SANTA CLARA COUNTY SELPAs

SCCOE SPECIAL EDUCATION HOUSING POLICY

This policy covers housing for programs operated by the SCCOE Special Education Department on district operated sites. The policy shall apply to programs operated by SCCOE for three (3) to twenty-two (22) year old students and does not pertain to Regional Programs operated by districts. The policy shall remain in effect unless modified and approved by all SELPA Executive Councils in Santa Clara County.

I. INTRODUCTION

The districts of the Santa Clara County SELPAs are committed to the provision of special education services to all students with disabilities in the least restrictive environment as required by State and Federal law. It is the districts' obligation to assure that when it is not possible for students with disabilities to be educated in their home schools, they receive the services specified in their IEPs in classrooms located as close to their homes as possible. This goal is intended to fulfill the SELPA's purpose that the students and staff be included to the greatest extent possible as a part of the school community. To fulfill this commitment, the districts shall provide classroom space for all special education students in Santa Clara County.

Each school district accepts the ultimate responsibility for providing classroom facilities, or the financial resources to provide classroom facilities, for the special education students residing within its boundaries. A district may join with other districts in its area to provide classroom space or the financial support to house their students. The classroom needs of all students, both general and special education must be considered in all decisions regarding the allocation of classroom space. There may be times when a school district offers classroom space, which is not utilized by SCCOE (see page 2, item #7).

Maximum effort will be made to avoid the over representation of special education classes on an individual school site. In addition, classrooms should be located to promote natural opportunities for students with disabilities to participate with chronologically age-appropriate, general education students in academic, non-academic and extra-curricular activities to the maximum extent appropriate for the needs of both the special and general education students.

II. POLICIES AND PROCEDURES

The Santa Clara County SELPAs will be responsible for the implementation and monitoring of this policy. The SCCOE Special Education Department will assume responsibility for determination of classrooms owed and provided by each district, and will collaborate with the SELPA offices in the calculation and collection of housing fees and disbursement of housing compensation.
III. PROVISION OF CLASSROOM SPACE BY DISTRICTS

A. Calculation of Projected Classroom Space Needed by Districts

Classroom space needed for those programs specified in this policy will be calculated using the following procedure:

1. The SCCOE Special Education Department’s May 1st enrollment projections for the following year will serve as the basis for estimating the classroom space owed by each district in the subsequent school year.

2. Actual determination of housing obligations will be based on current year December-April average enrollment in SCCOE Special Education programs.

3. The number of pupils constituting one classroom for the purpose of the Housing Policy will be recommended each year by the Facilities Rate Setting Committee and approved in the SELPA Budget Allocation Plans along with Rate per class and percentage credit for land-only.

4. When the Santa Clara County Office of Education owns or leases a portable classroom located on district operated site, that classroom will generate partial credit toward the calculation of the district’s housing obligation.

5. Each district will have two options for fulfilling its housing obligation.
   - The provision of classroom space. This is the preferable option.
   - In the event that a district does not provide the obligated classroom space, it will be charged a housing fee.
   - A SELPA may exercise the option of “pooling” member district obligations and/or compensation for space.

6. When a district exceeds its housing obligation by providing additional classroom space, the district will be paid the approved housing compensation rate.

7. Classroom space offered by the district must not only meet the standards specified in this policy, but must also be appropriate to the needs of the program operator.

Criteria for appropriateness include the following:

- the classroom offered provides for interaction with nondisabled peers
- usage of the classroom offered does not result in unusual additional costs to the SCCOE Special Education program
- usage of the classroom minimizes transportation time and cost
- there should be a sufficient population projections to sustain the classroom for at least three years
- there shall be minimal disruption or displacement for students in existing programs.
B. Contracts for Provision of Classroom Space

1. By February 28 of each year, districts will notify the SCCOE-Special Education Department of their intention to reclaim classroom space.

2. Negotiations between the SCCOE Special Education Department and districts for new contracts or other arrangements to provide classroom space shall be completed by May 30th of each year.

3. Contracts for classroom space shall be for a specific classroom site and it is recommended that it be for a minimum of three (3) years. The use of classrooms for Extended School Year programs is included in the contracts. The relocation of classrooms for Extended School Year programs shall be negotiated between the district and SCCOE Special Education Department by April 15.

4. Termination of contracts prior to their expiration date shall be by mutual consent of the district and SCCOE Special Education Department.

C. Standard for Classrooms

Classrooms provided by district, as a means of fulfilling their housing obligations shall meet the following standards, as appropriate:

1. One classroom (approximately 960 square feet) will be provided in accordance with established State and Federal standards (i.e., applicable Americans with Disabilities Act accessibility standards, Health and Safety Codes, fire alarm requirements, and Field Act standards, or a waiver of Field Act standards).

2. Running hot water will be provided in all classrooms where the availability of water within the classroom is necessary to meet the health and safety needs of the students, as determined by the SCCOE Special Education Department. Example: An accommodation for hot water could be an instant hot water heater.

3. Heat and Air Conditioning will be provided in all classrooms where the availability of heat and air conditioning within the classroom is necessary to meet the health and safety needs of the students, as determined by the SCCOE Special Education Department.

4. In-class toilet facilities will be provided as appropriate for the age and the needs of the students and as determined by the SCCOE Special Education Department with the approval of the district.

Students will have access to toileting facilities on campus available to all other students.

It is the intent of this policy to respect the privacy rights of special education students, which accord them with basic human dignity.

The toilet and/or changing area shall be large enough to accommodate personal hygiene activities.

5. Any site modifications, if needed, will be negotiated between the SCCOE Special Education Department and the district prior to modifications taking place.

6. The site will provide internet access in each classroom. SCCOE Special Education classrooms need comparable Internet access, as do the host site classrooms. SCCOE will be provided with one static IP
address and one live Ethernet jack in each Special Education classroom to set up VPN technology in each classroom.

D. Custodial Services

Custodial service, including daily classroom cleaning for all classrooms, including portables, whether district or SCCOE owned, shall be the responsibility of the district. The SCCOE Special Education Department will provide information regarding recommended daily classroom cleaning as identified in the State publication, “State Guidelines and Procedures for Meeting the Specialized Physical Health Care Needs of Pupils.”, and designated by level of need of classroom. (see attached).

E. Maintenance

Maintenance service shall be the responsibility of the owner of the facility. This includes regularly scheduled and preventative classroom maintenance such as filter replacements, carpet cleaning, floor polishing, light bulb replacements, etc.

F. Repairs

Classroom repair due to normal wear for such items as plumbing, windows, locks, roofs, cooling and heating systems, etc. shall be the responsibility of the owner of the facility.

Repairs of the facility for any damage caused by the program staff and/or students and repairs of the personal property owned by the program shall be the responsibility of the SCCOE Special Education Department.

G. Relocation of Classrooms

In the event a district has to relocate a SCCOE Special Education Department classroom due to planned renovations, fire, natural disaster, vandalism or other emergency situations when the classroom is unsuitable for housing students, the district remains responsible for providing adequate temporary housing until repairs can be completed. The district will make every effort to house the students on the same school site.

With respect to moving costs for COE classrooms, the following will apply:

- Fire or natural disaster: Insurance will be billed. If no insurance, cost will be borne centrally.
- Renovation by district: Cost will be borne centrally.
- COE moves class during ESY for safety: Cost will be borne centrally.
- District decision to consolidate classrooms for summer: Cost will be borne by district or district will move class.

IV. PROVISION OF NEW CLASSROOMS BY THE DISTRICT OR SCCOE SPECIAL EDUCATION DEPARTMENT ON DISTRICT PROPERTY

A. New Construction by COE on District Property Requiring 40 Year Lease. The housing policy section concerning new construction (40 year leases): shall be reviewed every two years beginning with the 2007-08 school year.
Option 1
COE provides the custodial and utilities. District receives 45% credit times current agreed upon facilities housing rate times the number of actual classrooms provided.

Option 2
COE provides utilities and district provides custodial. District receives 71% credit times current agreed upon facilities housing rate times the number of actual classrooms provided.

B. When constructing new classrooms or acquiring a new portable, not requiring a 40 year lease, the SCCOE Special Education Department and the district will meet to negotiate any one-time cost.

For example:
- Site preparation
- Water and sewer hook-up
- Architectural and other fees

Classrooms provided by new construction shall meet all of the requirements specified in Section IIIC, Standards for Classrooms.

V. RESPONSIBILITY FOR PORTABLE CLASSROOMS PLACED BY THE SCCOE SPECIAL EDUCATION DEPARTMENT ON DISTRICT PROPERTY

When the SCCOE Special Education Department brings a portable onto district property, the following shall apply:

1. SCCOE Special Education Department shall be responsible for all requirements specified in Section IIIC (Standards for Classrooms).

2. Custodial service, including daily classroom cleaning for all classrooms, shall be the responsibility of the district or negotiated between the district and SCCOE Special Education Department. The SCCOE Special Education Department will provide information regarding daily classroom cleaning as identified in the State publication, “State Guidelines and Procedures for Meeting the Specialized Physical Health Care Needs of Pupils.”

3. Whenever possible, actual maintenance/repair shall be provided by the local school district. Cost for maintenance service, classroom repair due to normal wear and tear or any site improvements should be the responsibility of the SCCOE Special Education Department or negotiated between the SCCOE Special Education Department and the district.

VI. FINANCIAL ARRANGEMENTS

1. Districts are obligated to provide classroom space (or financial resources to provide classroom space) for the number of resident students enrolled in SCCOE Special Education Department operated programs. This obligation includes classroom space, utilities, custodial services and such maintenance and repair as specified in this document.
2. The SELPA facilities committee each year will recommend the value to be placed on classrooms provided, which are over or under a district’s obligation. The value placed will be in consideration of the following factors: average cost of utilities, average cost of custodial services and routine maintenance/repair, average cost of a leased portable, and reasonable lease rate for classroom space on an open school campus. The value placed on classrooms, and the fraction thereof allowable for land (utilities and custodial/maintenance service) shall be pending approval of all SELPA Executive Councils in the county.

   a) The Facilities Rate Setting Committee will meet prior to March of each year to recommend and finalize the rate/number of pupils per class and percentage of credit for land-only for the following year. The rate suggested at the December 2010 meeting will stay in effect for the 2011-2012 year.

   b) The committee will be comprised of district special education program and fiscal representatives. The intention of the committee is to reach agreement using the following priorities:

      - Consensus of all present at the Facilities Rate Setting Meeting with a quorum consisting of representation from all SELPAs and a minimum of five fiscal and/or program administrators from Southeast and five fiscal and/or program administrators from Northwest SELPAs.
      - Dispute resolution (SELPA Directors, and an outside mediator)

   c) The SELPA AU Directors and SCCOE Special Education staffs are not members of the committee that decides consensus.

3. Housing fees for the number of spaces that a district is short of its obligation will be added to the estimate of cost of COE programs for that district. Housing compensation for the number of spaces that a district provides, which are over its obligation, will be estimated, but not credited against, the district’s cost of COE programs. This amount will be a Revenue Transfer for Housing Compensation at the end of each year.

4. SELPA Fiscal Advisors will assess the Excess or Deficit in revenue resulting from the Housing Policy at the end of each year looking only at the year to either refund any excess or collect from districts any deficit when the excess or deficit is greater than or equal to the current facilities rate for a COE classroom. In that case, the entire excess will be distributed or deficit charged back based on current pupil count used in facility cost calculations. This process began in 2008-2009 and will continue annually thereafter. Included in the assessment will be other contract costs related to Facility costs, moving expenses, set-up and remodel fees and indirect costs. Also included will be other lease revenue collected by SCCOE Special Education.

OVERSIGHT COMMITTEE

1. An Oversight Committee will be established that is composed of SELPA Directors and SCCOE Director of Special Education.

2. The Oversight Committee will be responsible for the following:
• the SELPA Directors and COE Director will meet with district directors to review needs and availability of classroom space; and

• the Oversight Committee will meet, if necessary, to review appropriateness of offers submitted by districts for use of classrooms.

| Approved SELPA I  | June 14, 2007   |
| Approved SELPA II | June 15, 2007   |
| Approved SELPA III| June 14, 2007   |
| Approved SELPA IV | June 18, 2007   |
| Approved SELPA VII| June 18, 2007   |
| Approved SECSE    | June 20, 2007   |

| Approved SELPA I  | May 19, 2011    |
| Approved SELPA II | May 27, 2011    |
| Approved SELPA III| May 19, 2011    |
| Approved SELPA IV | May 18, 2011    |
| Approved SELPA VII| May 19, 2011    |
| Approved SECSE    | May 18, 2011    |

| Approved SELPA I  | May 14, 2015    |
| Approved SELPA II | May 15, 2015    |
| Approved SELPA III| May 14, 2015    |
| Approved SELPA IV | May 19, 2015    |
| Approved SELPA VII| May 13, 2015    |
| Approved SECSE    | May 20, 2015    |