LOCAL PLAN

Section B: Governance and Administration

SPECIAL EDUCATION LOCAL PLAN AREA

California Department of Education
Special Education Division
January 2020
B. Governance and Administration

California *Education Code (EC)* sections 56195 et seq. and 56205

**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:


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:

   The main governing body of the SELPA is the Superintendents’ Executive Council. The Superintendents’ Executive Council is composed of the Superintendent of each Local Education Agency (LEA) within the SELPA. Members of the Superintendents’ Executive Council are responsible to the governing board of their respective local education agency.

   The SELPA Director is responsible for coordination of the SELPA and implementation of the Local Plan.
SUPERINTENDENTS’ EXECUTIVE COUNCIL

The Superintendent’s Executive Council provides for the approval of policy and related issues, which are necessary to operate the SELPA. The Council is composed of the Superintendent, or administrative designee, from the County Office of Education and from each school district in the SELPA. The Executive Council has established bylaws for its organization and operation. Included in these bylaws are provisions for organization and membership, procedures for meeting and voting, statements of philosophy and function, and explanations of documentation. The Executive Council meets on a regular basis and provides direction to the SELPA-operations, including, but not limited to the following:

• Setting policy and approving procedures for the operation of SELPA regional programs and services.

• Directing the allocation and utilization of SELPA management and support services.

• Approving the allocation of SELPA budget funds.

• Supervising the activities of the SELPA Director.

• Approving interagency agreements with County agencies.

• Reviewing and providing recommendations for the resolution of conflicts referred by the Operations Committee.

Procedures, functions and responsibilities of the Superintendent’s Executive Council are detailed in the SELPA Bylaws which are located in the SELPA and AU offices.
SELPA DIRECTOR
The SELPA Director shall serve as the chief administrator of the SELPA to oversee and implement the Local Plan for special education including the following:

- Providing overall coordination of the SELPA Local Plan;
- Periodically reviewing all policies adopted by the SELPA Board and make appropriate recommendations for changes to the SELPA Board;
- Advising the Board of all possible sources of funds that might be available to implement present or contemplated District programs;
- Establishing and maintaining appropriate relations with other SELPA units in Santa Clara County and the County Office of Education;
- Serving as liaison between the SELPA Board and the Board’s designated representative with respect to all employer/employee matters;
- Arranging for meetings, establish agendas, and record minutes as appropriate for the Superintendents’ Executive Council;
- Implementing the regionalized services of the SELPA to include:
  - Developing and administering professional development
  - Coordinating program review
  - Supervising data collection, information management and dissemination
- Coordinating the monitoring of Local Plan implementation through program review

- Other matters related to the representation and operation of the SELPA

- Hiring, supervising, evaluating and disciplining staff employed by the SELPA

- Assisting in the development of the annual budget plan and annual SELPA operations budget

- Allocating, distributing and monitoring funds to LEAs for the operation of special education programs and services in accordance with local, state and federal policy

- Coordinating the funds for low incidence services, equipment and materials in accordance with established procedures

- Preparing and submitting to the State Department of Education all reports required for the SELPA and individual LEAs, when appropriate, in accordance with local, state and federal requirements

- Assisting in the development and coordinating implementation of agreements with other SELPAs and agencies

- Assisting in the identification of special education program and service needs for the SELPA

- Requesting input from LEAs regarding regionalized services

- Providing technical assistance to LEAs on any and all relevant
topics, including but not limited to alternate dispute resolution, due process, and complaint procedures

- Representing the SELPA in due process and complaint procedures

- Acting as a liaison between and among the SELPA, State Department of Education, Superintendents’ Executive Council, Community Advisory Committee, Federal Departments and elected government officials

- Updating the Superintendents’ Executive Council on legislative changes, proposals, trends and related concerns

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:

As part of the Local Plan process, suggestions leading to the development of policies or procedures and/or changes to existing policies or procedures, the SELPA Director may convene collaborative work groups and/or job-alike teams to discuss special education topics concerning the SELPA. These work groups may originate from suggestions made at any level of the governance structure. With input and collaboration from LEA special education administrators, their representatives and SELPA AU staff through these collaborative work groups, the SELPA Director will:

- Develop, implement, maintain, and update as needed all relevant forms, guidelines, handbooks, policies and procedures to support special education programs within the SELPA;
• Coordinate timely submission of data for reporting purposes, including but not limited to fiscal and attendance reports;
• Develop, provide and monitor and professional development opportunities that foster continuous improvement opportunities;
• Recommend and review SELPA budget and program priorities;
• Review the effectiveness of regional programs;
• Promote and foster positive parent collaboration and participation with the Community Advisory Committee;
• Guarantee a continuum of services are available within the SELPA.

Policies that are developed as part of these collaborative work groups will be brought to the Superintendents’ Executive Council by the SELPA Director with the recommendation for approval, disapproval, or modification of proposed policy based on input from the collaborative work group members.

RESPONSIBILITIES OF SUPERINTENDENTS
Superintendents of all school districts in the South East Consortium SELPA, including the Santa Clara County Office of Education, are responsible for reviewing, updating and adopting policies for special education programs and services regarding Budget Allocation Plans, Service Delivery Plan, and Local Plan.

RESPONSIBILITIES OF LEA GOVERNING BOARDS
The governing boards of the member LEAs are responsible for ensuring that the coordination and implementation of the Local Plan, including all SELPA approved policies and procedures are implemented within their respective structures.

RESPONSIBILITIES OF THE LOCAL EDUCATION AGENCIES
With guidance and consultation from the SELPA Director, LEA Special Education Directors are responsible for the following activities:
Participating in the development and adoption of policies related to the governance and operation of the SELPA;
- Operate local programs consistent with state and federal law, regulations, and policies and procedures approved by the SELPA;
- Annually reviewing and approving special education programs and services of the LEA;
- Developing and adopting policies for the operation of the LEA which are consistent with those of the SELPA, and which promote the concept to ensure access to appropriate programs and services for all children with disabilities.
- Participating in the nomination, selection, and appointment of representatives to the CAC
- Providing suitable housing for special educational programs operated by the Santa Clara County Office of Education pursuant to the Santa Clara County Office of Education Housing Policy
- Cooperating with the SELPA governing boards of participating LEAs to assure the availability of appropriate services to eligible individuals regardless of district of residence
- Approving the Local Plan developed for the South East Consortium SELPA prior to review by the State Department of Education.
- Ensuring LEA compliance with all elements of the Local Plan
- Monitoring of Nonpublic School placements, including annual evaluation of the placement as part of the annual IEP review.

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:

The Santa Clara County Office of Education is a member LEA of the SELPA.

The SCCOE provides a range of programs, including special education programs for infants and pupils requiring more intensive services than are provided within the member LEA programs. The member LEAs
provide a continuum of programs and services for students requiring special education under the Individual with Disabilities Education Act (IDEA) from preschool through post secondary, as appropriate. Santa Clara County Office of Education and the member LEAs maintain responsibility for their own programs, working in collaboration in all aspects of service delivery. The Santa Clara County Office of Education posts a copy of the South East Consortium SELPA local plan on its website.

5. Describe the policies and procedures of the SELPA that allow for the participation of charter schools in the local plan:

A request by a charter school to participate as an LEA in the SELPA will not be treated differently from a similar request made by any other type of LEA. In reviewing and approving such a request, the following requirements shall apply:

1. The LEA or charter school shall participate in state and federal funding for special education and the allocation plan developed in the same manner as other local educational agencies of the SELPA.

2. The charter school shall participate in the governance of the SELPA in the same manner as other LEAs of the SELPA.

The addition of new members to the SELPA, as approved by the Executive Council, shall be followed by an amendment to the Local Plan.

Additional information regarding Charter School guidance is located in the Procedural Handbook.
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:

The Community Advisory Committee (CAC) serves in an advisory capacity to the Executive Council and as liaison to the SELPA Director and relevant collaborative work groups. The committee responsibilities include input to policy and administrative bodies of the SELPA on such matters as development and review of the Local Plan, recommendations for annual priorities in the Local Plan and community interests. The SELPA Director who serves as a liaison and is ex-officio member of the Community Advisory Committee facilitates this input process.

In addition to the above duties, it also encourages community involvement in the development and review of the Local Plan. The responsibilities of the Community Advisory Committee shall include all areas cited in Education Code 56194.

CAC Bylaws are kept in the SELPA office.

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 by the groups they represent and parent members of the CAC:

The SELPA Local Plan will be developed and updated cooperatively by a committee convened by the SELPA Director with input from the LEA Special Education Administrators and Superintendents' Executive Council. The committee will include special education teachers, general education teachers, special education administrators, general education administrators, and parent members of the community advisory committee or parents selected by the community advisory committee. The district special education administrators will assist in recruiting special education and regular education teachers and administrators who will serve as the Local Plan committee members.
Facilitated by the SELPA Director, the committee will meet at least once every three years to review the SELPA Local Plan with the purpose of ensuring the information contained within the plan remains relevant and accurate. During the review process, the committee will meet at least once quarterly in order to ensure effective participation, consultation and communication.

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:

The Executive Council has selected and recognized the Mount Pleasant Elementary School District as the Administrative Unit (AU) for the SELPA. The AU is the agency designated by California Education Code 56032 to receive and distribute regional funds for the local plan, provide for administrative support, and coordination and implementation of the local plan.

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 geographical area served by the plan:

The LEA members of the South East Consortium SELPA may enter into additional contractual agreements to meet the requirements of state and federal law. Each district of special education accountability maintains responsibility for students within their jurisdiction. Contractual agreements cannot supersede state and federal law.

The South East Consortium SELPA maintains interagency agreements with the following agencies:
- Santa Clara County Office of Education Head Start
- San Andreas Regional Center
- California Children's Service
10. For multi-LEA local plans, specify:
   
a. The responsibilities of each participating COE and LEA governing board in the policymaking process:

   The governing boards of the member LEAs are responsible for ensuring the coordination and implementation of the local plan, including that all SELPA approved policies and procedures are implemented within their respective structures.

   b. The responsibilities of the superintendents of each participating LEA and COE in the implementation of the local plan:

   Superintendents of the member LEAs in the South East Consortium SELPA, including the Santa Clara County Office of Education, are responsible for reviewing, updating and adopting policies for special education programs and services regarding all components of the Local Plan.

   c. The responsibilities of each LEA and COE for coordinating the administration of the local plan:

   LEA administrators of Special Education are responsible for the coordination the administration of the local plan within their individual LEA. The administrators participate in the development of policies and procedures through regular collaborative work group meetings related to the local plan.
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:

The SELPA Director is employed by the AU to administer the local plan. The Executive Council shall recommend and approve the hiring of the SELPA Director. The SELPA Director is evaluated annually by the Executive Council Chair with input from the members of the Executive Council and District Special Education Administrators. Disciplinary actions are handled by the Executive Council in accordance with federal, state and equal employment law.

The SELPA administrator oversees the recruitment, supervision and evaluation of SELPA staff in accordance with the RLA/AU's personnel practices.

b. The local method used to distribute federal and state funds to the SELPA RLA/AU and to LEAs within the SELPA:

State and Federal funds are allocated to the member LEAs for the operation of special education programs pursuant to an agreed upon budget allocation plan. The Budget Allocation Plan outlines the fund distribution model pursuant to applicable state and federal regulations. The SELPA does not distribute Federal revenue to the SELPA AU. The AU receives a portion of the PS/RS revenue to operate the SELPA office. The South East Consortium SELPA uses a combination of ADA and pupil count to distribute Federal revenue, and uses ADA to distribute state funds to LEAs in alignment with the agreed upon budget allocation plan.
c. The operation of special education programs:

Each member LEA is responsible for administering and delivering special education programs, placements and related services to students with disabilities in a manner that is in accordance with the SELPA local plan and in accordance with state and federal guidelines.

The SCCOE operates specialized programs on behalf of member LEAs. Special education programs operated by the SCCOE include infant and toddler services under Early Start, Early Childhood Education programs, K-12 Programs, including transition age programming. These services and programs are operated under the SCCOE based on local agreements maintained at the SELPA office.

In the event any member LEA requires specialized programs beyond those offered within their LEA boundaries, member LEAs may refer for program, placement or services to other member LEAs of the SELPA, including the SCCOE programs, or to appropriate special education programs operated by Non-Public Schools, Non-Public Agencies or other educational service providers as deemed appropriate by the LEA.

d. Monitoring the appropriate use of federal, state, and local funds allocated for special education programs:

Each LEA in the SELPA acknowledges the obligation to maintain the level of general fund contribution towards the provision of special education services at a level equal to or greater than that of the prior year (Maintenance of Effort) and assures the maintenance of fiscal support in compliance with state and federal mandates. Each LEA understands that Part B funds will not be used to reduce the level of support beyond the amount permitted under federal law and regulations. The SELPA Governing Board shall hold a public hearing on an annual basis to present the annual budget plan. LEAs will conform to the annual
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:

Low Incidence funds are administered through the South East Consortium SELPA Office. The SELPA coordinates the purchase and distribution of specialized equipment utilized by students with low incidence disabilities to ensure that each student who demonstrates need can receive these supports in their locally determined environment. Funds for low incidence equipment, materials, and services are restricted to support of students in the following disability categories: hard-of-hearing, deaf, visual disability, severely orthopedically impaired, and deaf-blind. The Executive Council shall adopt a policy to guide the distribution of these funds, which is documented in the SELPA Budget Allocation Plan. The SELPA AU Office will maintain the Low Incidence Equipment and Services inventory. Equipment purchased with Low Incidence funds becomes the property of the State of California and will follow students, as needed, if they move to another district within the SELPA. Low Incidence Guidelines maintained at the SELPA office provide additional information.

Policies, Procedures, and Programs

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; the document title; and the physical location where the policy can be found.
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SELPA South East Consortium SELPA                Fiscal Year 2021-22

1. Free Appropriate Public Education: 20 USC Section 1412(a)(1)

Policy/Procedure Number: 14.10

Document Title: SELPA Procedural Handbook

Document Location: SELPA office located at 3434 Marten Avenue - San Jose

"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

2. Full Educational Opportunity: 20 USC Section 1412(a)(2)

Policy/Procedure Number: 14.11

Document Title: SELPA Procedural Handbook

Document Location: SELPA office located at 3434 Marten Avenue San Jose

"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

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

Policy/Procedure Number: 14.12

Document Title: SELPA Procedural Handbook

Document Location: SELPA office located at 3434 Marten Avenue San Jose

"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

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

Policy/Procedure Number: 14.13
Document Title: SELPA Procedural Handbook
Document Location: SELPA office located at 3434 Marten Avenue San Jose

“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

5. Least Restrictive Environment: USC Section 1412(a)(5)

Policy/Procedure Number: 14.14
Document Title: SELPA Procedural Handbook
Document Location: SELPA office located at 3434 Marten Avenue San Jose

"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)

Policy/Procedure Number: 14.15
Document Title: SELPA Procedural Handbook
Section B: Governance and Administration

SELPA South East Consortium SELPA Fiscal Year 2021-22

Document Location: SELPA office located at 3434 Marten Avenue San Jose

“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)

Policy/Procedure Number: 14.16

Document Title: SELPA Procedural Handbook

Document Location: SELPA office located at 3434 Marten Avenue San Jose

“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

8. Confidentiality: 20 USC Section 1412(a)(8)

Policy/Procedure Number: 14.17

Document Title: SELPA Procedural Handbook

Document Location: SELPA office located at 3434 Marten Avenue San Jose

“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)

Policy/Procedure Number: 14.18

Document Title: SELPA Procedural Handbook
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Document Location: SELPA office located at 3434 Marten Avenue San Jose

"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)

Policy/Procedure Number: 14.2

Document Title: SELPA Procedural Handbook

Document Location: SELPA office located at 3434 Marten Avenue San Jose

"It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private schools shall receive appropriate special education and related services pursuant to LEA coordinated procedures. The proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents." The policy is adopted by the SELPA as stated:

☐ Yes ☐ No

11. Local Compliance Assurances: 20 USC Section 1412(a)(11)

Policy/Procedure Number: 14.19

Document Title: SELPA Procedural Handbook

Document Location: SELPA office located at 3434 Marten Avenue San Jose

"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)

Policy/Procedure Number: 14.23

Document Title: SELPA Procedural Handbook

Document Location: SELPA office located at 3434 Marten Avenue San Jose

"It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for free appropriate public education are provided, including the continuation of services during an interagency dispute resolution process." The policy is adopted by the SELPA as stated:

☐ Yes  ☐ No

13. Governance: 20 USC Section 1412(a)(13)

Policy/Procedure Number: 14.24

Document Title: SELPA Procedural Handbook

Document Location: SELPA office located at 3434 Marten Avenue San Jose

"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

Policy/Procedure Number: 14.25

Document Title: SELPA Procedural Handbook

Document Location: SELPA office located at 3434 Marten Avenue San Jose

"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.
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(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)

Policy/Procedure Number: 14.26
Document Title: SELPA Procedural Handbook
Document Location: SELPA office located at 3434 Marten Avenue San Jose

"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

16. Participation in Assessments: 20 USC Section 1412(a)(16)

Policy/Procedure Number: 14.20
Document Title: SELPA Procedural Handbook
Document Location: SELPA office located at 3434 Marten Avenue San Jose

"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 and as indicated in their respective Reps." 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)

Policy/Procedure Number: 14.27
Document Title: SELPA Procedural Handbook
Document Location: SELPA office located at 3434 Marten Avenue San Jose

"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
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SELPA as stated:

☐ Yes  ☐ No

18. Maintenance of Effort: 20 USC Section 1412(a)(18)

Policy/Procedure Number: 14.6

Document Title: SELPA Procedural Handbook

Document Location: SELPA office located at 3434 Marten Avenue San Jose

"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:

☐ Yes  ☐ No

19. Public Participation: 20 USC Section 1412(a)(19)

Policy/Procedure Number: 14.29

Policy/Procedure Title: SELPA Procedural Handbook

Document Location: SELPA office located at 3434 Marten Avenue San Jose

"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)

Policy/Procedure Number: 14.21

Document Title: SELPA Procedural Handbook

Document Location: SELPA office located at 3434 Marten Avenue San Jose

"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
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revised." The policy is adopted by the SELPA as stated:

☐ Yes  ☐ No


Policy/Procedure Number: 14.30

Document Title: SELPA Procedural Handbook

Document Location: SELPA office located at 3434 Marten Avenue San Jose

"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)

Policy/Procedure Number: 14.22

Document Title: SELPA Procedural Handbook

Document Location: SELPA office located at 3434 Marten Avenue San Jose

"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


Policy/Procedure Number: 14.32

Document Title: SELPA Procedural Handbook

Document Location: SELPA office located at 3434 Marten Avenue San Jose

"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:
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 direct instructional support provided by program specialists; and the respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA. Information provided should include the reference number, document title, and the location (e.g., SELPA office) for each function:

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

<table>
<thead>
<tr>
<th>Reference Number:</th>
<th>NA</th>
</tr>
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<tbody>
<tr>
<td>Document Title:</td>
<td>Current Local Plan</td>
</tr>
<tr>
<td>Document Location:</td>
<td>3434 Marten Avenue San Jose, CA</td>
</tr>
</tbody>
</table>

**Direct Instructional support provided by the SELPA program specialist(s)/program administrator(s):**

As appropriate, the program SELPA Program Specialists/Administrators may provide expertise and assistance in programming and instruction of individuals with exceptional needs. The SELPA Program Specialists/Administrators also provide professional development, consultation, coaching, one to one and group presentations, classroom support, and behavioral strategies for general educators, special education teachers, related services personnel, and others providing instructional services to children and adolescents with disabilities.

**Role of the RLA/AU:** The Administrative Unit shares responsibility with the SELPA to coordinate the administration of the local plan. The Administrative Unit employs SELPA staff to coordinate and implement the local plan.

**Role of the Administrator of the SELPA:** The SELPA Administrator will ensure that the local plan is implemented
and will make recommendations to the Superintendents’ Executive Council when revisions are needed. Facilitate development and approval of SELPA policies and procedures necessary to implement the local plan.

Role of the individual LEAs: Ensure a full continuum of services are available in order to provide a free and appropriate public education to all students with disabilities for whom they are responsible. The individual LEAs, through the representative to the Superintendents’ Council, will approve any policies and procedures needed to implement the local plan.

2. Coordinated system of identification and assessment:

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<tr>
<td>Document Title:</td>
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<td>Document Location:</td>
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</table>

Direct Instructional support provided by the SELPA program specialist(s)/program administrator(s):
When requested and with approval, observe, consult and assist service providers and provide training related to child find.

Role of the RLA/AU:
The Administrative Unit employs SELPA staff to assist with child find activities on behalf of local education agencies.

Description:
Role of the Administrator of the SELPA:
Ensure each LEA conducts child find activities. The SELPA will provide technical assistance to LEAs and guidance to parents, as needed. The SELPA will also participate in child find activities by establishing policies and procedures for the member LEAs and ensuring appropriate interagency agreements are in place.
Role of the individual LEAs: Each LEA is responsible for identifying and assessing all students for whom they are responsible.

3. Coordinated system of procedural safeguards:

Reference Number: NA
Document Title: Current Local Plan
Document Location: SELPA office located at 3434 Marten Avenue - San Jose

Direct Instructional support provided by the SELPA program specialist(s)/program administrator(s):

The SELPA program specialist(s)/program administrator(s) are available to assist parents in understanding the Procedural Safeguards and can assist parents with filing complaints with the Office of Administrative Hearings when requested. The SELPA program specialist(s)/program administrator(s) also assure procedural safeguards by providing technical assistance and guidance on forms and procedures to LEAs in the areas of assessment, identification, and placement.

Role of the RLA/AU:
The Administrative Unit shares responsibility with the SELPA for assuring that students with disabilities and their parents or guardians are guaranteed procedural safeguards.

Description:

Role of the Administrator of the SELPA:
The SELPA provides alternate dispute resolution with districts as requested by parents or other IEP team members. The SELPA assists parents with filing complaints with the Office of Administrative Hearings when requested. The SELPA also assures procedural safeguards
by providing technical assistance and guidance on forms and procedures to LEAs in the areas of assessment, identification, and placement. The SELPA will also provide parents with a copy of their procedural safeguards upon request and will maintain a copy on their website.

Role of the individual LEAs: The LEAs provide procedural safeguards to parents consistent with the education code, assist parents with understanding them, and ensure that they are implemented. The LEAs assist parents with filing complaints with the Office of Administrative Hearings when requested.

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

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Direct Instructional support provided by the SELPA program specialist(s)/program administrator(s):
Support staff development, program development, and innovation of special methods and approaches.

Role of the RLA/AU:
The Administrative Unit provides logistical support services to the SELPA to assist with staff development and parent or guardian education activities.

Role of the Administrator of the SELPA:
On an annual basis input is collected from the Special Education Directors from member LEAs to determine the staff development needs that the SELPA is requested to provide. On an annual basis, the Community Advisory Committee will provide input on the parent and guardian education needs. The SELPA Administrator will provide
needed training and supports as requested, or determined appropriate, for each LEA.

**Role of the individual LEAs:**
LEAs will determine their staff development and parent and guardian education, based on their local needs. They may seek technical assistance or input from the SELPA.

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

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**Direct Instructional support provided by the SELPA program specialist(s)/program administrator(s):**
The SELPA program specialist(s)/program administrator(s) will coordinate curricular resources for students with disabilities.

**Role of the RLA/AU:**
The Administrative Unit provides instructional support services to the SELPA to support curriculum development for students with disabilities and alignment with the core curriculum.

**Role of the Administrator of the SELPA:**
The SELPA Administrator will provide technical assistance and staff development, as requested or determined appropriate.

**Role of the individual LEAs:**
LEAs will determine their needs for curriculum development and alignment with the core curriculum, based on their local needs.
6. Coordinated system internal program review, evaluation of the effectiveness of the local plan, and implementation of the local plan accountability system:

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Direct Instructional support provided by the SELPA program specialist(s)/program administrator(s):
When requested, the SELPA program specialist(s)/program administrators will evaluate effectiveness of programs for students with disabilities.

Role of the RLA/AU:
The Administrative Unit employs SELPA staff who assist in conducting internal program review, evaluation of effectiveness of the local plan, and implementation of the local plan accountability system.

Role of the Administrator of the SELPA:
The SELPA Director will allocate SELPA resources to conduct SELPA internal program reviews, evaluation of the effectiveness of the local plan, and implementation of the local plan accountability system, as determined by the SELPA Superintendents’ Executive Council.

The SELPA Executive Director will participate in reviews and provide necessary data readily available from the SELPA.

Role of the individual LEAs:
Individual LEAs review and monitor Annual Performance Reports, the California School Dashboard, and other data sources to ensure students with disabilities receive a free and appropriate public education. Individual LEAs also engage in monitoring activities as required by the CDE.
Section B: Governance and Administration

SELPA  South East Consortium SELPA  Fiscal Year  2021-22

7. Coordinated system of data collection and management:

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**Direct Instructional support provided by the SELPA program specialist(s)/program administrator(s):**
When requested, the SELPA program specialist(s)/program administrator(s) will work with the SELPA Director to provide data to LEAs.

**Role of the RLA/AU:**
The Administrative Unit employs SELPA staff who collects, prepares, and submits required data to state and federal agencies. The Administrative Unit provides data and technology services to the SELPA to assist in data collection and management.

**Description:**

**Role of the Administrator of the SELPA:**
The SELPA will approve the California Longitudinal Assessment and Pupil Data System (CALPADS) submission of each member LEA as required by the California Department of Education. The SELPA will provide technical assistance and training to LEAs as requested and/or deemed necessary by the SELPA.

**Role of the individual LEAs:**
The LEAs are responsible for data entry, quality and integrity. The LEAs will approve the California Longitudinal Assessment and Pupil Data System (CALPADS) submission as required by the California Department of Education.

8. Coordination of interagency agreements:
SELPA Office located at 3434 Marten Avenue San Jose, CA

Reference Number: NA
Document Title: Current Local Plan
Document Location: SELPA Office located at 3434 Marten Avenue San Jose, CA

Direct Instructional support provided by the SELPA program specialist(s)/program administrator(s): Not applicable

Role of the RLA/AU:
The Administrative Unit employs SELPA staff who works on the coordination of interagency agreements.

Role of the Administrator of the SELPA:
The SELPA Administrator, or designee, will serve on committees as interagency agreements are being reviewed, revised, or developed. The SELPA Administrator will ensure that interagency agreements are in place as required by California Education Code, and provide technical assistance and dispute resolution as needed.

Role of the individual LEAs:
Through their representative to the Superintendents’ Council, the LEAs will approve and implement interagency agreements as appropriate.

9. Coordination of services to medical facilities:

Reference Number: NA
Document Title: Current Local Plan
Document Location: SELPA Office located at 3434 Marten Avenue San Jose, CA

Direct Instructional support provided by the SELPA program specialist(s)/program administrator(s): Not applicable.

Role of the RLA/AU:
The Administrative Unit employs SELPA staff who works on the coordination of services to medical facilities.

Role of the Administrator of the SELPA:
The SELPA will facilitate the coordination of these services

CDE Form Version 2.0
by the designated LEAs.

Role of the individual LEAs:
Individuals with exceptional needs who are placed in a public hospital, state licensed children's hospital, psychiatric hospital, proprietary hospital, or a health facility for medical purposes are the educational responsibility of the local educational agency in which the hospital or facility is located.

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

Reference Number: NA
Document Title: Current Local Plan
Document Location: SELPA Office located at 3434 Marten Avenue San Jose, CA

Direct Instructional support provided by the SELPA program specialist(s)/program administrator(s):
The SELPA program specialist(s)/program administrator(s) assure pupils have a full educational opportunity regardless of the district of residence.

Role of the RLA/AU:
The Administrative Unit employs SELPA staff who works on the coordination of services to LCIs and Foster Family Homes.

Role of the Administrator of the SELPA:
The SELPA will facilitate the coordination of these services by the designated LEAs.

Role of the individual LEAs:
Special education services for students with disabilities residing in foster family homes or licensed children’s institutions shall be the responsibility of the district in which the foster family home or the licensed children’s institution is located, unless based on education code and local
agreement there is another district of special education accountability which would be responsible.

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

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Direct Instructional support provided by the SELPA program specialist(s)/program administrator(s):
Not applicable.

Role of the RLA/AU:
The Administrative Unit employs SELPA staff who prepare and submit required reports to state and federal agencies.

Description:

Role of the Administrator of the SELPA:
The SELPA Administrator will ensure timely transmission of required reports and provide technical assistance to LEAs in completing those reports.

Role of the individual LEAs:
Individual LEAs will submit required data in order for the SELPA to submit timely reports.

12. Fiscal and logistical support of the CAC:

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</table>

Direct Instructional support provided by the SELPA program specialist(s)/program administrator(s):
The SELPA program specialist(s)/program administrator(s)
may provide logistical support to facilitate CAC involvement.

Role of the RLA/AU:
The Administrative Unit employs SELPA staff who can provide fiscal and logistical support to the CAC.

Role of the Administrator of the SELPA:
The SELPA will provide fiscal and logistical support CAC meetings, events, and trainings that are approved by the Superintendents’ Council.

Role of the individual LEAs:
The LEA superintendents through the Superintendents’ Council will the SELPA has sufficient resources to provide fiscal and logistical support for the CAC. LEA Directors shall facilitate communication between their CAC representative from the LEA.

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

Reference Number: NA

Document Title: Current Local Plan

Document Location: SELPA Office located at 3434 Marten Avenue San Jose, CA

Direct Instructional support provided by the SELPA program specialist(s)/program administrator(s):
The SELPA program specialist(s)/program administrator(s) will provide staff development as requested by the LEAs.

Role of the RLA/AU:
The Administrative Unit employs SELPA staff who can support the coordination of transportation services for individuals with exceptional needs.

Role of the Administrator of the SELPA:
The SELPA will provide technical assistance as requested.
Role of the individual LEAs:
Each member LEA is responsible for providing transportation for their students with disabilities as determined by their IEP teams.

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

Reference Number: NA
Document Title: Current Local Plan
Document Location: SELPA Office located at 3434 Marten Avenue San Jose, CA

Direct Instructional support provided by the SELPA program specialist(s)/program administrator(s):
Support staff development, program development, and innovation of special methods and approaches.

Role of the RLA/AU:
The Administrative Unit employs SELPA staff who provide technical assistance to support the coordination of career and vocational education and transition services.

Description:

Role of the Administrator of the SELPA:
The SELPA Administrator will provide technical assistance and staff development as needed. The SELPA Administrator will ensure appropriate interagency agreements are in place and facilitate connection to agencies, as appropriate.

Role of the individual LEAs:
Each LEA will provide appropriate career and vocational education and transition services as required under state and federal law.

15. Assurance of full educational opportunity:

Reference Number: NA
Direct Instructional support provided by the SELPA program specialist(s)/program administrator(s):
The SELPA program specialist(s)/program administrator(s) assures pupils have a full educational opportunity regardless of the district of special education accountability.

Role of the RLA/AU:
The Administrative Unit shares responsibility with the SELPA for assuring that students with disabilities have access to full educational opportunity and assuring placement in the least restrictive environment.

Role of the Administrator of the SELPA:
Through approval of the Annual Services Plan the SELPA will ensure that the full continuum of services is provided. The SELPA will assist with Inter SELPA Transfers, as needed. Additionally, professional development and technical assistance is available upon request or as determined to be needed by the SELPA to LEAs and/or nonpublic schools.

Role of the individual LEAs:
Each LEA, through their representative to the Superintendents’ Council will determine the regional programs needed to meet the needs of the students with disabilities within the SELPA. Additionally, each LEA is responsible for providing a full continuum of services.

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.

Reference Number: NA
Section B: Governance and Administration

SELPA  South East Consortium SELPA  Fiscal Year  2021-22

Document Title: Current Local Plan

Document Location: SELPA Office located at 3434 Marten Avenue San Jose, CA

Direct Instructional support provided by the SELPA program specialist(s)/program administrator(s):
Not applicable.

Role of the RLA/AU:
The Administrative Unit employs SELPA staff who assist in the allocation and distribution of state and federal funds to SELPA Local Education Agency members.

Role of the Administrator of the SELPA:
The SELPA Administrator will facilitate the distribution of funds in accordance to the funding allocation plan approved by the Superintendents’ Council. The SELPA Administrator will also facilitate the Annual Budget Plan.

Role of the individual LEAs:
Each LEA through their representative to the Superintendents’ Council, determine and approve the allocation of funds to the member LEAs and the Annual Budget Plan. The LEAs will also submit required fiscal reports as required by state and federal laws.

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

Reference Number: NA

Document Title: Current Local Plan

Document Location: SELPA Office located at 3434 Marten Avenue San Jose, CA

Description: The distribution of Program Specialist personnel and services shall be provided in accordance with Education Code provisions.
Special Education Local Plan Area Services

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

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<tr>
<th>Reference Number:</th>
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<tbody>
<tr>
<td>Document Title:</td>
<td>Current Local Plan and Procedural Handbook</td>
</tr>
<tr>
<td>Document Location:</td>
<td>SELPA Office located at 3434 Marten Ave San Jose CA</td>
</tr>
<tr>
<td>Description:</td>
<td>The SELPA Procedural Handbook includes a chapter with a policy and procedure related to early childhood education, and the relevant Inter-agency Agreements.</td>
</tr>
</tbody>
</table>

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:

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<tr>
<td>Description:</td>
<td>Members of the public, including parents or guardians of students with disabilities, may address questions or concerns to the governing boards of each LEA, the Superintendents’ Executive Council, the LEA Special Education Administrators, the SELPA Administrator, and/or the CAC.</td>
</tr>
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</table>

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:

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In the event of a disagreement regarding the distribution of funding, responsibility for service provision and any other governance activities specified in the Local Plan, it is the intent that issues be resolved at the lowest level possible within the SELPA’s governance structure. Disagreements may include those among the member LEAs, between the LEAs and the Administrative Unit, and/or the Administrative Unit and the SELPA. If a member LEA disagrees with a decision or practice of another LEA or the SELPA Office, that LEA has a responsibility to discuss and attempt resolution of the disagreement with the party, or parties directly involved. The parties involved will present the issues to their respective superintendents or designee who will attempt to resolve the matter locally. Either party may request direct assistance of the SELPA Administrator or designee, or Chairperson of the Superintendents’ Executive Council. However, no district can impose a process or policy upon another district without its consent. School districts are autonomous. If resolution is unsuccessful, the parties may pursue a hearing on the issues and resolution with the entire Superintendents’ Executive Council. At the Executive Council level, voting on an issue resolution is obtained by majority vote of the Superintendents’ Executive Council. The decision of the Superintendents’ Council shall be final. In all cases, the Superintendents’ Executive Council is the board of last resort. This process is intended to resolve disagreements within a period of 45 days, but is not intended to undermine
Section B: Governance and Administration

SELPA South East Consortium SELPA  Fiscal Year 2021-22

local authority.

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:

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The SELPA LEAs provides a full continuum of services to students identified with disabilities, including students in charter schools, alternative education, and students who are not in residence but approved to attend the LEA. Services are provided through each of the member LEAs. The referral, assessment, and Individual Education Program (IEP) process is utilized to identify the needs of each individual student with disabilities. The LEA ensures that supplemental aids and services are provided in the Least Restrictive Environment (LRE). A student shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and where appropriate, utilized. These resources include but are not limited to response to intervention models, multi-tiered systems of support, students success/support team interventions, and early literacy and remedial programs.

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:
The LEA, or SELPA on behalf of the LEA, shall oversee and evaluate all placements in nonpublic, nonsectarian schools. The LEA, or SELPA on behalf of the LEA, shall do the following:
- Annually verify the NPS has conducted training pursuant to EC 56366.1 (a)(4)
- Conduct one onsite visit to the NPS prior to placement of a pupil if the LEA does not have any pupils enrolled at the school at the time of placement
- Conduct one onsite monitoring visit each school year that the LEA has a pupil attending and which it maintains a master contract. The monitoring visit shall include:
  - A review of services provided to the pupil through the individual service agreement between the LEA and NPS
  - A review of progress the pupil is making toward the goals in the IEP
  - A review of progress the pupil is making toward the goals set forth in the pupil’s behavior intervention plan, should one be included in the IEP
  - Observation of the pupil during instruction
  - A walkthrough of the facility

The onsite monitoring visit shall be documented in a report to be submitted to the CDE within 60 calendar days of the visit. The IEP team shall consider the onsite monitoring visit report when evaluating whether the student is making appropriate educational
progress at the NPS.

Each LEA, or SELPA on behalf of the LEA, shall oversee and evaluate placements in nonpublic, nonsectarian school placements for students. The LEA/SELPA shall ensure that the students' IEPs are being implemented.

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)
Policy and procedure regarding provision of FAPE and IDEA services to eligible adults in county jail is included in the SELPA procedural handbook.