student application materials that reflects that the charter school can and will make available the full range of special education services for students enrolled in the charter school (and that reflects that the charter school does not request or require the submission of student records, including records related to any disability, prior to enrollment in the school).

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

The applicant charter school will be deemed a member LEA if the Council of Superintendents determines that the charter school has met all requirements to be included as a member LEA of the SELPA as specified in this policy and the Local Plan. These requirements include:

• Provide assurance of an understanding and knowledge of applicable special education laws and regulations.
• Provide a current operating budget in order to assure fiscal responsibility in accordance with Education Code sections 47604.33.
• Provide assurances that all enrolled individuals with exceptional needs have access to appropriate special education programs and services and will receive services in a safe environment.
• Provide assurances that the LEA, through employment or contract, can provide the appropriately credentialed staff necessary to meet federal and state special education mandates;
• Assume responsibility for any legal fees as it relates to the application and assurances process in becoming an LEA;
• Provide assurance that the LEA will follow all applicable SELPA policies and procedures, including but not limited to:
    o Search and Serve, identification, screening, referral, assessment, instructional planning, placement, implementation and review procedures;
    o Procedural safeguards;
    o Regionalized services, program specialists, including excess costs if applicable; and,
    o Transportation as indicated in student's IEP.
• Abide by placement procedures and funding for students placed in Hospitals, Licensed Children's Institutions, Juvenile Court/Community School programs;
• Assume costs of programs and services, including transportation;
• Use SELPA approved forms in an appropriate manner;
• Provide all required CALPADS and other SELPA required information/data including Maintenance of Effort (MOE) data required by the federal government;
• Attend SELPA sponsored in-services and trainings and Council of Directors' meetings;
• Place special education students in inter or intra- SELPA programs only with the express consent of the receiving entity and under the condition that the placing entity will be responsible for any excess costs attributable to the placement;
• Accept inter-intra SELPA placements only with agreement between the educational entities. Under such circumstances, the placing LEA will be responsible for any excess costs, including transportation, in accordance with the Local Plan; and
• Indemnify and hold harmless the SELPA and each of the member entities.

Once deemed a member LEA, the charter school, like other member LEAs shall:

• Fully participate in governance of the SELPA in the manner outlined in the SELPA Local Plan;
• Accept all responsibilities of an SELPA LEA in the implementation of the Local Plan;
• Fully comply with policies and procedures outlined in the SELPA Local Plan;

• Contribute to, participate in, and receive the reimbursement from all SELPA fiscal pools and participate in any charge backs in the same manner as other members. Receive state and federal funding for special education in accordance with the SELPA Special Education Funding Allocation Plan;
• Contribute to, participate in, and receive the benefits of Regionalized Services;
• Receive state and federal funding for special education in accordance with the SELPA funding Allocation Plan;
• Receive any available federal funds one year in arrears and calculated based on applicable special education counts;
• Comply with all requirements of state and federal laws and regulations;
• Be responsible for all costs incurred in the provision of special education services, without regard for the location in which the student may reside. These costs may include, but are not limited to, instruction, related services, transportation, nonpublic school/agency placements, inter/intra SELPA placements, due process proceedings, complaints and attorney fees;
• Document that all state and federal special education funds apportioned to the charter school are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities. Such funds shall be used to supplement and not supplant other sources of federal, state and local funds apportioned to charter schools; and
If the approval of a charter school requires a change in the SELPA allocation plan, such change shall be adopted pursuant to the policy making process outlined in the SELPA Local Plan. A request from a charter school to participate in the SELPA will be treated in the same manner as such a request from a school district. If the approval of a Charter School requires a change in the SELPA Local Plan Governance structure, it will be submitted to CDE for approval. If LEA status is not granted, the charter may not become a member of the SELPA, but may reapply in future years.

Out of Geographic or all Charter Membership

A charter school may also apply to participate in a SELPA other than the one in which it is located. The State Board of Education (SBE) allows SELPAs to accept out-of-area charter schools and/or to operate as an all charter SELPA. These geographically distant and all charter SELPAs were created for purposes of providing charter schools with options to become LEA members of SELPAs other than the SELPA in which their authorizer is a member. Even if a charter school is a member of a SELPA other than San Joaquin County SELPA, its authorizing LEA continues to have oversight and monitoring roles to ensure the charter school is appropriately serving students.

Revocation of LEA Status

LEA status may be revoked by the SELPA Governing Board for any of the following actions:
• Committed a material violation of any of the conditions, standards, policies or procedures in this policy or the Local Plan;
• Failed to meet generally accepted accounting principles or engaged in mismanagement of special education funds; and
• Violated any provision of state or federal law applicable to the charter school relating to special education. When considering the revocation of LEA status of a charter school, the SELPA Governing Board shall examine the conduct of the charter school in their implementation of special education laws. The decision to revoke may be based on the ability of the charter school to cure and correct violations

and/or the charter school's ability to ensure future consistent compliance with all applicable special education laws.
Prior to revocation, the SELPA Governing Board shall notify the charter school of any violation of this policy and give the charter school a reasonable opportunity to cure the violation unless the SELPA Governing Board determines, with written notice that the violation constitutes a severe and imminent threat to the health or safety of the pupils. Throughout this process, the SELPA Director shall work closely with the authorizing LEA. Should an LEA Charter School decide to leave the San Joaquin County SELPA, notice shall be given to the SELPA Director one day and one year prior to the effective departure date. Since this departure changes the governance structure of the Local Plan, appropriate notice shall be given to CDE.

Charter School Authorized by an LEA Outside the SELPA

When a charter school has no affiliation with an LEA within the SELPA, neither the SELPA nor the local district where the charter school is physically located within the SELPA has an obligation to reach agreement on the provision of special education services. If the charter school is granted a charter by an entity outside the SELPA, the charter school is responsible to work out provision of special education services with the authorizing LEA and related SELPA in order to meet the requirements to provide special education and related services.

Operational and Financial Implications of Changing Charter School Status

The following summarizes the operational and financial implications of a charter school becoming an LEA member of either the San Joaquin County SELPA or an out -of-geographic area SELPA. It also outlines the oversight implications for the SELPA and the authorizing entity.

A. Operational Implications of Changing from a School of the Authorizing Entity to an LEA Member of a SELPA

1. After a charter school is an LEA member of a SELPA, the authorizing LEA:

a. will no longer have any obligation to provide special education placements or services to students enrolled in the charter school, and will no longer be obligated to serve as the charter school's special education provider or funding source;
b. will no longer have direct liability for special education issues arising at the charter school or involving charter school students, assuming discharge of proper oversight;
c. will retain its legal responsibility to oversee the charter school in general, including its compliance with special education laws, but will no longer have any obligation to fund or provide for such services; and
d. may compel the charter school's independent compliance with special education laws.

2. As an LEA, the charter school:
a. becomes solely and independently responsible for its compliance with all state and federal special education laws, and must make the continuum of program options available to all students enrolled or seeking to enroll in the charter school;

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

b. bears all liability associated with discharging its obligations to students with disabilities who qualify for special education, and gains the responsibility to defend itself when any other complaints involving special education are filed;
c. will participate in SELPA governance unless other provisions are approved and have access to SELPA services and support in the same manner as other member districts;
d. will use SELPA forms, and operate its special education programs in accordance with SELPA direction;
e. will obtain services from the SELPA in the same manner and to the same extent as other member districts of its size; and
f. may utilize SELPA or other consultants to assist it in developing appropriate special education programs, procedures, expertise, and building capacity to be responsible for their own special education programming.

B. Financial Implications of Changing from a School of the Authorizing LEA to an LEA Member of San Joaquin County SELPA

1. The SELPA will continue to obtain from the State the special education revenue generated by the charter school, but it will pass the funding through to the charter school and not its authorizer.
2. The SELPA will allocate special education funding to the charter school, instead of to the authorizing LEA, in accordance with the Local Plan and Allocation Plan. For example, the LEA charter shall:
a. receive grant dollars based on its appropriate eligibility determination;
b. be responsible for all costs incurred in the provision of special education services. These costs may include, but are not limited to, instruction, services, transportation, nonpublic school/ agency placements, inter/intra SELPA placements, due process proceedings, complaints and attorney fees;
c. document that all State and Federal special education funds apportioned to the charter school are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities; and
d. ensure that special education apportionment is used solely for the purpose of providing special education instruction and/or services to identified students with disabilities.

C. Financial Implications of Changing from a School of the Authorizing LEA to an LEA Member of an Out-of-Geographic SELPA

1. When a charter moves to an out of geographic area SELPA, neither the authorizing district nor the local SELPA will be allocated the special education funding generated by charter school ADA. The authorizing LEA's ADA would decrease and each local SELPA member district's special education funding could be decreased proportionately by the departing ADA.
2. The San Joaquin County SELPA Director is available to meet with LEAs and charter school operators to ensure they understand the above implications and have access to the resources and information needed to discharge special education responsibilities appropriately.

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

6. Identify and describe the representation and participation of the SELPA community advisory committee (CAC) pursuant to EC Section 56190 in the development of the local plan: [EC

COMMUNITY ADVISORY COMMITTEE

[56205(a)(12)(C), 56205(b)(6)]

The SJC SELPA CAC has been established in accordance with EC 56205 (a) (12)(C) and 56205(b)(6) and is comprised of parents of SWDs enrolled in public or non-public schools within the SJC SELPA. The CAC may include pupils (18-22 years of age) and adults with disabilities; general education teachers and parents, special education providers, and other school personnel within the SJC SELPA. It may also include representatives of other public and non- public agencies, and persons concerned with the education of SWDs. The school boards of the participating LEAs shall appoint one member and alternate to the CAC. The SJC SELPA Department shall establish policies and procedures for the operation of the CAC in accordance with the state regulations or CAC responsibilities.

CAC agendas will be posted ahead of time and will follow Brown Act provisions.

The CAC will be advisory to the COD and each member will be responsible to the appointing Board of Education or agency.

1. Procedures for Appointment to the Community Advisory Committee:

Representatives shall be submitted to the governing board of each district by the superintendent or designee for appointment to the Committee. Representatives will serve for a two (2) year term and may be reappointed for additional terms. When parent representation is at full capacity, the first five districts, alphabetically, will appoint new representation on even years and the last five districts on odd years. A district may choose to elect an alternate representative who could act in place of the regular representative in a voting capacity as needed due to absences, illness, etc.

a) Appointment of agency representation will be requested of agency management personnel by the SELPA Director or designee

b) Appointment of general and special education teachers and other school personnel will be solicited by the SELPA Director or the LEA Directors of Special Education.

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

Responsibilities of the CAC are implemented as follows:

a. Input is solicited from members of the CAC regarding areas to be addressed in the Local Plan. Once the Local Plan has been developed, it is presented to the CAC for review and comment at least 30 days prior to the submission of the Local Plan to the SJC SELPA Governing Council.

b. At the time initial input is solicited, members of the CAC may provide recommendations for prioritizing services.

c. Members of the CAC are encouraged to provide suggestions for parent education activities. Also, members are encouraged to participate in parent education activities and to recruit individuals who might assist in the implementation of the Local Plan.

d. Members of the CAC are encouraged to discuss all aspects of the Local Plan in the community. Information is made available to them so they can become a resource to the community.

e. Information about various special needs and agencies available to assist individuals with these needs are made available to members of the CAC. Members are encouraged to be supportive of families and SWDs and to support and participate in activities on their behalf.

f. Members of the CAC are encouraged to make regular meeting attendance a high priority.

g. Members of CAC are a liaison of the LEA or represented agency and are responsible for reporting back the priorities and education activities related to the Local Plan.

The role of the CAC in the development of the Local Plan is advisory in nature. The SELPA Director will provide a draft of the modified Local Plan and provide the Chairperson of CAC an opportunity to review and provide input regarding recommended changes. The Chairperson will be provided a copy of the Local Plan draft 30 days prior to submission to the SJC SELPA Governing Council so that they have ample time to solicit input from the other members of CAC so that they can provide such input to the SELPA Director. The CAC is given no approval responsibilities by statute; responsibilities are advisory in nature.

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

7. Describe the SELPA's process for regular consultations regarding the plan development with representative of special education and regular education teachers, and administrators selected

SELECTION OF REPRESENTATIVES FOR DEVELOPMENT OF THE LOCAL PLAN [56195.3]

The Local Plan is developed and updated cooperatively by a committee of representatives of special and general education teachers and service providers, public agencies, and administrators and representatives of charter schools selected by the groups they represent and with participation by the chair of the CAC to ensure adequate and effective participation and communication. Teacher and service provider participants shall be selected by their peers.
General education and special education administrators shall be selected by the representative superintendents. Directors of charter schools shall be requested to select a representative to serve on the Local Plan committee.

The SELPA Director will meet with this group 3 times to allow for multiple readings and an opportunity to provide input regarding the content of the Local Plan prior to submission to the COD and the SJC SELPA Governing Council for approval.

8. Identify and describe the responsible local agency (RLA), Administrative Unit (AU), or other agency who is responsible for performing tasks such as the receipt and distribution of funds, provision of administrative support, and coordination and implementation of the plan: [EC

DISTRIBUTION OF SPECIAL EDUCATION RESOURCES TO LEAs

[56205(b)(1)(A-G), 56836.05(b)

AB602 Funding

- Special Education funding will be allocated by the State Department of Education to the AU of the San Joaquin County SELPA. Other revenue received due to county programs serving districts students such as LCFF county program transfer, Special Education portion of County taxes and county programs portion of federal grants, such as IDEA RS 3310 and RS 3315, will be used to reduce the total AB 602 funds required to fully fund county programs. The remaining AB 602 revenue received after fully funding county programs will be distributed based upon each district's pro rata share of total SELPA funded ADA. The Council of Directors shall recommend the distribution of funding based on dollars available, utilization of dollars in each of the districts, and requests for any LEA to operate programs. This process allows for the reallocation of funding when necessary and for addressing recapture of funding should the SELPA experience declining enrollment. The final decision regarding the allocation plan shall be made by the SJC SELPA Governing Council.

- Preliminary data gathering will take place after the October Census date. Priorities for additional regionalized classes will be set in January. All fiscal recommendations will be sent to the Council of Superintendents for review and action.
- The annual Budget Plan and Service Plan shall be adopted at a public hearing held by the Council of Superintendents.
- The Council of Directors shall recommend the allocation of funding for instructional personnel including any growth proposals at their February Meeting.
- Funding will then be allocated by the AU directly to the districts based on decisions made pursuant to the process described herein.

56205(b)(1) (A-G), 56836.05(b)

AB602 Funding

- Special Education funding will be allocated by the State Department of Education to the AU of the San Joaquin County (SJC) SELPA.
- County programs will review student referrals and will request LEA input on projected referrals to determine if additional classes should be added throughout the current Fiscal Year (FY). Once there are 5 students either projected or waiting to be placed in a similar class type, then county programs can grow without superintendent approval up to a maximum of 3 classes. If county programs need more than 3 growth classes in the middle of the year, superintendent approval is required.
- The Council of Directors shall recommend the distribution of funding based on dollars available, utilization of dollars in each of the districts, and requests for any LEA to operate programs. This process allows for the reallocation of funding when necessary and for addressing recapture of funding should the SJC SELPA experience declining enrollment. The final decision regarding the allocation plan shall be made by the SJC SELPA Governing Council.
- LEAs will provide County Programs an estimated enrollment in November for the following year.
- Priorities for growth or decline in regionalized classes on an ongoing basis will be set in January for the beginning of the following fiscal year. The Council of Directors shall recommend the allocation of funding for instructional personnel including any growth or decline proposals at the January meeting.
- All fiscal recommendations will be sent to the SJC SELPA Governing Council for review and action.
- The annual Budget Plan and Service Plan shall be adopted at a public hearing held by the SJC SELPA Governing Council.
- Funding will then be allocated by the AU directly to the districts based on decisions made pursuant to the process described herein.

AB602 Funding Distribution to LEAs

Total AB602 revenue (state aid and property taxes) generated by each individual LEA:
minus*:*
Each LEAs net cost for students served in county program based on utilization as defined here:

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

Enrollment Count Methodology for Utilization:
Record each LEA's student enrollment count for all county programs three times per school year (September 13, January 10, and the last day of school in May). Average these three periods to determine student enrollment count by LEA. Use average enrollment data to determine LEA utilization of county program.

- Individual LEA's proportionate cost share of county program expenditures
    - [(Total Cost of County Special Education Program/Total Students Enrolled) * greatest total student enrollment count percentage by LEA] = Individual LEA Proportionate Cost Share of County Program Expenditures

minus:

- AB602 funding generated by each LEA's students served by county programs,
- LCFF revenue for each LEA's students served in county programs using district specific LCFF rates,
- Share of federal local assistance for each LEA's students served in county programs,
- Share of SJCOE excess AB602 revenue returned to districts
    - SJCOE Student Programs* AB602 State Aid: If formula generates revenue which exceeds special education program expenses for these SJCOE student programs, excess revenue will be allocated to all other member LEAs based on SELPA funded ADA.
      * SJCOE Court & Community/one Charter, and Venture Academy.

equals:

AB602 funding distributed or charged to LEAs

Mental Health New Addition

- Federal and state mental health dollars are allocated directly to districts beginning at the start of the 23-24 fiscal year. SJC SELPA Governing Council approved the SJC SELPA to continue using federal dollars to support residential and CARES placements, as well as operate the Emotionally Disturbed (ED) classes and supports for that program. The federal dollars will be used to cover residential and CARES placements first, and then if there are remaining dollars, cost of support staff for the ED program will be covered. The remaining cost for the ED program not covered under the federal allocations, will be covered using state mental health dollars. These costs will be charged to districts on a per pupil percentage of the total SELPA insert 65% of the cost will be charged to districts in March, followed by a settle up charge by end of August for actual expenditures.

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

Transportation

- The district of residence has the financial responsibility for transporting all its students.
- The allocation of cost is determined by taking the total rides divided by total possible days to ride during that period. The calculation total results in how many total “Riders” took the bus. This number is the adjusted by LCI/FFH. There are two pieces of the total cost at the county, one is bus rider salary/benefits and the other is contracts. These two get added together to create a total cost. Then it is reduced by the county transportation apportionments to give a total cost that districts will have to pay. The total cost after revenue received via apportionment is divided by total adjusted riders to provide a cost per rider. The per rider cost is multiplied by total number of riders at each district to determine districts cost.
- The 95% of the costs are distributed via journal in April of the current year. Current liabilities are set up at the end of the year and after SJCOE has completed the audit, final costs are distributed to district in January of the following fiscal year.
- Should a student be transported by an agency other than the district of residence, and should the cost exceed the apportionments and other funds received for such services by the providing agency, the district of residence shall reimburse the providing agency its prorated share of the excess costs.

RS/PS Dollars

- Regionalized service funds shall be allocated to the AU for operation of regionalized services specified in Education Code 56220(c). Should the cost of regionalized service exceed the apportionments and other funds received for such services, such excess costs will be prorated to each district based on its most recent unduplicated special education pupil count.

Pass Thru (RS 3310/RS 3315)

- The audit trail of utilization of federal pass-through funds shall be maintained by setting up a separate budget. These revenues will be distributed based on pro-rata share of district PY pupil count per district including County Programs based on data collected at October Census Day. The SELPA Director or designee prepares the annual reports based on actual expenditure information.

SELPA Staff Development for Districts

- The staff development committee of the SELPA shall prepare the annual plan for staff development based on yearly needs assessments. The SELPA staff shall prepare the staff development budget based on recommendations from the Council of Directors regarding the utilization of state personnel development funds.

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

Low incidence

- Funds shall be maintained in a budget of the SELPA.
- Based on IEP justification that the equipment requested will promote the least restrictive environment for the students with low incidence disabilities and minimize the necessity for service on an isolated site, a district may request an expenditure of funds for equipment with a written request presented to a Low Incidence Committee for approval. Upon approval, the equipment is purchased by the SELPA office.
- AB 605 allows students who need assistive technology when transferring from one LEA to another to have access to that assistive technology provided by the first LEA for a period of two months during the transition period.
- The Low Incidence Guidelines describe how specialized equipment and services are distributed within the SELPA so that the necessity to serve students with low incidence disabilities in isolated sites is minimized and the opportunities to serve students in the least restrictive environment is maximized. See Low Incidence Guidelines.

Funding Changes Process

- Changes in funding distribution shall be recommended by the Council of Directors to the Council of Superintendents. Changes in budget allocation will be reflected on the reporting documents required by the California Department of Education of the appropriate district(s). All budgets, district, and county, are approved at public meetings.
- Proposed changes by an LEA that would impact another LEA's budget or program(s) shall be presented to the Council of Directors for discussion in accordance with the “Changes Calendar” developed by the Council of Directors. Items on this calendar shall include, but need not be limited to, (1) changes in service being provided by an LEA, (2) changes in facility needs, (3) programming requests, and (4) proposed excess costs. The calendar shall also delineate when recommendations from the Council of Directors shall be presented to the Council of Superintendents for action. Proposed changes by an LEA must be submitted to the Council of Directors by January of the fiscal year prior to implementation.

Cost exceeding allocation

- The district of residence has the financial responsibility for program costs for all its students. Should a student be educated by an agency other than the district of residence, and should the programming costs exceed the apportionments and other funds received for such services by the providing agency, the district of residence shall reimburse the providing agency its prorated share of the excess costs.

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

CALENDAR & TIMELINES FOR DISTRIBUTION OF FUNDS

56205(b)(1) (A-G)

Month	Fiscal Year	Distribution of Funds

July

- Prior Year - District Year-end Estimated Accruals to Finance Advisory
- Current Year - State Current Year Apportionment

(Advance) August

- Prior Year - COE Year-end Expenditures/Final Accruals
- Current Year - 45-day revision for State Adopted Budget, applicable only if material changes are needed

January

- Current Year - Updates to CY Funding Model based on County Office First Interim revenue and expenditures, including updates of additional services or program needs and LEA ADA estimates

February

- Prior Year - State Prior Year Apportionment (Annual Cert)
- Current Year - State Current Year Apportionment

(P-1) March

- Budget Year - Preliminary Budget Funding Model based on January State Budget proposal for SELPA revenues, County Office of Education's First Interim revenue and expenditures from prior year with salary and benefit increase estimates, other known changes and proposed new programs/class offerings and estimated costs for next year recommended by the Council of Directors

May

- Current Year - Updates to CY Funding Model based on County Office of Education Estimated Actuals revenue and expenditures, including updates of additional services or program needs and LEA ADA estimates
- Budget Year - May Budget Funding Model with approved program/class offerings and County Office of Education revenue and expenditures with updated projections and LEA ADA estimates

June

- Prior Year - State Re-certification Prior Year Apportionment (R-1Current Year - State Current Year Apportionment (P-2)

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

9. Describe the contractual agreements and the SELPA's system for determining the responsibility of participating agency for the education of each student with special needs residing within the

PROCEDURE FOR DETERMINING THE RESPONSIBILITY OF EACH PARTICIPATING AGENCY TO PROVIDE AND TO ASSURE ACCESS TO SPECIAL EDUCATION SERVICE FOR ALL STUDENTS WITH DISABILITIES IN THE SELPA

[56195.1(b)(2), 56205(a)(12)(D)]

The SJC SELPA Governing Council and the COD will each meet regularly, with each LEA or LEA designee representing one vote. The decision-making process regarding all aspects of the Local Plan, including responsibility, access to program, and changes in the delivery system will be as follows:

The Council of Directors (COD) serves in an advisory capacity to develop and recommend items for consideration by the SJC SELPA Governing Council. These items will be presented at meetings for discussion, review and development of recommendations by vote of majority. The recommendations will be sent to the SJC SELPA Governing Council for review and action. Action of the SJC SELPA Governing Council is final unless an item is referred back to the COD for additional review and recommendations.

Each LEA Superintendent will approve at a SELPA public hearing the Annual Budget plan, Annual Service Plan, Annual Assurances Support Plan, the governance structure, and the Certification Participating form. These documents and certifications will serve as the basis for the operation and administration of special education programs operated. By signing off on the above- mentioned certifications, the districts represented agree to meet all applicable requirements of special education State and Federal laws and regulations and State policies, and procedures. The LEA Superintendent shall administer the local implementation of policies, procedures, and practices in accordance with special.

The current Local Plan—Governance and Administration, Annual Assurances Support Plan, Annual Budget Plan, and Annual Services Plan, including updates or revisions to the Local Plan will be posted upon approval by the SJC SELPA on each LEA and the SJCOE's website. In addition, a printed version will be available at each LEA and the SJCOE.

All postings and public access shall be provided in a manner consistent with the Ralph M. Brown Act (Government Code section 54950 et seq.)

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

DESCRIPTION OF GOVERNANCE STRUCTURE

10. For multi-LEA local plans, specify:

a. The responsibilities of each participating COE and LEA governing board in the policymaking process: [*EC 56205(a)(12)(D)(i)*]

DESCRIPTION OF GOVERNANCE STRUCTURE

[56195.1(c)(1-2), 56205 (a)(12)(A), 56205(a)(12)(D)(ii)]

The San Joaquin County Special Education Local Plan Area (SJC SELPA) has been designated by the California State Board of Education as a SELPA, having met the size and scope requirements delineated by the area State Board. When the SJC SELPA was first established, the governance option selected was that of a multi-district SELPA with the SJCOE serving as the Administrative Unit (AU), and the San Joaquin County Superintendent of Schools as the Superintendent of the AU. Any changes to this governance option must follow the procedures as stated in the Local Plan. In developing and approving a Local Plan, Districts agree to cooperate with the San Joaquin County Office of Education (SJCOE) to assure that the Local Plan is compatible with the other Local Plans in SJCOE. SJCOE shall review any local plans developed according to EC 56195.3(d). In adopting the completed Local Plan, each LEA agrees to carry out the duties and responsibilities assigned to each agency within the Plan, or which may be delegated at a later date through agreement of the participating agencies.

The executive structure of the San Joaquin County Special Education Local Plan Area (SELPA) consists of ten District Superintendents and the County Superintendent acting on behalf of eleven governing boards. Collectively, they constitute the SJC SELPA Governing Council, which will be the decision-making body of the consortium, and will meet regularly or at the request of a member. Decisions will be made by a quorum of the attending Superintendents. A majority vote is required for action, and Superintendents may vote in their absence by proxy. In case of a tie, the AU Superintendent shall cast the deciding vote.

The management structure of the SELPA consists of eleven Local Plan Agency Directors, (including the County Director), the SELPA Director, and such other management positions as may be specified by the SJC SELPA Governing Council. The eleven Directors and the SELPA Director constitute the COD, which is responsible for coordinating special education services in the SELPA. The SELPA Director will administer and implement regionalized services as specified in the Local Plan and pursuant to policies, rules, guidelines, and procedures adopted by the SJC SELPA Governing Council.

The SJCOE is designated as the Administrative Unit (AU) for the SJC SELPA It shall be responsible for, but not limited to, the following functions:

1. Receipt and distribution of special education funds to district accounts for the operation of special education programs and services.

2. Receipt and distribution of special education funds to accounts exclusively designated

for SELPA use.

3. Employment of staff to support SELPA functions.

RESPONSIBILITIES OF THE SJC SELPA GOVERNING COUNCIL

[56205(a)(12)(A)(D)]

It is the responsibility of the SJC SELPA Governing Council, chaired by the AU Superintendent, in implementing the Local Plan to:

1. Act as the decision-making body for the AU.

2. Direct the allocation and utilization of special education management and support services and other resources within the SJC SELPA in accordance with the provisions of the Local Plan.

3. Review special education issues and recommend effective solutions to the COD and their respective governing boards.

4. Provide leadership in the development of policy and procedures, goals, priorities, and plans for the comprehensive and systematic provision of special education programs and services and recommend their adoption by participating boards.

5. Adopt executive rules for the management of special education programs and services in the SELPA, and the implementation of agreements.

6. Monitor special education programs and services with respect to both planned and actual efforts, progress, and results.

7. Adopt guidelines for the conduct of special education programs and services available through the Local Plan.

8. Provide executive direction to the SELPA Director regarding SELPA-wide and regionalized services, excluding direct administration of individual local educational agency programs except as expressly authorized by law or agreement.

9. Direct that data be gathered, interpreted, and reported regarding the implementation, administration, and operation of the Local Plan.

10. Review fiscal data, about current status and accomplishments of special education programs, as well as needs for program growth in the SELPA.

11. Provide leadership for inter-district and intra-district SELPA actions pertaining to the implementation, administration, and operation of the Local Plan.

12. Review, upon request of a local agency, the LEA portion of the special education programs and services in accordance with the provisions of the Local Plan.

13. Facilitate liaison with community resources, the LEAs, the AU, and the CAC.

14. Approve an annual budget and program plan composed of the individually adopted budget and program plans from each LEA and the county operated program.

ROLE OF ADMINISTRATIVE UNIT (AU) SUPERINTENDENT

[56195.1(b)(3), 56205(a)(12)(D)(ii)] The role of AU Superintendent is as follows:

1. Act as the Chair of the SJC SELPA Governing Council.

2. Establish and maintain special education programs and services that are most effectively provided by the AU Superintendent's Office and specified in the Annual Budget Plan. Regionalized programs operated by the AU Superintendent's Office will function as a LEA and have status equal to other LEA district program operations.

3. Submit and approve a budget for regionalized services and SJC SELPA Program Specialist services. Receive and expend those funds based upon the needs of SWDs residing in the SJC SELPA, as recommended by the COD and the SJC SELPA Governing Council.

4. Provide administrative support.

5. Facilitate adoption and implementation of policies for provision of due process in the SELPA.

6. Establish and maintain an office for the SELPA Director of the San Joaquin Special Education Local Plan Area. The SELPA Director and staff shall be employed to coordinate the implementation of the Local Plan throughout the SELPA. The SELPA Director will be responsible to:

a. Facilitate the implementation of regionalized services as specified in Education Code Section 56220 (c) (2-6) following recommendations by the COD

b. Personnel development

c. Evaluation

d. Data collection and management information systems

e. Curriculum development

f. Ongoing program review

g. Facilitate the implementation of regionalized services specified in Education Code Section 56220(c) (1), Program Specialist services, as recommended by the COD and approved by the SJC SELPA Governing Council (Education Code 56368).

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

b.The responsibilities of the superintendents of each participating LEA and COE in the implementation of the local plan: [EC 56205(a)(12)(D)(i)]

RESPONSIBILITIES OF SUPERINTENDENTS OF PARTICIPATING LOCAL EDUCATION AGENCIES

[56195.1(b)(2), 56205(a)(12)(D)]

It is the responsibility of the LEA Superintendents in implementing the Local Plan to:

1. Implement special education responsibilities of the LEA as agreed upon in the Local Plan and as determined by the SJC SELPA Governing Council, utilizing locally established procedures.

2. Recommend special education policies to the local governing board.

3. Assist the AU in the selection of the SELPA Director.

4. Respond to LEA due process hearing requests and complaints.

5. Serve as a member of the SJC SELPA Governing Council.

c. The responsibilities of district and county administrators of special education in coordinating the administration of the local plan: [EC 56205(a)(12)(D)(i)]

RESPONSIBILITIES OF DISTRICT AND COUNTY ADMINISTRATORS OF SPECIAL EDUCATION

[56205(a)(12)(D)]

District and county administrators are responsible for coordinating the administration of the Local Plan within their respective agencies. The SELPA Director facilitates coordination among member LEAs and the County Office of Education to ensure consistent implementation, compliance with state and federal law, and alignment with SELPA policies. Nothing in this section shall be construed to assign program operation or service delivery responsibilities to the SELPA.

The responsibilities of each District and County Administrator of Special Education in coordinating the administration of the Local Plan are as follows:

1. Manage and operate LEA Programs and Services.

2. Participate in the development of the annual budget and service plans by making budgetary recommendations to the SJC SELPA Governing Council regarding regionalized classes.

3. Serve as a member of the COD which has responsibility to:

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

a. Identify and prioritize special education program and service needs for the districts and for the SELPA.

b. Establish priorities for the use of regionalized services.

c. Recommend effective solutions for special education issues and policies for consideration by the SJC SELPA Governing Council.

d. Collect and report information on program operations as required.

e. Participate in the interview process for the SELPA Director.

f. Provide mutual technical assistance in due process and complaint procedures.

g. Provide input to the development and implementation of standards, agreements, policies, and procedures for implementation of the Local Plan.

h. Consider and respond to concerns expressed by the CAC.

i. Keep the CAC informed of pending decisions and encourage CAC input.

j. Provide leadership for special education within the SELPA.

k. In cooperation with the SELPA Director, provide liaison among participating Districts, private providers of services, and advisory groups.

REGIONALIZED SERVICES TO LOCAL PROGRAM

[56205(a)(12)(B), 56195.7(c)(1-6)]

The SELPA Director shall serve on behalf of the member LEAs to administer, coordinate, oversee, and monitor implementation of the Local Plan, including the following regionalized services and operations. Implementation and operation of regionalized services are the responsibility of the designated implementing agency, consistent with this Local Plan.

1. Coordination of the SELPA and the administration of the Local Plan

2. Coordinated system of Child Find for the identification and assessment of SWDs.

3. Coordinated system of procedural safeguards

4. Coordinated system of staff development and parent education

5. Coordinated system of curriculum development and alignment with the standards-based curriculum

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

6. Coordinated system of internal program review, evaluation of the effectiveness of the Local Plan, and implementation of a local plan accountability mechanism
7. Coordinated system of data collection and management
8. Coordination of interagency agreements
9. Coordination of services to medical facilities
10. Coordination of services to Licensed Children's Institutions (LCI)
11. Preparation and transmission of required SELPA reports
12. Provision of fiscal and logistical support of the Community Advisory Committee
13. Coordination of transportation services for SWDs residing in one LEA and receiving education services in that LEA or another LEA located within the SJC SELPA.

11 .Identify the respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA related to:

a. The hiring, supervision, evaluation, and discipline of the SELPA administrator and staff employed by the AU in support of the local plan: [*EC 56205(a)(12)(D)(ii)(I)*]

EMPLOYMENT AND EVALUATION OF THE SELPA DIRECTOR

[56205 (b)(ii)(I)]

The procedure for the employment of the San Joaquin County SELPA Director will be a process jointly agreed upon by the AU and the SJC SELPA Governing Council. It is the responsibility of the AU Superintendent or designee to evaluate the SELPA Director in accordance with SJCOE certificated management evaluation procedures and report the results of the evaluation to the SJC SELPA Governing Council.

ROLE OF THE SELPA DIRECTOR

[56205 (a)(12)(D)(i-ii)]

The role of the SELPA Director is as follows:

1. Implement the regionalized services based upon annual priorities including:

a. Administer personnel development programs.

b. Coordinate program evaluation

c. Supervise data collection, information management, and reporting.

d. Coordinate curriculum development.

e. Coordinate ongoing monitoring of the Local Plan implementation through program review as mandated by CDE.

f. Oversee the recruitment, supervision, and evaluation of Program Specialists and SELPA staff.

2. Provide overall coordination of the Local Plan implementation.

3. Assist in the development and implementation of interagency agreements and contracts with non-public school/agencies providing services to SWDs.

4. Participate or designate appropriate personnel to participate in IEP Team meetings for students considered for placement in other SELPAs and/or non-public school placements for LCI students or as requested by LEA Directors.

5. Provide technical assistance to LEAs in resolution sessions, mediation, due process and complaint procedures.

6. Coordinate and facilitate the establishment of SELPA standards, procedures, processes, and regulations for the implementation of the Local Plan.

7. Act as liaison between: the SELPA and the State Department of Education; the COD and the SJC SELPA Governing Council; and the Community Advisory Committee and the COD.

8. Apply for discretionary funds and other grants that become available to the SELPA.

9. Assist in the identification of special education program and service needs for the SELPA.

10. Provide technical assistance to LEA special education program managers/Directors.

11. Assist in the development of the annual budget/service plans.

12. Prepare and submit to the State Department of Education all reports required for the SELPA.

13. Request input from the members of the COD and Community Advisory Committee regarding regionalized services and needs for program growth or decline.

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

b. The local method used to distribute federal and state funds to the SELPA RLA/AU and to LEAs within the SELPA: [EC 56205(a)12(D) (ii)(II); EC 56195.7(i)]

c. The operation of special education programs: [EC 56205(a)(12)(D)(ii)(III)]

RESPONSIBILITIES OF PARTICIPATING LOCAL EDUCATION AGENCIES

[56195.1(b)(2), 56195.1(c)(1), 56195.5(b), 56205(a)(12)(D)(i)]

The responsibilities of the participating LEA in implementing the Local Plan are as follows:
Each participating LEA is responsible for implementing those services assigned to the local agency as provided for in local budget and service plans. Each LEA provides assigned programs and services through its own facilities and staff.
When an LEA is unable to provide an appropriate program for an individual pupil, that LEA shall, in cooperation with the SELPA Program Specialists and/or LEA Program Specialists or Directors, arrange for an appropriate placement, through an Individualized Education Team meeting. Although efforts will be made to place pupils within the boundaries of the LEA, such placement may need to occur in another LEA within the SJC SELPA or in a San Joaquin County operated program. If such placement is not possible, the San Joaquin County SELPA Director will assist the district in a placement outside of the SJC SELPA. The SJCOE shall perform the services of an LEA for SWDs residing in Juvenile Court Schools in the SJC SELPA.
The legal responsibility for providing a FAPE to each SWDs lies with the district of residence. The responsibilities for operation of the programs is assigned to Directors or Coordinators of Special Education depending on each district's staffing plan. By approving the Local Plan, each administrator assumes responsibilities as delineated herein.

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

d. Monitoring the appropriate use of federal, state, and local funds allocated for special education programs: [EC 56205(a)(12)(D)(ii)(IV)]

FISCAL AND PROGRAM EVALUATION

[56205(a)(12)(D)(ii)(II-V)]

The SJC SELPA shall submit annually all information required by the California Department of Education, Special Education Division, in this effort, including statistical data, program information, and fiscal information related to the programs and services for SWDs in the SJC SELPA.

1. The SELPA Director is responsible for collecting data required by the California Department of Education related to special education budgets and services, and reporting them annually.

2. SELPA staff will support all the members of the SELPA in the collection of data related to compliance, due process procedures, availability of services, key performance indicators, etc., as needed.

3. Data collected through fiscal and program evaluation shall be reviewed for equity, access, and disproportionality trends and used to guide SELPA technical assistance, professional development, and system improvement activities.

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

12. Describe how specialized equipment and services will be distributed within the SELPA in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environments: [EC 56206]

REGIONALIZED SERVICES TO LOCAL PROGRAM

[56205(a)(12)(B), 56195.7(c)(1-6)]

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

1. Coordination of the SELPA and the administration of the Local Plan

2. Coordinated system of identification and assessment

3. Coordinated system of procedural safeguards

4. Coordinated system of staff development and parent education

5. Coordinated system of curriculum development and alignment with the standards-based curriculum

6. Coordinated system of internal program review, evaluation of the effectiveness of the Local Plan, and implementation of a Local Plan accountability mechanism

7. Coordinated system of data collection and management

8. Coordination of interagency agreements

9. Coordination of services to medical facilities

10. Coordination of services to LCI facilities

11. Preparation and transmission of required SELPA reports

12. Provisions of fiscal and logistical support of the Community Advisory Committee

13. Coordination of transportation services for SWDs residing in one LEA and receiving education in that LEA or another LEA located in that district

14. Coordination of career and vocational and transition services

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

16.Provision of fiscal administration and the allocation of state and federal funds pursuant to EC 56836.1

17.Provision of direct instructional support provided by Program Specialists pursuant to EC 56368

The Low Incidence Guidelines describe how specialized equipment and services are distributed within the SELPA so that the necessity to serve students in isolated sites is minimized and the opportunities to serve students in the least restrictive environment is maximized.
See Low Incidence Guidelines.

Section B: Governance and Administration

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

Policies, Procedures, and Program

Pursuant to *EC* sections 56122 and 56205(a), the SELPA ensures conformity with Title 20 *United States Code* (*USC*) and in accordance with Title 34 *Code of Federal Regulations* (*CFR*) Section 300.201 and has in effect policies, procedures, and programs. For each of the following 23 areas, identify whether or not, each of the following provisions of law are adopted as stated. If the policy is not adopted as stated, briefly describe the SELPA's policy for the given area. In all cases, provide the SELPA policy and procedure numbers (If applicable. Leave blank if not applicable); the document title; and the physical location where the policy can be found. For purposes of these assurances, 'LEA' refers to each participating local educational agency. The SJC SELPA ensures coordination, support, and monitoring of these requirements; however, implementation responsibility remains with each LEA, unless otherwise specified in this Local Plan.

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1. Free Appropriate Public Education: 20 *USC* Section 1412(a)(1); *EC* 56205(a)(1)

Policy/Procedure Number:	N/A
Document Title:	Free Appropriate Public Education
Document Location:	SELPA Office

"It shall be the policy of this LEA that a free appropriate public education is available to all children with disabilities residing in the LEA between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school." The policy is adopted by the SELPA as stated:

● Yes ○ No

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2. Full Educational Opportunity: 20 *USC* Section 1412(a)(2); *EC* 56205(a)(2)

Policy/Procedure Number:	N/A
Document Title:	Full Educational Opportunity
Document Location:	SELPA Office

"It shall be the policy of this LEA that all children with disabilities have access to educational programs, non-academic programs, and services available to non-disabled children." The policy is adopted by the SELPA as stated:

● Yes ○ No

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

3. Child Find: 20USC Section 1412 (a)(3); EC 57205 (a)(3)

Policy/Procedure Number: N/A

Document Title: Document Child Find

Location: SELPA Office

"It shall be the policy of this LEA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, who are in need of special education and related services, are identified, located, and evaluated. A practical method has been developed and implemented to determine which children with disabilities are currently receiving needed special education and related services." The policy is adopted by the SELPA as stated:

● Yes ○ No

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4. Individualized Education Program (IEP) and Individualized Family Service Plan (IFSP): 20 *USC* Section 1412(a)(4); *EC* 56205(a)(4)

Policy/Procedure Number: N/A

Document Title: Individualized Education Program(IEP) and Individualized Service Plan

Document Location: SELPA Office

“It shall be the policy of this LEA that an IEP, or an IFSP that meets the requirements of 20 *USC* Section 1436 (d), is developed, implemented, reviewed, and revised for each child with a disability who requires special education and related services in accordance with 20 *USC* Section 1414 (d). It shall be the policy of this LEA that an IEP will be conducted on at least an annual basis to review a student’s progress and make appropriate revisions.” The policy is adopted by the SELPA as stated:

● Yes ○ No

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5. Least Restrictive Environment: USC Section 1412(a)(5); *EC* 56205(a)(5)

Policy/Procedure Number: N/A

Document Title: Least Restrictive Environment

Document Location: SELPA Office

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

"It shall be the policy of this LEA that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the general educational environment, occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." The policy is adopted by the SELPA as stated:

● Yes ○ No

6. Procedural Safeguards: 20 *USC* Section 1412(a)(6); *EC* 56205(a)(6)

Policy/Procedure Number:	
Document Title:	
Document Location:	

"It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards according to state and federal laws and regulations." The policy is adopted by the SELPA as stated:

● Yes ○ No

7. Evaluation: 20 *USC* Section 1412(a)(7); *EC* 56205(a)(7)

Policy/Procedure Number:	
Document Title:	
Document Location:	

"It shall be the policy of this LEA that a reassessment of a child with a disability shall be conducted at least once every three years or more frequently, if appropriate." The policy is adopted by the SELPA as stated:

● Yes ○ No

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

8. Confidentiality: 20 *USC* Section 1412(a)(8); *EC* 56205(a)(8)

Policy/Procedure Number:	
Document Title:	
Document Location:	

"It shall be the policy of this LEA that the confidentiality of personally identifiable data, information, and records maintained by the LEA relating to children with disabilities and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act, non-academic programs, and services available to non-disabled children." The policy is adopted by the SELPA as stated:

● Yes ○ No

9. Part C to Part B Transition: 20 *USC* Section 1412(a)(9); *EC* 56205(a)(9)

Policy/Procedure Number:	N/A
Document Title:	Part C, Transition
Document Location:	SELPA Office

"It shall be the policy of this LEA that children participating in early intervention programs under the Individuals with Disabilities Education Act (IDEA), Part C, and who will participate in preschool programs, experience a smooth and effective transition to preschool programs in a manner consistent with 20 *USC* Section 1437(a)(9). The transition process shall begin prior to the child's third birthday." The policy is adopted by the SELPA as stated:

● Yes ○ No

10. Private Schools: 20 *USC* Section 1412(a)(10); *EC* 56205(a)(10)

Policy/Procedure Number:	N/A
Document Title:	Private Schools
Document Location:	SELPA Office

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

"It shall be the policy of the SJC SELPA to ensure that member LEAs implement child find and equitable services for parentally placed private school students in accordance with 34 CFR sections 300.130–300.144, including timely and meaningful consultation and proportionate share requirements. " The policy is adopted by the SELPA as stated:

● Yes ○ No

11. Local Compliance Assurances: 20 *USC* Section 1412(a)(11); *EC* 56205(a)(11)

Policy/Procedure Number:	N/A
Document Title:	Local Compliance Assurances
Document Location:	SELPA Office

"It shall be the policy of this LEA that the local plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs, and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and-regulations, including compliance with the IDEA; the Federal Rehabilitation Act of 1973, Section 504 of Public Law; and the provisions of the California *EC*, Part 30." The policy is adopted by the SELPA as stated:

● Yes ○ No

12. Interagency: 20 USC Section 1412(a)(12); *EC* 56205(a)(12)(D)(iii)

Policy/Procedure Number:	N/A
Document Title:	Interagency
Document Location:	SELPA Office

"It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure special education and other related services required for free appropriate public education are provided, *Such agreements shall be consistent with* California Education Code section 56205(a)(12)(B) *and* Title 34, Code of Federal Regulations, section 300.154,including mechanisms to resolve disputes between agencies including procedures for interagency coordination, resolution of interagency disputes (including financial responsibility), and the continuation of services during any dispute resolution process, consistent with 34 CFR section 300.154. The policy is adopted by the SELPA as stated:

● Yes ○ No

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

13. Governance: 20 *USC* Section 1412(a)(13); *EC* 56205(a)(12)

Policy/Procedure Number: N/A

Document Title: Governance

Document Location: SELPA Office

"It shall be the policy of this LEA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the local plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Education Agency." The policy is adopted by the SELPA as stated:

● Yes ○ No

14. Personnel Qualifications; *EC* 56205(a)(13)

Policy/Procedure Number: N/A

Document Title: Personnel Qualifications

Document Location: SELPA Office

"It shall be the policy of this LEA to ensure that personnel providing special education related services are appropriately and adequately prepared and trained, and that those personnel have the content knowledge and skills to serve children with disabilities. This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the California Department of Education (CDE) about staff qualifications." The policy is adopted by the SELPA as stated:

● Yes ○ No

15. Performance Goals and Indicators: 20 *USC* Section 1412(a)(15); *EC* 56205(a)(14)

Policy/Procedure Number: N/A

Document Title: Performance Goals and Indicators

Document Location: SELPA Office

"It shall be the policy of this LEA to comply with the requirements of the performance goals and indicators developed by the CDE and provide data as required by the CDE." The policy is adopted by the SELPA as stated:

● Yes ○ No

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

16. Participation in Assessments: 20 *USC* Section 1412(a)(16); *EC* 56205(a)(15)

Policy/Procedure Number:	N/A
Document Title:	Participation in Assessments
Document Location:	SELPA Office

"It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs described in 20 *USC* Subsection 6311. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments where necessary as indicated in their respective individualized education programs (IEPs). children must be provided with appropriate accommodations or alternate assessments where necessary." The policy is adopted by the SELPA as stated:

● Yes ○ No

17. Supplementation of State, Local, and Federal Funds: 20 *USC* Section 1412(a)(17); *EC* 56205(a)(16)

Policy/Procedure Number:	N/A
Document Title:	Supplementation of State/Federal Funds
Document Location:	SELPA Office

"It shall be the policy of this LEA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA, and will be used to supplement and not to supplant state, local, and other federal funds." The policy is adopted by the SELPA as stated:

● Yes ○ No

18. Maintenance of Effort: 20 *USC* Section 1412(a)(18); *EC* 56205(a)(17)

Policy/Procedure Number:	N/A
Document Title:	Maintenance of Effort
Document Location:	SELPA Office

"It shall be the policy of this LEA that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in federal laws and regulations." The policy is adopted by the SELPA as stated:

SELPA **San Joaquin County SELPA** Fiscal Year 2026-27

● Yes ○ No

19. Public Participation: 20 *USC* Section 1412(a)(19); *EC* 56205(a)(18)

Policy/Procedure Number:	N/A
Policy/Procedure Title:	Public Participation
Document Location:	SELPA Office

"It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity for comments are available to the general public, including individuals with disabilities and parents of children with disabilities, and are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA." The policy is adopted by the SELPA as stated:

◉ Yes ○ No

20. Suspension and Expulsion: 20 *USC* Section 1412(a)(22); *EC* 56205(a)(19)

Policy/Procedure Number:	N/A
Document Title:	Public Participation
Document Location:	SELPA Office

"The LEA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies, procedures, and practices related to the development and implementation of the IEPs will be revised." The policy is adopted by the SELPA as stated:

● Yes ○ No

SELPA | Fiscal Year

21. Access to Instructional Materials: 20 *USC* Section 1412(a)(23); *EC* 56205(a)(20)

Policy/Procedure Number:	N/A
Document Title:	Access to Instructional Materials
Document Location:	SELPA Office

"It shall be the policy of this LEA to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state-adopted National Instructional Materials Accessibility Standard." The policy is adopted by the SELPA as stated:

● Yes ○ No

22. Over-identification and Disproportionality: 20 *USC* Section 1412(a)(24); *EC* 56205(a)(21)

Policy/Procedure Number:	N/A
Document Title:	Over-identification and Disproportionality
Document Location:	SELPA Office

"It shall be the policy of this LEA to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities." The policy is adopted by the SELPA as stated:

◉ Yes ○ No

23. Prohibition on Mandatory Medicine: 20 *USC* Section 1412(a)(25); *EC* 56205(a)(22)

Policy/Procedure	N/A
Number: Document Title:	Prohibition on Mandatory Medicine
Document Location:	SELPA Office

"It shall be the policy of this LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services." The policy is adopted by the SELPA as stated:

SELPA | Fiscal Year

◉ Yes ○ No

Administration of Regionalized Operations and Services

Pursuant to *EC* sections 56195.7(c), 56205(a)(12)(B), 56368, and 56836.23, describe the regionalized operation and service functions. Descriptions must include an explanation of the respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA. Information provided should include the document title and the location (e.g., SELPA office) for each function:"

1. Coordination of the SELPA and the implementation of the local plan:

Document Title: Compliance Assurances and Comprehensive Local Plan for Special Education

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area
POLICY

COMPLIANCE ASSURANCES

It shall be the policy of this LEA that the Local Plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act, Section 504 of Public Law and the provisions of the California Education Code, Part 30.

Legal References:
EDUCATION CODE 56205(A)(11)
56195.7
UNITED STATES CODE, TITLE 20
1412

Federally Required Policy
Assurance 11
April 2023/jp

SELPA | Fiscal Year

San Joaquin County

Special Education Local Plan Area

POLICY

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION

It shall be the policy of this LEA that a free appropriate public education is available to all children residing in the LEA between the ages of three through 21 inclusive, including students with disabilities who have been suspended or expelled from school.

It shall be the policy of this LEA that all pupils with disabilities have access to educational programs, nonacademic programs, and services available to non- disabled pupils.

It shall be the policy of this LEA that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special class, separate schooling, or other removal of a student with disabilities from the general educational environment, occurs only when the nature or severity of the disability of the student is such that education in general classes with the use of supplemental aids and services cannot be achieved satisfactorily.

The Governing Board desires to provide a free appropriate public education to all individuals with disabilities, aged 3 to 21 years, who reside in the district, including children who have been suspended or expelled or placed by the district in a nonpublic, nonsectarian school.
Students shall be referred for special education instruction and services only after the resources of the regular education program have been considered, and where appropriate, utilized. (Education Code 56303)
The special education Local Plan area (SELPA) shall administer a Local Plan and administer the allocation of funds. (Education Code 56195)

In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the district participates as a member of the SELPA.

The Superintendent or designee shall extend the district's full cooperation to the SELPA. The policies and procedures of the SELPA shall be applied as policies and regulations of this district.

Legal Reference:
EDUCATION CODE
56000-56001 Education for individuals with exceptional needs 56020-56035 Definitions
56040-56046 General provisions
56048-56050 Surrogate parents
56055 Foster parents
56060-56063 Substitute teachers

SELPA | Fiscal Year

56170-56177 Children enrolled in private schools
56190-56194 Community
advisory committees
56195-56195.5 Local plans
56205-56208 State Requirements
56211-56214 Special education Local Plan areas with small or sparse populations
56240-56245 Staff development
56300-56385 Identification and referral, assessment, instructional planning, implementation and review
56440-56447.1 Special Education Programs for Individuals With Exceptional Needs Between the ages of three and five years, inclusive
56500-56509 Procedural safeguards, including due process rights
56520-56524 Behavioral interventions
56600-56606 Evaluation, audits and
information

Federally Required Policy
Assurance 1, 2, 5
April 2023/jp

2. Coordinated system of identification and assessment:

Document Title: Identification and Evaluation of Individuals for Special Education

Document Location: SELPA Office

San Joaquin County

Special Education Local Plan Area
POLICY

IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION

It shall be the policy of this LEA that all children with disabilities residing in the State, including children with disabilities who are homeless, wards of the State, highly mobile individuals and children attending private schools, regardless of the severity of their disabilities, and who need special education and related services are identified, located and evaluated. A practical method is developed and implemented to determine which students with disabilities are currently receiving needed special education and related services.

It shall be the policy of this LEA that a reassessment of a student with a

disability shall be conducted at least once every three years or more frequently, if appropriate, following guidelines per Education Code 56381, including addressing consent and termination due to graduation/exceeding age.

It shall be the policy of this LEA to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state adopted National Instructional Materials Accessibility Standard.

Note: Education Code 56300 and 34 CFR 300.111 require each district, Special Education Local Plan Area (SELPA), or the SJCOE to actively seek out all residents from birth to age 21, inclusive, who have disabilities as defined by Education Code 56026. The district, SELPA, or the SJCOE is also required to include a “child find” process to identify children with disabilities placed by their parents/guardians in private schools. See the SJCOE Policy – Students with Disabilities Enrolled by Their Parents in Private Schools.

Note: Identification, evaluation, assessment, and instructional planning procedures for children younger than age three must conform with Education Code 56320; 56425-56432 and the California Early Intervention Services Act (Government Code 95000-95029). The California Department of Education and local education agencies are responsible for providing early intervention services to infants and toddlers who have visual, hearing, or severe orthopedic impairment; the Department of Developmental Services and its regional centers must provide services to all other eligible children in this age group.
Government Code 95014 also requires regional centers and local education agencies to coordinate family service plans for infants and toddlers and their families. Education Code 56441.11 sets forth eligibility criteria for preschool children ages three to five.

The Governing Board recognizes the need to actively seek out and evaluate district residents from birth through age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

Note: Education Code 56301 mandates that districts, SELPAs, or county offices have policies and procedures for a continuous "child find" system which addresses the relationships among identification, screening, referral, evaluation, planning, implementation, review, and triennial assessment.

Note: Pursuant to Education Code 56302.5, the term "assessment" as used in state law has the same meaning as "evaluation" provided in 20 USC 1414, the federal Individuals with Disabilities Education Act (IDEA) and accompanying federal regulations. The following policy and administrative regulation use the phrase interchangeably.

The Superintendent or designee shall develop processes to determine when an individual is eligible for special education services and shall establish systematic procedures for special education program identification, screening, referral, assessment, planning, implementation, review, and triennial assessment, (Education Code 56301) as well as procedures for the planning, implementation and review of the education and related services provided to such individuals.

SELPA | Fiscal Year

The district's process shall prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities. The SELPA shall support LEAs in reviewing identification practices to ensure timely evaluation and to prevent inappropriate delays related to general education interventions.
The district's identification procedures shall include systematic methods for utilizing referrals from parents/guardians, teachers, agencies appropriate professionals, and other member of the public and shall be coordinated with school site procedures for referral of students with needs that cannot be met with modifications to the regular instructional program. (Education Code 56302)

The Superintendent or designee shall notify parents/guardians in writing of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the district's procedures for initiating a referral for assessment to identify individuals for special education services. (Education Code 56301)

Legal Reference:
EDUCATION CODE
44320-44324 Professional preparation for teachers of impaired students
56000-56865 Special education programs, especially:
56195.8 Local Requirements

56300-56305 Identification and Referral 56320-56330 Assessment
56333-56338 Eligibility criteria for Special Education and related services on the basis of language and speech disorder or specific learning disabilities

56340-56347 Instructional planning and individualized education program
56381 Reassessment of students
56425-56432 Early education for individuals with exceptional needs
56441.11 Eligibility criteria, children 3 to 5 years old
56445 Transition to grade school; reassessment
56500-56509 Procedural safeguards

GOVERNMENT CODE
95000-95029.5 California Early Intervention Services Act CODE OF REGULATIONS, TITLE 5
3021-3029 Identification, referral and assessment 3030-3031 Eligibility criteria
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act of 1974 1400-1482 Individuals with Disabilities Act, especially: 1412 State eligibility
1414 Evaluations and Reevaluations
1415 Procedural safeguards
CODE OF FEDERAL REGULATIONS, TITLE 34
104.35 Evaluation and placement
104.36 Procedural safeguards
300.1-300.818 Individuals with Disabilities Education Act, especially: 300.301-

SELPA | Fiscal Year

300.306 Evaluations and reevaluations
300.323 When IEPs must be in effect
300.502 Independent Educational Evaluation

FEDERAL REGISTER
Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

COURT DECISIONS
Timothy O. v. Paso Robles Unified School District (9th Cir. 2016) 822 F.3d 1105
M.M. v. Lafayette School District (9th Cir. 2014)767 F.3d 842 Compton Unified School District v. Addison, (9th Cir. 2010) 598 F.3d 1181
N.B. and C.B. v. Hellgate Elementary School District (9th Cir. 2008) 541 F.3d 1202
Hood v. Encinitas Union School District, (2007) 486 F.3d 1099

MANAGEMENT RESOURCES
California Department of Education Publications

California Practitioners' Guide for Educating English Learners with Disabilities, 2019
US Department of Education Publications

A Response to Intervention (RTI) Process Cannot Be Used to Delay- Deny an Evaluation for Eligibility under the IDEA: Memorandum 11-07, January 2011

WEB SITES

California Department of Education, Special Education: http://www.cde.ca.gov/sp/se

U.S. Department of Education, Office of Special Education Programs: http://www.ed.gov/about/offices/list/osers/osep

Federally Required Policy
Assurance 3, 7, 24
Assurance I, J
April 2023/jp

SELPA | Fiscal Year

3. Coordinated system of procedural safeguards:

Document Title: Procedural Safeguards

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area

POLICY

PROCEDURAL SAFEGUARDS

It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards throughout the provision of a free appropriate public education including the identification, evaluation, and placement process.

In order to protect the rights of students with disabilities, the district shall follow all procedural safeguards as set forth in state and federal law. Parents/ guardians shall receive written notice of their rights in accordance with law, Board policy, and administrative regulation.

Note: Education Code 56195.8 authorizes the policy to include provisions for involving district Board members in any due process hearing procedure activities.

The Superintendent or designee shall represent the district in any due process hearing conducted with regard to district students and shall inform the Governing Board about the result of the hearing.

Complaints for Special Education

A compliance complaint, which can be made by anyone, is an allegation of a violation of state or federal law. A complainant may also file such complaints directly with the California Department of Education. These compliance complaints are different from the due process complaint detailed in the accompanying administrative regulation, which is a legal document that must be filed in order to initiate a due process hearing.

Complaints concerning compliance with state or federal law regarding special education shall be addressed in accordance with the district's uniform complaint procedures. Complaints alleging discrimination under Title IV of the Civil Rights Act are addressed through applicable district policies and procedures, including Uniform Complaint Procedures, and are not subject to special education due process under the Individuals with Disabilities Education Act. When appropriate, the SELPA may provide technical assistance to LEAs regarding procedural coordination when special education and civil rights issues intersect. Additionally, the SELPA shall provide technical assistance to LEAs to support early resolution of procedural concerns, including facilitated IEP meetings and alternative dispute resolution, when appropriate.

SELPA | Fiscal Year

Legal Reference:
EDUCATION CODE
56000 Education for individuals with exceptional needs 56001 Provision of the special education programs 56020-56035 Definitions
56195.7 Written agreements
56195.8 Adoption of policies for programs and services
56300-56385 Identification and referral, assessment, instructional planning, implementation and review
56440-56447.1 Special programs for Individuals with Exceptional Needs between the ages of three and five years, inclusive
56500-56509 Procedural safeguards, including due process rights 56600-56606 Evaluation, audits and information
CODE OF REGULATIONS, TITLE 5
3000-3100 Regulations governing special education 4600-4671 Uniform complaint procedures
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act 1400-1482 Individuals with Disabilities Education Act UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act
UNITED STATES CODE, TITLE 42
11434 Homeless assistance
CODE OF FEDERAL REGULATIONS, TITLE 34
99.10-99.22 Inspection, review and procedures for amending education records
104.36 Procedural safeguards
300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.500-300.520 Procedural safeguards and due process for parents and students

Management Resources:
FEDERAL REGISTER
Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES
California Department of Education Special Education:
http://www.cde.ca.gov/sp/se
U.S. Department of Education, Office of Special Education Programs:
http://www.ed.gov/about/offices/list/osers/osep

SELPA | Fiscal Year

4. Coordinated system of staff development and parent and guardian education:

Document Title: CAC Guidelines and Comprehensive System of Personnel Development

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area

POLICY

BYLAWS OF THE SAN JOAQUIN COUNTY SELPA COMMUNITY ADVISORY COMMITTEE

ARTICLE I: NAME AND LOCATION

Section 1.1 – The name of the organization shall be the San Joaquin County SELPA Community Advisory Committee; hereinafter referred to as the CAC. Section 1.2 – The location shall be within the San Joaquin County Special Education Local Plan Area, henceforth referred to as the SELPA.

ARTICLE II: PURPOSE, GOALS, RESPONSIBILITIES, AND OBJECTIVES

Section 2.1 - The main purpose of the CAC is to assure open and free flow of information from the special education administration to the entire community. In turn, information is funneled from the community to the special education administration. The CAC advises the special education administration regarding community opinions, concerns, and recommendations that will lead to improved special education programs and services to students with disabilities. The SELPA Director and an administrator appointed by the Council of Directors (COD) shall serve as ex officio members of the CAC. They shall act as the linkage between the CAC and the COD and the SJC SELPA Governing Council. The flow chart at the end of these bylaws depicts the interface of the CAC with each level of special education administration.

MISSION STATEMENT

The CAC's ultimate goal is to ensure that our students succeed in maximizing their potential, receive the best possible education, and have equal access to all services. The CAC collaborates with the local SELPA to ensure that the educational requirements of special education students are met. The CAC serves as a liaison between SJC SELPA, families, community, students and teachers, so that all voices are heard. The CAC also provides parent education, information and a resource information base.

SELPA | Fiscal Year

The San Joaquin County SELPA CAC advises the SJC SELPA as specified by the State Education Code, Part 30, Sections 56001, 56190-56194, 56195.7 (c) (2), 56200 (f), 56205 (12) (c) and 56240.

Section 2.2 - The broad goals of the CAC are to involve interested parents, students, teachers, and education specialists in advising the County and District Boards of Education and their administrative and professional staff of the unique requirements of students with disabilities, to assist the administration in furthering and improving the functioning of the Special Education Local Plan Area, and to ensure families have meaningful opportunities to participate in the education of their children.

Section 2.3 - In achieving these goals, efforts of the CAC shall be directed toward the following specific responsibilities and objectives. Pursuant to Education Code 56194, the CAC has the following responsibilities:

2.3.1 Advising the policy and administrative entity of the district, SELPA, or county office regarding the development, amendment, and review of the Local Plan. The entity shall review and consider comments from the community advisory committee.
2.3.2 Recommending annual priorities to be addressed by the Local Plan
2.3.3 Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the Local Plan.
2.3.4 Encouraging community involvement in the development and review of the Local Plan.
2.3.5 Supporting activities on behalf of students with disabilities.
2.3.6 Emphasizing to parents the importance of regular school attendance.
2.3.7 Completing a staff development needs assessment to inform the SJC SELPA of desired topics to be addressed in professional development trainings.
2.3.8 Participating in staff development activities provided by the SJC SELPA.

Section 2.4 - Objectives

2.4.1 To facilitate communication channels between students with disabilities and/or their parents or guardians, school district administrators, and professional staff. This shall include advising the administrative entity of the SELPA in the development and the review of the Local Plan. (Reference: Ed Code 56194)

2.4.2 To develop among county citizens an understanding of the SJC SELPA, the CAC, and of the need for special education for students with disabilities.
2.4.3 To maintain communication with local, county, state legislative and administrative personnel for the purpose of keeping them informed about special education and the special needs of students with disabilities within the SELPA.
2.4.4To make available a forum at the scheduled CAC meetings (for students with exceptional needs) and/or their parents or guardians where they may express their needs and concerns regarding their children's educational progress.
2.4.5 To seek support for improved educational opportunities for all students with disabilities, to review selected programs for special education, and to make recommendations to the SJC SELPA, with the purpose of promoting exemplary practices.
2.4.6 To support activities for students and/or parents of students with disabilities by sharing information and maintaining a communication network.

ARTICLE III: COMPOSITION OF THE COMMITTEE

Section 3.1 – The CAC shall be composed of:
Parents
Educators
Community Agency Representatives
Students and Adults with Special Needs
Ex-Officio Members
Section 3.2 – The CAC shall be led by Officers of the Executive Committee.

Section 3.3 – The majority of such committee shall be composed of parents of students enrolled in schools participating in the Local Plan, and at least a majority of such parents shall be parents of children with special needs (Ed. Code 56192-56193).

Section 3.4 – The Committee shall consist of an odd number, not more than 27 or less than 15 members, and shall include representation from throughout the SELPA.
Section 3.5 – No Officer of the Executive Committee shall serve more than three consecutive terms, without a consensus vote of the committee quorum to allow the officer to continue for an additional term.

Section 3.6 – A list of potential persons to fill vacancies on the CAC shall be prepared by the respective appointing agencies. Each appointment shall be approved by the appropriate board. Representatives will be appointed as needed.

Section 3.7 – Representatives may be terminated when: a) the member misses two (2) consecutive business meetings or three (3) total business meetings in the year without cause, or (b) the member no longer represents a district or the county office within the Local Plan.

SELPA | Fiscal Year

ARTICLE IV: COMPOSITION AND RESPONSIBILITIES OF APPOINTED REPRESENTATIVES – (VOTING MEMBERSHIP)

Section 4.1 - Officers of the Executive Committee

4.1.1 The Community Advisory Committee shall be composed of one (1) of each:

- Chairperson
- Vice-Chairperson
- Secretary

4.1.2 Officers shall be elected for a term of two (2) years.

Section 4.2 – Responsibilities of the Executive Committee

4.2.1Chairperson

- Preside at and run all Committee meetings.
- Appoint chairperson to necessary sub-committees to perform specific duties as deemed necessary by the Committee.
- Serve as a Committee spokesperson to the SELPA and the COD by attending associated meetings or arranging for alternate representation to be present.
- Schedule Committee meetings and prepare agendas.
- Sign all correspondence of the Committee.
- Serve as an advocate for students with exceptional need
- Regularly attend CAC meetings.
- Actively participate to make an effective, successful Committee including voting, information sharing, and staying informed on current issues.

4.2.2 Vice-Chairperson

- Assist the Chairperson as requested.
- In the absence of the Chairperson assume leadership duties of the Chair.
- Serve as ex officio member of all sub-committees of the Committee as necessary.
- Serve as an advocate for students with exceptional needs.
- Regularly attend CAC meetings.
- Actively participate to make an effective, successful Committee including voting, information sharing, and staying informed on current issues.

4.2.3 Secretary

- Record minutes of all Committee meetings and send copies to each member, the SELPA contact, and the COD.
- Keep attendance records and notify members of meetings; giving said information to SELPA contact.
- Receive and transmit Committee correspondence and materials designated by the members, giving said information to SELPA contact.

- Prepare ballots for voting.
- Serve as an advocate for students with exceptional needs.
- Regularly attend CAC meetings.
- Actively participate to make an effective, successful Committee including voting, information sharing, and staying informed on current issues.

Section 4.3 - Parent Representatives (minimum quantity identified next to each district)

The Committee shall be composed of the following appointed representation for each district.
County (2)
Escalon (1)
Jefferson (1)
Lammersville (1)
Lincoln (2)
Linden (1)
Manteca (2)
Ripon (1)
Small Schools (1)
Tracy (2)

4.3.2 Representatives shall be submitted to the governing board of each district by the Superintendent or designee for appointment to the Committee. Representatives will serve for a two (2) year term and may be reappointed for additional terms. When parent representation is at full capacity, the first five districts, alphabetically, will appoint new representation on even years and the last five districts on odd years.

A district may choose to elect an alternate representative who could act in place of the regular representative in a voting capacity as needed due to absences, illness, etc.

Section 4.4 - Responsibilities of the Parent Representatives

4.4.1 Serve as a liaison and ensure two-way communication between their respective communities and advisory groups.
4.4.2Communicate policy recommendations, questions and concerns from their districts to the Committee.
4.4.3 Relay information received at Committee meetings to parents, educators, agencies and local governing boards.
4.4.4 Serve as an advocate for students with exceptional needs.
4.4.5Regularly attend CAC meetings.
4.4.6 Actively participate to make an effective, successful Committee including voting, information sharing, and staying informed on current issues.

Section 4.5 - Educational Representatives

4.5.1 The Committee shall be composed of four (4) appointed educational representatives from different school districts, institutions, or associations within the local plan area.

SELPA | Fiscal Year

Section 4.6 - Responsibilities of the Educational Representatives

4.6.1Represent their professional colleagues.
4.6.2 Share their knowledge in their particular field.
4.6.3 Serve as an advocate for students with exceptional needs.
4.6.4 Regularly attend CAC meetings.
4.6.5 Actively participate to make an effective, successful Committee including voting, information sharing, and staying informed on current issues.

Section 4.7 - Agency Representatives

4.7.1 The Committee shall be composed of five (5) agency representatives; with no more than one (1) appointed representative from any agency that serves the special needs community.

Section 4.8 - Responsibilities of the Agency Representatives

4.8.1 Act as a liaison and provide communication between their respective agencies and the Committee.
4.8.2 Serve as an advocate for students with exceptional needs.

4.8.3 Regularly attend CAC meetings.
4.8.4 Actively participate to make an effective, successful Committee including voting, information sharing, and staying informed on current issues.

Section 4.9 - Additional Appointed Representatives

4.9.1 The Committee shall be composed of one (1) appointed representative from each of the following categories:

- Students with exceptional needs
- Adults with exceptional needs

Section 4.10 - Responsibilities of the Additional Appointed Representatives

4.10.1Share their knowledge.
4.10.2Serve as an advocate for students with exceptional needs.
4.10.3Actively participate to make an effective, successful Committee including voting, information sharing, and staying informed on current issues.

Section 4.11 - Ex Officio Representatives (non-voting)

- SELPA Director or Designated Representative
- COD Representative
    - 1 rotating position among Special Education Directors
    - 1 position appointed on a yearly basis
- Assemblyman's Office
- Senator's Office

Section 4.12 - Responsibilities of the Ex Officio Representatives

4.12.1 SELPA Director or Designated Representative(s) (to include the COD Representative)

- Attend Community Advisory Committee meetings
- Provide communication between the Committee and the COD and the SJC SELPA Governing Council.
- Provide in-service training to the Committee with participation and input from the membership.
- Insure provision of clerical support, as necessary, for the performance of duties as requested by the Committee.

4.12.1 Assemblyman's Office Representative

- Attend CAC meetings.
- Provide communication between the Committee and the State Assembly.

4.12.3 Senator's Office Representative

- Attend CAC meetings.
- Provide communication between the Committee and the State Senate.

ARTICLE V: COMMITTEE MEETINGS

Section 5.1 – The Committee shall meet as frequently as deemed necessary but have no fewer than four (4) regularly scheduled business meetings each year, and no fewer than six (6) parent training meetings each traditional school year.

Section 5.2 – Committee members, and the general public, will receive notification of all regular Committee meetings at least five (5) days prior to the meeting. Committee meetings shall be open to the public.

Section 5.3 – Emergency, canceled, or rescheduled meetings may be arranged provided that members of the Committee are notified at least 48 hours in advance and public notice is given.

Section 5.4 – Agenda items should be submitted to the Chair at least five (5) business days prior to the meeting at which they are to be considered. Due to time restrictions and agenda topics, persons wishing to discuss items not on the agenda may do so briefly, during public comment segment titled “OTHER.” Public comment shall be limited to five (5) minutes total and Officers of the Executive Committee may postpone further discussion until a more appropriate date and/or venue.

ARTICLE VI: VOTING AND QUORUM

Section 6.1 – A vote of the quorum is required to approve any changes to the Committee Bylaws, advisement on the Local Plan, or termination of a representative (including an Officer of the Executive Committee).

SELPA | Fiscal Year

Section 6.2 – A quorum consists of at least 51% of the filled positions. Of those, at least 51% must be parents of children with special needs. Voting members are defined as: Officers of the Executive Committee, appointed parents, educators, and agency representatives, and excludes ex-officio representatives.

Section 6.3 – The agenda for the last regular meeting before the end of even numbered school years shall include an election of officers.

Section 6.4 – Nominations and elections for Officers of the Executive Committee will take place at the last two business meetings of the year respectively. Ballots shall be prepared by the Secretary, and results will be communicated to the SELPA office contact and the COD. Officers will be installed the following September.

Section 6.5 – Representatives shall not commit the Committee or its members to any action without a vote of the Committee. Any representative may call for a roll call or ballot vote by motion, if seconded.

ARTICLE VIII - EFFECTIVENESS DATE AND BYLAWS

Section 8.1 – These Bylaws shall become effective immediately upon adoption. Amendments to these Bylaws shall become effective immediately upon adoption, unless otherwise stipulated in the amendment.

Section 8.2 – These Bylaws may be altered, amended, or repealed and new Bylaws adopted by a quorum vote at any business meeting, provided that written notice of such meeting and the intention to change the Bylaws is delivered to each member at least ten (10) days prior to the date of such meeting and public notice is given. Written approval of the Bylaws can be taken by voting representatives in lieu of a business or special meeting. All amendments shall be submitted to the Committee in writing.

SELPA | Fiscal Year

San Joaquin County

Special Education Local Plan Area

POLICY

COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (CSPD)

It shall be the policy of the SJC SELPA to support and coordinate participation by member LEAs in the state's comprehensive system of personnel development (CSPD) in order to promote an adequate supply of qualified and appropriately prepared special education, general education, and related services personnel.

Each member LEA shall ensure that all personnel necessary to carry out the purposes of the Individuals with Disabilities Education Act (IDEA) are appropriately and adequately prepared, trained and supported, and that such personnel meet applicable state certification, licensure, or credentialing requirements.

This policy is intended to support the provision of free appropriate public education (FAPE) to students with disabilities by promoting ongoing recruitment, preparation, professional development, and retention of qualified personnel across member LEAs.

Legal References:
Education Code § 56205(a)
20 United States Code § 1412(a)(14)
20 United States Code § 1413(a)(3)
34 Code of Federal Regulations §§ 300.156, 300.207

SELPA | Fiscal Year

5. Coordinated system of curriculum development and alignment with the core curriculum:

Document Title: Individualized Education Program

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area

POLICY

INDIVIDUALIZED EDUCATION PROGRAM

It shall be the policy of this LEA that an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) is developed, reviewed and revised for each child with a disability who requires special education and related services in order to benefit from his/her individualized education program. It shall be the policy of this LEA that a review of an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions.

The Governing Board desires to provide educational alternatives that afford students with disabilities full educational opportunities. Students with disabilities shall receive a free appropriate public education and be placed in the least restrictive environment which meets their needs to the extent provided by law.

The Superintendent or designee shall develop administrative regulations regarding the appointment of the individualized education program (IEP) team, the contents of the IEP, and the development, review, and revision of the IEP.

Note: Education Code 56055 provides that a foster parent, to the extent permitted by federal law, shall have the same rights relative to his/her foster child's education as a parent/guardian. Education Code 56055 clarifies that this right applies only when the juvenile court has limited the right of a parent/ guardian to make educational decisions on behalf of his/her child and the child has been placed in a planned permanent living arrangement. Education Code 56055 defines "foster parent" as a licensed person, relative caretaker, or non-relative extended family member.

To the extent permitted by federal law, a foster parent shall have the same rights relative to his/her foster child's IEP as a parent/guardian. (Education Code 56055)

Legal Reference:
EDUCATION CODE
51225.3 Requirements for high school graduation and diploma . 56055 Foster Parents
56136 Guidelines for low incidence disabilities areas 56195.8 Adoption of policies

SELPA | Fiscal Year

56321 Development or revision of IEP
56321.5 Notice to include right to electronically record
56340.1-56347 Instructional planning and individualized education program
56350-56352 IEP for visually impaired pupils
56380 IEP reviews; notice of right to request
56390-56392 Recognition for Education Achievement or Completion of Program
56500-56509 Procedural safeguards
60640-60649 California Assessment of Student Performance and Progress
60850 High school exit examination, students with disabilities
60852.3 High school exit examination, exemption for the class of 2006

FAMILY CODE
6500-6502 Age of majority

WELFARE AND INSTITUTIONS CODE
300 Children subject to jurisdiction 601 Minors habitually disobedient 602 Minors violating law defined as crime
CODE OF REGULATIONS, TITLE 5
853 Administration
1215.5-1218 High School Exit Examination, accommodations for students with disabilities
3021-3029 Identification, referral and assessment
3040-3043 Instructional planning and the individualized education program
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act of 1974 1400-1482 Individuals with Disabilities Education Act
CODE OF FEDERAL REGULATIONS, TITLE 34
300.1-300.756 Individuals with Disabilities Education Act ATTORNEY GENERAL OPINIONS
85 Ops.Cal.Atty.Gen. 157 (2002) COURT DECISIONS
Schaffer v. Weast (2005) 125 S. Ct. 528
Shapiro v. Paradise Valley Unified School District, No. 69 (9th Circuit, 2003) 317 F.3d 1072 Sacramento City School District v. Rachel H. (9th Cir. 1994) 14 F.3d 1398

Management Resources:
FEDERAL REGISTER
34 CFR 300.a Appendix A to Part 300 - Questions and Answers
34 CFR 300.a1 Attachment 1: Analysis of Comments and Changes WEB SITES
California Department of Education: http://www.cde.ca.gov
U.S. Department of Education, Office of Special Education and Rehabilitative Services: http://www.ed.gov/about/offices/list/osers/osep

Federally Required Policy
Assurances 4, 7, 23
April 2023/jp

SELPA | Fiscal Year

6. Coordinated system internal program review, evaluation of the effectiveness of the local plan, and implementation of the local plan accountability system:

Document Title: Compliance Assurances

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area

POLICY

COMPLIANCE ASSURANCES

It shall be the policy of this LEA that the Local Plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act, Section 504 of Public Law and the provisions of the California Education Code, Part 30.

It shall be the policy of SJC SELPA that the effectiveness of the Local Plan shall be evaluated on an ongoing basis through internal program review processes, data analysis, and monitoring activities. The SELPA Director shall coordinate internal program review activities to assess compliance with California Education Code section 56205(a)(12)(D) and applicable federal requirements, including Title 34, Code of Federal Regulations, sections 300.600 through 300.608**,** and to identify areas for corrective action or continuous improvement. Findings from internal program review shall be used to inform program planning, professional development, and revisions to the Local Plan, as appropriate.

Legal References:
EDUCATION CODE
56205(A)(11)
56195.7
UNITED STATES CODE, TITLE 20 1412
Updated / Clarified Authority:

- EC 56205(a)(12)(D)(ii)(III)–(V)
- 34 C.F.R. §§300.600–300.608

Federally Required Policy
Assurance 11 *June 2023/jp*

SELPA | Fiscal Year

7. Coordinated system of data collection and management:

Document Title: Data

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area

POLICY

DATA

It shall be the policy of the SJC SELPA to coordinate a system of data collection, management, and reporting to support compliance with federal and state laws and regulations, including requirements of the California Department of Education (CDE). Each member LEA is responsible for the timely collection, maintenance, and submission of accurate data in accordance with applicable requirements. The SELPA Director shall facilitate coordination and provide technical assistance to support accurate and consistent reporting across the SELPA.

8. Coordination of interagency agreements:

Document Title: Interagency

Document Location: SELPA Office

Description:

San Joaquin County Special Education Local Plan Area

POLICY INTERAGENCY

It shall be the policy of the SJC SELPA to ensure that interagency agreements or other mechanisms for interagency coordination are in effect to support the provision of a free appropriate public education (FAPE) to students with disabilities. Such agreements shall be consistent with California Education Code section 56205(a)(12)(B) and Title 34, Code of Federal Regulations, section 300.154, and shall include procedures for interagency coordination, resolution of interagency disputes, (including financial responsibility) and the continuation of services during any dispute resolution process.

Federally Required Policy
Assurance 12
April 2023/jp

SELPA | Fiscal Year

9. Coordination of services to medical facilities:

Document Title: Hospital, LCI, Juvenile Court

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area
POLICY

HOSPITAL, LCI, JUVENILE COURT AND COMMUNITY SCHOOLS

It shall be the policy of this LEA that children with disabilities residing in hospitals, licensed children's institutions (LCI), foster homes, juvenile court, community schools, community schools, or county-operated correctional programs shall be provided with special education and related services as appropriate to their IEPs.

Students residing within the geographical boundaries of the SELPA, including those placed by court order or other public agencies, may be referred for special educational and related services in accordance with applicable law. The LEA shall ensure interagency coordination, as required, to support the timely identification, assessment, placement and provision of services to eligible students.

Education Code §§ 56150
56156–56162
56167–56169.5
56195.7(e)–(g); 56361.5
56363(d)(4)
Government Code § 7578
20 United States Code §§ 1412(a)(1), 1412(a)(10)
34 Code of Federal Regulations §§ 300.101, 300.145

10. Coordination of services to licensed children's institutions and foster family homes:

Document Title: Hospital, LCI, Juvenile Court

Document Location: SELPA Office

SELPA | Fiscal Year

Description:

San Joaquin County

Special Education Local Plan Area
POLICY

HOSPITAL, LCI, JUVENILE COURT AND COMMUNITY SCHOOLS

It shall be the policy of this LEA that children with disabilities residing in hospitals, licensed children's institutions (LCI), foster homes, juvenile court, community schools, community schools, or county-operated correctional programs shall be provided with special education and related services as appropriate to their IEPs.

Students residing within the geographical boundaries of the SELPA, including those placed by court order or other public agencies, may be referred for special educational and related services in accordance with applicable law. The LEA shall ensure interagency coordination, as required, to support the timely identification, assessment, placement and provision of services to eligible students.

Education Code §§ 56150
56156–56162
56167–56169.5
56195.7(e)–(g); 56361.5
56363(d)(4)
Government Code § 7578
20 United States Code §§ 1412(a)(1), 1412(a)(10)
34 Code of Federal Regulations §§ 300.101, 300.145

11. Preparation and transmission of required special education local plan area reports:

Document Title: Data

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area
POLICY

DATA
It shall be the policy of this LEA to collect, maintain, and submit accurate data and information as required by federal and state laws and regulations, including the California Department of Education (CDE).

Legal References:
20 USC 1418(a-d)

Federally Required Policy
Assurance 27
December 2025/ss

SELPA | Fiscal Year

12. Fiscal and logistical support of the CAC:

Document Title: CAC Guidelines

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area
POLICY

BYLAWS OF THE SAN JOAQUIN COUNTY SELPA COMMUNITY ADVISORY COMMITTEE

ARTICLE I: NAME AND LOCATION

Section 1.1 – The name of the organization shall be the San Joaquin County SELPA Community Advisory Committee; hereinafter referred to as the CAC.
Section 1.2 – The location shall be within the San Joaquin County Special Education Local Plan Area, henceforth referred to as the SELPA.

ARTICLE II: PURPOSE, GOALS, RESPONSIBILITIES, AND OBJECTIVES

Section 2.1 - The main purpose of the CAC is to assure open and free flow of information from the special education administration to the entire community. In turn, information is funneled from the community to the special education administration. The CAC advises the special education administration regarding community opinions, concerns, and recommendations that will lead to improved special education programs and services to students with disabilities. The SELPA Director and an administrator appointed by the COD shall serve as ex officio members of the CAC. They shall act as the linkage between the CAC and the COD and the SJC SELPA Governing Council. The flow chart at the end of these bylaws depicts the interface of the CAC with each level of special education administration.

MISSION STATEMENT

The CAC's ultimate goal is to ensure that our students succeed in maximizing their potential, receive the best possible education, and have equal access to all services. The CAC collaborates with the local SELPA to ensure that the educational requirements of special education students are met. The CAC serves as a liaison between SJC SELPA, families, community, students and teachers, so that all voices are heard. The CAC also provides parent education, in formation and a resource information base.

SELPA | Fiscal Year

The San Joaquin County SELPA CAC advises the SJC SELPA as specified by the State Education Code, Part 30, Sections 56001, 56190-56194, 56195.7 (c) (2), 56200 (f), 56205 (12) (c) and 56240.

Section 2.2 - The broad goals of the CAC are to involve interested parents, students, teachers, and education specialists in advising the County and District Boards of Education and their administrative and professional staff of the unique requirements of students with disabilities, to assist the administration in furthering and improving the functioning of the Special Education Local Plan Area, and to ensure families have meaningful opportunities to participate in the education of their children.

Section 2.3 - In achieving these goals, efforts of the CAC shall be directed toward the following specific responsibilities and objectives. Pursuant to Education Code 56194, the CAC has the following responsibilities:

2.3.1 Advising the policy and administrative entity of the district, SELPA, or county office regarding the development, amendment, and review of the Local Plan. The entity shall review and consider comments from the community advisory committee.

2.3.2 Recommending annual priorities to be addressed by the Local Plan

2.3.3 Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the Local Plan.

2.3.4 Encouraging community involvement in the development and review of the Local Plan.

2.3.5 Supporting activities on behalf of students with disabilities.

2.3.6 Emphasizing to parents the importance of regular school attendance.

2.3.7 Completing a staff development needs assessment to inform the SJC SELPA of desired topics to be addressed in professional development trainings.

2.3.8 Participating in staff development activities provided by the SJC SELPA.

Section 2.4 - Objectives

2.4.1 To facilitate communication channels between students with disabilities and/or their parents or guardians, school district administrators, and professional staff. This shall include advising the administrative entity of the SELPA in the development and the review of the Local Plan. (Reference: Ed Code 56194)

2.4.2 To develop among county citizens an understanding of the SJC SELPA, the CAC, and of the need for special education for students with disabilities.

2.4.3 To maintain communication with local, county, state legislative and administrative personnel for the purpose of keeping them informed about special education and the special needs of students with disabilities within the SELPA.

SELPA | Fiscal Year

2.4.4 To make available a forum at the scheduled CAC meetings (for students with exceptional needs) and/or their parents or guardians where they may express their needs and concerns regarding their children's educational progress.

2.4.5 To seek support for improved educational opportunities for all students with disabilities, to review selected programs for special education, and to make recommendations to the SJC SELPA, with the purpose of promoting exemplary practices.

2.4.6 To support activities for students and/or parents of students with disabilities by sharing information and maintaining a communication network.

ARTICLE III: COMPOSITION OF THE COMMITTEE

Section 3.1 – The CAC shall be composed of:
Parents
Educators
Community Agency Representatives
Students and Adults with Special Needs
Ex-Officio Members
Section 3.2 – The CAC shall be led by Officers of the Executive Committee.

Section 3.3 – The majority of such committee shall be composed of parents of students enrolled in schools participating in the Local Plan, and at least a majority of such parents shall be parents of children with special needs (Ed. Code 56192-56193).

Section 3.4 – The Committee shall consist of an odd number, not more than 27 or less than 15 members, and shall include representation from throughout the SELPA.

Section 3.5 – No Officer of the Executive Committee shall serve more than three consecutive terms, without a consensus vote of the committee quorum to allow the officer to continue for an additional term.

Section 3.6 – A list of potential persons to fill vacancies on the CAC shall be prepared by the respective appointing agencies. Each appointment shall be approved by the appropriate board. Representatives will be appointed as needed.

Section 3.7 – Representatives may be terminated when: a) the member misses two (2) consecutive business meetings or three (3) total business meetings in the year without cause, or (b) the member no longer represents a district or the county office within the Local Plan

SELPA | Fiscal Year

ARTICLE IV: COMPOSITION AND RESPONSIBILITIES OF APPOINTED REPRESENTATIVES – (VOTING MEMBERSHIP)

Section 4.1 - Officers of the Executive Committee

4.1.1 The Community Advisory Committee shall be composed of one (1) of each:

- Chairperson
- Vice-Chairperson
- Secretary

4.1.2 Officers shall be elected for a term of two (2) years.

Section 4.2 – Responsibilities of the Executive Committee

4.2.1 Chairperson

- Preside at and run all Committee meetings.
- Appoint chairperson to necessary sub-committees to perform specific duties as deemed necessary by the Committee.
- Serve as a Committee spokesperson to the SELPA and the COD by attending associated meetings or arranging for alternate representation to be present.
- Schedule Committee meetings and prepare agendas.
- Sign all correspondence of the Committee.
- Serve as an advocate for students with exceptional need
- Regularly attend CAC meetings.
- Actively participate to make an effective, successful Committee including voting, information sharing, and staying informed on current issues.

4.2.2 Vice-Chairperson

- Assist the Chairperson as requested.
- In the absence of the Chairperson assume leadership duties of the Chair.
- Serve as ex officio member of all sub-committees of the Committee as necessary.
- Serve as an advocate for students with exceptional needs.
- Regularly attend CAC meetings.
- Actively participate to make an effective, successful Committee including voting, information sharing, and staying informed on current issues

4.2.3 Secretary

- Record minutes of all Committee meetings and send copies to each member, the SELPA contact, and the COD.
- Keep attendance records and notify members of meetings; giving said information to SELPA contact.
- Receive and transmit Committee correspondence and materials designated by the members, giving said information to SELPA contact.

- Prepare ballots for voting.
- Serve as an advocate for students with exceptional needs.
- Regularly attend CAC meetings.
- Actively participate to make an effective, successful Committee including voting, information sharing, and staying informed on current issues.

Section 4.3 - Parent Representatives (minimum quantity identified next to each district)

4.3.1 The Committee shall be composed of the following appointed representation for each district.

- County (2)
- Escalon (1)
- Jefferson (1)
- Lammersville (1)
- Lincoln (2)
- Linden (1)
- Manteca (2)
- Ripon (1)
- Small Schools (1)
- Tracy (2)

4.3.2 Representatives shall be submitted to the governing board of each district by the Superintendent or designee for appointment to the Committee. Representatives will serve for a two (2) year term and may be reappointed for additional terms. When parent representation is at full capacity, the first five districts, alphabetically, will appoint new representation on even years and the last five districts on odd years.

4.3.3 A district may choose to elect an alternate representative who could act in place of the regular representative in a voting capacity as needed due to absences, illness, etc.

Section 4.4 - Responsibilities of the Parent Representatives

4.4.1 Serve as a liaison and ensure two-way communication between their respective communities and advisory groups.
4.4.2 Communicate policy recommendations, questions and concerns from their districts to the Committee.
4.4.3 Relay information received at Committee meetings to parents, educators, agencies and local governing boards.
4.4.4 Serve as an advocate for students with exceptional needs.
4.4.5 Regularly attend CAC meetings.
4.4.6 Actively participate to make an effective, successful Committee including voting, information sharing, and staying informed on current issues.

SELPA | Fiscal Year

Section 4.5 - Educational Representatives

4.5.1 The Committee shall be composed of four (4) appointed educational representatives from different school districts, institutions, or associations within the Local Plan Area.

Section 4.6 - Responsibilities of the Educational Representatives

4.6.1 Represent their professional colleagues.
4.6.2 Share their knowledge in their particular field.
4.6.3 Serve as an advocate for students with exceptional needs.
4.6.4 Regularly attend CAC meetings.
4.6.5 Actively participate to make an effective, successful Committee including voting, information sharing, and staying informed on current issues.

Section 4.7 - Agency Representatives

4.7.1 The Committee shall be composed of five (5) agency representatives; with no more than one (1) appointed representative from any agency that serves the special needs community.

Section 4.8 - Responsibilities of the Agency Representatives

4.8.1 Act as a liaison and provide communication between their respective agencies and the Committee.
4.8.2 Serve as an advocate for students with exceptional needs.
4.8.3 Regularly attend CAC meetings.
4.8.4 Actively participate to make an effective, successful Committee including voting, information sharing, and staying informed on current issues.

Section 4.9 - Additional Appointed Representatives

4.9.1 The Committee shall be composed of one (1) appointed representative from each of the following categories:

- Students with exceptional needs
- Adults with exceptional needs

Section 4.10 - Responsibilities of the Additional Appointed Representatives

4.10.1 Share their knowledge.
4.10.2 Serve as an advocate for students with exceptional needs.
4.10.3 Actively participate to make an effective, successful Committee including voting, information sharing, and staying informed on current issues.

SELPA | Fiscal Year

Section 4.11 - Ex Officio Representatives (non-voting)

- SELPA Director or Designated Representative
- COD Representative
  - 1 rotating position among Special Education Directors
  - 1 position appointed on a yearly basis
- Assemblyman's Office
- Senator's Office

Section 4.12 - Responsibilities of the Ex Officio Representatives

4.12.1 SELPA Director or Designated Representative(s) (to include the COD Representative)

- Attend Community Advisory Committee meetings
- Provide communication between the Committee and the COD and the SJC SELPA Governing Council.
- Provide in-service training to the Committee with participation and input from the membership.
- Insure provision of clerical support, as necessary, for the performance of duties as requested by the Committee.

4.12.2 Assemblyman's Office Representative

- Attend CAC meetings.
- Provide communication between the Committee and the State Assembly.

4.12.3 Senator's Office Representative

- Attend CAC meetings.
- Provide communication between the Committee and the State Senate.

ARTICLE V: COMMITTEE MEETINGS

Section 5.1 – The Committee shall no fewer than four (4) times per year, at times and locations that support parent participation, including virtual or hybrid options when feasible. Meeting agendas shall be posted at least 72 hours in advance on the SELPA website and public locations in accordance with the Brown Act.

Section 5.2 – Committee members, and the general public, will receive notification of all regular Committee meetings at least five (5) days prior to the meeting. Committee meetings shall be open to the public.

Section 5.3 – Emergency, canceled, or rescheduled meetings may be arranged provided that members of the Committee are notified at least 48 hours in advance and public notice is given.

Section 5.4 – Agenda items should be submitted to the Chair at least five (5) business days prior to the meeting at which they are to be considered. Due to time restrictions and agenda topics, persons wishing to discuss items not on the agenda may do so briefly, during public comment segment titled “OTHER.” Public comment shall be limited to five (5) minutes total and Officers of the Executive Committee may postpone further discussion until a more appropriate date and/or venue.

ARTICLE VI: VOTING AND QUORUM

Section 6.1 – A vote of the quorum is required to approve any changes to the Committee Bylaws, advisement on the Local Plan, or termination of a representative (including an Officer of the Executive Committee).

Section 6.2 – A quorum consists of at least 51% of the filled positions. Of those, at least 51% must be parents of children with special needs. Voting members are defined as: Officers of the Executive Committee, appointed parents, educators, and agency representatives, and excludes ex-officio representatives.

Section 6.3 – The agenda for the last regular meeting before the end of even numbered school years shall include an election of officers.

Section 6.4 – Nominations and elections for Officers of the Executive Committee will take place at the last two business meetings of the year respectively. Ballots shall be prepared by the Secretary, and results will be communicated to the SELPA office contact and the COD. Officers will be installed the following September.

Section 6.5 – Representatives shall not commit the Committee or its members to any action without a vote of the Committee. Any representative may call for a roll call or ballot vote by motion, if seconded.

ARTICLE VII - FISCAL SUPPORT PROVIDED BY SJC SELPA

Section 7.1 – The SJC SELPA shall provide fiscal support to the CAC board Chairperson in order for him/her to engage in activities to help support the goals of the SJC SELPA CAC, such as attending Legislative day at the state capital and/or participate in lobbying activities for additional special education funding in Washington D.C. Fiscal support may include reimbursement for registration fees to events (approved by the Assistant Superintendent of Special Education/ SELPA Director for the SJC SELPA), hotel accommodations, meals, and travel expenses by plane or vehicle.

SELPA | Fiscal Year

ARTICLE VIII - EFFECTIVENESS DATE AND BYLAWS

Section 8.1 – These Bylaws shall become effective immediately upon adoption. Amendments to these Bylaws shall become effective immediately upon adoption, unless otherwise stipulated in the amendment.

Section 8.2 – These Bylaws may be altered, amended, or repealed and new Bylaws adopted by a quorum vote at any business meeting, provided that written notice of such meeting and the intention to change the Bylaws is delivered to each member at least ten (10) days prior to the date of such meeting and public notice is given. Written approval of the Bylaws can be taken by voting representatives in lieu of a business or special meeting. All amendments shall be submitted to the Committee in writing.

13. Coordination of transportation services for individuals with exceptional needs:

Document Title: Pupil Transportation/Transportation of Students with Special Education

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area

POLICY

PUPIL TRANSPORTATION/TRANSPORTATION FOR STUDENTS WITH DISABILITIES

Note: Pursuant to the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1487) and Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794), districts are required to provide bus service to students with disabilities equivalent to that provided for students without disabilities.
However, if a district charges transportation fees, the State Board of Education recommends, in Program Advisory LO:2-95, that Boards exempt from the fee only those “handicapped”/special education students served under the IDEA whose individualized education program (IEP) requires that transportation be provided. This policy and administrative regulation reflect the interpretation offered in that advisory.

The Governing Board shall ensure that appropriate transportation services are provided for students with disabilities as specified in their individualized education program (IEP) or accommodation plan. The district shall make home-to-school transportation available for students at no cost to parents/ guardians as specified in the student's IEP.

SELPA | Fiscal Year

The Superintendent or designee shall establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs as determined in the IEP or accommodation plan.

Note: Federal regulations (34 CFR 104.4) provides that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity which receives or benefits from federal financial assistance.

The Superintendent or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

The Superintendent or designee shall establish procedures to ensure compatibility between mobile seating device when used and bus securement systems and shall ensure that bus drivers are trained in the proper installation of mobile seating devices.

Legal References:
Education Code
39807.5 Payment of transportation cost
39839 Guide dogs, signal dogs and service dogs on bus 41850 - 41854 Allowances for transportation
48300 - 48317 Pupil Attendance Alternatives
48915.5 Expulsion of students with exceptional needs 56195.8 Adoption of policies
56327 Assessment for special education and related services 56345 Individualized education program
56366 Nonpublic nonsectarian schools or agencies
56366.1 Waiver of requirements under section 56365 and 56366 CODE OF REGULATIONS, TITLE 5
15050 Transfer of funds from the school district general fund to child development fund and development center
for handicapped pupils fund
15243 Physically handicapped minors 15271 Exclusion from report
United States Code, Title 20
1400 - 1487 Individuals with Disabilities Education Act
United States Code, Title 29
794 Section 504 of the Rehabilitation Act of 1973 CODE OF FEDERAL REGULATIONS, TITLE 34
104.4 Equal opportunity under the Rehabilitation Act of 1973, Section 504 CODE OF FEDERAL REGULATIONS, TITLE 49
571.222 School Bus Passenger Seating and Crash Protection Management
Resources:

SELPA | Fiscal Year

CDE MANAGEMENT ADVISORIES
0500.92 Implementation of Special Education Transportation Apportionment (#92-02)
CDE PROGRAM ADVISORIES
0609.95 School transportation fee exemption for handicapped children and pupils whose parents or guardians are indigent (LO: 2-95)
(6/93 2/95) 10/97

Local Policy
April 2023/jp

14. Coordination of career and vocational education and transition services:

Document Title: Procedural Manual - Transition Post Secondary

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area

Policy

Transition planning shall be included in the IEP beginning not later than age 16, or younger if determined appropriate by the IEP team, in accordance with state and federal law State and federal law require that transition services are included in a student's IEP by the time the student turns sixteen (16). Determining transition services is a collaborative task for the entire IEP team including the student and parents.

The core post-secondary goals (outcomes) that must be addressed in the transition plan include:

1. Training;
2. Education;
3. Employment; and, as appropriate
4. Independent living.

SELPA | Fiscal Year

Transition activities/services are to be documented in the “Transition Activities” section of the IEP and the accommodation/modifications or services section as appropriate. Transition planning for students with disabilities age 16 and above is designed to provide exploratory activities including developing a sense of self-awareness and self- determination. Activities involve identifying interests, strengths, and preferences by using interest inventories, transition-planning profiles, interviews, and formal assessments to begin the process of student- centered transition planning.

The site administrator/case manager must adhere to the following guidelines to ensure that a student's Individualized Transition Plan (ITP) has been completed by the time he or she turns 16. The Case Manager shall monitor the IEP annually to ensure that an IEP/ITP meeting is convened before the student turns 16. Assessments at this age are both formal and informal and embedded throughout instruction provided by a teacher. An assessment plan must be created by Special Education staff and then signed by parent or guardian before any formal assessments take place. The IEP Team can determine a transition plan is appropriate earlier than 16.

Local Policy

April 2023/jp

15. Assurance of full educational opportunity:

Document Title: Comprehensive Local Plan for Special Education and Educational Benefit of Special Education

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area
POLICY

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION

It shall be the policy of this LEA that a free appropriate public education is available to all children residing in the LEA between the ages of three through 21 inclusive, including students with disabilities who have been suspended or expelled from school.

It shall be the policy of this LEA that all pupils with disabilities have access to educational programs, nonacademic programs, and services available to non- disabled pupils.

SELPA | Fiscal Year

It shall be the policy of this LEA that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special class, separate schooling, or other removal of a student with disabilities from the general educational environment, occurs only when the nature or severity of the disability of the student is such that education in general classes with the use of supplemental aids and services cannot be achieved satisfactorily.

The Governing Board desires to provide a free appropriate public education to all individuals with disabilities, aged 3 to 21 years, who reside in the district, including children who have been suspended or expelled or placed by the district in a nonpublic, nonsectarian school.
Students shall be referred for special education instruction and services only after the resources of the regular education program have been considered, and where appropriate, utilized. (Education Code 56303)
The special education Local Plan area (SELPA) shall administer a Local Plan and administer the allocation of funds. (Education Code 56195)

In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the district participates as a member of the SELPA.

The Superintendent or designee shall extend the district's full cooperation to the SELPA. The policies and procedures of the SELPA shall be applied as policies and regulations of this district.

Legal Reference:
EDUCATION CODE
56000-56001 Education for individuals with exceptional needs 56020-56035 Definitions
56040-56046 General provisions
56050 Surrogate parents
56055 Foster parents
56060-56063 Substitute teachers
56170-56177 Children enrolled in private schools
56190-56194 Community advisory committees
56195-56195.5 Local Plans
56205-56208 State requirements
56213 Special education Local Plan areas with small or sparse populations
56240-56245 Staff development
56300-56385 Identification and referral, assessment, instructional planning, implementation and review
56440-56447.1 Special Education Programs for Individuals With Exceptional Needs Between the Ages of Three and Five Years, inclusive
56500-56508 Procedural safeguards, including due process rights
56520-56524 Behavioral interventions56600-56606 Evaluation, audits and information

SELPA | Fiscal Year

EDUCATIONAL BENEFIT

Introduction:
The case of Rowley v. Hendrick Hudson School District was the U.S. Supreme Court's first interpretation of what was then called the Education for All Handicapped Children Act (now the Individuals with Disabilities Education Act, “IDEA”). The holdings in the Rowley case have become the standard of analysis for every subsequent special education case arising in the Federal and State courts. Consequently, a working knowledge of the fundamental analysis developed by the Supreme Court justices is important when evaluating any special education matter. The Board of Education v. Rowley 1982, was decisive in our understanding today of the term educational benefit. Ultimately after lower court decisions and appeals, the U.S. Supreme Court concluded that the IDEA does not require that States maximize the potential of students with disabilities. The intent of IDEA was more to open the door of public education to handicapped children rather than to guarantee any particular level of education once inside.

The case of Endrew F. Douglas County (2017) re-established the requirements of Rowley but emphasized that the individualized education program must be “reasonably calculated to enable a child to make progress appropriate in light of the child's unique circumstances” and further emphasized the importance of consistent progress monitoring against her/his ability and not that of peers.
While Endrew F does not change the standard, it does change how we are looking at and showing progress. There should be a DIRECT link between areas of need identified in present levels of information and goals developed.

Endrew F established an even stronger need to maintain extensive documentation of solid baselines, measurable goals, and progress made in relation to the child's unique circumstances and regularly communicate such progress with parents/guardians. Students should make appropriate progress, but schools do not need to provide the “best possible” services. Frequent family communication and collaboration is essential to help families understand their child's needs.

FAPE and LRE become our guideposts decided and analyzed individually to ensure the child is receiving a basic floor of opportunity and "educational benefit."
Free Appropriate Public Education (FAPE) means special education and related services that:

- are provided at public expense
- meet the standards of the State
- include pre-school, elementary or secondary school and education through 22nd birthday
- is provided in conformity with the IEP

SELPA | Fiscal Year

FAPE Standard
The Supreme Court established two criteria in determining FAPE

- have the procedures been adequately complied with (compliance) and
- is the IEP reasonably calculated to enable the child to receive **educational benefit**

Core Entitlements for Children with Disabilities

- a right to FAPE
- in the Least Restrictive Environment (LRE)
- as described in the IEP designed to provide **"educational benefit"**

Importance of Educational Benefit

Implicit in the congressional purpose of providing access to a "free appropriate public education" is the requirement that the education to which access is provided be sufficient to confer some educational benefit upon the disabled child. It would do little good for Congress to spend millions of dollars in providing access to a public education only to have the disabled child receive no benefit from education.

Rowley Standard

Special educators should take special notice of the Rowley case, as it is still good law and it acts as the blueprint for all cases to follow. **The two Rowley questions emphasizing procedural compliance and the benefits of the IEP should be committed to memory**. Finally, the focus of the decision on what is "appropriate" for special education students should be given special emphasis, especially in light of the social emphasis on "inclusion" in recent years.

IDEA (Individuals with Disabilities Education Improvement Act) of 2004 gave us further conceptual refinements:

- high expectations for all children
- ensuring access to the general education curriculum and standards in the general classroom, to the maximum extent possible
- preparing children with disabilities to lead productive and independent adult lives
- providing effective transition services to promote successful post-school employment or education.

So, while we know and understand the above concepts, it is critical that we analyze what we are doing over time for individual children to truly measure educational benefit. It is not just a snapshot at the time of a single IEP meeting. In a nutshell, analyze what did assessments/present levels say about needs, what goals, supports & services were agreed to in response to identified needs, was the IEP implemented and did the student make progress or gain educational benefit. True analysis looks back through years or the span of time between triennials.

SELPA | Fiscal Year

EDUCATIONAL BENEFIT ANALYSIS

In preparation for an annual IEP meeting

Review the following points related to the previous IEP.

1. What did assessments in all areas of suspected disability and present levels identify as areas of need? Were individual strengths and interests of student in relation to participation and progress in general curriculum described?

2. What did the IEP team decide was appropriate in relation to each need?
   - English Learner?
   - Disproportionality?
   - Goals?
   - Services?
   - Accommodations/Modifications/Supplementary Services
   - Special factors (AT, Behavior Support, Low Incidence needs)?
   - Services and supports allowing the student to be educated with typically developing peers and having access to general education curriculum to the maximum extent possible
   - Other?
3. Was the IEP implemented appropriately? (were all supports as services provided as written)? Was there a measurable description of the students' response to academic instruction in the areas of identified need?

4. Did the child make adequate progress? Are services and supports structured in such a way as to move a student towards his/her levels of independence? Did they receive educational benefit from the plan?

5. If not, what adjustments need to be made to the IEP contents to respond to lack of educational benefit? Additional assessment? Adjusted goals? Different services or level of services? Change in location where services are being delivered? (See "Educational Benefit Review Process" chart)

The Educational Benefit Review process is directed toward answering the following questions (see SESR worksheets VR & 2a):

1. Is the Assessment complete and does it identify the student's needs?
2. Does the present level of performance include all of the needs identified in the assessment including behavioral, social, emotional, functional, vocational, special factors, English learner?
3. Are all of the student's educational needs addressed by appropriate goals and objectives?

4. Do the services support the goals and objectives including English learners, where appropriate?
5. Did the student make yearly progress inclusive of grades and standardized test scores?
6. If the student did not make progress, were the goals and objectives changed in the next IEP to assist the student to make progress?
7. If the student did not make progress, were the services changed in the next IEP to assist the student to make progress?
8. Were sufficient services provided to ensure that the student would make progress?
9.To assess for overall compliance: Considering the answers to each of the above, was the IEP reasonably calculated to result in educational benefit?

Reasonable Calculation of Educational Benefit

1. The IEP Team identified needs related to:
   a. The student's ability; and
   b. Involvement and progress in the general curriculum.
2. Goals and objectives were established in each need area.
3. Services were planned to support:
   a. Progress toward goals;
   b. Progress in the general curriculum;
   c. Participation in extracurricular and other nonacademic activities; and
   d. Education with other disabled and non-disabled students
4. The IEP Team reviewed the student's progress and adjusted the student's IEP if progress was not made and/or to address anticipated needs.

The question of how to deal with students who are not capable of obtaining passing grades under any circumstances is not clearly answered by the Supreme Court in Rowley. However, the footnotes make reference to the required full continuum of alternative settings and the need for some students to be placed in settings other than the mainstream. It is clear, especially in light of decisional case law subsequent to Rowley, that when a child is placed in a more restrictive setting, the decision must be driven by the unique needs of the student and not by administrative convenience or other factors.

Educational Benefit Analysis Over Time

We should be preparing for every annual review with this analysis. When done over a period of years, you have a comprehensive analysis and rationale for the IEP team recommendations over time. Assuming the IEP is implemented fully and in compliance, you then have a long term record of the success of a carefully planned and implemented special education program for the student. This process provides proof positive of individual educational benefit.

When San Joaquin SELPA districts participate in the state required Special Education Self Review (SESR) conducted periodically, a three year analysis or look back doing this educational benefit analysis is part of the review for several student records. Additionally, when individual districts are selected for State required Verification Reviews which includes CDE participation, the same educational benefit analysis is conducted on student files by CDE.

SELPA | Fiscal Year

In Summary

Our programming for students should be analytical, thoughtful and consistently designed based on individual assessed needs and the growth made from one IEP to the next. When you read an IEP, you should be able to track threads through the document. Assessment report data should be visible in present levels. Needs should be visible in present levels. Services/supports and goals should be chosen and designed in response to specific, identified needs, and measurable growth should result. The result of this process over time is **EDUCATIONAL BENEFIT.**

16. Fiscal administration and the allocation of state and federal funds pursuant to *EC* Section 56836.01—The SELPA Administrator's responsibility for the fiscal administration of the annual budget plan; the allocation of state and federal funds; and the reporting and accounting of special education funding.

Document Title: Supplementation of State and Federal Funds

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area

POLICY

SUPPLEMENTATION OF STATE AND FEDERAL FUNDS

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

Allocation Plan: Revenue and Expenses

State and federal revenues received by SJC SELPA are equitably allocated to LEAs using the adopted revenue distribution process. The SJC SELPA funding allocation plan ensures that cost effective services are available for all students within the SELPA. The Local Plan does not create an incentive to place students in special education programs. The Local Plan accommodates growth and decline by individual LEAs and the addition of other special education program providers such as charter schools.

SELPA | Fiscal Year

LEAs acknowledge that state and federal revenues shall not cover the total costs of special education services. The prior year use of services and the current year SELPA- wide funding is the basis for budgeting. The Local Plan reflects the actual costs of services used by students in County program. Each LEA is responsible for paying for services provided to their students through their federal, state, and local revenues. Some services, as noted in the allocation plan, are paid for by all LEAs who are a part of the Local Plan.

The SELPA office prepares and distributes state and federal funds according to the SJC SELPA adopted plan.
Legal Reference: EDUCATION CODE:
56205(a)(12)(D)(ii)(II)
56195-56195.7(h)(4)(i)
UNITED STATES CODE, TITLE 20
1413(a)(2)(A)

Federally Required Policy
Assurance 17
December 2025/ss

17. Direct instructional program support that maybe provided by program specialists in accordance with *EC* Section 56368:

Document Title: Local Plan Section B: 10 (c) Page 39-40

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area
POLICY

PROGRAM SPECIALIST SERVICES

[56368(a-c)]

A program specialist is a specialist who holds a valid special education credential, clinical services credential, health services credential, or a school psychologist authorization and has advanced training and related experience in the education of students with disabilities and a specialized in-depth knowledge in preschool disabilities, career vocational development, or one or more areas of the major disabling conditions.

SELPA | Fiscal Year

For purposes of Section 41403, a program specialist shall be considered a pupil services employee, as defined in subdivision (c) of Section 41401. The Program Specialists are employed by the AU for employment purposes and serve the SELPA under the direction of the SELPA Director.
The SJC SELPA Governing Council designates through the approval of the SELPA Budget the number and type of specialists to be employed upon recommendation of the Council of Directors (COD).

Program Specialists shall provide the following services:

1. Observe, consult with, and assist, in accordance with LEA procedures, special education teachers, related service providers, and support staff.
2. Plan programs, coordinate curricular resources, and share in the evaluation of the effectiveness of programs for SWDs.
3. Assist with LEA Staff development, program development, and innovation of special methods and approaches.
4. Provide coordination, consultation, and program development in one or more specialized areas of expertise.
5. Assure that pupils have full educational opportunity regardless of the LEA of residence.
6. Upon request, participate in and/or conduct IEP team meetings where technical assistance is needed.
7. Assist in mediation, due process hearings, and compliance proceedings by providing expertise in knowledge of special education law and regulations as well as programs and appropriate interventions available throughout the SELPA.
8. Assist in developing training for parents and members of the Community Advisory Committee (CAC).
9. Provide in-service training and technical assistance for general and special education teachers, administrators, support staff and parents.
10. Assist as a liaison to various community agencies such as Department of Mental Health, Department of Human Services, Valley Mountain Regional Center, California Children's Services, Head Start, and the Probation Department

Federal References: 20 U.S.C. §§ 1412(a)(14–15) 1413(a)(3)
34 C.F.R. §§ 300.156, 300.207

SELPA | Fiscal Year

Special Education Local Plan Area Services

1. A description of programs for early childhood special education from birth through five years of age:

Document Title: Part C and Part C Transition

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area
POLICY

PART C - EARLY INTERVENTION SERVICES

It shall be the policy of this LEA to submit Part C (infant/toddler) Local Interagency Agreements to the State as part of the Local Plan.

Legal References:
EDUCATION CODE
56205(B)(3)
EC 56429
14 GC 95000 et seq.
17 CCR 52000-52175
UNITED STATES CODE, TITLE 20
1431-35

Federally Required Policy
Assurance 22
April 2023/jp

San Joaquin County

Special Education Local Plan Area
POLICY

PART C - EARLY INTERVENTION SERVICES

It shall be the policy of this LEA that children participating in Early Intervention Programs (Individuals with Disabilities Education Act, Part C) and who will participate in preschool programs (Individuals with Disabilities Education Act, Part B) experience a smooth and effective transition between these programs.

SELPA | Fiscal Year

Legal References:
EDUCATION CODE
56205(B)(3)
EC 56429
14 GC 95000 et seq.
17 CCR 52000-52175
UNITED STATES CODE, TITLE 20
1431-35

Federally Required Policy
Assurance 9
April 2023/jp

2. A description of the method by which members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the local plan, may address questions or concerns to the SELPA governing body or individual administrator:

Document Title: Public Participation

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area Policy

Public Participation

It shall be the. policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA.

Prior to sending the policies to the county and district boards for final approval, the SELPA will have them approved by the Council of Directors (COD) and SJC SELPA Governing Council.
Members of the public, including parents or guardians of individuals with exceptional needs, may address questions or concerns regarding the Local Plan or special education services by contacting the SELPA Director or by providing public comment at meetings of the SJC SELPA Governing Council, Council of Directors, or Community Advisory Committee, as applicable. Opportunities for public input shall be noticed and conducted in accordance with California Education Code section 56205(b)(4), applicable procedural safeguard provisions of the Individuals with Disabilities Education Act (20 U.S.C. §1415; 34 C.F.R. Part 300), and the Ralph M. Brown Act (Government Code section 54950 et seq.)

SELPA | Fiscal Year

To promote meaningful participation and access, the SELPA shall make information related to the Local Plan, dispute resolution options, and complaint pathways available in accessible formats and through effective communication supports, as appropriate. The SELPA shall support LEAs in addressing barriers to participation that may contribute to misunderstandings or disputes regarding special education services.

Legal References:

EDUCATION CODE 56205(a)

UNITED STATE CODE, TITLE 20
1412(a)(20)

3. A description of a dispute resolution process, including mediation and final and binding arbitration to resolve disputes over the distribution of funding, the responsibility for service provision, and the other governance activities specified within the local plan:

Document Title: Local Plan Section B: 4 Page 14

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area
POLICY

PROCEDURE BY WHICH DISPUTES AMONG MEMBERS WILL BE RESOLVED

[56205(b)(5)]

Should disputes arise concerning special education related matters or related to the interpretation of this Local Plan between or among the LEAs regarding the scope of the AU or interpretation of the Local Plan or other matters pertaining to special education, the disputing LEAs shall first attempt to arrive at a settlement. If settlement is not reached at the LEA level, the SJC SELPA Director shall mediate the dispute. Any dispute not successfully resolved by the SJC SELPA Director shall be referred to the SJC SELPA Governing Council.

The SJC SELPA Governing Council shall hear the facts of the dispute and shall render a written decision on the matter, which shall be binding on the parties. In case of a tie vote, the Responsible Local Agency Superintendent shall cast the deciding vote.

SELPA | Fiscal Year

4. A description of the process being used to ensure a student is referred for special education instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized:

Document Title: Identification and Evaluation of Individuals for Special Education

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area
POLICY

Identification and Evaluation of Individuals for Special Education

It shall be the policy of each member LEA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located and evaluated. A practical method is developed and implemented to determine which students with disabilities are currently receiving needed special education and related services.

It shall be the policy of each member LEA that a reassessment of a student with a disability shall be conducted at least once every three years or more frequently, if appropriate.

It shall be the policy of each member LEA to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state adopted National Instructional Accessibility Standard. Note: Education Code 56300 and 34 CFR 300.111 require each district, Special Education Local Plan Area (SELPA), or county office of education to actively seek out all residents from birth to age 21 (not “through” age 21) who have disabilities as defined by Education Code 56026. The district, SELPA, or county office is also required to include a “child find” process to identify children with disabilities placed by their parents/ guardians in private schools. See San Joaquin County Office of Education Policy – Students with Disabilities Enrolled by Their Parents in Private Schools.

SELPA | Fiscal Year

Note: Identification, evaluation, assessment, and instructional planning procedures for children younger than age three must conform with Education Code 56425-56429, 56431-56432 and the California Early Intervention Services Act (Government Code 95000-95029). The California Department of Education and local education agencies are responsible for providing early intervention services to infants and toddlers who have visual, hearing, or severe orthopedic impairment; the Department of Developmental Services and its regional centers must provide services to all other eligible children in this age group.

Government Code 95014 also requires regional centers and local education agencies to coordinate family service plans for infants and toddlers and their families. Education Code 56441.11 sets forth eligibility criteria for preschool children ages three to five.
The Governing Board recognizes the need to actively seek out and evaluate district residents from birth through age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

Note: Education Code 56301 mandates that districts, SELPAs, or county offices have policies and procedures for a continuous "child find" system which addresses the relationships among identification, screening, referral, evaluation, planning, implementation, review, and triennial assessment.
Note: Pursuant to Education Code 56302.5, the term "assessment" as used in state law has the same meaning as "evaluation" provided in 20 USC 1414, the federal Individuals with Disabilities Education Act (IDEIA) and accompanying federal regulations. The following policy and administrative regulation use the phrase interchangeably.

The Superintendent or designee shall develop processes to determine when an individual is eligible for special education services and shall establish systematic procedures for special education program identification, screening, referral, assessment, planning, implementation, review, and triennial assessment, (Education Code 56301) as well as procedures for the planning, implementation and review of the education and related services provided to such individuals. The district's process shall prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities.

The district’s identification procedures shall include systematic methods for utilizing referrals from parents/guardians, teachers, agencies appropriate professionals, and other members of the public and shall be coordinated with school site procedures for referral of students with needs that cannot be met with modifications to the regular instructional program. (Education Code 56302)

SELPA | Fiscal Year

The Superintendent or designee shall notify parents/guardians in writing of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the district's procedures for initiating a referral for assessment to identify individuals for special education services. (Education Code 56301)

Legal Reference:
EDUCATION CODE
44265.5 Professional preparation for teachers of impaired students
56000-56865 Special education programs, especially:
56195.8 Adoption of policies

56300-56305 Identification and Referral
56320-56327, 56329 56330Assessment
56333-56335, 56337, 56338 Eligibility criteria for specific learning exceptional needs
56340-56347 Instructional planning and individualized education program
56381 Reassessment of pupils
56425-56432 Early education for individuals with disabilities 56441.11 Eligibility criteria, children 3 to 5 years old
56445 Transition to grade school; reassessment
56500-56507, 56509 Procedural safeguards
GOVERNMENT CODE
95000-95029.5 California Early Intervention Services Act CODE OF REGULATIONS, TITLE 5
3021-3029 Identification, referral and assessment
3030-3031 Eligibility criteria
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act of 1974
1400-1482 Individuals with Disabilities Act, especially:
1412 State eligibility
1415 Procedural safeguards
CODE OF FEDERAL REGULATIONS, TITLE 34
104.35 Evaluation and placement
104.36 Procedural safeguards
300.1-300.818 Individuals with Disabilities Education Act, especially: 300.301-300.306 Evaluations and reevaluations
300.323 When IEPs must be in effect
300.502 Independent Educational Evaluation
FEDERAL REGISTER
Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
COURT DECISIONS
Timothy O. v. Paso Robles Unified School District (9th Cir. 2016) 822 F.3d 1105
M.M. v. Lafayette School District (9th Cir. 2014)767 F.3d 842 Compton Unified School District v. Addison, (9th Cir. 2010) 598 F.3d 1181

SELPA | Fiscal Year

N.B. and C.B. v. Hellgate Elementary School District (9th Cir. 2008) 541 F.3d 1202
Hood v. Encinitas Union School District, (2007) 486 F.3d 1099 MANAGEMENT RESOURCES
California Department of Education Publications
California Practitioners' Guide for Educating English Learners with Disabilities, 2019
US Department of Education Publications

A Response to Intervention (RTI) Process Cannot Be Used to Delay- Deny an Evaluation for Eligibility under the IDEA: Memorandum 11-07, January 2011

WEB SITES
California Department of Education, Special Education: http://www.cde.ca.gov/sp/se
U.S. Department of Education, Office of Special Education Programs: http://www.ed.gov/about/offices/list/osers/osep

Federally Required Policy

5. A description of the process being used to oversee and evaluate placements in nonpublic, nonsectarian schools and the method of ensuring that all requirements of each student's individualized education program are being met. The description shall include a method for evaluating whether the student is making appropriate educational progress:

Document Title: Nonpublic, Nonsectarian School and Agency Services for Special Education

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area
POLICY

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICESFOR SPECIAL EDUCATION

Nonpublic, nonsectarian school (NPS) and agency (NPA) services shall be available to pupils in the SELPA. When no appropriate public educational services are available within the SELPA, neighboring counties or SELPAs, or state special schools, a designated member of the IEP team or the SELPA Director shall contact the LEA of residence administrator/designee if this type of placement might be considered at an upcoming IEP meeting

The Governing Board may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program is not available.

SELPA | Fiscal Year

When entering into agreements with nonpublic, nonsectarian schools or agencies, the Board shall consider the needs of the individual student and the recommendations of the individualized education program (IEP) team. The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.

Legal References:
EDUCATION CODE
56034-56035 Definitions of nonpublic, nonsectarian school and agency 56042 Placement not to be recommended by attorney with conflict of interest 56101 Waivers
56163 Certification
56168 Responsibility for education of student in hospital or health facility school
56195.8 Adoption of policies
56360-56369 Implementation
56711 Computation of state aid
56740-56743 Apportionments and reports
56760 Annual budget plan; service proportions
56775.5 Reimbursement of assessment and identification costs

GOVERNMENT CODE
7570-7587 Interagency responsibilities for providing services to children with disabilities, especially

FAMILY CODE
7911-7912 Interstate compact on placement of children

WELFARE AND INSTITUTIONS CODE
362.2 Out-of-home placement for IEP
727.1 Out-of-state placement of wards of court CODE OF REGULATIONS, TITLE 5 3001 Definitions
3061-3069 Nonpublic, nonsectarian school and agency services

UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34
300.129-300.148 Children with disabilities in private schools

COURT DECISIONS
Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

Management Resources:
CDE LEGAL ADVISORIES
0317.99 Nonpublic School/Agency Waivers and Reimbursement to Parents

SELPA | Fiscal Year

FEDERAL REGISTER
Rules and Regulations, August 14, 2006, Vol. 71, Number 156, page 46539-46845

WEB SITES
CDE: http://www.cde.ca.gov
US Department of Education, Office of Special Education and Rehabilitative Services: http://www.ed.gov/offices/OSERS

State Required Policy
Assurance E
April 2023/jp

6. A description of the process by which the SELPA will fulfill the obligations to provide free and appropriate public education (FAPE) to a student age 18 to 21 (or age 22 under the circumstances described in *EC* 56026(c)(4)) who has been incarcerated in a county jail and remains eligible for special education services:

   The obligation to make FAPE available extends to those otherwise-eligible adults in county jail, age 18 to 21, who: (a) had been identified as a child with a disability and had received services in accordance with an IEP, but left school prior to their incarceration; or (b) did not have an IEP in their last educational setting, but had actually been identified as a child with a disability. (*EC* Section 56040)

   It is the responsibility of the district of residence (DOR) to provide special education services and related services to an adult student in county jail who remains eligible for these services and wishes to receive them. The DOR is the district in which the student's parents resided when the student turned 18, unless and until the parents move to a new DOR. For conserved students, the DOR is based on the residence of the conservator. (*EC* Section 56041)

Document Title: Identification of and Provision of Service to Eligible Students in Adult

Document Location: SELPA Office

Description:

San Joaquin County

Special Education Local Plan Area

Administrative Regulation

Free Appropriate Public Education

Every individual with exceptional needs who is eligible to receive special education instruction and related services under the Individuals with Disabilities Education Act (IDEA) and state special education laws, shall receive that instruction and those services at no cost to his/her parents or, as appropriate, to him or her.

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A Free Appropriate Public Education (FAPE) shall be available to individuals with exceptional needs in accordance with Section 1412(a)(1) of Title 20 of the United States Code and Section 300.101 of Title 34 of the Code of Federal Regulations.

Eligible Adults

Adults who are age 18 through 22 years, who have not graduated with a high school diploma, who at the time they turned 18 years were identified as an individual with exceptional needs and had an individualized education program (IEP) under the IDEA, are also entitled to a FAPE (hereinafter, "eligible adults"). (See 20 U.S.C. § 1400 (d) (1) (A), (B), (C); U.S.C. § 1412(a) (1) (A) ; Education Code, § 56000, 56040
(b).) This applies to adults incarcerated in California adult jails and prisons.

However, an individual aged 18 through 22 years, who, in the educational placement prior to his/her incarceration in an adult correctional facility was not identified as an individual with exceptional needs or did not have an IEP under the IDEA, is not entitled to a FAPE. (20 U.S.C. § 1412 (a) (1) (B); Education Code, § 56040(b).)

Child Find

For eligible adults who prior to reaching the age of majority resided within the SJC SELPA geographic boundaries, the applicable local educational agency (LEA) within the SELPA shall ensure they have a FAPE available to them. Generally, the district of residence (DOR) responsible for providing special education and related services to pupils between the ages of 18 to 22 years, inclusive, shall be assigned, as follows: (a) For non-conserved pupils the last district of residence in effect prior to the pupil's attaining the age of majority shall become and remain as the responsible local educational agency, as long as and until the parent or parents relocate to a new district of residence. At that time, the new district of residence shall become the responsible local educational agency. (b) For conserved pupils, the district of residence of the conservator shall attach and remain the responsible locational educational agency, as long as and until the conservator, relocates or a new one is appointed. At that time, the new district of residence shall attach and become the responsible local educational agency. (Education Code § 56041)

Provision of Service

Once SELPA or the responsible LEA is informed that an eligible adult in an adult correctional facility, the responsible LEA will determine whether the eligible adult requests to receive FAPE. Once the request has been made, the responsible LEA shall review and revise the IEP as necessary, subject to the cooperation of the correctional facility where the eligible adult is located. The eligible adult must consent to the receipt of such services in order to receive said services while incarcerated.

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The responsible LEA will determine within 30 days of eligibility notification whether the qualified individual requires a FAPE. And if so, the LEA will ensure that the qualified individual is provided a Free Appropriate Public Education (FAPE) pursuance to the IDEA and corresponding California special education law. To receive special education services while incarcerated, the student must consent to the receipt of such services such as but not limited to transition services, specialized academic instruction and other services as determined by the IEP team. The student may revoke their consent for special education services at any time.

Limitations

The following special education requirements do not apply to eligible individuals who are convicted as adults under State law and incarcerated in adult prisons:

The requirements set out in 20 U.S.C. § 1412(a) (16) and 20 U.S.C. § 1414(d)(1)(A) (i) (VI) relating to participation in general assessment) do not apply. Eligible individuals convicted as adults under State law and incarcerated in adult prisons are exempted from participation in State and district-wide assessment programs under the IDEA.

1. The requirements of items (aa) and (bb) of 20 U.S.C.§ 1414(d) (1) (A) (i) (VIII) (relating to transition planning and transition services), do not apply with respect to such individuals whose eligibility under the IDEA will end, because of their age, before such individuals will be released from county jail.
2. If an individual with a disability is convicted as an adult under State law and incarcerated in an adult county jail, the individual's IEP team may modify the individual's IEP or placement notwithstanding the least restrictive environment (LRE) requirements of 20 U.S.C.§ 1412(a)(5)(A) and the IEP contents requirements of 20 U.S.C. § 1414(d)(1)(A) if there is a bona fide security or compelling penological interest that cannot otherwise be accommodated.

An individual who was not identified as a student with exceptional needs or did not have an IEP under IDEA in the educational placement prior to his/her incarceration in an adult correctional facility is not entitled to a FAPE.

Adults (aged 18-22 years) incarcerated in California adult jails and prisons are entitled to a Free Appropriate Public Education (FAPE) if they meet the following criteria:

1. The inmate is not a graduate with a high school diploma and
2. At the time they turned 18, the inmate was identified as an individual with exceptional needs and had an individualized educational program (IEP) under IDEA. (Students who reach age 22 are no longer eligible.)

SELPA | Fiscal Year

Enrollment and Intake Procedures

1. Students who were found eligible for special education services or on an IEP prior to incarceration in San Joaquin County Jail are entitled to a FAPE. The San Joaquin County Sherriff's Department and corrections facility will be informed to contact the SJC SELPA, or the appropriate member LEA within the SELPA should be correctional facility become aware of an adult student who is on an IEP. The adult student also may contact the SJC SELPA or the responsible member LEA.
2. Upon receive notice of an adult student in county jail with an IEP, the responsible LEA shall ensure the provision of special education services for inmates who remain eligible for such services.

Responsible Agency

1. It shall be the responsibility of the San Joaquin County Superintendent of Schools (SJCSS) and San Joaquin County Probation that SJCSS will provide the educational program within the Juvenile Detention Assessment Centers through a Memorandum of Understanding, regarding these services.

Pursuant to a California Department of Education directive, the District of Residence (DOR) will be responsible for providing a special education and related services to eligible inmates in the jails operated by the San Joaquin County Sheriff's Department, until there is a judicial, legislative, executive, or regulatory decision that impacts the directive. The directive is limited to inmates between the ages of 18 and 22 (once a student reaches age 22, the directive no longer applies).

Upon incarceration: San Joaquin County Sheriff's Department currently has established intake procedures for inmates placed in or transferred to the jails under its authority. These intake procedures generally include gathering information of the inmate's Regional Educational Programs and Services including special education by determining:

a. When and where the inmate was last enrolled in school
b. Whether the inmate has ever received services as a student with a disability and has not graduated with a high school diploma
c. Whether the inmate currently wishes to have educational services including special education services. The San Joaquin County Jail personnel are required to maintain this information on an intake form: San Joaquin County Jail personnel are advised to contact the San Joaquin Special Educational Local Plan Area (SJCOE SELPA) to review the referral, coordinate and assist the District of Residence (DOR) or the educational agency acting on behalf of the DOR to begin services.

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Upon Notification:

Upon receiving notification from the San Joaquin County Sheriff's Department, a representative of the District of Residence (DOR) or a representative of the San Joaquin County Superintendent of Schools acting on behalf of the LEA will contact the jail to:

1. Verify that the inmate is between ages 18-22 (students who reach age 22 are no longer eligible)
2. Verify the last District of Residence of the inmate and/or inmate's parents to confirm that SJC SELPA is the proper service area
3. Review the SEIS data system to determine if the inmate was a student with a disability when last enrolled in school with SJC SELPA's participating districts
4. Determine if the inmate has a current Individualized Education Program (IEP) or had one in the past

Status Confirmation and Service Provision:

Upon completion of the review of the data system, each designated LEA staff or designated staff acting on behalf of the LEA will provide the information to the special education teacher(s).

The acting Lea member will coordinate actions with the San Joaquin County Sheriff's Department to review and confirm and services to be provided to the inmate.

- All services providers will be required to complete the standard security protocols of the jail prior to providing services.
- All service providers will follow the security check-in and check-out procedures of the jail and abide by security request made by the staff of the San Joaquin County Sheriff's Department
- In some cases, services identified on the IEP may be incompatible with the security procedures of the jail. While it is anticipated that this incompatibility will be uncommon, in such instance's other steps (such as convening an IEP team meeting) may be taken to determine alternate means to meet the inmate's needs.

As part of SELPA-wide continuous improvement efforts, the SELPA shall support LEAs in strengthening the integrity of IEP processes, including ensuring participation of personnel knowledgeable about the student and the meaning of evaluation data, supporting meaningful parent participation, and addressing procedural barriers that may contribute to disputes.

SELPA | Fiscal Year

Legal References:

UNITED STATES CODE, TITLE 20

§ 1400 Individuals with Disabilities Education Act (d), (1), (A), (B), (C)

§ 1412 State eligibility FAPE (a), (1), (A), (B), (5), (16)

§ 1414 Evaluations, eligibility determinations, individualized education programs, and educational placements (d), (1), (7), (A), (i), (VI), (VIII)

CODE OF FEDERAL REQUIREMENT TITLE 34

§ 300.101 Free appropriate public education (FAPE)

§ 300.342(D) Children with disabilities in adult prisons GOVERNMENT CODE

§ 7579 (D) Placement of child in residential facility outside child's home

EDUCATION CODE

§ 56000 Education for Individuals with Exceptional Needs

§ 56026 (c), (4) Individuals with Exceptional Needs, Definition

§ 56040 (b) FAPE

§ 56041 District responsible for providing education and related services to pupils between ages 18-22 years

Letter to Yudien, 39 IDELR 270, 103 LRP 37913 (OSEP 2003)