

SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATION

3200 BUDGET PLANNING PROCESS

3204 AB 602 Special Education Fiscal Allocation Plan

I. GUIDING PRINCIPLES

The Long-Term AB 602 Special Education Fiscal Allocation Plan has been designed to address the following objectives:

1. Provide an incentive for operating cost-effective programs for students in public school programs.
2. Provide no incentive for districts to over-identify students for special education services.
3. Facilitates transfers of funding for regional programs.
4. Ensure that special education funding is distributed proportionately to LEAs.
5. Acknowledge that the AB 602 Funding Allocation Model will not cover the total costs of special education services. Districts will need general fund contributions to cover unfunded special education costs.
6. Keep program requirements in mind as well as the Maintenance of Effort requirement in Federal law (Title 20 U.S.C. §1413(a)(2)(C)(i) and Title 34 CFR §300.205) that there are restrictions when an LEA may reduce the level of special education expenditures “from local funds below the level of those expenditures for the preceding fiscal year.”

II. ALLOCATION OF AB 602 INCOME

The total SELPA special education block grant will be received at the SELPA level for distribution to the special education program operators as described in this section (3204). The JPA Board authorized the SBCSELPA Administrative Unit to act as the fiscal agent for the SBCSELPA. Funds for SBCSELPA-funded services and Sparsity Adjustment (Part IV) shall be taken off-the-top prior to distribution of the remainder of the AB 602 block grant.

The remaining AB 602 funds will be distributed to districts based upon their AB602 P-2 Funded ADA. At year-end, the ADA will be adjusted and aligned to current year certified AB602 P-2 Funded ADA. In the event of a declared emergency or approved J-13 waiver, the revised P-2 Funded ADA will be used.

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III. SUMMARY OF FUNDING MODEL COMPONENTS

As per the State AB 602 funding model, special education revenues will be received by the SBCSELPA in the form of a block grant.

The following funding sources will be outside and in addition to the block grant shall be distributed to districts as indicated below.

- Federal Part B Local Assistance (PL-142) Funds (Resource 3310)

As determined by the JPA board, in addition to AB602 Base funding, an off-the-top allocation may be set aside for the SBCSELPA budget, including Mental Health services and Non-Public School Placement Cost Pool. The remainder shall be allocated to districts based on the current year AB602 P-2 Funded ADA, after a reduction as specified in section XIX. These funds are reimbursements and will be only distributed based on district usage and reporting of expenditures.

- Federal Preschool Grant (Resource 3315)

2.882% for Regional Services is allocated to SBCSELPA. The remainder shall be allocated based on the current year AB602 P-2 Funded ADA for non-charter Grades K-6. These funds are reimbursements and will only be distributed based on district usage and reporting of expenditures.

- Low Incidence Funds

Refer to part XV. of this section (3404).

- Preschool Staff Development (Resource 3345)

Shall be allocated to districts responsible for providing Preschool services based on their prior year SELPA Baseline K-6 ADA. These funds are reimbursements and will be only distributed based on district usage. Districts may apply allocation for SELPA Professional Development fees or submit an invoice for reimbursement. Funds not utilized by an LEA by June 30th of the first fiscal year of the grant will be used to offset the cost of providing Preschool Staff Development Services by SBCSELPA or other LEAs at the discretion of SBCSELPA.

- Infant Program Income (both IPS Unit and supplemental grant funding)

Allocated to SBCEO as the sole operator of Infant Programs for SBCSELPA

- Out of Home Care Funding

Refer to Part XVII. Of this section (3404)

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- County Property Taxes
Shall be distributed in the same manor of AB602 funds.

The funding sources listed below are available at the State level and may be accessed through special application only:

- LCI Emergency Impaction Funds
- Excess Cost Pool

IV. SPARSITY/SMALL SCHOOL DISTRICT FUNDING

Funding will be provided to the County Education Office for the direct service districts with a hold harmless adjustment equivalent to the current sparsity factor funding. The equalization process will phase out the sparsity factor over time.

Sparsity Adjustment

The Cuyama Joint Unified School District meets the criteria to be considered a sparsely populated district as that term was defined in Education Code Section 56728.6(d)(1) prior to the enactment of the AB 602 special education funding model (see Appendix E). In recognition of the additional costs of serving students in special education who attend school in Cuyama, and in order to apportion special education block grant funding allocations within the SBCSELPA to recognize the impact of these additional costs, adjustments were made to the SBCSELPA AB 602 allocation plan beginning in 2003-04.

The funded COLA rate will be applied to the prior year calculated sparsity factor to determine the sparsity augmentation for the current funding model.

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Small School District Funding

Small districts shall be required to provide own special education services after the second year their enrollment exceeds the direct service district cut off size as specified in the Education Code Section 1730, et al (i.e., for elementary districts – less than 901 ADA during the preceding fiscal year, for high school districts - less than 301 ADA during the preceding fiscal year, and for unified districts - less than 1501 ADA during the preceding fiscal year). Districts have the choice to remain as a direct service district and receive special education services from the County Education Office for two years after their enrollment exceeds the size limit for being considered a direct service district.

If, during this two-year transition period, a former direct service district decides to become a non-direct service district, it will receive its per ADA special education funding directly and then may either operate its own special education programs or contract with the County Education Office or another LEA for these services. Districts transitioning from direct to non-direct service status will continue to receive the same level of funding during the two-year transition period that they would have received as a direct service district.

After a district remains above the direct service district size cut off for two years, it will henceforth be considered a non-direct service district.

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V. FUNDING FOR REGIONAL PROGRAMS OR SERVICES

All regional program costs will be charged to district/LEA of residence (DOR) on a per student basis as follows:

- Per student costs will be calculated on days of enrollment not days of attendance and shall be calculated by regional program operators for the moderate-severe programs.
- Regional program operators shall report regional program cost estimates three times annually, October 15th, January 15th* and year end close (July 15th); and April 15th for Adopted Budget.
 - *January 15th report is optional for district operators, but should be submitted if there will be a substantial change that would impact the cost of another district.
- Per student costs for July 1st through October 31st of the given school year will be calculated based on Adopted Budget Projections. Following November 1st and February 1st of a given school year the per student costs will be updated using current year estimates for regional program costs and enrollment. Reconciliation of actual regional program costs and enrollment will take place at year end close.
- At year end the per student actual daily costs will be calculated using regional program costs divided by total day of enrollment.
- The per student costs for Extended School Year will be based on actual regional program costs and enrollment. Enrollment will be based on the number of students who attend at least three days of ESY; and,

In addition, regional itinerant services shall be charged to LEAs as follows:

- Only itinerant special education services specified on the services line of the individual education plan (IEP) and listed in CALPADS shall be billable to LEAs.
- The itinerant regional program cost per student shall be calculated by the percentage the student is enrolled compared to the total minutes of all students by program/category.
- The 80% FTE regional audiologist shall be utilized to serve the needs of students with IEPs designated as deaf or hard of hearing (DHH) and shall be funded off the top of the AB 602 funding or low incidence funding as determined by JPA board.

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DHH Services:

If, based on assessment data and an IEP Team recommendation, it is determined that a DHH student requires exposure to a community of learners for purposes of FAPE, a referral shall be made to a regional DHH program.

If it is determined that the regional DHH program can offer a community of learners and that the program placement is appropriate for the student, the placement shall take place with the student being placed on the DHH SDC regional providers caseload and with support in the general education classroom for more than 50% of the day.

Regional program costs for these students will be calculated using the following:

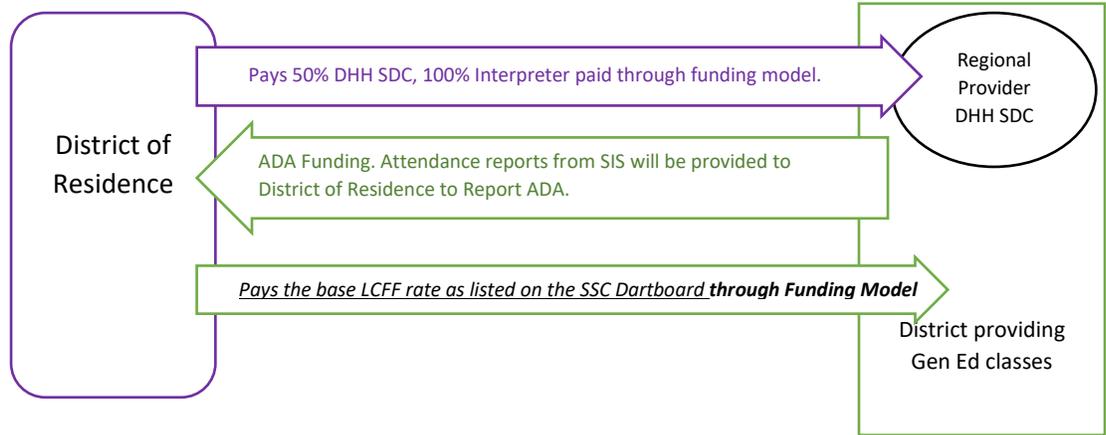
- Students on the regional DHH SDC caseload will be separated into two groups, those who are SDC students and those who are itinerant students with special education support for more than 50% of their day.
 - Costs for students on the regional DHH SDC caseload who are SDC will be calculated by using the SDC formula with all components, dividing by the total number of enrolled days to arrive at a per enrollment day cost.
 - For itinerant students with special education support for more than 50% of their day. Enrollment days for regional cost allocation shall be calculated as 50% of their number of days of enrollment in the program.
- The district of residence/accountability shall be responsible for the cost of the interpreter assigned to the student and the regional DHH SDC program based on 50% of the students' number of days of enrollment.
- For itinerant students with special education support for more than 50% of their day. The district of residence will pay the district of general ed attendance the base LCFF rate as listed on the School Services Dartboard. The district of residence will receive the ADA the student, to generate ADA revenue. This is meant to offset the cost of the itinerant student's enrollment in general education classes, while special ed funding. (Refer to figure on next page).

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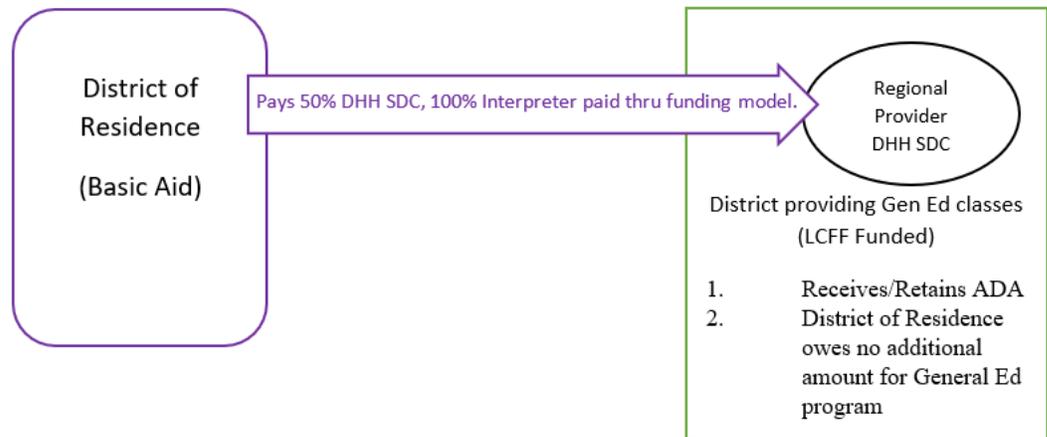
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- Exception: If the District of Residence is Basic Aid AND the district of general ed attendance is NOT Basic Aid, then the district of general ed attendance will receive the ADA funding and the district of residence will not owe the district of general ed attendance any additional amounts for the general education program.



- For the students in the regional program in general education for more than 50% of the day, the district where the program is located would maintain the primary enrollment for CALPADS and SIRAS. This will allow the general education teacher of record to take attendance and administer the SBAC. Attendance reports from SIS will be provided to the proper reporting entity based on who receives ADA above. If money is owed from District of Residence to District of Attendance, the District of Attendance will provide the District of Residence with the ADA for reporting.

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See example below:

CalPADS Student Enrollment
Reporting LEA: Orcutt Union ([AERIES](#))
School of Attendance: Ralph Dunlap
District of Residence: Lompoc

CalPADS Special Education Services ([SIRAS](#))
Reporting LEA: Orcutt Union
School of Attendance: Ralph Dunlap
District of Special Ed Accountability: Lompoc
Special Education Service Provider: County Education Office (for Itinerant services)

VI. FUNDING FOR REGIONAL PROGRAM EXPANSION AND ADDITIONAL INSTRUCTIONAL AIDES OR OTHER SUPPORT STAFF FOR REGIONAL PROGRAMS

The SBCSELPA Executive Director shall review all funding requests for expansion of regional programs or additional instructional aides or other support staff for Regional programs prior to going to the JPA Board for final approval. Requests for program expansion may include projected costs for materials required to open new classrooms such as furniture, curriculum or technology needs. Prior to purchasing new items, the regional operator will work with the district where the program is located to determine if items are currently available for use in the new program. Such consideration of funding requests ~~may~~ will be discussed with the special education administrators and business officials from districts in SBCSELPA in order to determine if there are alternative ways the staffing or material needs can be met without increasing the current number of staff members serving in the program or materials' cost to the program. An ad hoc committee review team will be designated by the SBCSELPA Executive Director on an as needed basis to advise them regarding if the funding request is appropriate and/or needs modified. Regional Program operators shall use existing funds to add instructional aides or other support staff time on an emergency, temporary basis pending approval by the JPA Board of additional instructional aides or other support staff requests.

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The SBCSELPA Executive Director may discuss the need for continued funding for regional program expansions/increased support staff with the special education administrators and business officials from districts in SBCSELPA in order to determine if there is a continued need for program increases prior to making final recommendations to the JPA Board.

The above policy is not applicable to districts operating regional programs when the majority of students (majority defined as 80% or more of the students) enrolled in the program belong to the district operating the program. If a district operating a regional program where the majority of students belong to the district feels there is a need for additional supplemental instructional assistant time to address behavior issues, they shall contact the district of residence (DOR) special education administrator of any students attending the program to consult regarding the need for supplemental instructional assistant staffing.

Factors which may necessitate additional aide or other support staff time for Regional programs include:

- Staffing ratios in individual classrooms
- The need for aides for students with low incidence disabilities
- The need for aides to assist students with severe behavior problems
- The need for aides associated with legal issues.

In deciding whether to recommend approval of funding for additional instructional aides or other support staff time to the JPA Board, the SBCSELPA Executive Director shall review the steps taken by the Regional Program operator to alleviate the problem or concern and review the supporting data required for the request prior to requesting additional instructional aides or other support staff time. Where appropriate, the criteria for fading the use of an instructional aide shall be included in the student's Behavior Intervention Plan.

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VII. REGIONAL PROGRAM COST ACCOUNTING

Local Education Agencies that operate Regional programs may claim the following costs for operation of such programs:

1. The actual cost of special education personnel (including salaries and benefits) as per the program caps reflected in Appendix B who serve the students enrolled in the Regional program(s).
2. The actual cost for support personnel as per the program caps reflected in Appendix B (including salaries and benefits) who are employed to serve the students enrolled in the program(s). Such support personnel shall include instructional aides and related service providers.
3. The costs of non-salary expenses including supplies, fieldtrips, food, fees, staff development, and instructional materials, etc., associated with operation of the program. The annual costs charged per FTE category shall not exceed the following amounts:

• SH Teacher	\$1,500.00
• SH Teacher / Community Based	\$4,200.00
• TLP SDC Teacher	\$1,500.00
• DHH SDC Teacher	\$1,250.00
• Preschool SDC Teacher	\$1,500.00
• Preschool Itinerant SDC	\$1,000.00
• Itinerant DHH Teacher	\$ 500.00
• OT	\$1,000.00
• Vision/ O & M Specialist	\$1,000.00
• Preschool Specialist	\$1,100.00
• School Nurse	\$ 750.00
• APE Teacher	\$ 750.00
• Speech Specialist	\$ 750.00
• Psychologist	\$ 750.00

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Regional Program operators shall submit annually to the SBCSELPA Executive Director and LEA Special Education Administrators a proposal of costs for testing supplies and equipment for the year going forward by April 1 of the preceding year. The SBCSELPA Executive Director and LEA Special Education Administrators will review proposed needs to determine if costs are appropriate and reasonable.

For costs associated with technology and equipment, the regional program operators shall submit a proposed technology cost plan to the SBCSELPA Executive Director for the year going forward by April 1 of the preceding year. The JPA Board shall approve all proposed costs associated with technology that will exceed the non-salary budget costs caps.

4. Indirect costs for operation of Regional programs shall be based on the current year CDE allowable rate for the operator.
5. Classified clerical support costs for regional programs shall be calculated as an average percentage of all total program costs by regional program operator as follows: (see Appendix B)
6. Administrative support costs for regional programs shall be calculated as a percentage of total program costs as follows: (see Appendix B)

VIII. HOUSING FOR REGIONAL PROGRAMS

Housing costs for regional programs shall be charged to the regional program they house. Districts providing regional housing will receive revenue for the classrooms they house through the regional funding model. Refer to Section 13 – Facilities.

IX. EXTENDED SCHOOL YEAR (ESY)

Regional program operators shall be responsible for the operation of ESY programs for all regional program students. Regional program operators shall hire classified and certificated personnel for regional ESY programs unless other mutually agreed upon arrangements are made between the regional program operator and LEAs. Regional program operators shall be responsible for the annual set-up, planning and implementation of ESY for regional program students.

Districts in the North SBCSELPA region shall annually alternate to provide housing for Pre-K ESY programs (with the exception of Guadalupe Union School District in the North).

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**X. SELPA FUNDING OF COSTS ASSOCIATED WITH DUE PROCESS /
LEGAL FEES**

Annually, at their September meeting, the JPA Board will determine how much funding, if any, will be set aside for the payment of legal fees associated with dispute resolution and costs associated with due process and how such fees will be allocated. LEAs may utilize their proportionate share of set-aside legal fee funding to pay premiums for Special Education Voluntary Coverage Program (SEVCP) through SISC or any other similar insurance program to fund costs associated with due process or legal fees related to special education.

If LEA's do not spend their allocated set aside funds, those funds shall not be carried forward.

The LEA/district shall be responsible for contracting with the SBCSELPA approved attorneys for dispute resolution/legal fees and services associated with due process or other legal fees. All payments for services shall be made by the LEA and submitted to the SBCSELPA office for reimbursement as per policy guidelines.

In cases where the LEA is requesting to access their proportionate share of SBCSELPA set aside funding to pay for costs associated with a due process case or other legal fees, they shall submit the following documentation with a written request to the SBCSELPA Executive Director:

1. A detailed copy of the expenditures (invoices, fully executed settlement agreement, etc.)
2. A brief case summary that provides a chronology of the history in the case for the past three years

In cases where the parent files for due process, the LEA must submit the following documentation prior to seeking authorization from the SBCSELPA Executive Director to access funds from their proportional share of SELPA set-aside funding for costs associated with due process:

1. Attach a copy of the OAH complaint.

The SBCSELPA Executive Director shall determine if the documentation submitted by the LEA meets the criteria for the LEA to access their proportionate share of set-aside SBCSELPA funds to pay for costs associated with due process or other legal fees within

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fifteen (15) calendar days. SBCSELPA funding shall be authorized at 100% of the request not to exceed the amount of funds the LEA has available in their proportionate share of set-aside SBCSELPA funding if the LEA has submitted all required documentation.

In circumstances where the LEA is requesting to access their proportionate share of SBCSELPA set aside funding to pay for general legal consultation related to special education, no case specific documentation shall be required. All legal consultations the LEA requests to be funded out of the LEA's proportionate share of SBCSELPA legal fees funding shall be for special education matters only.

An additional reserve of three hundred twenty-five thousand dollars (\$325,000.00) shall be set aside to fund dispute resolution legal consultation fees and costs associated with due process designated by the JPA Board when an LEA exceeds their annual allocation of SBCSELPA set-aside funding for due process legal consultation fees and costs associated with due process up to \$50,000.00 per student, per school year.

For students being served in regional programs (excluding preschool students defined as being Preschool Specialist students with mild to moderate disabilities and students served in a regional program operated by their district of residence), dispute resolution legal consultation fees and costs associated with due process shall be funded up to \$50,000.00 per student, per school year out of the \$325,000.00 reserve funding. Any remaining costs associated with due process/dispute resolution shall be funded by the district of residence. For Pre-K students being served in SBCEO Pre K Specialist program costs associated with due process shall be the sole responsibility of the student's district of residence (DOR).

The SBCSELPA Executive Director may solicit consultation from other experts as deemed necessary. No committee member shall serve when a case is presented that directly involves their LEA.

The SBCSELPA Executive Director shall be responsible for compilation of data related to the request and presentation of the case to the JPA Board.

In circumstances where a LEA has exceeded their proportionate share of set-aside funds and determines that funding of dispute resolution legal fees or costs associated with due process would result in a catastrophic financial situation, they may make a request to the JPA Board that the costs be funded out of SBCSELPA legal fee/due process reserve funding up to \$50,000.00. The request shall include a copy of financial records that reflect the status of all district funding sources and a written statement summarizing the financial impact the

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payment of the legal fees or costs associated with due process would have on the district financial situation over a three (3) year period.

Prior to the JPA Board considering requests from LEAs to access legal fee/due process reserve funding (for students enrolled in a regional program or in LEA catastrophic financial situations), the following documents shall be submitted to the SBCSELPA Executive Director:

1. A written case summary that provides a chronology of the history of the case for the past three years.
2. Most recent assessment results.
3. Documentation of educational progress/benefit from year to year for past three years.
4. IEP paperwork for the past three years.
5. Important correspondence between the parent/guardian and the LEA.
6. Evidence the district has shown due diligence in attempting to resolve the dispute prior to due process or attorney involvement.

In instances where an LEA is requesting access to reserve funding to pay for legal consultation fees and costs associated with due process due to a catastrophic financial situation, an ad hoc Dispute Resolution/Due Process Funding Committee may be designated by the SBCSELPA Executive Director on an as needed basis to advise her or him regarding if the merits in the case warrant that the case should not go forward to due process and/or be funded out of SBCSELPA legal fee/due process reserve funding.

The SBCSELPA Executive Director shall make final recommendations to the JPA Board about the merits in the case related to whether or not the case should go forward to due process and/or be funded out of SBCSELPA legal fee/due process reserve funding.

The JPA Board shall review the recommendations made by the SBCSELPA Executive Director and make the final decision about whether or not to fund a request from an LEA in part or whole up to \$50,000 out of legal fee/due process reserve funding annually. The following six areas shall be considered for funding:

1. Legal fees associated with dispute resolution prior to filing for due process

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2. Expert witness fees, to include travel costs
3. Independent assessments conducted in preparation for a hearing pursuant to recommendation from legal counsel
4. Due process resolution session, mediation, or due process order settlement costs (compensatory or reimbursement)
5. Legal defense fees
6. Parent attorney fees

The decision of the JPA Board to fund the due process case in part or in whole shall be determined based on the following criteria:

1. Merits of the case; likelihood of the LEA prevailing at 50% or more
2. Precedence setting value of the case
3. Financial reserve funds available at the time of the request

The SBCSELPA Executive Director shall consult with the LEA as needed during the dispute resolution and/or due process.

If the LEA disagrees with the decision of the JPA Board, and there is no new information in the case, the LEA may appeal the decision to not fund dispute resolution legal fees or costs associated with due process directly to the JPA Board. If the LEA disagrees with the decision of the JPA Board (based on the recommendations of the Dispute Resolution/Due Process Funding Panel), and there is new evidence and/or circumstances in the case, they may re-refer the case to the SBCSELPA Executive Director, who may designate an ad hoc Dispute Resolution/Due Process Funding Committee to advise him or her regarding the case.

In circumstances where funding of dispute resolution legal fees or the costs associated with due process exceed \$50,000 and the funding of such costs would be catastrophic to the LEA, the LEA may make an appeal to the JPA Board to exceed the \$50,000 limit from reserve funding.

The JPA Board shall annually take into consideration the past history of usage of funds allocated to districts to fund costs associated with due process to determine if certain districts

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should be assessed a higher per student rate of funds to be taken off the top of their AB 602 funding and set aside for future due process related costs.

If a case that initially involves special education matters but subsequently concerns only Section 504 issues or in all due process matters involving 504 matters, the financial responsibility of all legal fees is the responsibility of the local education agency (LEA)

XI. NONPUBLIC SCHOOL AND AGENCY COSTS

AB 602 Block Grant and/or Federal funding will be set aside in the Santa Barbara County SELPA (SBCSELPA) Budget shared cost to pay the costs of LEA nonpublic school placements (NPS) made via an IEP decision as specified below For students found eligible for special education as emotionally disturbed (ED) who are placed in a nonpublic school (NPS) placement due to mental health related concerns shall be funded as follows:

- Only the residential treatment and mental health costs will be eligible for payment through SBCSELPA shared mental health funding as per the funding formula specified in this policy
- SBCSELPA to fund one slot for LEAs with ADA of 5,000 or less at 100% of one placement for the first year/12 months, 50% for the second year/12 months, and 30% for the third year/12 month.
- SBCSELPA to fund a second slot for LEAs with ADA of 5,001-7,000 at 100% of one placement for the first year/12 months, 50% for the second year/12 months, and 30% for the third year/12 months.
- SBCSELPA to fund a third slot for LEAs with ADA of 7000 or more, not to exceed a total of 3 SBCSELPA funded slots in any given year for LEAs who serve students in grades K-8 at 100% for the first year/12 months, 50% for the second year/12 months, and 30% for the third year/12 months.
- LEAs who serve students in grades 9th-12th shall receive one additional SBCSELPA funded NPS slot per year at 100% of one placement for the first year/12 months, 50% for the second year/12 months, and 30% for the third year/12 month.
- Santa Ynez Valley Special Education Consortium LEAs and SBCEO Direct Service LEAs shall each be treated as one LEA for purposes of this policy.

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- Once the NPS (residential or non-residential) placement costs exceed the set aside SBCSELPA mental health funding in a given school year, any ongoing future excess costs incurred at the SBCSELPA level will be billed back to districts proportionately by total days each district had a student in a NPS placement throughout the school year. These excess costs will be calculated at the current fiscal year end and will be billed back to the districts.

Placements will be funded as stipulated above in the order the students are placed and shall not be based on the cost of placement.

SBCSELPA will not have oversight for but shall be required to be involved in the IEP decision making placement process of mental health related NPS student placements that exceed the above stipulated caps and are funded 100% by the LEA in order for the placement to be considered for potential future payment out of SBCSELPA shared funding. The funding of costs associated with LEA NPS placements will be reviewed annually concurrent with the Second Interim Report.

All other LEA NPS placements made via an IEP decision shall be funded by SBCSELPA shared costs as follows:

- SBCSELPA fund 70% and LEA/district of residence 30% of a non-mental health NPS placement that meets the criteria to be paid for out of SBCSELPA shared funding the first year of placement or first 12 months.
- SBCSELPA fund 50% and LEA/district of residence 50% of a non-mental health NPS placement that meets the criteria to be paid for out of SBCSELPA shared funding the second year of placement or second 12 months.
- SBCSELPA fund 30% and LEA/district of residence 70% of a non-mental health NPS placement that meets the criteria to be paid for out of SBCSELPA shared funding the third year of placement or third 12 months.

Any NPS placement that continues beyond three years is to be funded 100% by the LEA/district.

For students, that transition from one LEA/district of residence within the SBCSELPA to another, SBCSELPA shall begin funding the placement at 50% and LEA/district of residence 50% for a non-mental health NPS placement that meets the criteria to be paid for

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out of SBCSELPA shared funding the first year the student is enrolled in the new district unless the student is in the first year of their placement. If the student is in their first 12 months of placement, 70% shall be funded by SBCSELPA shared funding and 30% by the LEA/district of residence for non-mental health NPS placements and 100% for mental health NPS placements.

A year of placement is defined by the initial start date of the NPS services to subsequent year one year later.

All nonpublic school and agency placements require the involvement of the SBCSELPA Executive Director or designee in the IEP process, as well as final approval from the JPA Board, in order for SBCSELPA shared cost funding for these services to be provided. The SBCSELPA Executive Director must agree that the placement meets the criteria for the NPS placement to be funded out of SBCSELPA shared funding. Placement of a student in a NPS with or without a residential treatment center placement (RTC) that is funded in whole or in part by SBCSELPA shall be reviewed via an IEP team meeting a minimum of every six months to determine if the placement continues to be the most appropriate placement for the student and to plan for transition to less restrictive environment as appropriate. A placement shall continue to meet criteria for SBCSELPA share funding as per the allocation formula if the IEP continues to recommend the NPS or NPS/RTC as a Free and Appropriate Public Education (FAPE).

Approval for funding of NPS placements out of SBCSELPA shared funding will not be granted if the LEA has not practiced due diligence and exhausted the continuum of least restrictive placements available within the LEA or SBCSELPA prior to the IEP team recommending a NPS placement as FAPE. The JPA Board may approve exceptions to this requirement if it is deemed that an “urgent” situation exists, and it is not appropriate for the IEP team to place a student in a least restrictive placement option prior to recommending an NPS placement. Final approval from the JPA Board is required in order for any NPS placement to be funded out of SBCSELPA shared funding. The following must occur prior to an LEA making a referral for consideration of an NPS placement to be funded out of SBCSELPA shared funding at an IEP meeting:

1. A Request to SBCSELPA to Access nonpublic school (NPS) Funding form must be submitted to the SBCSELPA Executive Director.

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2. A three-year case history must be submitted by the LEA special education administrator to the SBCSELPA Executive Director with attached IEP's and assessments prior to the request and IEP to determine if a referral to an NPS should be considered as an offer of FAPE (except in situations deemed "urgent" as specified above).
3. Within 50 days of a signed Assessment Plan that designates an assessment of need for NPS placement, the LEA shall schedule a meeting to include the SBCSELPA Executive Director, the LEA Special Education Administrator, and the SBCSELPA Mental Health Specialist (if deemed needed) to discuss the case.
4. For non-mental health eligible students, a conference between the SBCSELPA Executive Director, LEA administrator, and Regional program operator (if applicable) shall occur prior to the IEP to go over the case where their LEA is requesting SBCSELPA consideration for payment.

In order for ongoing SBCSELPA shared funding to be provided for an NPS student placement, the LEA must commit to do the following:

1. Submit a Referral for Consideration of SBCSELPA Funding for NPS Placement to SBCSELPA.
2. Draft an assessment plan for assessment of need for NPS out of home placement. Forward a copy of the assessment plan to SBCSELPA in order for SBCSELPA Mental Health Specialist to participate with the LEA in the assessment process. Complete assessment prior to making referral for NPS placement at an IEP.
3. Ensure that the student has access to any state mandated assessment, to include alternate assessments when appropriate.
4. Actively participate in IEPs and provide appropriate IEP paperwork for each six-month IEP or other reviews as mandated by the IEP team. It is required that a LEA SPED administrator, psychologist, special education teacher, and regular education teacher (when transition back to a district or regional program is being considered) attend NPS IEP meetings. For high school age students, it is also required that a school counselor attend IEP meetings in order to speak to graduation requirements, etc.

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5. Work collaboratively with SBCSELPA Executive Director to transition the student back to a placement within the continuum of options available in the SBCSELPA.

The SBCSELPA shall fund a total of four round-trip nonpublic school visits per school year (i.e., parent/guardian trip to visit student or student travel to visit home, etc.). Any visits above and beyond this limit shall be an IEP team decision and are the fiscal responsibility of the district of residence (DOR). All student travel for a home visit must be recommended by the IEP team as part of the transition process for the student to return to a less restrictive environment (LRE) in their home community. SBCSELPA shall fund the costs associated with required supervision or transport to bring the student home. The costs of travel required for students placed in nonpublic schools shall be paid by SBCSELPA at the same proportional rate as the NPS placement.

The parent/guardian must be a resident of Santa Barbara County at the time of the requested travel and must adhere to the SBCSELPA NPS travel guidelines.

In the event that it is determined there will be a funding shortfall for payment of a mental health or non-mental health NPS placements at the SBCSELPA level as set forth in this policy in any given school year, any future placements shall be funded by the placing LEA/district of residence. If there is a SBCSELPA ending balance at the end of the year, or a student transitions back and funding becomes available, the LEA may submit a request for reimbursement to the SBCSELPA. Payment will be made in the order the student was placed.

In the event that a LEA/district depletes all of their mental health funding and determines the cost of the NPS placement will create a financial hardship, at the end of the school year, the LEA/district may request that JPA Board review the case and to determine if there is potentially other SBCSELPA level shared funding sources to assist the LEA/district with the cost of the placement. Documentation of the financial hardship shall be provided to the JPA Board.

XII. SELPA BUDGET

Allocations to the SBCSELPA Budget from the block grant to cover the cost of SBCSELPA services will include:

- Fixed allocations as authorized by the JPA Board in an amount sufficient to fully fund anticipated SBCSELPA-level expenditures for the upcoming school year. This amount is subject to the annual COLA.

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The SBCSELPA Budget will also include the following additional income sources:

- Regionalized Services Income amount from AB602 block grant
- 2.569% of IDEA Section 619 Preschool Grant Resource 3315 K-12
- Federal and State funding for IEP Mental Health services as designated by the Board
- Out of Home Care Foster Youth and Reallocated savings will be used to fund Mental Health services and the Non-public school excess cost pool.

In the event that the above allocations for the SBCSELPA budget are insufficient to cover all anticipated expenditures, the JPA Board may take action to increase the fixed allocation to be provided to the SBCSELPA and/or utilize funding set aside for district costs associated with due process.

If the SBCSELPA budget reserves reach levels that exceed what is determined to be necessary for prudent budget planning, the JPA Board may authorize a rebate to the SBCSELPA local education agencies that operate special education programs based on each LEA's share of the total SBCSELPA ADA, excluding regional SDC students.

XIII. PAYMENT FOR INTRA-SELPA PLACEMENTS IN NON-REGIONAL PROGRAMS

It is recommended that districts that enroll special education students in non-regional SDC classes from other districts within the SBCSELPA be allowed to bill the district of residence for the student's placement in such programs.

The charge to the district of residence will be based upon the actual cost of operation of the non-regional SDC class utilizing the same cost accounting methodology as is employed for determining the cost of operating regional programs

The charge to the district of residence will be calculated based upon the actual number of days of enrollment for the school year.

XIV. TREATMENT OF CHARTER SCHOOLS

Charter Schools that are deemed their own LEA for purposes of special education shall receive their special education funding in the same manner as these funds are distributed to non-direct service districts.

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XV. LOW INCIDENCE MATERIALS AND EQUIPMENT FUNDS

Low Incidence funding is calculated by the state based on prior year's CALPADS Fall 1 pupil count (Census Day) of students with Low Incidence disabilities listed as their primary or secondary disability. Low Incidence disabilities include Deaf/Hard of Hearing, Vision Impairment, Blindness, Deaf-Blindness, and Orthopedic Impairment. It is important that a student with a Low Incidence disability has that disability specified as either their primary or secondary disability in on their IEP. If a student only has "multiple disabilities" and not a specific Low Incidence disability indicated, the student will not be counted for funding.

Low Incidence (LI) Funding will be retained at SBCSELPA for Off-the-Top expenditures and to reimburse districts for expenditures based on their allocated amounts.

Off-the-Top amounts will be approved by the SBCSELPA JPA Board in the Annual SBCSELPA Adopted Budget. Any amounts designated for an "off-the-top" LI set-aside pool may be utilized:

- For expenditures for LI Regional Programs as approved by the Executive Director and invoiced prior to May 31st.
- An extraordinary cost pool for LEAs to request additional LI funding, as requested below and approved by the JPA Board.

Every LEA with LI students and less than 5,000 ADA, will be allocated \$5,000 after off-the-top allocations. The remaining LI funds will be distributed to all LEAs in proportion to current year Census Day unduplicated student count of students with primary and/or secondary LI disabilities in the Special Education Student Information System (i.e. SIRAS/SEIS).

Low Incidence funds may be used to purchase equipment and services needed to meet the IEP goals related to a Low Incidence disability. This may include salaries and benefits of teaching or related service personnel or NPAs, who are providing services directly associated with their disability (i.e. APE, OT, PT, Itinerant DHH, Vision & O&M, ASL Interpreters, Braille Transcription).

To access the LEAs Low Incidence Allocation, the LEA should send an invoice for Low Incidence expenditures to SBCSELPA with backup documentation. Backup documentation may include invoices, payroll or general ledgers, receipts etc.

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Annually, all LEAs will be notified by June 15th of opportunities to apply for additional funding from the LI extraordinary cost pool. To be eligible for additional funding LEA must:

- exhaust their LI allocation, and submit an invoice to SBCSELPA for reimbursement by July 10th.
- must submit necessary documentation as requested by SELPA by deadline

An LEA may make a request for each student:

Priority #1: For whom no allocation was received because the student enrolled in the LEA after the Census count, or are newly identified as having an LI disability:

- Failure to properly indicate a LI disability of an existing student as primary or secondary is not eligible for a request.
- Priority will be given to these requests, with an allocation of what the LEA would have received if the student had been counted, and will not be proportionately reduced based on requests exceeding cost pool amounts.
- Costs related to this student in excess of the base allocation will be considered alongside all other requests.

Priority #2: Students whose costs for services and equipment to meet their LI needs exceeds the “LI extraordinary cost threshold”.

- Each LEAs threshold shall be calculated based calculated as two times:
 - the LEA’s “AB602 by ADA” plus “Property Tax” allocation as indicated in the Year-End funding model divided by number of Students with Disabilities plus LEA’s average Low Incidence funding per student
- Only expenditures in excess of the threshold are eligible for reimbursement.
- Backup documentation to substantiate expenses will be required (i.e. invoices, contracts, payroll ledgers, or regional program expenses).

All LEAs may submit for Priority #1 funding. LEAs whose prior year P-2 ADA is less than 900 will have the first opportunity to access Priority #2 the extraordinary cost pool. Requests must be made within 5 business days of the Final Year-End Funding Model release.

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If the amount of the eligible expenditure requests exceeds the available funds, the eligible requests will be funded proportionately to the total amount of eligible requests. For example:

The extraordinary cost pool for Priority#2 is \$100,000

Districts Eligible Requests Total \$300,000 exceeds the pool.

District A submits eligible requests of \$150,000 = 50% ; \$50,000 from pool

District B submits eligible requests of \$ 100,000 = 33%; \$33,000 from pool

If there are funds remaining in the extraordinary cost pool after LEAs with less than 900 ADA requests have been met, all LEAs will be notified of the available balance and offered the opportunity to apply for the remaining funds. Requests will be due by 5 business days following the notification.

If there is an ending fund balance of SBCSELPA “off-the-top” LI funding, it will be allocated to SBCSELPA member LEAs proportionately based on the new year Census Day unduplicated student count of students with primary and/or secondary LI disabilities in the Special Education Student Information System (i.e. SIRAS/SEIS).

If a student with a low incidence disability, receives services from an LEA other than the district of residence (DOR), the non-district of residence LEA that provides the service shall collaborate with the special education administrator of the DOR in order to access low incidence funding to purchase needed equipment, materials, or services. The special education administrator of the DOR shall consent in writing all requests to purchase or to seek reimbursement for low incidence equipment, materials, or services. The purchasing district may submit for reimbursement from SBCSELPA utilizing the Low Incidence allocation of the DOR.

The non-district of residence providing low incidence service to a student shall be responsible for assisting the DOR with purchasing any IEP designated incidence equipment, materials, or services and maintaining the inventory of any low incidence equipment purchased on behalf of a student.

The Annual Budget Plan asks for estimated expenditures for:

- 1) Supplemental Aides and Services in a regular classroom (SACS Function 1130)
- 2) Low Incidence Expenditures

LEAs will report their estimated expenditures for the following fiscal year. LEAs should consider utilizing codes to specify Low Incidence expenditures for services or personnel in order to have estimates for the Annual Budget Plan. There is no specific SACS code for Low Incidence, so it would need to be LEA defined.

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XVI. INFANT PROGRAM FUNDING

Infant program funding will be received separately from other AB602 special education revenues. Funds received for the operation of programs for infants with disabilities (including both State and Federal funds) will be allocated to the program operators serving infants.

XVII. OUT-OF-HOME CARE FUNDING

The SBCSELPA receives Out-of-Home Care Funding as part of the AB602 allocation. This funding is based on

- 1) the sum of cumulative enrollment for foster youth reported through California Longitudinal Student Achievement Data System
- 2) Average Daily Population at Short Term Residential Therapeutic Programs (STRTP) collected and managed by the Department of Social Services
- 3) Student Count as of April 1st of current year for Community Care (CC), Intermediate Care (IC), and Skilled Nursing Facilities (SNF) collected by the Department of Developmental Services

The funding will be distributed as follows. For funds generated by:

- a) Foster Youth and Reallocated savings – will be used to fund Mental Health services and the Non-public school excess cost pool.
- b) STRTP – distributed to districts based on proportion of days students with IEPs were enrolled in a STRTP and/or Group Homes in their district/total SELPA enrollment days of students with IEPs in STRTP programs and/or Group Homes.

Districts will report days of attendance in STRTPs and/or Group Homes in their district from June 1st – May 31st. The overlap in school years will allow LEAs to submit their final billing each year by June 30th of the current year. Adjustments for Annual recertifications the following February will be applied proportionately.

- c) CC,IC,SNF – distributed to the geographic district of the facility

Funding will be adjusted during the Annual Certification (February of the following year). Recertifying adjustments will be distributed in accordance with above.

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XIX. PRESCHOOL EQUALIZATION

Beginning in 2018-2019, Federal Preschool Local Entitlement (3320) will be rolled into the Federal Local Assistance Entitlement (3310). In order to continue to provide preschool funds to districts that provide services to preschool age student (through contracts or district provided), the equivalent value provided in the Preschool Grant 3320 in the 2017-18 school year will be deducted from Federal Local Assistance Entitlement and distributed to non-charter elementary districts by grades K-6 ADA. Federal COLA increases will be added each year.

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DATE APPROVED: January 8, 1999
DATE REVISED: February 5, 1999
DATE REVISED: June 4, 1999
DATE REVISED: October 4, 1999
DATE REVISED: December 21, 1999
DATE REVISED: January 11, 2000
DATE REVISED: February 8, 2000
DATE REVISED: March 6, 2000
DATE REVISED: October 9, 2001
DATE REVISED: December 10, 2001
DATE REVISED: April 24, 2002
DATE REVISED: June 3, 2002
DATE REVISED: January 6, 2003
DATE REVISED: March 20, 2003
DATE REVISED: May 5, 2003
DATE REVISED: December 1, 2003
DATE REVISED: September 13, 2004
DATE REVISED: November 3, 2004
DATE REVISED: December 6, 2004
DATE REVISED: March 7, 2005
DATE REVISED: October 3, 2005
DATE REVISED: December 5, 2005
DATE REVISED: March 7, 2005
DATE REVISED: May 1, 2006
DATE REVISED: July 3, 2008
DATE REVISED: November 3, 2008
DATE REVISED: February 2, 2009
DATE REVISED: May 4, 2009
DATE REVISED: September 14, 2009
DATE REVISED: November 2, 2009
DATE REVISED: December 14, 2009
DATE REVISED: May 3, 2010
DATE REVISED: October 4, 2010
DATE REVISED: January 10, 2011
DATE REVISED: June 6, 2011

DATE REVISED: October 3, 2011
DATE REVISED: December 5, 2011
DATE REVISED: February 6, 2012
DATE REVISED: October 1, 2012
DATE REVISED: December 10, 2012
DATE REVISED: May 6, 2013
DATE REVISED: September 9, 2013
DATE REVISED: October 7, 2013
DATE REVISED: December 6, 2013
DATE REVISED: May 5, 2014
DATE REVISED: June 2, 2014
DATE REVISED: December 1, 2014
DATE REVISED: January 12, 2015
DATE REVISED: June 15, 2015
DATE REVISED: October 5, 2015
DATE REVISED: December 7, 2015
DATE REVISED: January 11, 2016
DATE REVISED: June 6, 2016
DATE REVISED: September 12, 2016
DATE REVISED: October 3, 2016
DATE REVISED: December 5, 2016
DATE REVISED: June 5, 2017
DATE REVISED: October 2, 2017
DATE REVISED: November 6, 2017
DATE REVISED: June 4, 2018
DATE REVISED: October 1, 2018
DATE REVISED: November 1, 2021
DATE REVISED: August 29, 2022
DATE REVISED: February 6, 2023
DATE REVISED: May 1, 2023
DATE REVISED: June 5, 2023
DATE REVISED: December 4, 2023
DATE REVISED: June 3, 2024
DATE REVISED: October 8, 2025