

# **SBCSELPA LOCAL PLAN**

2020 - 2021

Santa Barbara County  
Special Education Local Plan Area  
A Joint Powers Agency

# SBCSELPA LOCAL PLAN

## TABLE OF CONTENTS

	Page
Preface .....	i
<b>SECTION 1 CERTIFICATION OF PARTICIPATION, COMPATIBILITY, AND COMPLIANCE ASSURANCES.....</b>	<b>1</b>
Certification of Participation, Compatibility, and Compliance Assurances(SED-LP-1) .....	1-1
Certification of Participation, Compatibility, and Compliance Assurances Community Advisory Committee (CAC) Certification (SED-LP-2) .....	1-2
Special Education Local Plan Area Local Education Agency (LEA) Assurance Statement (SED-LP-5) .....	1-3
Special Education Local Plan Area Member Local Education Agencies.....	1-10
<b>SECTION 2 GOVERNANCE .....</b>	<b>2</b>
<b>Governance Structure Organizational Chart .....</b>	<b>2-1</b>
<b>Governance Structure Narrative .....</b>	<b>2-2</b>
<b>Joint Exercise of Powers Agreement .....</b>	<b>2-5</b>
1. Parties.....	2-5
2. Purpose.....	2-6
3. Authority .....	2-6
4. Administration and Governance .....	2-6
5. Auditing and Accounting Service .....	2-7
6. Powers of the SBCSELPA.....	2-7
7. Powers of Local Education Agencies .....	2-9
8. Functions of the SBCSELPA.....	2-9
9. Annual Budget Plan .....	2-11
10. Obligations of the SBCSELPA.....	2-12
11. Authority and Responsibility of the Parties .....	2-12
12. Duties of the Superintendents .....	2-12
13. Special Education Administrators .....	2-12
14. Responsibility for Provision of Services .....	2-13
15. Community Advisory Committee.....	2-13
16. Bonding Persons Having Access to Property .....	2-13
17. Distribution of Liability .....	2-13
18. Insurance .....	2-14
19. Limitations .....	2-14
20. Term.....	2-14
21. Termination of Membership .....	2-14
22. Amendment.....	2-14
23. Disposition of Property and Funds Upon Termination.....	2-15
24. Partial Invalidity .....	2-15
25. Adoption and Execution .....	2-15
26. Successors .....	2-16
<b>Bylaws of the Joint Powers Agency Board of the Santa Barbara County Special Education Local Plan Area.....</b>	<b>2-17</b>
Article I: Board Structure .....	2-17

Article II: Meetings of the SBCSELPA JPA Board .....	2-18
Article III: Bylaws .....	2-19
<b>Joint Powers Agency Board (<i>Policies 8101 - 8103</i>)</b>	
Organization, Responsibilities, and Powers of Joint Powers Agency Board .....	2-20
Public Participation at JPA Board Meetings .....	2-21
Adoption of Policies and Procedures .....	2-25
<b>Charter Schools (<i>Policies 8201 – 8203with Appendix A</i>)</b>	
Participation of Charter Schools in the Santa Barbara County SELPA Governance Structure .....	2-26
Provision of Special Education Services to Students Enrolled in Charter Schools.....	2-28
Charter School and Other LEA Requests to Become LEA in SBCSELPA .....	2-29
Appendix A: SBCSELPA Charter or Other Requesting LEA Special Education Readiness Checklist.....	2-31
<b>Dispute Resolution (<i>Policy 8301</i>)</b>	
Dispute Resolution Process .....	2-35
<b>SECTION 3 ADMINISTRATION.....</b>	<b>3</b>
SELPA Director: Position Description .....	3-1
SELPA Coordinator: Position Description .....	3-3
<b>Complaints (<i>Policies 2301-2304</i>)</b>	
Uniform Complaint Board Policy.....	3-5
Uniform Complaint Procedures.....	3-6
Procedure for Filing, Investigation, and Resolution of Uniform Complaints .....	3-8
Complaints Concerning SBCSELPA Personnel.....	3-12
Complaint Form.....	3-15
<b>Community Advisory Committee (<i>Policies 2401 – 2417</i>)</b>	
Formation of Community Advisory Committee.....	3-17
Role and Purpose .....	3-18
Composition of Membership .....	3-20
Appointment of Members .....	3-22
Term of Appointment.....	3-24
Duties and Privileges.....	3-25
Officers and Minutes .....	3-26
Election and Term of Office.....	3-27
Vacancies.....	3-28
Removal of Officers .....	3-29
Duties of Officers .....	3-30
Regular Meetings .....	3-31
Special Meetings .....	3-32
Notice of Meeting.....	3-33
Quorum.....	3-34
Parliamentary Authority .....	3-35
Creation of Committees.....	3-34
<b>SELPA Functions (<i>Policy 2501</i>)</b>	
SELPA Monitoring Responsibilities .....	3-37

<b>SECTION 4</b>	<b>SPECIAL EDUCATION INSTRUCTION</b>	
	<b>IDENTIFICATION AND REFERRAL (<i>Policies 6101 – 6115</i>).....</b>	<b>4</b>
	Continuous Child Find .....	4-1
	Child Find Notice .....	4-2
	Appointment of Surrogate Parents .....	4-3
	Referral .....	4-5
	Process of Ensuring Utilization of Resources of Regular Program .....	4-6
	Completing a Referral .....	4-7
	The Referral Form .....	4-8
	Parent Notification .....	4-9
	Referrals to Outside Agencies .....	4-10
	Referrals to California Children Services for OT/PT Services .....	4-11
	Assessment, Identification, and Placement of Emotionally Disturbed Students .....	4-12
	Referrals To and Exit From Regional Special Class Programs.....	4-16
	Referrals to Programs for Students with Low Incidence/Severe Disabilities .....	4-23
	Referrals for Regionally Provided Occupational Therapy Services and Assessment.....	4-24
	Overidentification and Disproportionality .....	4-26
<b>SECTION 5</b>	<b>SPECIAL EDUCATION INSTRUCTION</b>	
	<b>ASSESSMENT (<i>Policies 6201 – 6208</i>) .....</b>	<b>5</b>
	Entities Responsible for Assessment.....	5-1
	Responsibility for Assessment of Pupils Referred for Special Education .....	5-2
	The Assessment Plan.....	5-4
	Content of the Assessment Reports.....	5-5
	Three Year Reassessment.....	5-7
	Procedures for Conducting Three-Year Reassessments.....	5-8
	Participation of Individuals with Disabilities in State and District-wide Assessments.....	5-9
	Independent Educational Evaluations .....	5-10
<b>SECTION 6</b>	<b>SPECIAL EDUCATION INSTRUCTION</b>	
	<b>INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION</b>	
	<b>PROGRAM (<i>Policies 6301 – 6313</i>) .....</b>	<b>6</b>
	Provision of Individualized Education Program Teams.....	6-1
	Responsibility of Individualized Education Program Teams.....	6-2
	Recommendation for Individualized Education Program (IEP) Team for Programs Outside Area of Responsibility (Intra-SELPA student placements).....	6-4
	Recommendation for State Residential School Placement .....	6-6
	Recommendation for Placement Outside of District, Adjacent District, or County Education Office Program.....	6-7
	Responsibility for Nonpublic School/State Residential School IEPs .....	6-8
	Parent Participation .....	6-9
	Meeting of the Individualized Education Program Team/Conducting an Individualized Education Program Team Meeting.....	6-10
	Individualized Education Program Review Required Meetings .....	6-12
	Distribution of Individualized Education Program Contents .....	6-14
	Review of Pupil Assignment.....	6-15
	Free Appropriate Public Education (FAPE).....	6-16
	Prohibition on Mandatory Medication .....	6-17

**SECTION 7 SPECIAL EDUCATION INSTRUCTION**

<b>IMPLEMENTATION (<i>Policies 6401 – 6443</i>)</b>	<b>7</b>
Continuum of Program Options	7-1
Program and Service Options	7-2
Supplemental Program Options	7-4
Development of Additional Resource Options	7-6
Entities Responsible for Program Operation	7-7
Responsibility in Individualized Education Program Implementation	7-9
Resource Specialist Program	7-10
Resource Specialist Qualifications	7-11
Resource Specialist Program Caseload	7-12
Related Services	7-13
Related Services Provision	7-14
Related Services Caseload	7-16
Related Services Instructional Assistants	7-17
Related Services Counseling	7-18
Provisions for Vocational Career Education - Transition	7-19
Transition Planning and Services	7-21
Provision of Home Hospital Services for Students Enrolled in	
Regional Classes	7-22
Special Transportation	7-23
Special Transportation Criteria	7-24
Special Transportation for Related Services	7-26
Services for Students with Low Incidence Disabilities	7-27
Low Incidence Specialized Equipment, Materials, and Services	7-28
Process for Allocation of Low Incidence Materials, Equipment, and Services	7-29
Special Classes	7-31
Least Restrictive Environment	7-32
Least Restrictive Delivery Systems	7-33
Nonpublic, Nonsectarian School, and Agency Services	7-34
Standards and Contracting Requirements for	
Nonpublic Schools and Agencies	7-35
Services for Individuals with Exceptional Needs Placed in Public Hospitals,	
Proprietary Hospitals, and Other Residential Medical Facilities	7-38
Licensed Children's Institutions and Foster Family Homes	7-39
Juvenile Court Schools	7-40
Participation of Students Who Require Special Education in the California	
Reading Initiative	7-41
Inter-SELPA Transfers	7-42
Procedural Safeguards	7-43
Interagency Agreements	7-44
Recognition of Educational Achievement	7-45
Full Educational Opportunity	7-46
Suspension and Expulsion of Students Enrolled in Regional Programs	7-47
Access to Instructional Materials	7-49
Inclusion of Regional Classroom Staff and Students in Dissemination of	
School- wide Notices, Materials, Events, and Meetings	7-50
Testing for Students Enrolled in Regional Programs	7-51
Registration, Transcripts, and Diplomas	7-52

<b>SECTION 8</b>	<b>BUSINESS AND NON-INSTRUCTIONAL OPERATIONS</b>	
	<b>INCOME (<i>Policies 3101 – 3103</i>).....</b>	<b>8</b>
	Process for Distribution of State and Federal Funds .....	8-1
	Santa Barbara County Pro Rata Multiplier.....	8-2
	Nonpublic School Student ADA .....	8-3
<b>SECTION 9</b>	<b>BUSINESS AND NON-INSTRUCTIONAL OPERATIONS</b>	
	<b>BUDGET PLANNING PROCESS (<i>Policies 3201 – 3218</i>).....</b>	<b>9</b>
	SELPA Budget .....	9-1
	Procedures for Making Changes in Budgeting.....	9-2
	Review of Annual Budget Plan for Subsequent Year .....	9-3
	AB 602 Special Education Fiscal Allocation Plan .....	9-4
	Appendix A: Funding Plan Annual Event Schedule .....	9-29
	Appendix B: Regional Class Program Operational Guidelines .....	9-30
	Appendix B Attachment 1: Recommended FTE Support for Regional Programs by Program Type.....	9-32
	Appendix B Attachment 2: Recommended Staffing Levels for Regional Programs.....	9-33
	Appendix B Attachment 3: Allowable Regional Program Administrative & Classified Clerical Support Charges (percentage to total program cost) .....	9-35
	Appendix C: Fiscal Allocation Plan Calculation Detail for Extended School Year .....	9-36
	Appendix D: Future Studies .....	9-37
	Appendix E: Definition of Sparsely Populated Districts.....	9-38
	Methodology for Counting Students with Low Incidence Disabilities and Allocating Low Incidence Funds .....	9-39
	Closure of Regional Programs and Program or Service Transfers .....	9-40
	Criteria for Funding and Fading Additional Instructional Assistant Time Assigned to Regional Programs to Address Behavior Issues.....	9-45
	Approval for Nonpublic Agency Services for Regional Programs .....	9-47
	State Residential School.....	9-48
	Chargebacks for LCI Nonpublic School Costs .....	9-50
	Payment for Independent Educational Evaluations.....	9-51
	Provision of Special Education Services to Parentally Enrolled Private School Students.....	9-52
	Responsibility for Funding Calculations.....	9-55
	Federal Maintenance of Effort Requirement.....	9-57
<b>SECTION 10</b>	<b>BUSINESS AND NON-INSTRUCTIONAL OPERATIONS</b>	
	<b>FISCAL REPORTING (<i>Policies 3301 -3303</i>) .....</b>	<b>10</b>
	Expenditures .....	10-1
	Fiscal Reports to the Joint Powers Agency Board .....	10-2
	Approval of Expenditures .....	10-3
	Fund Balance Policy.....	10-4

**DATA REPORTING & CONTRACTUAL AGREEMENTS**

<b>(Policies 3401 –3403 &amp; 3501)</b> .....	<b>11</b>
Pupil Count Data .....	11-1
Collection of SELPA-wide Data .....	11-2
Suspension and Expulsion Rates .....	11-3
Intra-SELPA Agreements.....	11-4

**SECTION 12 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

<b>SPECIAL TRANSPORTATION (Policies 3601 – 3605)</b> .....	<b>12</b>
Provision of Special Transportation .....	12-1
Responsibility for Transportation.....	12-2
Transportation Agreement.....	12-3
Responsibility for Reporting Transportation Costs .....	12-4
Transportation Chargebacks.....	12-5

**SECTION 13 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

<b>FACILITIES (Policies 3701-3702)</b> .....	<b>13</b>
Facilities Plan for Housing Regional Special Education Programs .....	13-1
Medical Therapy Units and Satellite Facilities .....	13-15

**SECTION 14 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

<b>LEGAL OR ATTORNEY SERVICES (Policy 3802)</b> .....	<b>14</b>
Responsibility for Solicitation of Provision of Legal/Attorney Services.....	14-1

**SECTION 15 PERSONNEL .....** **15**

<b>PERSONNEL AND PROFESSIONAL DEVELOPMENT (Policy 4201)</b>	
Personnel Professional Development.....	15-1
<b>PERSONNEL QUALIFICATIONS (Policy 4301)</b>	
Personnel Standards .....	15-2
<b>DRUG AND ALCOHOL FREE WORKPLACE (Policy 4401)</b>	
Prohibitions Against Employee Use of Drugs and Alcohol in the Workplace .....	15-3
<b>LEGAL STATUS REQUIREMENT (Policy 4501)</b>	
Employment Eligibility Verification and Nondiscrimination .....	15-4
<b>NONDISCRIMINATION IN EMPLOYMENT (Policy 4601)</b>	
Prohibition Against Discrimination and Harassment.....	15-5

## ***PREFACE***

Education Code Section 56195.1 requires that each school district submit or be a part of a local plan for special education. This Local Plan describes the local provisions for ensuring a free, appropriate education for all individuals with exceptional needs in Santa Barbara County. The Santa Barbara County SELPA has been formed pursuant to Education Code 56195.1(c) which provides for the County Office of Education to join with districts in the county to submit the plan.

In order to receive funding for special education, this plan must be approved by the State Superintendent of Public Instruction. It will only be approved after it meets all state and federal requirements including those contained in the California Education Code and Regulations, and Public Law 105-17 (the Individuals with Disabilities Education Act and Regulations). It must also be approved by each participating district and the County Education Office.



# **SANTA BARBARA COUNTY SELPA LOCAL PLAN**

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## **SECTION 1**

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### **CERTIFICATION OF PARTICIPATION, COMPATIBILITY, AND COMPLIANCE ASSURANCES**

(Revised 5-4-2020)



**Certification of Participation, Compatibility,  
and Compliance Assurances**

**1. Designate the Special Education Local Plan Area (SELPA) Option:**

☐ Single District

☒ Multiple District

☐ District/County

SELPA Code 4200	SELPA Name Santa Barbara County	Application Date June 4, 2018
SELPA Address 401 N. Fairview Ave.	SELPA City Goleta	SELPA Zip Code 93117
SELPA Director Name (Print)	Director Telephone Number ( )	Director E-mail

**2. Certification of Assurances by the Designated Administrative and Fiscal Agency for this Program (Responsible Local Agency/Administrative Unit [RLA/AU])**

Designated RLA/AU Name  
Goleta Union School District

RLA/AU Address 401 N. Fairview Ave.	RLA/AU City Goleta	RLA/AU Zip Code 93109
Name of RLA/AU Superintendent Donna Lewis	Superintendent Phone Number (805) 681-1200, Ext. 201	Superintendent E-mail dlewis@goleta.k12.ca.us
Date of Governing Board Approval June 4, 2018		

I certify that this plan has been 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, regulations, and state policies and procedures, including compliance with the Individuals with Disabilities Education Act, 20 *United States Code (U.S.C.)* 1400 et seq, and implementing regulations under 34 *Code of Federal Regulations* Parts 300 and 303, 29 *U.S.C.* 705 (20) and 794-794b, the Federal Rehabilitation Act of 1973 as amended, the provisions of the California Education Code (EC) Part 30, and Chapter 3 Division 1 of Title V of the California Code of Regulations.


Signature of RLA/AU Superintendent 	Date 6-4-18
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**3. Certification of Compatibility by the County Superintendent of Schools**

Name of County Office of Education (COE)  
Santa Barbara County Education Office

COE Address 4400 Cathedral Oaks Road	COE City Santa Barbara	COE Zip Code 93160-6307
Name of COE Superintendent Susan Salcido	Superintendent Phone Number (805) 964-4711, Ext. 5286	Superintendent E-mail ssalcido@sbceo.org

Pursuant to EC Section 56140, I certify that this plan ensures that all individuals with exceptional needs residing within the county, including those enrolled in alternative education programs, including but not limited to, alternative schools, charter schools, opportunity schools and classes, community day schools operated by school districts, community schools operated by the county office of education, and juvenile court schools, will have access to appropriate special education programs and related services.

Signature of County Superintendent or Authorized Representative 	Date 6-4-18
--	----------------

**4. Certification of the Community Advisory Committee**

(Complete Form SED-LP-2)

For Department of Education Use Only

Recommended for Approval by the Superintendent of Public Instruction:

Date: \_\_\_\_\_ By: \_\_\_\_\_ Approval Date: \_\_\_\_\_

**Certification of Participation, Compatibility,  
and Compliance Assurances**

<b>Community Advisory Committee Certification</b>		
<b>CAC Compliance Verification</b>	<b>Yes</b>	<b>No</b>
The Community Advisory Committee (CAC) has advised the policy and administrative agency during the development of the Local Plan pursuant to California <i>Education Code</i> (EC) Section 56194.	✓	
To ensure adequate and effective participation and communication pursuant to EC 56195.9, parent members of the CAC, or parents selected by the CAC, participated in the development and update of the Local Plan for special education.	✓	
The plan has been reviewed by the CAC, and the committee had at least 30 days to conduct this review, prior to submission of the Local Plan to the Superintendent pursuant to EC 56205(b)(6).	✓	
The CAC has reviewed any revisions made to the Local Plan as a result of recommendations or requirements from the California Department of Education.	✓	
<b>Certifying Signature</b>		
Name of Chairperson (print) <i>Becca Wrench</i>	Phone <i>(85) 968-2541</i> <i>246418</i>	
Signature of CAC Chairperson <i>Becca J. Wrench</i>	Date <i>4/27/18</i>	

If you checked [ ✓ ] "No" for any of the above certifications, you may submit specific information, in writing, as to why you did not certify that the special education local plan area (SELPA) met the requirement. (Attach a separate sheet, if necessary.) The Department will take this into consideration in its review of this Local Plan application.

(Please copy on SELPA/District letterhead)

SPECIAL EDUCATION LOCAL PLAN AREA  
LOCAL EDUCATION AGENCY (LEA) ASSURANCES

**1. FREE APPROPRIATE PUBLIC EDUCATION (20 United States Code [U.S.C.] § 1412 (a)(1))**

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

**2. FULL EDUCATIONAL OPPORTUNITY (20 U.S.C. § 1412 (a)(2))**

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

**3. CHILD FIND (20 U.S.C. § 1412 (a)(3))**

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 attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located and evaluated. A practical method is developed and implemented to determine which students with disabilities are currently receiving needed special education and related services.

**4. INDIVIDUALIZED EDUCATION PROGRAM (IEP) AND INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP) (20 U.S.C. § 1412 (a)(4))**

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

**5. LEAST RESTRICTIVE ENVIRONMENT (20 U.S.C. § 1412 (a)(5))**

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

## **6. PROCEDURAL SAFEGUARDS (20 U.S.C. § 1412 (a)(6))**

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

## **7. EVALUATION (20 U.S.C § 1412 (a)(7))**

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

## **8. CONFIDENTIALITY (20 U.S.C § 1412 (a)(8))**

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 (FERPA).

## **9. PART C, TRANSITION (20 U.S.C § 1412 (a)(9))**

It shall be the policy of this LEA that a transition process for a child who is participating in Early Education Programs (Individuals with Disabilities Education Act [IDEA], Part C) with an IFSP is begun prior to a toddler's third birthday. The transition process shall be smooth, timely and effective for the child and family.

## **10.PRIVATE SCHOOLS (20 U.S.C § 1412 (a)(10))**

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.

## **11. LOCAL COMPLIANCE ASSURANCES (20 U.S.C § 1412 (a)(11))**

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 Education Code*, Part 30.

## **12. INTERAGENCY (20 USC § 1412 (a)(12))**

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

## **13. GOVERNANCE (20 U.S.C § 1412 (a)(13))**

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 Educational Agency.

## **14. PERSONNEL QUALIFICATIONS (20 U.S.C § 1412 (a)(14))**

It shall be the policy of this LEA to ensure that personnel providing special education related services meet the highly qualified requirements as defined under federal law, including 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 CDE about staff qualifications.

## **15. PERFORMANCE GOALS & INDICATORS (20 U.S.C § 1412 (a)(15))**

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.

## **16. PARTICIPATION IN ASSESSMENTS (20 U.S.C § 1412 (a)(16))**

It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments, consistent with state standards governing such determinations.

## **17. SUPPLEMENTATION OF STATE/FEDERAL FUNDS (20 U.S.C § 1412 (a)(17))**

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

**18. MAINTENANCE OF EFFORT (20 U.S.C § 1412 (a)(18))**

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 law and regulations.

**19. PUBLIC PARTICIPATION (20 U.S.C § 1412 (a)(19))**

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

**20. RULE OF CONSTRUCTION (20 U.S.C § 1412 (a)(20))**

(Federal requirement for state education agency only)

**21. STATE ADVISORY PANEL (20 U.S.C § 1412 (a)(21))**

(Federal requirement for state education agency only)

**22. SUSPENSION/EXPULSION (20 U.S.C § 1412 (a)(22))**

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

**23. ACCESS TO INSTRUCTIONAL MATERIALS (20 U.S.C § 1412 (a)(23))**

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.

**24. OVERIDENTIFICATION AND DISPROPORTIONALITY (20 U.S.C § 1412 (a)(24))**

It shall be the policy of this LEA to prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities.

**25. PROHIBITION ON MANDATORY MEDICINE (20 U.S.C § 1412 (a)(25))**



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.

1-6

**26. DISTRIBUTION OF FUNDS (20 U.S.C § 1411(e),(f)(1-3))**  
(Federal requirement for state education agency only)

**27. DATA (20 U.S.C § 1418 a-d)**

It shall be the policy of this LEA to provide data or information to the CDE that may be required by regulations.

**28. READING LITERACY (State Board requirement, 2/99)**

It shall be the policy of this LEA that in order to improve the educational results for students with disabilities, special education local plan area (SELPA) Local Plans shall include specific information to ensure that all students who require special education will participate in the California Reading Initiative.

**29. CHARTER SCHOOLS (California Education Code 56207.5 (a-c))**

It shall be the policy of this LEA that a request by a charter school to participate as an LEA in a SELPA may not be treated differently from a similar request made by a school district.



**Santa Barbara County**  
**Special Education Local Plan Area**  
*A Joint Powers Agency*

**BOARD CERTIFICATION & ASSURANCE**

The Santa Barbara County Special Education Local Plan Area (SBCSELPA) Joint Powers Agency Board, at its regular meeting on June 1, 2015, approved the amendment(s) to the SBCSELPA Local Plan. The agency(ies) herein represented will meet all applicable requirements of state and federal laws, regulations and state policies and procedures, including compliance with the Individuals with Disabilities Education Act, 20 USC 1400 et.seq, and implementing regulations under 34 CFR, Parts 300 and 303, Section 504 of Public Law, 29 USC 794, 705 (20), 794-794b, the Federal Rehabilitation Act of 1973, as amended, and the provisions of the California *Education Code*, Part 30 and Chapter 3, Division 1 of Title V of the *California Code of Regulations*.

MOTION: Mark Richardson (NAME)

SECOND: Donna Lewis (NAME)

Vote: Ayes: 7

Noes: 0

Absent: 1

I certify on this 4th day of June 2018 that the foregoing statement is true and correct.

Cary Matsuoka

Cary Matsuoka  
JPA Board Chairperson (print and sign)

Jarice Butterfield

Jarice Butterfield  
SBCSELPA Director (print and sign)

# **SANTA BARBARA COUNTY SPECIAL EDUCATION LOCAL PLAN AREA**

## **MEMBER LOCAL EDUCATION AGENCIES**

The following are districts/county offices participating in the plan and the dates of local board approval:

DISTRICT/COUNTY OFFICE	DATE OF LOCAL BOARD APPROVAL
Ballard School District	May 14, 2003
Blochman Union School District	June 10, 2003
Buellton Union School District	May 14, 2003
Carpinteria Unified School District	May 27, 2003
Cold Springs School District	May 20, 2003
College School District	May 13, 2003
Cuyama Joint Unified School District	May 8, 2003
Family Partnership Charter School	April 29, 2009
Goleta Union School District	May 21, 2003
Guadalupe Union School District	May 13, 2003
Hope School District	June 2, 2003
Lompoc Unified School District	June 24, 2003
Los Olivos School District	May 12, 2003
Montecito Union School District	June 24, 2003
Orcutt Union School District	May 21, 2003
Santa Barbara County Education Office	May 1, 2003
Santa Barbara Unified School District	June 24, 2003
Santa Maria-Bonita School District	May 28, 2003
Santa Maria Joint Union High School District	June 18, 2003
Santa Ynez Valley Union High School District	June 10, 2003
Solvang School District	May 7, 2003
Vista Del Mar Union School District	May 8, 2003
Santa Barbara Charter School	July 1, 2013
Manzanita Public Charter School	May 4, 2015
Adelante Charter School	March 19, 2018

# SANTA BARBARA COUNTY SELPA LOCAL PLAN

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## SECTION 2

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### GOVERNANCE

Joint Exercise of Powers Agreement

Joint Powers Bylaws

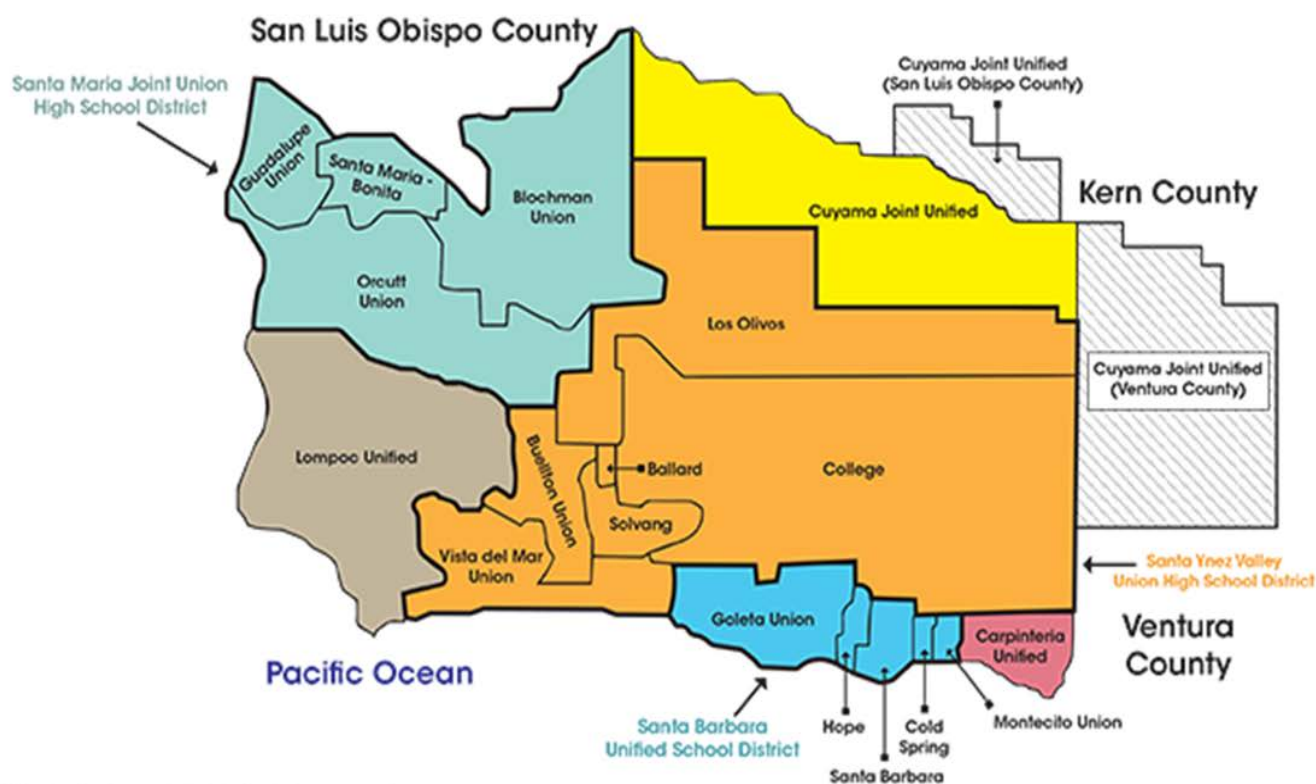
Joint Powers Agency Board Policies 8101 – 8301

Charter Schools Policies 8201 – 8202

Dispute Resolution Policy 8301

(Revised 5-4-2020)

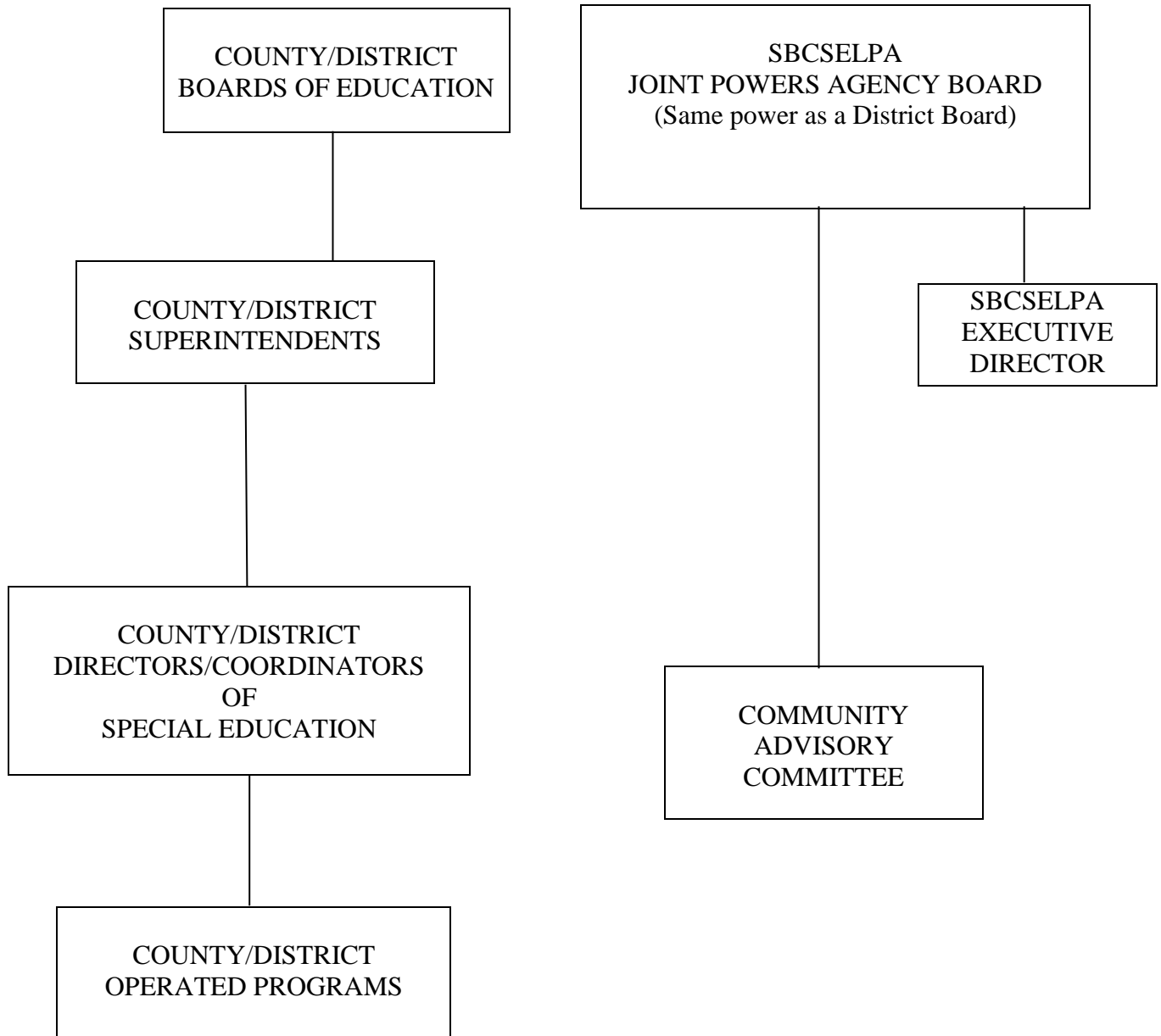
# INSERT MAP



## High School District legend:

- |                        |                           |
|------------------------|---------------------------|
| ● Carpinteria Unified  | ● Santa Barbara Unified   |
| ● Cuyama Joint Unified | ● Santa Maria Joint Union |
| ● Lompoc Unified       | ● Santa Ynez Valley Union |

***SANTA BARBARA COUNTY SPECIAL EDUCATION LOCAL PLAN AREA  
GOVERNANCE STRUCTURE***



**SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA  
GOVERNANCE STRUCTURE**

***WHAT IS A SELPA?***

The Santa Barbara County Special Education Local Plan Area, SBCSELPA, is a group of 20 school districts, four charter schools that are their own LEA for the purposes of special education and the County Education Office that have joined together to provide Special Education programs and services.

The SBCSELPA is organized as a Joint Powers Agency which is technically an independent governmental agency. The governance of the JPA is described in detail in the Joint Powers Agreement (See the Table of Contents).

The main SBCSELPA office is located at the Goleta Union School District Administrative Center at 401 North Fairview Avenue in Goleta. The office is staffed by An Executive Director, Coordinator, Board Certified Behavior Analysts (BCBA)/Behavior Specialists (as per LEA/district requests), an Office Manager, a Secretary, Mental Health Specialist(s), Clerical Assistant, and an Accountant/Business Official. The SBCSELPA is the regional administrative office which ensures equal access to special education services to students with disabilities.

***WHAT ARE THE RESPONSIBILITIES OF THE SBCSELPA?***

The responsibilities include planning for allocation of funds received by the SBCSELPA to provide staff for the special education programs and services operated by the participating districts and the County Education Office. Funds for staff development, low incidence services and equipment, and program specialists are allocated by the SBCSELPA for services in the districts. Regionalized Services funds support the SBCSELPA office. The office reports data to the California Department of Education, such as the December Special Education Pupil Count and June Pupil Data Report. The SBCSELPA is responsible for policy development, nonpublic school placements of district students as appropriate, allocation and reimbursement of funding for dispute resolution/due process, governance of participating LEAs adherence to SBCSELPA policies and procedures and oversight of interagency agreements with agencies such as Tri-Counties Regional Center and California Children Services.

The SBCSELPA Executive Director meets with a committee comprised of the special education administrators and business officials from districts in SBCSELPA on an as-needed basis. The meeting agendas focus on utilization of available resources, processes and procedures for identification and placement of children with disabilities, and cooperation to ensure that all children receive their appropriate and necessary services.

The SBCSELPA Executive Director reports on a monthly basis during the school year to the JPA Board. The Joint Powers Agency Board is the decision-making body for the SBCSELPA and derives its power from the statutes of the State of California and from a Joint Powers Agreement approved by all school districts in the county. It is the policy of the Board to encourage public participation in the Board's activities in order to fully promote communication with interested persons and entities in the county.

All meetings of the Board are public and accessible to the disabled. Deliberations of the Board, except for those appropriate for closed sessions, shall be conducted openly and all actions taken in public session.

The following is a summary of the organizational structure of the JPA as defined in the Joint Exercise of Powers Agreement:

### ***Santa Barbara County SELPA Board***

The Santa Barbara County SELPA JPA Board is the decision making body for the JPA.

Membership - 8 Members (Superintendents)	
2 Nondirect Service Districts - North	
2 Nondirect Service Districts - South	
1 Direct Service District	
1 Nondirect Service District, Santa Ynez Valley Special Education Consortium	
1 County Superintendent	
1 9-12 <sup>th</sup> Grade High School District	
Meetings	Monthly (unless agreed upon otherwise by the Board)
Chairperson	Elected by Board
Secretary	SBCSELPA Executive Director
Quorum	Majority of voting membership

The Superintendents from each of the districts in the county provides advice and direction to the Joint Powers Agency Board.

### ***Community Advisory Committee***

The Community Advisory Committee of the Santa Barbara County SELPA is a committee composed of parents of special education children, parents of regular education children, special education and regular education certificated staff, and other representatives from local agencies. The meetings help keep members informed regarding current programs and legislation, and facilitate closer communication and better understanding of mutual goals of school administrators, faculty, parents and community.

While the Community Advisory Committee is composed of specially appointed members, all meetings are open to everyone interested, and the Community Advisory Committee encourages parents to attend CAC meetings.

The primary role of the Santa Barbara County SELPA Community Advisory Committee is to represent the needs and concerns of parents, school personnel and community agencies regarding services for individuals with exceptional needs to the JPA Board. The CAC meetings shall comply with all provisions of the Brown Act. (Government Code Sections 54950 and following)



The SBCSELPA Executive Director may establish committees and task forces when he or she determines, in his or her sole discretion, that he or she could benefit from the input or assistance of committees or task forces relating to a particular subject or subjects. The following are the types of subjects for which the SBCSELPA Executive Director may establish committees and task forces. The following are the types of committees and task forces the SBCSELPA Executive Director may convene:

Technical analysis and input to the JPA Board and the operation of the special education programs and services available in the SBCSELPA; financial review and analysis needed for the operation of the special education programs;

Transition services;  
Autism services and certification;  
Interagency transition services;  
Crisis prevention;  
Policies and procedures;  
Legal services and fees;  
Parent trainings;  
SELPA forms;  
RtI;  
Professional development;  
Behavior intervention case management; and  
Special Education assessments.

#### ***Task Forces and Committees***

The following are the established committees:

##### ***Interagency Agreement Committees***

County Mental Health  
California Children Services  
Department of Rehabilitation  
Head Start  
Tri-Counties Regional Center

**JOINT EXERCISE OF POWERS AGREEMENT  
SANTA BARBARA COUNTY SPECIAL EDUCATION LOCAL PLAN AREA**

The parties listed in Section 1 below mutually agree and promise as set forth in this Joint Powers Agreement:

**1. PARTIES**

The Boards of Education of

Adelante Charter School  
Ballard School District  
Blochman Union School District  
Buellton Union School District  
Carpinteria Unified School District  
Cold Spring School District  
College School District  
Cuyama Joint Union School District  
Family Partnership Charter School  
Goleta Union School District  
Guadalupe Union School District  
Hope School District  
Lompoc Unified School District  
Los Olivos School District  
Manzanita Public Charter School  
Montecito Union School District  
Orcutt Union School District  
Santa Barbara Charter School  
Santa Barbara Unified School District  
Santa Maria Joint Union High School District  
Santa Maria-Bonita School District  
Santa Ynez Valley Union High School District  
Solvang School District  
Vista Del Mar Union School District  
Santa Barbara County Education Office

2. **PURPOSE**

The purpose of this agreement is to provide for the creation of the Santa Barbara County Special Education Local Plan Area (SBCSELPA), an agency which is separate from the parties to this Agreement. This agency shall designate an Administrative Unit to provide fiscal services for the SBCSELPA.

3. **AUTHORITY**

This agreement is entered into pursuant to Education Code Section 56195.1(c) and Government Code Section 6500 and following, relating to the joint exercise of powers between public educational agencies identified herein and also those that may hereafter be accepted for membership herein.

4. **ADMINISTRATION AND GOVERNANCE**

a. The parties hereto hereby create the Santa Barbara County Special Education Local Plan Area (hereinafter SBCSELPA), which will be a separate public agency responsible for administering this agreement and the Local Plan.

b. The SBCSELPA shall be governed by the SBCSELPA JPA Board, which shall be comprised of eight voting members. The Board shall be comprised of the County Superintendent of Schools and superintendents of districts in Santa Barbara County and selected as follows:

Five members from non-direct service districts shall be selected by the consensus of the LEA Superintendents, with two members representing non-direct service districts in south Santa Barbara County; two members representing non-direct service districts in North Santa Barbara County; and one member representing non-direct service districts in the Santa Ynez Valley Special Education Consortium.

One member from direct service districts shall be selected by the Superintendents' Council, representing direct service districts in both North and South Santa Barbara County.

One member from 9-12<sup>th</sup> grade high school districts shall be selected by the Superintendents' Council.

The County Superintendent of Schools shall continuously serve as an eighth member of the Board.

c. All district superintendent appointments to the Board shall be for two-year terms. Appointments to the Board shall expire on June 30.

d. Each voting member of the Board shall take and execute the oath of office prior to exercising any duties hereunder.

e. The Board shall annually elect a Chairperson, Vice-Chairperson and Clerk from its voting members. The SBCSELPA Executive Director shall serve as Secretary to the Board. The Chairperson and Vice-Chairperson shall serve at the pleasure of the Board until a successor is elected.

f. The Board shall develop and adopt bylaws which may be amended from time to time.

g. Regular meetings shall be held as determined by the Board and set forth in its bylaws. Such meetings shall comply with all provisions of the Brown Act. (Government Code Sections 54950 and following) and provisions of the Education Code regarding school district governing board meetings (Education Code Sections 35140 and following). A majority of the voting membership of the Board shall constitute a quorum and a majority of the voting membership shall be necessary for action to be taken. Vacant positions shall be counted as part of the membership when determining whether a majority exists. If a member of the Board misses three consecutive board meetings, the District Superintendent's may opt to remove the Board member. When a member of the Board resigns, is removed, or otherwise vacates membership on the Board, a replacement member shall be appointed by consensus of the LEA Superintendents as prescribed in Section 4 of this agreement.

h. The fiscal year of the SBCSELPA shall run from July 1 through June 30.

## **5. AUDITING AND ACCOUNTING SERVICE**

The Auditor/Controller of Santa Barbara County, the Santa Barbara County Superintendent of Schools and the Treasurer of Santa Barbara County shall perform the Auditor/Controller and Treasurer functions prescribed by Government Code Sections 6505 and 6505.5 in the same manner that they perform these functions for school districts. The approval of demands for which the County Superintendent of Schools shall draw warrants shall be performed in accordance with the policies and procedures adopted by the SBCSELPA JPA Board, subject to the review and approval of the County Superintendent of Schools, as required by Education Code Sections 42633 and following. There shall be strict accountability of all funds. All revenues and expenditures shall be reported to the SBCSELPA JPA Board.

## **6. POWERS OF THE SBCSELPA**

The SBCSELPA powers shall include the following:

### **6.1 GENERAL**

The SBCSELPA, through the SBCSELPA JPA Board, shall have the power and authority to exercise any power common to the public educational agencies which are parties to this agreement.

## 6.2 SPECIFIC

- a. To make and enter into contracts.
- b. To select, employ and dismiss agents or employees or to utilize the services of personnel of the parties when such services are offered by the parties.
- c. To acquire, construct, manage, maintain or operate any buildings, equipment or improvements.
- d. To acquire, hold or dispose of property, real and personal.
- e. To sue and be sued in its own name.
- f. To incur debts, liabilities or obligations.
- g. To apply for, accept, receive and disburse funds and grants from any agency of the United States of America, the State of California, or any other public agency.
- h. To invest any money in the Treasury pursuant to Government Code Section 6505.5 that is not required for the immediate activities of the SBCSELPA, as the SBCSELPA JPA Board determines is advisable, in the manner and on the same conditions as local agencies, pursuant to Government Code Section 53601.
- i. To adopt policies and bylaws governing the operations of the SBCSELPA as outlined in the Local Plan.
- j. To perform such other functions as may be necessary or appropriate to carry out this Agreement, so long as such other functions so performed are not prohibited by any provisions of law.
- k. To receive gifts, contributions and donations of property, funds, services and other forms of assistance from persons, firms, corporations, associations and any other governmental entity.
- l. To obtain insurance coverage.

The County Education Office or a designated district shall serve as the Administrative Unit, and the County Superintendent of Schools or the district board shall be the SBCSELPA's agent in the exercise of any or all of these powers when so authorized by the SBCSELPA Board.

The SBCSELPA shall employ a SBCSELPA Executive Director who shall be the Secretary to the SBCSELPA JPA Board and shall act as the Executive to the Board for all administrative functions. The SBCSELPA Executive Director and any other staff employed by the SBCSELPA shall be appointed by the SBCSELPA JPA Board.

The SBCSELPA Executive Director and any other employees shall be housed at the County Education Office or in other office space pursuant to SBCSELPA policy guidelines. The duties of the SBCSELPA Executive Director and other individuals employed by the SBCSELPA shall be stated in position descriptions which shall be formally approved by the

SBCSELPA JPA Board. The SBCSELPA JPA Board may modify such position descriptions in whole or in part and at any time during the term of this Agreement.

The powers listed above shall be exercised in the manner provided in the law and be subject only to the restrictions upon the manner of exercising such powers as are imposed upon school districts in the exercise of such powers.

## **7. POWERS OF LOCAL EDUCATION AGENCIES**

The governance of Local Education Agency (LEA) special education programs shall be the responsibility of the LEA governing boards. LEA governing boards shall have and retain authority to receive and budget all special education income allocated by the SBCSELPA Board for programs and services provided by the LEAs, except state regionalized services allocations, and for monitoring the appropriate use of federal, state and local funds allocated for special education programs.

## **8. FUNCTIONS OF THE SBCSELPA**

The SBCSELPA shall be responsible for the following:

a. In conjunction with the LEAs who are parties to this Agreement, develop a Local Plan for the education of individuals with exceptional needs.

b. Coordinate the special education local plan area and implementation of the local plan.

c. Assure the provision of administrative support and regionalized services to each of the parties in the following areas at levels to be determined by the SBCSELPA, subject to annual budget plan allocations, and at an annual cost not to exceed the annual state appropriations for regionalized services and an amount approved by the SBCSELPA JPA Board and prorated to participating member local education agencies:

(1) Coordinated system of identification and assessment and development of uniform policies governing identification, referral and placement of individuals with exceptional needs.

(2) Coordinated system of procedural safeguards.

(3) Coordinated system of staff development and parent education including training members of the Community Advisory Committee.

(4) Coordinated system of curriculum development and alignment with the core curriculum.

(5) Coordinated system of internal program review, evaluation of the effectiveness of the local plan, and implementation of a local plan accountability mechanism to include monitoring of performance goals and indicators.

(6) Coordinated system of data collection and management information systems as needed to meet SBCSELPA requirements.

(7) Coordination of interagency agreements and development of policies and procedures relating to the coordination with other local public agencies that serve the individuals with exceptional needs.

(8) Coordination of services to medical facilities.

(9) Coordination of services to individuals with exceptional needs placed in licensed children's institutions and foster family homes.

(10) Coordination of services to individuals with exceptional needs placed in Juvenile Court Schools or County Community Schools.

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

(12) Fiscal and logistical support of the Community Advisory Committee.

(13) Coordination of transportation services for individuals with exceptional needs.

(14) Coordination of career and vocational education and transition services.

(15) Assurance of full educational opportunity.

(16) Fiscal administration allocation and monitoring of state and federal funds pursuant to Education Code Section 56836 and 56841.

(17) Allocation of program specialist funds for direct instructional program support that may be provided by program specialists in accordance with Education Code Section 56368.

(18) Search/Serve services.

(19) Special day classes, resource specialist programs, related services, and other special education instructional programs as agreed upon by the SBCSELPA and the particular Local Education Agencies involved.

(20) Services for infants and preschoolers.

(21) Provision of support for dispute resolution and due process, as requested.

(22) Coordination and oversight of nonpublic school placements and oversight of nonpublic agency services.

(23) Ensure equal access to all programs and services in the region.

(24) Ensure an equitable provision of services to individuals with exceptional needs between the ages of 0 and 22.

(25) Assist in the resolution of complaints and work cooperatively with districts/county office to correct identified problems.

(26) Such other areas as the SBCSELPA JPA Board directs.

d. Monitor compliance with federal and state laws and regulations regarding special education.

e. Enter into agreements with individual school districts and/or the County Education Office for provision of special education services.

f. Receive, distribute and account for regionalized services and SBCSELPA support funds for Local Plan implementation.

g. Decide disputes within the scope of this Agreement among the parties. The decision of the SBCSELPA JPA Board shall be final in the settlement of disputes between parties.

h. Participate in any other functions necessary to conduct the business of the SBCSELPA.

## **9. ANNUAL BUDGET PLAN**

In addition to the powers and responsibilities presented in Section 6 and 8 above, the SBCSELPA shall, in conjunction with the parties to this Agreement, develop an annual budget plan for Local Plan activities and conduct the required public hearing. The budget plan shall include provisions setting forth the manner and level to which the SBCSELPA shall be funded.

a. The annual budget plan shall include the expenditure of all regionalized services and program specialist funds allocated by the state legislature. It shall also include the estimated SELPA support and administrative chargeback.

b. The Santa Barbara County SELPA Executive Director shall submit an annual budget plan to the Santa Barbara County SELPA JPA Board on the following calendar:

(1) Proposed Adopted Budget for review - May

(2) Proposed Adopted Budget approval - June

c. The Santa Barbara County SELPA JPA Board is the entity that must develop, revise and approve all allocations of funds received by the SELPA.

d. The SBCSELPA JPA Board shall review and approve or reject requests for an increase or decrease in regionalized services and regional program allocations, and allocate all other funds received by the SBCSELPA.

e. Allocation revisions approved by the SBCSELPA shall be sent to each party to this Agreement by the SBCSELPA Executive Director within thirty (30) days after the revision has been approved by the Board.

f. Written notice of the rejection of a request shall be sent to the originator of the request by the SBCSELPA Executive Director within thirty (30) days after receipt of the request.



g. No request for modification to the annual budget plan shall be approved by the SBCSELPA JPA Board which results in an increase to the annual budget plan which may exceed any funding limitations.

**10. OBLIGATIONS OF THE SBCSELPA**

The SBCSELPA shall be an independent public entity. The SBCSELPA shall be solely responsible for its duties, liabilities and obligations and the duties, liabilities and obligations of the Administrative Unit when it is acting on behalf of the SBCSELPA. They shall not be the duties, liabilities or obligations of the parties hereto.

**11. AUTHORITY AND RESPONSIBILITIES OF THE PARTIES**

Each LEA shall cooperate with the SBCSELPA and its JPA Board in their development of the Local Plan and in the JPA Board's review and approval of revisions to said Plan.

**12. DUTIES OF THE SUPERINTENDENTS**

The Superintendents of the LEAs named as parties to this Agreement shall serve as the LEA's representative to the Joint Powers Agency. The LEA Superintendents' shall select the members of the SBCSELPA JPA Board in accordance with Section 4 of this Agreement and shall serve as an advisory body to the SBCSELPA JPA Board.

**13. SPECIAL EDUCATION ADMINISTRATORS**

Each LEA operating special education programs shall designate a special education administrator from among its staff to act as the primary contact person for the district or county with the SBCSELPA.

**14. RESPONSIBILITY FOR PROVISION OF SERVICES**

Entities responsible for providing services and/or programs to individuals with exceptional needs are specified in the SBCSELPA Policies and Procedures. At any time, recommendations for changes in the delivery system may be developed by SBCSELPA Executive Director and submitted to the JPA Board for approval.

**15. COMMUNITY ADVISORY COMMITTEE**

A Community Advisory Committee shall be established. The Community Advisory Committee shall advise the SBCSELPA Board in accordance with policies and procedures approved by the SBCSELPA JPA Board.

## **16. BONDING PERSONS HAVING ACCESS TO PROPERTY**

The public officers or persons who have charge of, handle, or have access to any property of the SBCSELPA shall be the SBCSELPA Executive Director and any other officers or persons to be designated or empowered by the SBCSELPA JPA Board. Each such officer or person shall be required to file an official bond with the Administrative Unit in the amount of Fifty Thousand dollars (\$50,000) or in such other amount as may be established by the SBCSELPA JPA Board. Should the existing bond or bonds of any such officer or person be extended to cover the obligations provided herein, said bond shall be the official bond required herein. The premiums on any such bond or bonds attributable to the coverage required herein shall be appropriate expenses of the SBCSELPA.

## **17. DISTRIBUTION OF LIABILITY**

The SBCSELPA is a joint powers agency and its members are jointly and severally liable, to the extent provided in Government Code Section 895.2, for the negligent or wrongful acts of the SBCSELPA and one another occurring in the performance of this Agreement. Each party hereto agrees to indemnify and hold the other parties harmless from all liability for damage, actual or alleged, to persons or property arising out of or resulting from negligent acts or omissions of the indemnifying party or its employees. Where the SBCSELPA or its employees are held liable for injuries to persons or property, each party's liability for contribution or indemnity for such injuries shall be determined by multiplying the judgment recovered or settlement paid by a percentage equal to the party's average daily attendance for the previous school year, using the figures for average daily attendance shown on the California Department of Education Annual Report of Attendance Forms J-18/19. In the event of liability imposed upon any entity created by this Agreement, for injury which is caused by the negligent or wrongful act or omission of any of the parties in the performance of this Agreement, the contribution of the party or parties not directly responsible for the negligent or wrongful act or omission shall be limited to One Hundred Dollars (\$100.00). The party or parties directly responsible for the negligent or wrongful acts or omission shall indemnify, defend, and hold all other parties harmless from any liability for personal injury or property damage arising out of the performance of this Agreement.

## **18. INSURANCE**

Each party shall obtain public liability, property damage and worker's compensation insurance sufficient so that it may meet its potential liabilities hereunder. The Administrative Unit shall insure itself. The SBCSELPA JPA Board shall obtain public liability, property damage and worker's compensation insurance sufficient to insure itself from loss, liability or claims arising out of or in any way connected with this Agreement.

**19. LIMITATIONS**

It is understood and agreed that the Local Plan hereunder shall not exceed any applicable enrollment and service limitations.

If any party to this Agreement exceeds the funding allocations specified in the annual budget plan approved by the SBCSELPA as specified in Section 9 above, the resultant costs of such excess shall be borne by the LEA that exceeded such allocation.

**20. TERM**

This Agreement becomes effective on the date of final approval of the SBCSELPA JPA Agreement, provided it has been approved by all parties choosing to participate, and it shall continue in effect until a majority of the participating parties have terminated membership in the manner provided by Section 21 of this Agreement.

**21. TERMINATION OF MEMBERSHIP**

A party may resign from membership in the SBCSELPA by notifying the SELPA JPA Board and the Superintendent of the County Schools Office in writing of its intention to do so at least one year prior to the proposed date of its resignation, as required by Education Code Section 56195.3 (b).

**22. AMENDMENT**

This Agreement may be amended, altered or supplemented at any time by a two-thirds vote of the participating district boards.

**23. DISPOSITION OF PROPERTY AND FUNDS UPON TERMINATION**

Upon termination, the property and funds of the SBCSELPA shall be distributed as follows:

a. All property and funds shall be transferred to the new agency operating system.

b. If no new agency exists, all property shall be distributed pursuant to an agreement reached by all parties to this Agreement at that time. If said parties cannot agree on distribution, said property shall, to the extent possible, be sold for cash, and said cash and the remaining unsaleable property shall be distributed to each of the parties in accordance with the respective contributions of each party to the cost of said property.

c. After payment of all costs, expenses and charges incurred under the agreement, any monies in the possession of the SBCSELPA shall be returned to the parties in proportion to contributions made.

**24. PARTIAL INVALIDITY**

If any one or more of the terms, provisions, sections, promises, covenants or conditions of this Agreement shall to any extent be adjudged invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, promises, provisions, sections, covenants and conditions of this Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

**25. ADOPTION AND EXECUTION**

Each participating LEA shall become a party to this Agreement by virtue of its governing board's approval of the SBCSELPA JPA Agreement. Thereafter, this agreement may be executed by each party on a separate copy thereof with the same force and effect as though all parties had executed a single original copy. The collection of such separately executed copies shall be treated as a single copy executed by all parties. Each party shall promptly transmit an executed copy of this document to the Administrative Unit.

**26. SUCCESSORS**

This Agreement shall be binding upon, and ensure to the benefit of, the successors of the parties.

**BYLAWS OF THE JOINT POWERS AGENCY BOARD  
OF THE  
SANTA BARBARA COUNTY SPECIAL EDUCATION LOCAL PLAN AREA**

**INTRODUCTION:**

The Santa Barbara County SELPA Joint Powers Agency Board (SBCSELPA JPA Board) is the governing body of the Santa Barbara County Special Education Local Plan Area. The SBCSELPA JPA Board derives its powers from the statutes of the State of California and from a Joint Powers Agreement approved by all school districts in the County of Santa Barbara and the Santa Barbara County Education Office.

**ARTICLE I: BOARD STRUCTURE**

**Section 1. Membership**

The SBCSELPA JPA Board shall consist of eight voting members. The board shall be comprised of the County Superintendent of Schools and superintendents from a representative cross section of districts in Santa Barbara County as specified in the SELPA Joint Powers Agreement.

**Section 2. Officers**

The officers of the SBCSELPA JPA Board shall consist of a chairperson, vice-chairperson, and clerk who shall be elected from its voting members at the organizational meeting each year. The SBCSELPA Executive Director shall serve as secretary to the board.

a. Chairperson

The chairperson shall preside at all meetings of the SBCSELPA JPA Board and shall assume duties following the election. The chairperson shall have the same rights and privileges as other members of the board in voting, introducing motions and resolutions, and in discussing questions. The chairperson shall sign minutes, documents, and agreements when legally required to do so or as ordered by the board. If, for any reason, the chairperson resigns during his/her term of office, the vice-chairperson shall serve as the chairperson for the remainder of the former chairperson's term.

b. Vice-Chairperson

The vice-chairperson shall preside at all meetings where the chairperson is absent. While acting in this capacity, the vice-chairperson shall have all the powers and

privileges of the chairperson. If, for any reason, the vice-chairperson resigns during his/her term of office, the clerk shall serve as the vice-chairperson for the remainder of the former vice-chairperson's term.

c. Clerk

The clerk shall act as presiding officer at all meetings where the chairperson and vice-chairperson are absent. While acting in this capacity, the clerk shall have all the powers and privileges of the chairperson. If, for any reason, the clerk resigns during his/her term of office, a new clerk shall be elected by the SBCSELPA Board to serve out the remainder of the former clerk's term.

d. Secretary to the Board

The secretary to the board shall provide an accurate record of all meetings of the SBCSELPA JPA Board. In addition, he/she shall handle the correspondence of the SBCSELPA JPA Board, distribute agendas and minutes, and perform other duties as delegated by the chairperson on behalf of the board.

e. Individual Members

Except as authorized by the SBCSELPA Board or by board bylaws, individual members of the SBCSELPA JPA Board have no power except as members of the SBCSELPA JPA Board acting at an official meeting.

## **ARTICLE II: MEETINGS OF THE SBCSELPA JPA BOARD**

### **Section 1. Annual Organizational Meeting**

The first meetings of each new fiscal year shall be designated as the annual organizational meeting of the SBCSELPA JPA Board.

### **Section 2. Regular Meetings**

Regular meetings of the SBCSELPA JPA Board shall normally be held monthly during the months of September through June, beginning at 12:00 noon, at the same location where meetings of the County Superintendents take place. The date, time and location of regular board meetings will be confirmed annually by the September meeting of the board. The SBCSELPA JPA Board may change the date, time or location for holding regular meetings, as needed.

### **Section 3. Special Meetings**

Special meetings of the SBCSELPA JPA Board shall be held whenever the chairperson or the majority of the members of the board shall call such a meeting; in which event, notice of such meeting shall be sent to each member and shall be received at least 24 hours before the time of the meeting as specified in the notice.

#### **Section 4. Public Hearings**

A public hearing of the SELPA Annual Budget Plan shall be held annually prior to the adoption of the final Annual Budget Plan.

Other public hearings may be held by the board at its discretion or when legally required to do so.

#### **Section 5. Closed Sessions**

Closed sessions may be called, subject to the rules of the Brown Act, in conjunction with any regular or special meeting.

#### **Section 6. Parliamentary Authority**

Roberts Rules of Order (Revised) will normally be used by the JPA Board in conducting its business. Such rules are intended to apply to Board member deliberations and may not be invoked by other persons. Although Robert's Rules of Order can serve as a useful guide, the Board may use any procedures that allow it to conduct its meeting in an efficient, consistent manner.

### **ARTICLE III: BYLAWS**

#### **Section 1. Adoption of Bylaws**

Rules (bylaws) necessary for the internal operation of the SBCSELPA JPA Board shall be formulated by the board. Bylaws may be proposed by any member of the SBCSELPA JPA Board or the SBCSELPA Executive Director as secretary to the board. Proposed bylaws shall be adopted upon a majority vote of all members of the SBCSELPA JPA Board at the second reading.

#### **Section 2. Bylaw Amendments or Repeal**

Bylaws shall be amended or repealed upon a majority of all SBCSELPA JPA board members at the second reading.

Approved by JPA Board 1/06/03

Revised: March 7, 2004

Revised: November 7, 2005

Revised: November 2, 2009

Revised: February 6, 2017

Revised: October 2, 2017

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

8000 GOVERNANCE

8100 JOINT POWERS AGENCY BOARD

8101 Organization, Responsibilities and Powers of Joint Powers Agency Board

The Joint Powers Agency Board is the governing body of the Santa Barbara County Special Education Local Plan Area and derives its power from the statutes of the State of California and from a Joint Powers Agreement approved by all school districts in the County of Santa Barbara and the Santa Barbara County Education Office. The Board represents the district school boards and the superintendents in Santa Barbara County in the governance of the Santa Barbara County Special Education Local Plan Area.

It is the policy of the Board to encourage public participation in the Board's activities in order to fully promote communication with interested persons and entities in the county. All meetings of the Board are public and accessible to the disabled. Deliberations of the Board, except those appropriate for closed sessions, shall be conducted openly and all actions taken in public session.

The Board holds the SBCSELPA Executive Director responsible for the efficient administration of the Special Education Local Plan Area and the functions of the Joint Powers Agency.

Bylaws will be adopted for its own governance which are consistent herewith and within legal limits.

(EDUCATION CODE. 56205(b)(4))

DATE APPROVED: July 5, 1983  
DATE REVISED: March 3, 1995  
DATE REVISED: November 4, 2002



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

8000 GOVERNANCE

8100 JOINT POWERS AGENCY BOARD

8102 Public Participation at JPA Board Meetings

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda and, during regular meetings, any item within the Board's jurisdiction.

Procedure for Those Wishing to Speak

Before the Board meeting begins, persons wishing to address the Board are requested, but not required, to fill out a "Request to Address the Board" form obtainable from the SELPA Administrative Secretary or from the table near the entrance to the meeting room. The form is to be filled out and returned to the SBCSELPA Executive Director or his/her secretary before the meeting begins. At the appropriate time, the Board Chairperson will call upon the persons requesting to speak.

Public Participation Procedures

In order to conduct business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures:

1. Every regular and special meeting agenda shall provide an opportunity for members of the public to address the Board. All such comments will be received during the Public Comments section of the agenda. Individuals who address the Board are limited to three (3) minutes to speak on any item and an total of 10 minutes on all items for their presentation. The Board may limit the total time for all public comment to 30 minutes. (Education Code § 35145.5, Government Code § 54954.3) The Board may determine to take public comments either when agenda items are heard, or during the public comment section of the agenda, preceding the consideration of individual agenda items.
2. All regular meeting agendas shall provide an opportunity for members of the public to comment on matters not listed on the agenda, but within the subject matter jurisdiction of the Board. (Education Code § 35145.5, Government Code § 54954.3)

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

8000 GOVERNANCE

8100 JOINT POWERS AGENCY BOARD

8102 Public Participation at JPA Board Meetings (*Continued*)

3. A person wishing to be heard by the Board shall first be recognized by the chairperson and shall then proceed to comment as briefly as the subject permits. Individual speakers will be allowed three minutes to speak on any item, or, if all public comments are taken together before the Board takes up individual agenda items, a total of ten minutes to address the Board on all items will be normally allowed per speaker. The Board may limit the total time for public comment to 30 minutes. With Board consent, the chairperson may increase or decrease the total time allowed for public presentation, depending on the number of persons wishing to be heard. The chairperson may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.
4. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts or omissions. (Government Code § 54954.3) In addition, the Board may not prohibit public criticism of individual employees. However, whenever a member of the public initiates specific complaints or charges against an employee, the Board chairperson shall inform the complainant that in order to protect the employee's right to adequate notice before a hearing of such complaints and charges, and also to preserve the ability of the Board to legally consider the complaints or charges in any subsequent evaluation of the employee, it is the policy of the Board to hear such complaints or charges in closed session unless otherwise requested by the employee pursuant to Government Code § 54957.
5. The Board chairperson shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group shall be grounds for the chair to terminate the right of addressing the Board. The Board may remove disruptive individuals and order the room cleared if necessary; in this case, members of the media not participating in the disturbance shall be allowed to remain, and individual(s) not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code § 54957.9)

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

8000 GOVERNANCE

8100 JOINT POWERS AGENCY BOARD

8102 Public Participation at JPA Board Meetings (*Continued*)

6. Without taking action, Board members or SELPA staff may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a Board member or staff member may ask questions for clarification, make a brief announcement, or make a brief report on his/her own activities. Furthermore, the Board or a board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code § 54954.2)
7. Under Board Bylaws, Roberts Rules of Order (Revised) normally guides the conduct of Board meetings. Such rules are intended to apply to Board member deliberations and may not be invoked by other persons. Although Robert's Rules of Order can serve as a useful guide, the Board may use any procedures that allow it to conduct its meeting in an efficient, consistent manner.

Placing Items on The Board's Agenda

Members of the public are permitted to place matters on the Board's agenda that fall within its jurisdiction. Such requests shall be made in writing to the SBCSELPA Executive Director and shall specify the precise subject to be addressed. These matters shall be heard at the next convenient regular JPA Board meeting after the request is received, but not later than the second regular meeting. Upon receipt of a request to place a matter on the agenda, the SBCSELPA Executive Director, in conjunction with the Chairperson of the JPA Board, shall make the decision regarding whether the matter falls within the Board's jurisdiction. The request to place an item on the agenda may be declined if the item is repetitive, defamatory, superfluous, or otherwise improper. The SBCSELPA Executive Director and/or the Chairperson of the JPA Board may provide an alternative process to address certain matters, such as in the

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

8000 GOVERNANCE

8100 JOINT POWERS AGENCY BOARD

8102 Public Participation at JPA Board Meetings (*Continued*)

case of a complaint against a staff member. Normally, members of the public who place matters on the agenda will be allotted up to ten minutes to present their item, which may be extended at the discretion of the JPA Board Chairperson.

(EDUCATION CODE § 56205(b)(4))

DATE APPROVED:	<u>January 9, 1987</u>
DATE REVISED:	<u>July 12, 1987</u>
DATE REVISED:	<u>March 3, 1995</u>
DATE REVISED:	<u>November 3, 2004</u>
DATE REVISED:	<u>March 7, 2005</u>
DATE REVISED:	<u>November 7, 2005</u>
DATE REVISED:	<u>November 2, 2009</u>

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

8000 GOVERNANCE

8100 JOINT POWERS AGENCY BOARD

8103 Adoption of Policies and Procedures

The formulation and adoption of written policies and procedures shall constitute one method by which the Joint Powers Agency Board shall exercise its leadership in the operation of the Santa Barbara County SELPA. In formulating policies, the Joint Powers Agency Board shall adopt general principles and statements of intent in the form of policies concerning the establishment and operation of the program and other matters within the duties and scope of responsibility of the JPA Board.

The SBCSELPA Executive Director shall recommend policies for adoption and recommend revisions of existing policies to the JPA Board. The adoption of policies shall be recorded in the minutes of the JPA Board.

A proposed policy shall be subject to adoption, revision, or deletion, upon a majority vote of all members of the JPA Board at the second of two meetings held not less than fourteen days apart and the call for which the proposed policy has been described in writing. All policies shall be considered adopted upon successful completion of the second reading. Policies may be adopted or amended at first reading when considered unanimously by those voting as an emergency measure. The JPA Board shall reappraise its policies periodically in view of the changing needs of the community and the students served by the SBCSELPA.

(EDUCATION CODE 56195.7(i))

DATE APPROVED: June 2, 1995  
DATE REVISED: December 9, 2002  
DATE REVISED: November 2, 2009

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

8000 GOVERNANCE

8200 CHARTER SCHOOLS

8201 Participation of Charter Schools in the Santa Barbara County SELPA Governance Structure

Santa Barbara County SELPA (SBCSELPA) Involvement with approval and Renewal of Charters:

Prior to approval or renewal of a charter, the superintendent or designee of the chartering entity shall advise the SBCSELPA Joint Powers Agency (JPA) Board regarding the sufficiency of assurances in the petition related to the provision of special education services. The petition presented must provide assurances that all eligible students enrolled in the charter school will receive appropriate special education services in accordance with applicable state and federal laws and regulations as well as the Local Plan. The petition must provide that no student otherwise eligible to enroll in the charter school will be denied enrollment due to a disability or to the charter school's existing inability to provide necessary services. Each charter petition must contain a reasonable, comprehensive description of the charter school's educational program, as it relates to the provision of special education services, including the following:

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

The chartering entity shall provide the SBCSELPA JPA Board a signed memorandum of understanding between the chartering local education agency (LEA) and the proposed charter school that clearly delineates responsibility for all aspects of provision of special education services, including staffing, administration, continuum of placement options, provision of supplementary and related services, payment of excess costs, and liability for due process.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

8000 GOVERNANCE

8200 CHARTER SCHOOLS

8201 Participation of Charter Schools in the Santa Barbara County SELPA Governance Structure (*Continued*)

Categories of Charter Schools:

For the purpose of provision of special education services; charter schools shall be deemed either a public school within the chartering LEA or an LEA. All charter schools will be deemed public schools within the chartering entity unless the charter school has been deemed an LEA pursuant to approval by the SBCSELPA JPA Board and California Department of Education.

DATE APPROVED: November 4, 2002

DATE REVISED: November 7, 2005

DATE REVISED: November 2, 2009

DATE REVISED; October 3, 2011

DATE REVISED: November 2, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

8000 GOVERNANCE

8200 CHARTER SCHOOLS

8202 Provision of Special Education Services to Students Enrolled in Charter Schools

Pursuant to provisions of both federal and state law, eligible students enrolled in charter schools are entitled to receive appropriate special education services consistent with the provision of such services in other public schools and charter schools within the SBCSELPA. Charter schools within the SBCSELPA shall comply with all applicable requirements of state and federal law regarding provision of special education services (Education Code Section 56000 et seq., Individuals with Disabilities Education Act 20 U.S.C. Section 1400 et seq.).

Funding for special education services, participation in the SBCSELPA governance structure and responsibility for provision of services shall be based on whether the charter school is deemed to be a public school within the LEA that granted the charter or is approved as an LEA, as well as the details included in the agreement a memorandum of understanding (MOU) between the charter school and sponsoring LEA.

Charter schools shall delineate in their charter petition or in an MOU the entity responsible for providing special education instruction and related services. This document should reference any anticipated transfer of special education funds between the granting entity and the charter school and any provisions for sharing deficits in funding.

LEAs having charter schools that are considered public schools of the chartering LEA shall serve children with disabilities attending the charter school(s) in the same manner as the LEA serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school(s) to the same extent to which the LEA provides such services on the site to its other public schools. LEAs shall also provide funds to those charter schools on the same basis as the LEA provides funds to the LEA's other public schools, including proportional distribution based on relative enrollment of children with disabilities and at the same time as the LEA distributes other federal funds to its other public schools.

(EDUCATION CODE 56195.1(f), 56203, 56207.5)

DATE APPROVED: November 4, 2002

DATE REVISED: June 2, 2008

DATE REVISED: November 2, 2009

DATE REVISED: November 2, 2015



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

8000 GOVERNANCE

8200 CHARTER SCHOOLS

8203 Charter School and Other LEA Requests to Become LEA in SBCSELPA

A charter school or other LEA may apply to the SBCSELPA's JPA Board to become a participating LEA within the SBCSELPA for the provision of special education. A request by a charter school to participate as a LEA for the purposes of special education in the SBCSELPA shall be treated in the same manner as a similar request made by a school district.

In reviewing and approving a request by a charter school to participate as a LEA member of the SBCSELPA the following requirements shall apply:

1. The charter school or other LEA requesting to become an LEA within SBCSELPA shall participate in state and federal funding for special education and in the allocation plan developed in the same manner as other LEAs of the SBCSELPA.
2. The charter school or other LEA requesting to become an LEA within SBCSELPA shall participate in governance of the SBCSELPA in the same manner as other LEAs of the SBCSELPA.

As a condition of being granted approval by the SBCSELPA JPA Board to participate as a LEA of the SBCSELPA, the governing board of the charter school or other requesting LEA shall agree to the following:

1. To approve the SBCSELPA JPA Agreement, thereby becoming a party to the SBCSELPA JPA.
2. To approve the LEA Assurance Statement required of all LEAs participating as part of a special education local plan area.
3. To approve, and thereby agree to abide by, the policies and procedures included in the SBCSELPA Local Plan for Special Education.
4. To submit to the SBCSELPA Executive Director and JPA Board a detailed Plan/Readiness Checklist (see Appendix A) by February 1 of the prior year that the request is being made. This Plan/Readiness Checklist shall substantiates that the requesting charter school or other LEA is capable of and prepared to abide by the provisions of the Local Plan.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

8000 GOVERNANCE

8200 CHARTER SCHOOLS

8203 Charter School and Other LEA Requests to Become LEA in SBCSELPA  
(Continued)

5. The SBCSELPA JPA Board shall grant a charter school or other requesting LEA a one-year probationary acceptance into the SBCSELPA if all requirements and timelines stipulated in this policy and the SBCSELPA LEA Special Education Plan/Readiness Checklist have been met. At the June SBCSELPA JPA Board meeting at the end of year one, the JPA Board will determine if, the charter school or other LEA has effectively implemented the Local Plan and grant ongoing membership as a LEA in SBCSELPA. If the Board determines that a charter school or other LEA has not appropriately implemented the Local Plan, the charter school or other LEA will be provided a one-year notice to rectify any out-of-compliance areas or their membership will be terminated June 30<sup>th</sup> of the following year.

The initial Applications of a LEA or Charter School must be made to the SBCSELPA JPA Board a year and a day preceding the school year in which the charter school anticipates operating as an LEA within the SBCSELPA. LEA status will not become effective prior to July 1 of the year in which final approval was granted by the JPA Board. Once granted LEA status, a charter school will participate in the governance of the SBCSELPA in the same manner as all other LEA members in the SBCSELPA.

(EDUCATION CODE 56195.1(f), 56203(a)-(c), 56207.5 (a)-(c))  
(Individuals with Disabilities Education Act 20 U.S.C. Chapter 33)

DATE APPROVED: November 2, 2015  
DATE REVISED: March 19, 2018

## Appendix A

### SBCSELPA Charter or Other Requesting LEA Special Education Readiness Plan/ Readiness Checklist

Name of Charter/LEA:		Date:	
Name of Person Completing Checklist:			
Total Student Population:		SPED Pupil Count:	
Number of Schools or Sites:			
Name and Location of Each Site:			
Number of SPED Teachers:			
Number of School Psychologists:			
Number of other Related Service Provider (Type and Number)			

Directions: Check (✓) each assurance below to indicate compliance with each required item. Attach supporting documentation for each step and describe evidence for each of the required assurances below in order to establish readiness to become an LEA within SBCSELPA. Attach supporting documentation/evidence for each step and submit to the SBCSELPA Executive Director by February 1 of the prior school year the charter school or other LEA is requesting to become a member LEA in SBCSELPA.

1. ☐ The charter school or other LEA has a designated administrator with training and expertise in special education regulations to oversee the provision of special education services in order to ensure that a free appropriate public education (FAPE) is provided to all pupils with individualized education programs (IEPs) as per E.C. 56000.

Describe:

--

2. ☐ The charter school or other LEA will comply with all SBCSELPA policies and procedures, including, but not limited to identification, referral, placement, procedural safeguards, regional services, transportation, etc.

Describe:

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3. ☐ The charter school or other LEA will indemnify and hold harmless the SBCSELPA an each of the member entities.

Describe:

--

4. ☐ The charter school or other LEA provides education in a manner that promotes maximum interaction between children or youth with disabilities and children or youth without disabilities, in a manner that is appropriate to the needs of both.

Describe:

5. ☐ The charter school or other LEA can provide a full continuum of special education program options and related services, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings, and instruction in physical education, to meet the educational and service needs in the least restrictive environment.

Describe:

6. ☐ The charter school or other LEA can provide programs and services for pupils with low-incidence disabilities, including highly specialized services, equipment, and materials, as well as services that promote the ability to communicate with other individuals for students with deafness or communication disorders.

Describe:

7. ☐ The charter school or other LEA can provide special education programs and services as indicated below (✓ check each item below to indicate assurance has been met):

☐ Each individual with exceptional needs is assured an education appropriate to his or her needs in publicly supported programs through completion of his or her prescribed course of study or until the time that he or she has met proficiency standards.

Describe:

☐ Each individual with exceptional needs shall have his or her educational goals, objectives, and special education and related services specified in a written IEP that is reviewed at least annually by his or her IEP team.

Describe:

☐ Each individual with exceptional needs is offered special assistance programs that promote maximum interaction with the general school population in a manner that is appropriate to the needs of both, taking into consideration, for hard-of-hearing or deaf children, the individual's needs for a sufficient number of age and language mode peers and for special education teachers who are proficient in the individual's primary language mode.

Describe:

☐ Pupils are transferred out of special education programs when special education services are no longer needed as evidenced by appropriate assessment(s) and determined by the student's IEP team.

Describe:

☐ Procedures and materials for assessment and placement of individuals with exceptional needs shall be selected and administered so as not to be racially, culturally, or sexually discriminatory. No single assessment instrument shall be the sole criterion for determining the placement of a pupil. The procedures and materials for assessment and placement shall be in the individual's mode of communication. Procedures and materials for use with pupils of limited-English proficiency, as defined in federal and State law and their implementing regulations, shall be in the individual's native language. All assessment materials and procedures shall be selected and administered in accordance with the law.

Describe:

☐ Continuous evaluation of the effectiveness of these special education programs by the charter school or other LEA ensures the highest quality educational offerings.

Describe:

☐ Appropriate qualified staff are employed, consistent with credentialing requirements, to fulfill the requirements of federal and State special education laws and the SBCSELPA local plan and positive efforts are made to employ qualified disabled individuals.

Describe:

☐ Regular and special education personnel are adequately prepared to provide educational instruction and services to individuals with exceptional needs.

Describe:

8. Indicate below if there have been any of the following: (Attach a history and include current status and disposition for each applicable area.)

☐ Due process complaints filed in the last two years (by charter school or other LEA, or parent on behalf of a student). If yes, describe below:

☐ Complaints filed with Office of Civil Rights (OCR) or California Department of Education (CDE) in the last two years. If yes, describe below:

☐ Intra-Agency Disputes relating to special education. If yes, describe below:

I certify that all steps have been completed and supporting documentation for each item is attached.

\_\_\_\_\_  
Signature of Requesting Charter School / LEA Representative

\_\_\_\_\_  
Date

Certification of SBCSELPA Executive Director regarding receipt of completed checklist and supporting documentation.

\_\_\_\_\_  
Signature of SBCSELPA Executive Director  
00310-00003/725319.1

\_\_\_\_\_  
Date

DATE APPROVED: November 2, 2015  
DATE REVISED: March 19, 2018

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

8000 GOVERNANCE

8300 DISPUTE RESOLUTION

8301 Dispute Resolution Process

In addressing disputes that may arise over the distribution of funding, the responsibility for service provision, and other governance activities specified in the Local Plan, the local education agencies that comprise the Santa Barbara County SELPA agree to make every effort to resolve disagreements at the lowest possible level.

In some instances, individual SELPA policies outline the process for resolving disputes that may arise regarding selected issues.

In circumstances where a system for resolving potential disputes is not specifically described in the relevant SELPA policy, the following steps shall be utilized to address the issue:

1. Any local education agency involved in a dispute may request the assistance of the SBCSELPA Executive Director acting in the role of a mediator to facilitate resolution of the matter.
2. If the matter cannot be resolved through informal discussions and agreements, an LEA representative may request that the issue be agendaized for consideration by, a committee comprised of the special education administrators or business officials from districts in SBCSELPA, depending upon whether the subject of the dispute is primarily of a programmatic or fiscal nature.
3. If the issue cannot be resolved at an informal level by action of the a committee comprised of the special education administrators or business officials from districts in SBCSELPA, then the matter shall be agendaized for review and action by the SBCSELPA JPA Board, whose decision shall be final and binding upon the parties to the dispute.

(EDUCATION CODE 56205(b)(5))

DATE APPROVED: November 4, 2002

DATE REVISED: November 2, 2009

# SANTA BARBARA COUNTY SELPA LOCAL PLAN

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## SECTION 3

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### ADMINISTRATION

SBCSELPA Executive Director Position Description

SBCSELPA Coordinator Position Description

Uniform Complaints Policies 2301-2304

Community Advisory Committee Policies 2401 – 2417

SELPA Functions Policy 2501

(Revised 5-7-18)





# **SANTA BARBARA COUNTY SPECIAL EDUCATION LOCAL PLAN AREA EXECUTIVE DIRECTOR - POSITION DESCRIPTION**

## **DESCRIPTION OF POSITION:**

The Director of the Santa Barbara County Special Education Local Plan Area (SBCSELPA) will be responsible for the overall coordination and administrative support of special education and related services to all districts and the County Education Office. It will be the duty of the SBCSELPA Executive Director to ensure each student within the county equal access to appropriate special education programs and services regardless of district of residence, and to ensure compliance with federal and state laws and regulations.

## **DIRECTLY RESPONSIBLE TO:**

The SBCSELPA Executive Director shall be directly responsible to and evaluated by the SBCSELPA Board.

## **MAJOR DUTIES AND RESPONSIBILITIES:**

1. The SBCSELPA Director shall be directly responsible for supervision of staff employed by the SBCSELPA Board, including SBCSELPA Coordinator, and for overall management of the fiscal, personnel and program functions of the SBCSELPA Administrative Office.
2. The SBCSELPA Executive Director shall provide administrative support and coordinate regionalized services to each district and county office participating in the Local Plan, including the following:
  - a. Oversight of the SBCSELPA comprehensive system for professional development aligned to member LEA/district Local Control Accountability Plans (LCAP).
  - b. Monitoring, review and evaluation of Member LEA/district special education programs, and oversight of regionalized programs and services
  - c. Oversight of data collection and operation of the Student Management Information System (SELPA-wide IEP database system)
  - d. Oversight of coordinated system of curriculum development and alignment with the core curriculum
  - e. Engaging in *Search and Serve* services
  - f. Coordination of vocational education/career education of SBCSELPA students
  - g. Preparation and transmission of required special education local plan area reports on behalf of member LEAs/districts

- h. Preparation and transmission of required California Department of Education (CDE) Annual Performance and Budget Plan Annual Service Plan reports
  - i. Assurance of a full continuum of educational opportunities for students with Individualized Education Plans (IEPs)
  - j. Facilitation of resolution session and other support for member LEAs/districts for due process hearings upon request
  - k. Coordination and oversight of of member LEA/district nonpublic school (NPS) residential treatment center (RTC) student placements that meet requirements for access to SBCSELPA shared funding
  - l. Coordination and oversight of development of Interagency Agreements
- 3. The SBCSELPA Executive Director shall be responsible for the preparation of the Local Plan, including its review and updates.
  - 4. The SBCSELPA Executive Director shall serve as Executive Secretary to the Board and shall be responsible for the preparation of minutes of meetings of the Board.
  - 5. The SBCSELPA Executive Director shall be responsible for the preparation of the annual SBCSELPA budget and the development of the annual allocation plan of special education funds to member LEAs/districts.
  - 6. The SBCSELPA Executive Director shall be responsible for coordinating the development of uniform policies and procedures relating to the operation and implementation of the Santa Barbara County Special Education Local Plan.
  - 7. The SBCSELPA Executive Director shall be responsible for other duties as assigned by the SBCSELPA Board.

DATE REVISED: May 7, 2018

# **SANTA BARBARA COUNTY SPECIAL EDUCATION LOCAL PLAN AREA SBCSELPA COORDINATOR - POSITION DESCRIPTION**

## **DESCRIPTION OF POSITION:**

The Coordinator of the Santa Barbara County Special Education Local Plan Area (SBCSELPA) will be responsible for assisting the SBCSELPA Executive Director in the overall administrative support of special education and related services to all districts and the County Education Office. It will be the duty of the SBCSELPA Coordinator to assist the SBCSELPA Executive Director in assuring each student within the SBCSELPA has equal access to appropriate special education programs and services regardless of district of residence, and to ensure compliance with federal and state laws and regulations.

## **DIRECTLY RESPONSIBLE TO:**

The SBCSELPA Coordinator shall be directly responsible to the SBCSELPA Executive Director.

## **MAJOR DUTIES AND RESPONSIBILITIES:**

1. Under the direction of the SBCSELPA Executive Director, the SBCSELPA Coordinator shall be responsible for the development and implementation of regionalized services in the area of comprehensive personnel development, program development, and program review.
2. The SBCSELPA Coordinator shall assist the SBCSELPA Executive Director in managing the SELPA. Special emphasis will be given to facilitation of the Community Advisory Committee, standardization of procedures and quality control (in the areas of assessment, placement, and procedural due process), information dissemination, program development, supervision of SBCSELPA administered services, and other duties as assigned.
3. The SBCSELPA Coordinator shall assist the SBCSELPA Executive Director in providing administrative support and coordinating regionalized services to each district and county office participating in the Local Plan, including the following:
  - a. Implementation of the Local Plan
  - b. Special Education Self Review (SESR)
  - c. Audiological services
  - d. Ongoing program review
  - e. Staff development
  - f. Coordinate interagency agreements

- g. Coordinate and monitor the Resource Specialist Assessor Panel
  - h. Coordinate the Behavioral Intervention Case Manager Assessor Panel
  - i. Assist the SBCSELPA Executive Director in the management of the SELPA office
  - j. Represent SBCSELPA on interagency committees
  - k. Serve as Acting Director in the absence of SBCSELPA Executive Director
  - l. Provide information to districts and staff.
- 4. The SBCSELPA Coordinator shall assist the SBCSELPA Executive Director in the update and review of the Local Plan.
  - 5. Under the direction of the SBCSELPA Executive Director, the SBCSELPA Coordinator shall serve as Executive Secretary to the Community Advisory Committee and be responsible for the preparation of agendas and minutes of meetings of the CAC.
  - 6. The SBCSELPA Coordinator shall be responsible for other duties as assigned by the SBCSELPA Executive Director.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

- 2000            ADMINISTRATION
- 2300            COMPLAINTS
- 2301            Uniform Complaint Board Policy

The Governing Board recognizes that the SBCSELPA is primarily responsible for complying with applicable state and federal laws and regulations governing special education programs. The SBCSELPA shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with the SBCSELPA's uniform complaint procedures (5 CCR 4610).

The SBCSELPA shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any SBCSELPA program or activity that receives of benefits from state financial assistance. (5 CCR 4610)

DATE APPROVED: January 9, 2012

DATE REVISED: October 1, 2012

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000 ADMINISTRATION

2300 COMPLAINTS

2302 Uniform Complaint Procedures

Notifications

The SBCSELPA Executive Director or designee shall annually provide written notification of the SBCSELPA's uniform complaint procedures to students, employees, parents/guardians, private school officials or representatives, and other interested parties. (5 CCR 4622)

The SBCSELPA Executive Director or designee shall make available copies of the SBCSELPA's uniform complaint procedures free of charge. (5 CCR 4622)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
  - a. The SBCSELPA is primarily responsible for compliance with state and federal laws and regulations
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline
  - c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination
  - d. The complainant has a right to appeal the SBCSELPA's decision to the CDE by filing a written appeal within 15 days of receiving the SBCSELPA's decision

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000	ADMINISTRATION
2300	COMPLAINTS
2302	Uniform Complaint Procedures ( <i>continued</i> )

- e. The appeal to the CDE must include a copy of the complaint filed with the SBCSELPA and a copy of the SBCSELPA's decision

(cf. 5145.6 – Parental Notifications)

Complaint Process

The Santa Barbara County SELPA (SBCSELPA) shall handle complaints in an orderly manner and all parties shall seek an amicable resolution to the problem. Complaints shall be under the jurisdiction of the Santa Barbara County SELPA JPA Board as delineated in the JPA Agreement.

Any party (director, parent, teacher) may file a complaint.

Complaints that allege a violation of state or federal law by a SBCSELPA school district or the County Education Office are to be filed with the local education agency pursuant to the Uniform Complaint Procedures included in Title V of the California Code of Regulations (Section 5 CCR 4600-4671).

Complaints that allege a violation of state or federal law or regulation relating to the provision of a free appropriate public education, including allegations of unlawful discrimination, by staff employed by the SBCSELPA or by staff of a nonpublic school or agency under contract with the SBCSELPA shall be filed with the SBCSELPA office pursuant to the California Code of Regulations Uniform Complaint Procedures.

The SBCSELPA Executive Director shall be responsible for assisting in the resolution of complaints and work cooperatively with districts and the county office to correct identified problems.

(CCR Title 5, Sections 4600-4671, EDUCATION CODE 56500.2)

DATE APPROVED:	<u>March 3, 1989</u>
DATE REVISED:	<u>March 3, 1995</u>
DATE REVISED:	<u>January 9, 2012</u>
DATE REVISED:	<u>October 1, 2012</u>



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000 ADMINISTRATION

2300 COMPLAINTS

2303 Procedures for Filing, Investigation and Resolution of Uniform Complaints

Section I - Scope of Complaint Procedure

This procedure applies to the filing, investigation and resolution of a complaint regarding an alleged violation by the SBCSELPA or one of its contracting agents of federal or state law or regulation governing special education and complaints which allege unlawful discrimination.

Section II - Persons Who May File a Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance.

Section III - Retaliation; Confidentiality

A complainant shall be protected from retaliation as a consequence of filing a complaint. The identity of a complainant alleging discrimination shall remain confidential, as appropriate.

Section IV - Compliance Officer

The SBCSELPA Executive Director shall serve as the SBCSELPA Compliance Officer and shall be responsible for receiving and investigating complaints. The SBCSELPA Executive Director shall ensure that the SBCSELPA complies with the provisions of this procedure. The SBCSELPA Executive Director shall be knowledgeable about the laws and programs that he or she is assigned to investigate. (5CCR 4621)

Section V - Filing a Complaint; Timelines

For other than discrimination complaints, any individual, public agency or organization may file a written complaint with the SBCSELPA Executive Director, alleging a matter which, if true, would constitute a violation by the SBCSELPA of a federal or state law or regulation governing special education.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2300            COMPLAINTS

2303            Procedures for Filing, Investigation and Resolution of Uniform Complaints  
(Continued)

A written complaint alleging unlawful discrimination shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, or by one who believes an individual or any specific class of individuals has been subjected to prohibited discrimination. A complaint alleging unlawful discrimination shall be filed with the SBCSELPA Executive Director not later than six months from the date the alleged discrimination occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, unless the time for filing is extended by the SBCSELPA Executive Director or his or her designee, upon written request by the complainant setting forth the reasons for the extension. Such extension shall be made by the SBCSELPA Executive Director or his or her designee in writing. The period for filing may be extended by the SBCSELPA Executive Director or his or her designee for good cause for a period not to exceed 90 days following the expiration of the six month period. The SBCSELPA Executive Director shall respond immediately upon a receipt of a request for extension. (5CCR 4630)

Section VI - Investigation of Complaint

Within 60 days from receipt of the complaint, the Compliance Officer shall complete an investigation of the complaint and prepare a written decision. This time may be extended by written agreement of the complainant.

The investigation shall provide an opportunity for the complainant, or the complainant's representative, or both and the SBCSELPA representatives to present evidence or information relevant to the complaint. (5CCR 4631) The investigation may include an opportunity for the parties to the dispute to meet to discuss the complaint or to question each other or each other's witnesses.

To ensure that all pertinent facts are made available, the Compliance Officer and the complainant may ask other individuals to attend the meeting to provide additional information.

The SBCSELPA decision shall be in writing and sent to the complainant within 60 days of receipt of the complaint by the Compliance Officer. The decision shall contain findings of fact based on the evidence gathered, conclusion(s) of law, and disposition of the complaint, including corrective actions, if any, the rationale for such disposition, notice of the complainant's rights to appeal the SBCSELPA decision to the State Superintendent of Public Instruction and the procedures to be

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2300            COMPLAINTS

2303            Procedures for Filing, Investigation and Resolution of Uniform Complaints  
(Continued)

followed for initiating an appeal to the Department. (5CCR 4631)

Refusal by the complainant to provide the SBCSELPA's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

Refusal by the SBCSELPA to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Section VII - Appeal to State Superintendent of Public Instruction

Any complainant may appeal a SBCSELPA decision to the State Superintendent of Public Instruction by filing a written appeal with the Superintendent within 15 days of receiving the final SBCSELPA decision. Extensions for filing appeals may be granted, in writing, for good cause. The complainant shall specify the reason(s) for appealing the SBCSELPA decision. The appeal shall include:

1. A copy of the complaint; and
2. A copy of the SBCSELPA decision.

Upon notification by the Superintendent of Public Instruction that the SBCSELPA decision has been appealed, the Compliance Officer shall forward the following to the Superintendent:

1. The original complaint;
2. A copy of the SBCSELPA decision;
3. A summary of the nature and extent of the investigation conducted by the SBCSELPA, if not covered in the decision;
4. A report of any action taken to resolve the complaint;

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2300            COMPLAINTS

2303            Procedures for Filing, Investigation and Resolution of Uniform Complaints  
(Continued)

5.    A copy of this complaint procedure; and
6.    Such other relevant information as the Superintendent may require.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the SBCSELPA's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining order. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the State Superintendent of Public Instruction before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

DATE APPROVED: March 3, 1989  
DATE REVISED: March 3, 1995  
DATE REVISED: December 9, 2002  
DATE REVISED: January 9, 2012  
DATE REVISED: October 1, 2012

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2300            COMPLAINTS

2304            Complaints Concerning SBCSELPA Personnel

The Joint Powers Agency Board of the Santa Barbara County SELPA (SBCSELPA) places trust in its employees and desires to support their actions in such manner that employees are freed from unwarranted spiteful or negative criticism and complaints.

In order to promote fair and constructive communication, the following procedures shall govern the resolution of complaints. Every effort should be made to resolve a complaint at the earliest possible stage.

1. Complaints concerning SBCSELPA personnel should be made directly by the complainant to the person against whom the complaint is lodged. Parents/guardians are encouraged to attempt to orally resolve concerns with the staff member personally.
2. If the complaint is not or cannot be resolved at this level, the complainant may submit the complaint in writing to the employee's immediate supervisor. When necessary, a SBCSELPA administrator shall assist in the preparation of the written complaint so as to meet the requirement of this policy. The administrative staff shall inform the complainant that such assistance is available if he/she is unable to prepare the written complaint without help.

A written complaint must include the name of each employee involved and a brief but specific summary of the complaint and the facts surrounding it. It must also include a specific description of a prior attempt to discuss the complaint with the employee involved and the failure to resolve the matter.

The immediate supervisor is responsible for investigating complaints and will attempt to resolve the complaint to the satisfaction of the person(s) involved. If the complaint is resolved, the supervisor will so advise all concerned parties, including the SBCSELPA Executive Director.

3. If the complaint remains unresolved after review by the immediate supervisor, the written complaint shall be referred, together with a report and analysis of the situation, to the SBCSELPA Executive Director. Complainants should consider and accept the decision of the SBCSELPA Director as final. However, the complainant, the employee, or the SBCSELPA Executive Director may ask to address the SBCSELPA JPA Board regarding the complaint.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000 ADMINISTRATION

2300 COMPLAINTS

2304 Complaints Concerning SBCSELPA Personnel (*Continued*)

4. All written complaints regarding SBCSELPA personnel other than administrators shall be initially filed with the immediate supervisor. If the complaint regards a principal or SBCSELPA office administrator, the written complaint shall be initially filed with the SBCSELPA Executive Director. If the written complaint concerns the SBCSELPA Executive Director, it shall be initially filed with the JPA Board.
5. Except when a complaint is directed against the SBCSELPA Executive Director, no party to a complaint may address the JPA Board, either in closed or open session, unless the JPA Board has received the SBCSELPA Executive Director's or designee's written report concerning the complaint. The SBCSELPA Executive Director or designee's report shall contain, but not be limited to:
  - a. The name or each employee involved.
  - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the JPA Board and the employee(s) as to the precise nature of the complaint and to allow the employee(s) to prepare a defense.
  - c. A copy of the signed original complaint.
  - d. A summary of the action taken by the SBCSELPA Executive Director or designee, with his/her specific finding that disposition of the case at the SBCSELPA Executive Director's level has not been possible, and the reasons why.

All parties to a complaint, including the SBCSELPA administration, may be asked to attend a JPA Board meeting or part of such meeting for the purpose of presenting all available evidence and allowing every opportunity for explaining and clarifying the issue.

Complaints concerning an employee shall be addressed in a closed session of the JPA Board unless the employee requests that the issue be addressed in open session.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2300            COMPLAINTS

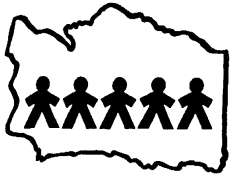
2304            Complaints Concerning SBCSELPA Personnel (*Continued*)

The decision of the JPA Board following the hearing shall be final.

DATE APPROVED: November 3, 2004

DATE REVISED: January 9, 2012

DATE REVISED: October 1, 2012



## Santa Barbara County

### Special Education Local Plan Area

### COMPLAINT FORM

Any individual, public agency, or organization may file a written complaint of alleged noncompliance or discrimination against SELPA or SELPA staff by completing this Complaint Form and submitting it to the following Complaint Officer: SELPA Director, 401 N. Fairview Avenue, Goleta, CA 93117 (5 CCR [4630](#)). If the complaint is against the SELPA Director, the complaint shall be submitted to the JPA Board. The complainant has a right to appeal the SELPA's decision to the California Department of Education by filing a written appeal within 15 days of receiving the district's decision. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision (EC [262.3](#)).

Name of complainant: \_\_\_\_\_

Address: \_\_\_\_\_

Daytime phone number: \_\_\_\_\_ Evening/cell number: \_\_\_\_\_

Name staff member or district/LEA complaint regards: \_\_\_\_\_

Date(s) of the incident(s): \_\_\_\_\_

Location: \_\_\_\_\_

Date/time(s) of incident(s) \_\_\_\_\_

Were there witness(es) to the incident or issue? ☐ Yes ☐ No

If so, provide name(s), title, and contact information:

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Explanation of incident(s): \_\_\_\_\_

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Date incident(s) was discussed with employee: \_\_\_\_\_

Summary of outcome/discussion: \_\_\_\_\_

	<b>FOR REFERENCE ONLY</b>	
Date incident(s) was discussed with district administrator: _____		
Summary of outcome/discussion: _____		
	<b>USABLE COMPLAINT FORM</b>	
	<b>IN SEIS DOCUMENT LIBRARY</b>	
	<b>UNDER SELPA FORMS</b>	

\_\_\_\_\_  
Complainant Signature

\_\_\_\_\_  
Date

APPROVED: May 4, 2009

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000        ADMINISTRATION

2400        COMMUNITY ADVISORY COMMITTEE

2401        Formation of Community Advisory Committee

A Community Advisory Committee shall be formed. Such committee shall serve in an advisory capacity.

(EDUCATION CODE SECTION 56190)

DATE APPROVED: January 3, 1984

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2400            COMMUNITY ADVISORY COMMITTEE

2402            Role and Purpose

Primary Role: The primary role of the Community Advisory Committee (CAC) is to represent the needs and concerns of the parents, school personnel and community agencies regarding services for individuals with exceptional needs to the policy and administrative entity of the Santa Barbara County Special Education Local Plan Area (SBCSELPA). The SBCSELPA JPA Board shall review and consider comments from the Community Advisory Committee.

Purpose: The purpose of the CAC is to stimulate and maintain the interest, participation, and the support of parents and community agencies in the development, and review of the Local Plan in the Santa Barbara County Special Education Local Plan Area.

Primary Responsibilities: The primary responsibilities of the CAC shall be:

1. To meet on a regular basis\_a minimum of four times per year in order to allow members of the community to present priority needs and concerns relative to operation of the Local Plan;
2. To establish annual priorities for CAC activities;
3. To recommend to the SBCSELPA JPA Board annual priorities related to the development, amendment, and review of the Local Plan;
4. To encourage community involvement in the development and review of the Local Plan;
5. To assist in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the Local Plan;
6. To assist parents in awareness of importance of regular school attendance.
7. To support activities on behalf of individuals with exceptional needs;

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2400            COMMUNITY ADVISORY COMMITTEE

2402            Role and Purpose (*Continued*)

8.        To facilitate ongoing communication between school staff and parents.
9.        To communicate CAC activities to regular and special educators, district boards and the constituents that the CAC members represent.
10.      To organize parent education activities on the IEP process.

Implementation of Responsibilities:

All of the responsibilities of the CAC specified above are implemented through regularly scheduled meetings/events. Reports of CAC activities are forwarded to the SBCSELPA district administrators for their review.

(EDUCATION CODE SECTION 56194)

DATE APPROVED: January 3, 1984  
DATE REVISED: November 8, 1991  
DATE REVISED: March 3, 1995  
DATE REVISED: November 2, 2009  
DATE REVISED: June 6, 2016

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000        ADMINISTRATION

2400        COMMUNITY ADVISORY COMMITTEE

2403        Composition of Membership

Beginning with the 2016-2017 school year, the Community Advisory Committee (CAC) shall consist of twenty-five members, distributed as follows:

1.        Thirteen shall be parents or guardians of individuals with exceptional needs who are currently receiving services by a public education agency within the Santa Barbara County SELPA.
2.        At least one of the thirteen parents/guardians shall also be a parent/guardian of an individual who is not currently receiving special education services by a public agency within the Santa Barbara County SELPA (SBCSELPA). This parent/guardian may also be a parent/guardian of an individual with exceptional needs.
3.        Nine shall be special education certificated staff representing areas within the SBCSELPA similar to the SBCSELPA JPA Board broken down as follows:
  - 3 North County Representatives
  - 3 South County Representatives
  - 1 Santa Barbara County Education Office Representative
  - 1 LEA Charter School Representative
  - 1 Santa Ynez Valley Consortium Representative
4.        At least one of the nine special education certificated staff shall possess a general education credential and/or has been a general education classroom teacher.
5.        One shall be a professional representative of a community agency.
6.        One shall be an adult or student who currently receives or who has previously received special education services by a public education agency within the SBCSELPA.
7.        One shall be a special education administrator of a public agency within the SBCSELPA. A different special education administrator will be appointed to each meeting allowing the various districts an opportunity to be a part of the CAC.
8.        Any member of the CAC whose primary language is not English may request an interpreter.

(EDUCATION CODE SECTION 56192)

DATE APPROVED: January 3, 1984

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2400            COMMUNITY ADVISORY COMMITTEE

2403            Composition of Membership (*Continued*)

DATE REVISED: March 3, 1995  
DATE REVISED: March 13, 1998  
DATE REVISED: December 10, 2001  
DATE REVISED: January 6, 2003  
DATE REVISED: November 2, 2009  
DATE REVISED: June 7, 2010  
DATE REVISED: January 9, 2012  
DATE REVISED: June 6, 2016

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000 ADMINISTRATION

2400 COMMUNITY ADVISORY COMMITTEE

2404 Appointment of Members

The members of the Community Advisory Committee (CAC) shall be appointed as indicated below:

1. Each of the following thirteen local boards of education shall appoint one parent/guardian:
  - Blochman Union School District
  - Carpinteria Unified School District
  - Goleta Union School District
  - Guadalupe Union School District
  - Hope School District
  - LEA Charter Schools
    - Family Partnership Charter School
    - Manzanita Public Charter School
    - Santa Barbara Charter School
  - Lompoc Unified School District
  - Orcutt Union School District
  - Santa Maria-Bonita School District
  - Santa Barbara County Education Office
    - Cold Spring School District
    - Cuyama Joint Unified School District
    - Montecito Union School District
  - Santa Barbara Unified School District
  - Santa Maria Joint Union High School District
  - Santa Ynez Valley Consortium, for the purpose of special education represents the following school districts:
    - Ballard School District
    - Buellton Union School District
    - College School District
    - Los Olivos School District
    - Solvang School District
    - Santa Ynez Valley Union High School District
    - Vista Del Mar Union School District
2. The Board of Education of any district within the Santa Barbara County SELPA (SBCSELPA) shall appoint one parent or guardian of an individual who is not currently receiving special education services by a public education agency within the SBCSELPA. This parent/guardian may also be a parent/guardian of an individual with exceptional needs.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2400            COMMUNITY ADVISORY COMMITTEE

2404            Appointment of Members (*Continued*)

3.    The Board of Education of any district within the SBCSELPA shall appoint one classroom teacher who also possess a general education credential and/or has been a general education classroom teacher. The districts in SBCSELPA will rotate this position every two years.
4.    One representative of a community agency shall be appointed by the SBCSELPA and approved by the SBCSELPA JPA Board.
5.    One adult or student who currently receives or who has previously received special education services by a public education agency within the SBCSELPA shall be appointed by the SBCSELPA JPA Board.
6.    Total membership: 13 parents, 9 professionals, 1 representative of a public agency, 1 adult or student who currently receives or who has previously received special education services, and 1 special education administrator.

(EDUCATION CODE SECTION 56191)

DATE APPROVED: January 3, 1984  
DATE REVISED: March 6, 1984  
DATE REVISED: March 3, 1995  
DATE REVISED: March 13, 1998  
DATE REVISED: December 10, 2001  
DATE REVISED: January 6, 2003  
DATE REVISED: October 3, 2005  
DATE REVISED: November 2, 2009  
DATE REVISED: February 1, 2010  
DATE REVISED: January 9, 2012  
DATE REVISED: June 6, 2006



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2400            COMMUNITY ADVISORY COMMITTEE

2405            Term of Appointment

All members shall be appointed to annually staggered two-year terms to ensure that no more than one half of the membership serves the first year of the term in any one year.

Terms shall commence on September 1 of the school year of appointment.

Any member who does not attend any three (3) consecutive meetings without a legitimate excuse shall be automatically dismissed from the committee and the appointing agency notified and asked to name a replacement.

(EDUCATION CODE SECTION 56191)

DATE APPROVED: January 3, 1984  
DATE REVISED: March 3, 1995  
DATE REVISED: June 6, 2016

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000        ADMINISTRATION

2400        COMMUNITY ADVISORY COMMITTEE

2406        Duties and Privileges

All Community Advisory Committee members shall have the right to vote and hold office. Each member is entitled to cast one vote on each question considered by the committee. Voting by proxy or absentee ballot shall not be permitted.

DATE APPROVED: January 3, 1984

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2400            COMMUNITY ADVISORY COMMITTEE

2407            Officers and Minutes

The officers of the Community Advisory Committee shall be one (1) Chairperson and one (1) Vice-Chairperson. The Special Education Local Plan Area Executive Director or designee shall be responsible for the recording of the minutes of all meetings.

DATE APPROVED: January 3, 1984  
DATE REVISED: November 8, 1991  
DATE REVISED: March 13, 1998

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2400            COMMUNITY ADVISORY COMMITTEE

2408            Election and Term of Office

Officers shall be elected to a one-year term of office by secret ballot. Nominations shall be submitted at the first meeting of the school year, with the election occurring at the next meeting. No member shall be eligible to hold more than one office nor serve more than two consecutive terms in the same office. New officers shall take office at the first meeting after January 1.

DATE APPROVED: January 3, 1984  
DATE REVISED: March 13, 1998  
DATE REVISED: November 2, 2009  
DATE REVISED: February 1, 2010

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000        ADMINISTRATION

2400        COMMUNITY ADVISORY COMMITTEE

2409        Vacancies

A vacancy in any office shall be filled by a majority vote of members present at a regular meeting.

DATE APPROVED: January 3, 1984

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2400            COMMUNITY ADVISORY COMMITTEE

2410            Removal of Officers

An officer may be considered for removal from office by placing the vote on the agenda of the next regular meeting of the CAC. A two-thirds vote of the members present at the meeting is required for passage of the recommendation for removal.

DATE APPROVED: January 3, 1984

DATE REVISED: January 6, 2003

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2400            COMMUNITY ADVISORY COMMITTEE

2411            Duties of Officers

Chairperson: The Chairperson shall preside at all meetings of the Community Advisory Committee (CAC). The Chairperson shall appoint chairpersons and members of special committees, and shall perform such other duties as usually pertain to the office of Chairperson. The Chairperson shall be an ex-officio member of all committees.

Vice-Chairperson: The Vice-Chairperson shall serve as the presiding officer in the absence of the Chairperson, and shall perform such other duties as may be assigned by the Chairperson. The Vice-Chairperson shall be an ex-officio member of all committees.

DATE APPROVED: January 3, 1984  
DATE REVISED: December 6, 1991  
DATE REVISED: March 13, 1998

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2400            COMMUNITY ADVISORY COMMITTEE

2412            Regular Meetings

The Special Education Local Plan Area SBCSELPA Executive Director or designee shall be responsible for calling meetings of the Community Advisory Committee at the request of the Chairperson. Regular meetings may be held during any calendar month. The Community Advisory Committee shall meet not less than twice a year, in the fall and in the spring.

DATE APPROVED: January 3, 1984

DATE REVISED: November 8, 1991



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2400            COMMUNITY ADVISORY COMMITTEE

2413            Special Meetings

Special meetings may be called by the joint request of the Chairperson and Vice-Chairperson, or by the majority of members at a regular meeting.

DATE APPROVED: January 3, 1984

DATE APPROVED: December 6, 1991

DATE REVISED: March 13, 1998

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2400            COMMUNITY ADVISORY COMMITTEE

2414            Notice of Meeting

Regularly scheduled or special meetings of the Community Advisory Committee (CAC) shall be announced at least one week prior to the meeting date, with the public invited to attend. Such notices shall state the day, date, hour and location of the meeting. It is the responsibility of the Special Education Local Plan Area Executive Director or designee to announce notices of CAC meetings.

DATE APPROVED: January 3, 1984

DATE REVISED: November 8, 1991

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2400            COMMUNITY ADVISORY COMMITTEE

2415            Quorum

The presence of nine (9) members at a meeting shall constitute a quorum. The Community Advisory Committee (CAC) shall transact business only if a quorum is present. Provided a quorum is in attendance, a majority vote shall constitute a decision of the CAC.

DATE APPROVED: January 3, 1984

DATE REVISED: March 13, 1998

DATE REVISED: June 6, 2016

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2400            COMMUNITY ADVISORY COMMITTEE

2416            Parliamentary Authority

The CAC meetings shall comply with all provisions of the Brown Act. (Government Code Sections 54950 and following)

DATE APPROVED: January 3, 1984

DATE REVISED: November 2, 2009

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2400            COMMUNITY ADVISORY COMMITTEE

2417            Creation of Committees

The Community Advisory Committee (CAC) shall approve the creation or deletion of special committees of the CAC.

DATE APPROVED: January 3, 1984  
DATE REVISED: March 13, 1998

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2500            SELPA FUNCTIONS

2501            SELPA Monitoring Responsibilities

Education Code Section 56195.7 requires development of written agreements to be entered into by the entities participating in the Local Plan for Special Education which include regionalized services to local programs. Among the regionalized services is the provision for ongoing review of programs conducted, and procedures utilized, under the local plan, and a mechanism for correcting any identified problem.

SELPA monitoring activities to meet the Education Code requirement specified above may include but not be limited to the following:

- Observation of special education programs operated by each SELPA local education agency (LEA)
- Periodic review of Individualized Education Program documents developed by LEA IEP Teams
- Analysis of LEA Annual Performance Report (APR) data
- Review and analysis of LEA CASMEIS data
- Participation in the state's Quality Assurance Process (i.e. CCR Self Reviews, Verification Reviews and follow-up corrective action activities)
- Participation in selected LEA IEP Team meetings
- Review of selected LEA assessment reports
- Provision of ongoing training and technical assistance regarding compliant special education procedures
- Annual meetings with district superintendents.
- Governance of LEA/CEO violations of local plan, to include determination of whether a violation of the plan shall result in a fiscal liability for the LEA/CEO.

Correction of identified problems may be carried out through the following means:

- Consultation with the administrative personnel responsible for the LEA's special education programs
- Provision of training and technical assistance as necessary to clarify compliant practices with appropriate LEA staff
- Assistance with correction of noncompliant procedures or practices identified through state or local compliance complaint investigations.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

2000            ADMINISTRATION

2500            SELPA FUNCTIONS

2501            SELPA Monitoring Responsibilities (*Continued*)

In cases where the identified problem persists following implementation of such steps as outlined above, the LEA superintendent shall be notified regarding the issue.

DATE APPROVED: October 6, 2003

DATE REVISED: April 7, 2008

DATE REVISED: November 2, 2009

# SANTA BARBARA COUNTY SELPA LOCAL PLAN

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## **SECTION 4**

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### **SPECIAL EDUCATION INSTRUCTION IDENTIFICATION AND REFERRAL**

Identification and Referral Policies  
6101 - 6115

(Revised 10-2-17)





SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6101 Continuous Child Find

Each district in the Local Plan Area and the County Education Office shall adopt uniform procedures for actively and systematically seeking out all individuals with exceptional needs, ages 0 through 21 years, including children not enrolled in public school programs who reside in the district or are under the jurisdiction of the County Education Office. The child find requirement extends to children enrolled in private schools, including parochial schools, children who are homeless, children who are migrant, and children who are wards of the state.

For early childhood programs, children 0 to 5 in age will be sought out in environments such as the following: neonatal intensive care units, hospitals, Head Start programs and other public or private preschools.

(EDUCATION CODE SECTION 56205(a) and 56301)

DATE APPROVED: January 3, 1984  
DATE REVISED: November 6, 1987  
DATE REVISED: December 9, 2002  
DATE REVISED: June 6, 2005

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6102 Child Find Notice

The SELPA Administrative Office shall publish a public notice in newspapers of general circulation in the county at the beginning of each school year. The notice shall inform parents of the availability of programs for eligible disabled students, ages 0-21, and whom to contact for assistance.

Outreach activities will typically include the following: distribution of pamphlets describing the programs to pediatricians, staff presentations to service organizations, and/or media coverage.

(EDUCATION CODE SECTION 56205(a) and 56301)

DATE APPROVED: February 7, 1984  
DATE REVISED: November 6, 1987  
DATE REVISED: March 3, 1995

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6103 Appointment of Surrogate Parents

The local education agencies that make up the Santa Barbara County SELPA shall ensure that a surrogate parent is appointed to represent an individual with disabilities or pupil suspected of meeting eligibility requirements as an individual with disabilities in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the Individualized Education Program and in other matters relating to the provision of a FAPE.

It will be the responsibility of each district to conduct a reasonable search for all parents who retain educational rights over their children. In the event that they cannot be located, a reasonable search will be deemed to have been conducted when the district has sent one letter to the last known address and has made a follow-up phone call.

Each local education agency in the Santa Barbara County SELPA will be responsible for appointing a surrogate whenever the whereabouts of the parents or guardian of the child are not known or available or the child is a ward of the state. Status of students already enrolled will be determined by the district of attendance. "New" incoming students' status will be determined by the district of residence.

A local education agency shall make reasonable efforts to ensure the appointment of a surrogate parent not more than 30 days after the LEA determines that a child needs a surrogate parent.

The surrogate parent may provide any written consent related to the individualized education program as well as to non-emergency medical services, mental health services, and occupational and physical therapy services to be provided pursuant to Chapter 26.5 of the Government Code.

In addition to being free of a conflict of interest, surrogate parents will have received training in confidentiality and parent rights as they pertain to protecting the interests to the child.

In making surrogate parent appointments the district shall select as a first preference a relative caretaker, foster parent of the child or court appointed special advocate.

Surrogate parents will be recruited and selected by each district. Persons selected as surrogate parents must:

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6103 Appointment of Surrogate Parents (*Continued*)

1. Have no interest which conflicts with the interests of the child he/she represents;
2. Have knowledge and skills that insure adequate representation of the child;
3. Not be an employee of a public agency that is involved in the education or care of the child;
4. Be willing to commit time and energy in preparation for IEP meetings;
5. Be culturally sensitive to the child they are representing.

The Santa Barbara County SELPA will train surrogate parents and administer a post-test at the end of the training. The training will include the following:

The IEP process  
Special Education Law  
An overview of different disabling conditions  
Curriculum issues  
Confidentiality issues

A surrogate parent's term of appointment will be for 1 year. The district will be responsible for monitoring the surrogate parent and determining if the term of appointment should be renewed.

A surrogate parent's appointment will be automatically terminated for the following reasons: conflict of interest, a student is no longer eligible for special education, student reaches the age of majority, surrogate fails to adequately perform duties, or the parent is located.

(EDUCATION CODE 56050)

DATE APPROVED: December 6, 1991

DATE REVISED: March 3, 1995

DATE REVISED: December 9, 2002

DATE REVISED: October 6, 2008

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6104 Referral

Each district and the County Education Office in the Santa Barbara County Special Education Local Plan Area shall adopt procedures for handling referrals to special education programs based upon federal and state laws and regulations.

DATE APPROVED: January 3, 1984

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6105 Process of Ensuring Utilization of Resources of Regular Program

Each school site shall establish a process to ensure that non-special education interventions have been considered and, where appropriate, utilized before a pupil is referred to special education.

Prior to formal referral, utilization of the resources of the regular classroom program shall include all modifications in that program necessary to accommodate differences in the pupil's ability to learn.

(EDUCATION CODE 56200(h) and 56303)

DATE APPROVED: January 3, 1984

DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6106 Completing a Referral

All referrals of pupils ages 0 through 21 years shall be completed on an approved Local Plan Area form. Referrals shall be received and analyzed by the administrator or designee responsible for assessment and programming. In cases where assessment and programming are the responsibility of an entity other than the District of Residence, then the entity shall notify the director of the District of Residence of all referrals, exclusive of infant and preschool referrals, and then invite the Director of the District of Residence to the Individualized Education Program Team meeting. Persons making oral referrals shall be offered assistance in completing the referral form.

(EDUCATION CODE SECTION 56205(a) and 56302)  
(CALIFORNIA CODE OF REGULATIONS, TITLE 5, SECTION 3021(a))

DATE APPROVED: January 3, 1984

DATE REVISED: March 3, 1989

DATE REVISED: March 3, 1995



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6107 The Referral Form

Written referrals shall contain the following information:

1. Pupil's name, address, school, grade, birthdate and teacher.
2. Information on any grade in which the pupil was retained.
3. Parents' names and home and work telephone numbers.
4. Student's primary language/parent's primary language.
5. Student's English proficiency status: EO/FEP/EL
6. Date of referral.
7. Name of the person making the referral.
8. Specific areas of concern.
9. Description of intervention strategies attempted or being used, with or without success.

(CALIFORNIA CODE OF REGULATIONS, TITLE 5, SECTION 3021)

DATE APPROVED: January 3, 1984

DATE REVISED: November 8, 1991

DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6108 Parent Notification

School personnel initiating a referral shall be responsible for informing the parent or guardian that the referral will be made and for documenting that notification on the Notice of Referral Form.

DATE APPROVED: January 3, 1984

DATE REVISED: March 3, 1995

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6109 Referrals to Outside Agencies

All referrals of pupils ages 0 through 21 years shall be completed on an approved Local Plan Area form. Referrals shall be received, analyzed and signed by the administrator or designee responsible for assessment and programming before forwarding to the designated outside agency.

In cases where assessment and programming are the responsibility of an entity other than the District of Residence, the director of the serving district should sign and forward all outside referrals to the designated outside agency.

(EDUCATION CODE 56360)

DATE APPROVED: June 2, 1989

DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6110 Referrals to California Children Services for OT/PT Services

Occupational and Physical Therapy services shall be provided by California Children Services, in accordance with the following referral process:

1. Initial referral should begin at the Student Study Team/Individualized Education Program Team level.
2. When the student has been identified as a possible candidate for California Children Services, the Student Study Team/IEP Team shall complete the top portion of the Physician's Form for Related Services. The physician completes the bottom portion of the form which is returned to the LEA Administrator.
3. The Physician's Referral Form for OT and/or PT is forwarded with attached medical records, CCS Application for Services form, and Release of Information form to the CCS Therapy Services Coordinator.
4. CCS will review all referrals which appear to meet CCS criteria or which are questionable and determine medical eligibility for services (see Appendix A & B). Diagnostic, treatment, and medical therapy services will be provided in accordance with standards established by the California Children Services Program.
5. Once the California Children Services (CCS) evaluation has been conducted, CCS will send a copy of the evaluation to the district Director of Special Education. If CCS determines that the pupil needs medically necessary OT and/or PT, CCS shall provide the service. If the California Children Services panel physician or the Medical Therapy Conference Team determines that there is no medical necessity for OT or PT, the IEP Team shall be provided with a written statement which delineates the basis for the determination.

DATE APPROVED: August 28, 1987

DATE REVISED: June 4, 1999

DATE REVISED: February 1, 2010

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000	SPECIAL EDUCATION - INSTRUCTION
6100	IDENTIFICATION AND REFERRAL
6111	Assessment, Identification, and Placement of Emotionally Disturbed Students

**Referral**

Referral of students suspected of being ED shall be accomplished in accordance with Santa Barbara County Special Education Local Plan Area procedures as outlined in the current edition of the SBCSELPA Procedural Handbook.

(Note: A current DSM diagnosis shall not be used to either include or exclude a student from consideration for special education services.)

**Assessment**

1. The assessment of referred students shall be accomplished in accordance with State and Federal guidelines and Santa Barbara County Special Education Local Plan Area procedures as outlined in the current edition of the SBCSELPA Procedural Handbook. Following these guidelines will ensure that each individual is assessed by individuals who are competent to perform assessments in all areas of suspected disability and will take into account each student's language and cultural background. The assessor(s) will write a report documenting their assessment.
2. Assessment Standards. The comprehensive assessment undertaken shall include the following:
  - a. Development and health history.
  - b. Educational history, including history of previous educational and behavior interventions.
  - c. Teacher interviews, including past and present teachers whenever possible.
  - d. Parent interview and, if possible, a home visit.
  - e. Observation in a variety of settings and student work samples.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6111 Assessment, Identification, and Placement of Emotionally Disturbed Students  
(Continued)

f. Current\* evaluation of:

- (1) Intellectual functioning
- (2) Language
- (3) Adaptive behavior
- (4) Academic skills
- (5) Emotional functioning to include: appearance, behavior, affect, perception and cognition
- (6) Psychomotor development

\*Assessments of cognitive functioning conducted within the past twelve months and all other assessments conducted within the past six months may be considered current based upon professional judgment.

g. A review of school records, including health and discipline, and of previous psychoeducational and psychological evaluations

3. Assessment Report. When the evaluation indicates that a student qualifies as ED according to state and federal education guidelines, the psychologist's report shall verify the following:

a. Documentation that the student exhibits one or more of the following characteristics over a long period of time (at least six months) and to a marked degree, addressing both a pervasiveness (across all domains) and intensity, which adversely affects educational performance:

- (1) An inability to learn which cannot be explained by intellectual, sensory, or health factors.
- (2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- (3) Inappropriate types of behavior or feelings under normal circumstances exhibited in several situations.
- (4) A general pervasive mood of unhappiness or depression.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6111 Assessment, Identification, and Placement of Emotionally Disturbed Students  
(Continued)

- (5) A tendency to develop physical symptoms or fears associated with personal or school problems.
  - b. Documentation of the linkage between the specific behavioral characteristics observed and the specific eligibility criteria affected.
  - c. Documentation of a behavioral or emotional condition that cannot be described solely as a social maladjustment as demonstrated by deliberate noncompliance with accepted social rules, and a demonstrated ability to control unacceptable behavior, and the absence of a treatable mental disorder.
  - d. A student who is a danger to self or others is not automatically eligible as emotionally disturbed.
- 4. When the child has been suspected of being ED and the assessment does not indicate eligibility as an ED student, the report shall:
  - a. Specify the rationale for not meeting the ED eligibility criteria, and
  - b. Specify the conditions which appear to have produced the behaviors in question.
- 5. When a child has been suspected of being ED and the assessment is inconclusive, a referral may be made though the SBCSELPA Executive Director for a second opinion.

**IEP Development**

When an IEP team has determined that a student is eligible for special education as ED, the IEP shall contain long term goals and short range objectives, as appropriate, that address all areas of need as required by law. These objectives shall be written so as to produce measurable outcomes.

**Placement of ED Students in Special Education Programs**

- 1. When placing a child identified as ED into a special education program, the full

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6111 Assessment, Identification, and Placement of Emotionally Disturbed Students  
(Continued)

continuum of options shall be considered and the child shall be placed in the least restrictive environment appropriate to his/her educational needs.

2. A recommendation for residential placement shall be made only after less restrictive alternatives have been attempted unless it is clearly infeasible to do so. All attempted interventions or their infeasibility must be documented.
3. Residential placement shall be recommended only when such placement is necessary to appropriately implement the student's IEP.
4. Prior to recommending a student for residential placement the SBCSELPA Executive Director shall ensure that resources within the SELPA have been exhausted.

(EDUCATION CODE 56195.7(d))

DATE APPROVED: April 8, 1987

DATE REVISED: December 10, 1993

DATE REVISED: March 3, 1995

DATE REVISED: December 12, 1997

DATE REVISED: December 9, 2002

DATE REVISED: December 14, 2009

DATE REVISED: June 3, 2013



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6112 Referrals To and Exit From Regional Special Class Programs

Definitions

1. For purposes of this policy, a “regional program” refers to programs operated within and for the SBCSELPA by a district or the County Education Office that serves students with like needs/disabilities in a special class.
2. “Non-direct service district” refers to a district that provides special education services to students with disabilities within their own district by district staff or staff contracted by the district.
3. “Direct service district” refers to small district’s (as defined by Education Code Section 1730) whose special education services are provided by the County Education Office (with the exception of districts in the Santa Ynez Valley Consortium).
4. “Director/Designee refers to an administrator or their designee (may be a coordinator, program specialist, or psychologist) in a district or County Education Office that are designated to oversee special education administrative services and/or commit district/LEA resources.
5. “TLP” refers to “Therapeutic Learning Program” and is a special class for students designated as having Emotional Disturbance whose needs cannot be met in a less restrictive special education program.
6. The “referring” district is the district of residence for the student being considered for placement in a regional program.
7. “LEA” refers to the Local Education Agency which can be either a district or the County Education Office.

Referral Process

It is expected that a student shall be referred for consideration of placement in a regional special class program class only if the student’s needs have not been met successfully, or in the case of an anticipated incoming preschool student, districts

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6112 Referrals To and Exit From Regional Special Class Programs (*Continued*)

running preschool programs do not anticipate they meet the student's needs, in a less restrictive environment with appropriate special education support and intervention. It is the expectation that the district of residence will have considered, and where appropriate, utilized all district special education supports and program options prior to considering a referral to a regional program. (refer to Procedural Guidelines Regional Program Referral Checklist)

If a District/CEO Administrator/Designee becomes aware that a regional program referral may need to be considered, an IEP meeting may be convened. If at the IEP meeting the IEP team agrees that a regional program may need to be considered, the following process shall occur:

Note: In the case of anticipated enrollment of a preschool student with moderate to severe needs in a district that operates preschool programs for students with mild to moderate needs, the following process would occur prior to convening an IEP.

1. District/CEO Director/Designee collects data, observes student, etc., completes the Referral for Consideration in a Regional Program Packet, and sends packet to Regional Program Director/Designee;
2. The Regional Program Director/Designee reviews the referral data and sets up a meeting with District/CEO Director and/or requests additional data if needed within 10 school days of receipt of the packet (in the case of a referral for an incoming three year old preschool student, the process must be expedited in order for the IEP to take place prior to the student's third birthday);
3. Regional Program Director/Designee and staff meet with referring District Director/Designee to discuss the referral for consideration;
4. If it is mutually agreed that the referral to a regional program is appropriate, the Regional Program and District staff shall collaborate on any assessment deemed necessary and development of proposed goals.
5. An IEP meeting will be convened by the District of Residence.
6. It is recommended that all disputes between the Regional Program Director and referring District/CEO Director (or between an LEA and outside agency) be resolved prior to and outside of the IEP process. If the Regional Program Director

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6112 Referrals To and Exit From Regional Special Class Programs (*Continued*)

and referring District/CEO Director are in dispute about the referral for consideration, they shall contact the SBCSELPA Executive Director to convene a dispute resolution meeting prior to an anticipated expanded IEP team meeting. As a result of this dispute resolution meeting, the SBCSELPA Executive Director shall render a determination to resolve the dispute between the District/CEO and Regional Program Director. The SBCSELPA Executive Director's determination shall be final and shall govern for purposes of funding only. [Purposes of funding refers to SBCSELPA payment for regional services as a shared cost as per the Local Plan Funding Model] The SBCSELPA Executive Director's determination shall not be construed as the individualized education program ("IEP") team's recommendations and/or be considered a directive to the IEP team regarding its recommendations. The IEP team shall make all determinations regarding the student's IEP.

8. After meeting with the Regional Program Director/Designee, the District Director/Designee sets up an IEP to include the Regional Program Director/Designee to discuss a possible offer of FAPE in regional program;
9. The IEP team will determine:
  - a. Whether the regional program is the appropriate placement for the student;
  - b. Whether the student is to be maintained at the district of residence for further educational consideration;
  - c. Whether additional assessment is required. If so, student is to remain in current placement or other district alternative pending completion of assessments and scheduling of IEP meeting;
10. District Director/Designee makes a final offer of FAPE at IEP meeting;
11. If the IEP team offer of FAPE is in a regional program, the IEP paperwork is completed and placement arrangements are to be initiated.
12. Responsibility for coordination of transportation, requests for transfer of records and arrangements for school registration will be the responsibility of Regional Program Director/Designee.
13. Students transitioning from Pre-K to kindergarten who manifest severe medical needs that necessitate their special education services be provided in a home

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6112 Referrals To and Exit From Regional Special Class Programs (*Continued*)

instruction setting shall be considered “regional students” for purposes of funding and provision of home instruction and services.

Title 34 Code of Federal Regulations (“CFR”) § 300.116(b)(1)

California Education Code § 56342(a)

Title 34 CFR § 300.501(c)

California Education Code § 56342.5

When it is recommended that a student be transitioned from a regional special class program due to readiness for a less restrictive setting the following shall occur:

1. Regional Program Director/Designee collects data, observes student, etc., completes the Regional Program Referral Back to District Checklist, and sends packet to District of Residence Director/Designee;
2. The District of Residence Director/Designee reviews the data and sets up a meeting with Regional Program Director/Designee and/or requests additional data if needed within 10 school days of receipt of the packet;
3. Regional Program Director/Designee and staff meet with District Director/Designee to discuss referral back to District of Residence;
4. If the Regional Program Director and referring District/CEO Director are in dispute about the referral back to the District of Residence, they shall contact the SBCSELPA Executive Director to convene a dispute resolution meeting prior to an IEP being called. The SBCSELPA Executive Director will render a final recommendation to the District/CEO and Regional Program Director. This is not an IEP placement decision, but rather, is a recommendation to be followed for SBCSELPA reimbursement of program expenses. It is recommended that all disputes between directors be resolved prior to and outside of an IEP meeting;
5. If the Regional Program Director/Designee and the District Director/Designee agree that a referral back to the District of Residence is appropriate, the Regional Program Director/Designee sets up an expanded IEP to include the Regional Program Director/Designee to recommend that the student be returned to a program in the District of Residence.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000	SPECIAL EDUCATION - INSTRUCTION
6100	IDENTIFICATION AND REFERRAL
6112	Referrals To and Exit From Regional Special Class Programs ( <i>Continued</i> )

**Parent Dispute Resolution Process Regarding Regional Program Placements**

In cases where the parent requests that the student be removed from a regional program placement, and the Regional Program Director/Designee and/or District Director/Designee, feels the student is not ready for either a less or more restrictive setting, the following dispute resolution procedures will be followed:

1. The parent(s) requests a change of placement from regional program;
2. The Regional Program Director/Designee shall convene an IEP and invite the District of Residence Director/Designee. The Regional Program Director/Designee shall present information about the student's current functioning and why the regional program continues to be the most appropriate placement for the student. The parent will be provided the opportunity to provide input to the IEP and state their concerns. If the parent continues to disagree with the offer of FAPE made by the district of residence at the IEP, they may contact the SBCSELPA regarding their due process rights and steps they can take to address their concerns.

**Regional Program Referral Process to More Restrictive Setting**

When a student attending a regional program is recommended for a more non-public restrictive setting, the following shall occur:

1. At the first consideration of referring a student for consideration to a Nonpublic School (NPS), the Regional Program Director/Designee shall notify the District of Residence Director/Designee and the SBCSELPA Executive Director.
2. The District of Residence Director/Designee, SBCSELPA Executive Director, and Regional Program Director/Designee will discuss the case to determine if they are in agreement to pursuing a possible referral to a NPS that will be funded at the SELPA level or if they feel further modifications to the regional program should be attempted.
3. If further modifications are recommended, an IEP will be convened by the Regional Program Director/Designee where further modifications will be developed, implemented, and reviewed for an agreed upon timeline.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6112 Referrals To and Exit From Regional Special Class Programs (*Continued*)

4. If it is determined by the IEP team that a more restrictive placement is needed, the student will be maintained in the current regional program placement, if possible, while the District of Residence Director and SBCSELPA Executive Director pursue a more restrictive placement. When a student is found to be dangerous to himself and/or others, and the IEP Team recommends that the student be placed on home instruction, the district of residence shall be fiscally responsible for home instruction during the interim of placement consideration.
5. The IEP team will consist of the SBCSELPA Executive Director/Designee, Regional Program Director/Designee, District of Residence Director/Designee, parents, appropriate other agency personnel, and others as deemed necessary.

**Administrative Placement Procedures for Referrals to Regional Programs**

When no comparable program is available for students transferring from outside of the SBCSELPA within the district of residence, administrative placements made to a regional program will follow the same procedures as outlined in Ed. Code Section 56325, Subdivision (a), (b) with exceptions noted below:

1. The District of Residence Director/Designee contacts the Regional Program Director/Designee, the parent, and other agencies as appropriate to discuss administrative placement.
2. The District of Residence Director/Designee will provide the Regional Program Director/Designee with the name of the district from which the student is transferring and any records available prior to the student enrolling.
3. Students eligible for administrative placement in TLP will include students transferring from Special Class programs designed for the emotionally disturbed or students exiting from NPS programs for the emotionally disturbed.
4. The District of Residence Director/Designee will schedule an IEP within 30 days of the administrative placement and will invite the Regional Program Director and staff.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6112 Referrals To and Exit From Regional Special Class Programs (*Continued*)

DATE APPROVED:	<u>June 12, 1987</u>
DATE REVISED:	<u>December 10, 1993</u>
DATE REVISED:	<u>March 3, 1995</u>
DATE REVISED:	<u>December 12, 1997</u>
DATE REVISED:	<u>December 9, 2002</u>
DATE REVISED:	<u>April 7, 2008</u>
DATE REVISED:	<u>December 14, 2009</u>
DATE REVISED:	<u>November 1, 2010</u>
DATE REVISED:	<u>November 7, 2011</u>
DATE REVISED:	<u>October 2, 2017</u>

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6113 Referrals to Programs for Students with Low Incidence/Severe Disabilities

In the event that placement in a program for students with low incidence/severe disabilities appears to be needed, the director or designee providing the low incidence/severe disabilities program will be included as part of the IEP team.

If during the course of an IEP team meeting, the IEP team determines that placement in a low incidence/severe disabilities program is appropriate, the meeting will be suspended and reconvened as quickly as possible to include the director responsible for providing the low incidence/sever disabilities program under consideration.

DATE APPROVED: November 8, 1991  
DATE REVISED: March 3, 1995  
DATE REVISED: November 7, 2011



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6114 Referrals for Regionally Provided Occupational Therapy Services and Assessment

The following procedures shall apply to requests for assessment in the area of occupational therapy (OT) when OT services are deemed possibly necessary to assist a child to benefit from his or her special education. If the suspected area of need is deemed to be possibly medically necessary, the assessment request for OT should be forwarded to California Children Services (CCS) as per policy 6110.

If a written request for assessment in the area of occupational therapy is made, the following assessment procedures as specified in education code shall be followed.

A referral for assessment may be made by any of the following:

1. A parent or guardian of the individual.
2. A teacher or other service provider of the individual via an SST meeting or otherwise.
3. A foster parent of the individual, consistent with the limitations contained in federal law.

A proposed assessment plan shall be developed within 15 calendar days of referral for assessment, not counting calendar days between the pupil's regular school sessions or terms or calendar days of school vacation in excess of five school days, from the date of receipt of the referral, unless the parent or guardian agrees in writing to an extension, pursuant to subdivision (a) of Section 56321.

A parent or guardian shall have at least 15 calendar days from the receipt of the proposed assessment plan to arrive at a decision, pursuant to subdivision © of Section 56321.

An individualized education program required as a result of an assessment of a pupil shall be developed within a total time not to exceed 60 calendar days, not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of five school days, from the date of receipt of the parent's or guardian's written consent for assessment, unless the parent or guardian agrees in writing to an extension, pursuant to Section 56344.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6114 Referrals for Regionally Provided Occupational Therapy Services and Assessment  
(Continued)

If an LEA in the SBCSLEPA desires to make a referral for assessment to a regional OT, the LEA Special Education Administrator or designee shall complete the SBCSELPA OT referral packet (see Procedural Manual Forms).

30 EC 56043 – Primary Timelines Affecting Special Education Programs

30 EC 56029 – Definition of “Referral for Assessment”

L GC 7572 – Child Assessed I All Areas Related to Suspected Disability

1 GC 7575 – Responsibility for Provision of Occupational Therapy & Physical Therapy

DATE APPROVED: February 1, 2010

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6100 IDENTIFICATION AND REFERRAL

6115 Overidentification and Disproportionality

The local education agencies of the Santa Barbara County SELPA shall implement procedures designed to prevent the inappropriate over identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment or category of disability.

Such procedures may include:

- Monitoring of special education pupil count data relative to identification rates by ethnicity;
- Monitoring of district Annual Performance Plan data relative to equitable identification rates by ethnicity;
- Use of a student study team process to consider the effects of environmental and cultural factors relative to students' academic performance;
- Implementation and evaluation of the effectiveness of regular education interventions prior to a referral for special education assessment.

DATE APPROVED: June 2, 2008

DATE REVISED: February 1, 2010

# SANTA BARBARA COUNTY LOCAL PLAN

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## **SECTION 5**

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### **SPECIAL EDUCATION INSTRUCTION ASSESSMENT**

Assessment Policies  
6201 - 6208

(Revised 5-4-2020)



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6200 ASSESSMENT

6201 Entities Responsible for Assessment

Each nondirect service district shall be responsible for the assessment of referred school-aged pupils who reside in their district. The County Education Office will be responsible for the assessment of referred students residing in direct service districts. Each nondirect service district and the County Education Office will develop assessment procedures consistent with federal and state laws and regulations and shall employ appropriate personnel to conduct such assessments.

DATE APPROVED: January 3, 1984  
DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6200 ASSESSMENT

6202 Responsibility for Assessment of Pupils Referred for Special Education

Pupils referred for Special Education within Santa Barbara County shall be assessed as follows:

- (1) Individuals referred within the ages of birth to 3 years are the responsibility of the County Education Office.
- (2) Assessment of individuals referred within the ages of 3 to 4.9 years shall be the responsibility of the County Education Office or the district of residence if they operate pre K programs for students with individualized education plans (IEPs) and "speech only" referrals which may be conducted by the district of residence or as agreed between the County Education Office and districts.
- (3) For those referrals where the expertise of assessment of a suspected disability exists with personnel in District operated programs, these District personnel shall be included in the assessment of the referred individual. Preschool children are to be reassessed prior to transitioning from a preschool program to kindergarten or first grade and monitored to determine a continuing need for special education.
- (4) Within the ages of 3 to 21, individuals referred who attend private schools (other than LCIs or certified non-public schools) shall be assessed by the district where the private school is located.
- (5) Individuals referred who reside in foster family homes or in group homes defined as licensed children's institutions are the responsibility of the non-direct service district in which the individual resides or the County Education Office if the individual resides in a direct service district of Santa Barbara County, except as covered in items 1, 2 and 3 above.
- (6) Assessment of referred individuals who have been placed in a Juvenile Court facility are the responsibility of the District of Residence in collaboration with the Santa Barbara County Education Office.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6200 ASSESSMENT

6202 Responsibility for Assessment of Pupils Referred for Special Education (*Continued*)

- (7) Individuals attending public school programs while residing in LCIs become the responsibility of the District or County Education Office operating the program the individual attends.

DATE APPROVED: January 3, 1984  
DATE REVISED: January 9, 1987  
DATE REVISED: November 8, 1991  
DATE REVISED: March 3, 1995  
DATE REVISED: December 9, 2002  
DATE REVISED: February 1, 2016  
DATE REVISED: November 6, 2017



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6200 ASSESSMENT

6203 The Assessment Plan

Following a written referral, an assessment plan shall be developed which includes the following information:

1. An explanation of the types of assessments to be conducted.
2. A description of any recent assessments conducted, including any available independent assessments and any assessment information the parent requests to be considered.
3. Information indicating the pupil's primary language and the pupil's language proficiency in the primary language.
4. A statement that no individualized education program will result from the assessment without the consent of the parent.

(EDUCATION CODE SECTION 56321 and CALIFORNIA CODE OF REGULATIONS,  
TITLE 5, SECTION 3022)

DATE APPROVED: January 3, 1984

DATE REVISED: March 3, 1995

DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6200 ASSESSMENT

6204 Content of the Assessment Reports

In conformance with the requirements of Education Code Section 56320 and 56327, the written report(s) shall serve the following functions:

1. Provided and administered in the child's native language or other mode of communication, and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.
2. Ensure tests administered are not racially, culturally, or sexually discriminatory.
3. Make a statement regarding the validity of the assessment, if an interpreter was used.
4. Note whether test results are valid and reliable.
5. Make a determination concerning the effects of environmental, cultural or economic disadvantage, when appropriate.
6. Note relevant behavior during observation of the pupil in an appropriate setting.
7. The relationship of that behavior to the pupil's academic and social functioning.
8. Document the educationally relevant health, developmental and medical findings, if any.
9. Whether the student's needs can be met in the regular classroom or whether the student may need special education and related services and the basis for making the determination.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6200 ASSESSMENT

6204 Content of the Assessment Reports (*Continued*)

10. The need for specialized services, materials, and equipment for students with low incidence disabilities.
11. Consideration of independent assessments if submitted.
12. Information related to enabling the child to be involved in and progress in the general education curriculum or for preschool children to participate in appropriate activities.
13. In addition, for pupils with learning disabilities, the report must include a statement including the following: Whether the child has a specific learning disability that cannot be corrected without special education and related services and whether the determination was made using a severe discrepancy model, evidence of a pattern of strengths and weaknesses (PSW), or data from response to scientific, research-based intervention (RtI) as per approved guidelines outlined in the SBCSELPA Procedural Handbook.

(34CFR 300.543)

(EDUCATION CODE 56001(j), 56320, 56327)

(EDUCATION CODE 20 USC 14.14(b) (2) (A) (ii))

DATE APPROVED: January 3, 1984  
DATE REVISED: December 6, 1991  
DATE REVISED: March 3, 1995  
DATE REVISED: December 9, 2002  
DATE REVISED: June 7, 2010  
DATE REVISED: January 12, 2015  
DATE REVISED: June 15, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6200 ASSESSMENT

6205 Three Year Reassessment

A reassessment of each student in a special education program shall be conducted at least every three years.

If the reassessment so indicates, a new individualized education program shall be developed.

As part of any reassessment, the IEP Team and other qualified professionals, as appropriate, shall do the following:

1. Review existing assessment data on the pupil, current classroom-based assessments and observations, and teacher and related services providers' observations.
2. On the basis of the review conducted pursuant to paragraph (1), and input from the pupil's parents, identify what additional data, if any, is needed to determine:
  - a. Whether the pupil continues to have a disability.
  - b. The present levels of performance and educational needs of the pupil.
  - c. Whether the pupil continues to need special education and related services.
  - d. Whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the pupil's IEP and to participate, as appropriate, in the general curriculum.

(EDUCATION CODE 56381)

DATE APPROVED: January 9, 1997  
DATE REVISED: November 8, 1991  
DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6200 ASSESSMENT

6206 Procedures for Conducting Three-Year Reassessments

The IEP Team chairperson shall be responsible for recording the due date for each student's triennial evaluation on the SELPA IEP form.

The student's primary service provider shall be responsible for monitoring the due date for the triennial evaluation to assure timely completion of the reevaluation.

Prior to initiating any formalized assessments that the IEP team deems necessary to complete the triennial assessment process, the local education agency responsible for conducting the evaluation shall obtain written parental consent for the proposed assessment unless the local education agency prevails in a due process hearing relating to such assessment.

(EDUCATION CODE SECTIONS 56506, 56320, and 56381)

DATE APPROVED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6200 ASSESSMENT

6207 Participation of Individuals with Disabilities in State and District-wide Assessments

Individuals with disabilities shall be included in state and district-wide assessment programs with appropriate accommodations or modifications where necessary. Individuals with disabilities who cannot participate in state and district-wide assessment programs shall participate in alternate assessments.

For each individual with disabilities, the Individualized Education Program Team shall determine what, if any, individual accommodations or modifications in the administration of state or district-wide assessments of student achievement are needed in order for the student to participate in such assessments.

If the IEP Team determines that the individual with disabilities will not participate in a particular state or district-wide assessment or part of such an assessment, the Team shall document in the IEP why that assessment is not appropriate and how the student will be assessed.

The local education agencies that comprise the Santa Barbara County SELPA shall comply with all state and federal requirements regarding the submission of data and issuance of reports pertaining to the participation of individuals with disabilities in state and district-wide assessment programs.

(EDUCATION CODE SECTION 56205(a))

DATE APPROVED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6200 ASSESSMENT

6208 Independent Educational Evaluations

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

**Definitions**

*Independent Educational Evaluation (IEE)* means an evaluation conducted by a qualified examiner who is not employed by the responsible local educational agency.

*Public expense* means that the local educational agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent or guardian.

*Local educational agency (LEA)* means the school district or county education office that is responsible for providing educational services to a child with a disability.

**Parent Requests for Independent Educational Evaluations**

Parents have the right to an independent educational evaluation at public expense if they disagree with an evaluation “obtained” or completed by the LEA. Parents may only request one IEE in response to each evaluation completed by the LEA. Parent must make a request for an IEE within two years of the date of presentation of the assessment which they disagree consistent with the statute of limitations.

If the parents request an independent educational evaluation at public expense, the parents will be asked the reason why they object to the evaluation conducted by the LEA. The LEA may not, however, require the parents to explain their reasons and may not unreasonably delay either providing an independent educational evaluation at public expense or initiating a due process hearing to defend its evaluation. If the LEA initiates a hearing and the final decision is that the evaluation conducted by the LEA was appropriate, the parent/guardian still has the right to an IEE, but not at public expense.

In circumstances where a parent disagrees with the LEA’s evaluation because a child was not assessed in an area(s) of suspected disability, the parent has the right to request an IEE to assess the child in that area to determine whether the child has a disability and the nature and extent of the special education and related

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000	SPECIAL EDUCATION - INSTRUCTION
6200	ASSESSMENT
6208	Independent Educational Evaluations ( <i>Continued</i> )

services that child needs. In this circumstance, the LEA must either provide the IEE at public expense, or initiate a hearing to defend the LEA's evaluation and the absence of an assessment in a particular area, was appropriate. If the final decision is that the LEA's evaluation was appropriate, and the student did not require additional assessment, then the parent/guardian still has the right to an IEE, but not at public expense.

**Cost Limitations for Independent Assessment Requests**

Parents must indicate in writing to the LEA or inform the LEA at an IEP meeting that they disagree with an evaluation conducted by the LEA and that they are requesting an independent educational evaluation at public expense. If the parent makes an oral request for an IEE, LEA staff shall offer to assist the parent in putting the request in writing and shall assist the parent if the parent so requests.

Once the parent communicates his/her disagreement with the evaluation(s) completed by the LEA and requests an IEE at public expense, the following procedures will be followed:

1. The parent will receive a copy of this IEE policy which includes the agency criteria for independent educational evaluations.
2. The LEA will determine whether to initiate due process to establish the appropriateness of its evaluation or proceed with providing an IEE.
3. If the LEA agrees to fund an IEE, the parent will be asked to provide his/her input into the development of the assessment plan and to indicate the specific portions of the LEA's evaluation(s) with which he or she disagrees.
4. The parent will be provided with a list of potential evaluators and how these evaluators may be contacted. The list is not intended to be exhaustive and is not intended to limit a parent's options in obtaining an IEE from other qualified professionals who meet the agency criteria outlined in this policy.
5. In the event that a parent/guardian requests to utilize an evaluator who does not meet agency criteria, the LEA shall provide the parent the opportunity to demonstrate that there are unique circumstances to justify their selection of such an evaluator. The LEA will then make a determination if the use of the requested evaluator that does not meet agency criteria is warranted, and respond to the parent with a prior written notice.



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6200 ASSESSMENT

6208 Independent Educational Evaluations (*Continued*)

6. The LEA will develop an assessment plan which specifies those areas to be evaluated. The completed assessment must comply with the location limitations for the evaluation, the minimum qualifications for the examiner, cost limits, and use of approved instruments.
7. The assessment plan will be sent to the parent for his/her review and consent within 15 calendar days of the parental request for an IEE.
8. Parents will be required to sign a release and exchange of information between the IEE evaluator(s) and the LEA.
9. Upon receipt of the signed consent to assess, the LEA will arrange for the completion of the IEE.
10. Independent education evaluators will be requested to write reports focusing on the "unique needs" of the child and if appropriate the types of special education programs and services recommended to address the "unique needs." Independent education evaluators will be requested not to identify specific providers of special education programs and services as to avoid any possible "conflict of interest" situations. Evaluators must be knowledgeable of and agree to comply with all provisions of the Federal Code of Regulations (IDEA) and California Education Codes governing special education, to include the criteria required to make recommendations for eligibility.

If the parent obtains an IEE at private expense, the results of the evaluation (if the evaluation meets the agency criteria) must be considered by the LEA in making educational decisions as required by the Individuals with Disabilities Education Act. The evaluation may also be presented as evidence at a due process hearing regarding the child.

**Timeline Regarding Completion of Independent Educational Evaluations**

In the interest of consistency between public and private evaluations, parents are encouraged to choose an option for additional assessments offered by the LEA within 15 calendar days of receiving the options.

After the parent signs an assessment plan for completion of an IEE, the LEA will initiate a contract with the examiner. If the selected evaluator indicates that he/she cannot complete the evaluation and provide a written report within 60 days of receipt

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6200 ASSESSMENT

6208 Independent Educational Evaluations (*Continued*)

of the parent's signed consent for the IEE, the LEA will inform the parent and request agreement to either extend the assessment timeline or select another assessor.

**Independent Evaluations Not Funded by the LEA**

The LEA does not have an obligation to reimburse parents/guardians for privately obtained evaluations completed prior to the date that the LEA's evaluation is completed and discussed at an IEP Team meeting.

**Consideration of Independent Educational Evaluations**

Independent educational evaluations are designed to determine the educational needs of students with disabilities. The LEA is responsible for offering appropriate placements and services. Therefore, the LEA will consider recommendations contained in independent educational evaluations completed in accordance with this policy and its implementing procedures and criteria. Independent educational evaluations, however, will not control the LEA's determinations regarding eligibility for special education, appropriate goals, objectives and/or placement recommendations and may not be considered if not completed by a qualified professional.

**Reimbursement for Completed Independent Educational Evaluations**

A "Completed IEE" is defined as an IEE that a parent has privately obtained and then they seek reimbursement from the local education agency (LEA). If parents/guardians request reimbursement for a completed IEE, the evaluation must meet the agency criteria specified in this policy. It is the responsibility of the LEA to determine whether the completed IEE meets the agency criteria as per this policy.

Once the LEA receives a request for reimbursement, the LEA shall respond to the parent/guardian's request for reimbursement without unreasonable delay.

If the LEA determines that the completed IEE meets with agency criteria, the entire cost of the IEE shall be reimbursed. If the LEA determines that the completed IEE does not meet with agency criteria, the LEA must inform the parent in writing, the reason(s) that the completed IEE does not meet with

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6200 ASSESSMENT

6208 Independent Educational Evaluations (*Continued*)

agency criteria. The LEA shall give parent an opportunity to demonstrate that the student has unique circumstances (such as complex medical or other needs, foreign language, etcetera) warranting reimbursement for the cost of the IEE even though the completed IEE does not meet with agency criteria.

After parent responds to the LEA's request, the LEA shall timely determine if the student has unique circumstances warranting public payment for the entire cost of the completed IEE. If the LEA determines there are unique circumstances warranting public funding, the LEA shall inform the parent in writing and without unreasonable delay, pay the entire cost of the completed IEE.

If the LEA determines that the student does not have unique circumstances warranting public payment of the completed IEE, the LEA shall inform the parent in writing and without unreasonable delay, request a due process hearing to demonstrate that the completed IEE does not meet with agency criteria. If the LEA files for a due process hearing, parent shall not be reimbursed for any cost of the IEE unless the LEA is ordered to do so pursuant to a due process hearing decision.

**Agency Criteria**

The criteria under which an IEE is obtained at public expense, including the location limitations for the evaluation, minimum qualifications of the examiner, cost limits, and use of approved instruments, must be consistent with the criteria set forth in this policy. In the event that the parent believes that due to the unique needs of their particular child it is necessary to select an assessor who does not meet agency criteria, Parent will be given an opportunity to explain factors which make such a selection necessary.

Parents will be required to sign consent for the evaluation and appropriate releases to exchange information between the independent educational evaluator and the LEA as a prerequisite to the payment or provision of an IEE.

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

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000	SPECIAL EDUCATION - INSTRUCTION
6200	ASSESSMENT
6208	Independent Educational Evaluations ( <i>Continued</i> )

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

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

**Location Limitations for Evaluators**

IEE Evaluators must be located within the boundaries of Santa Barbara, Ventura or San Luis Obispo Counties. Evaluators outside of this area will be approved only on an exceptional basis by the LEA/district if the parents or the LEA can demonstrate there is a unique need for a specialized evaluation and that there are no qualified evaluators within the specified area who can appropriately assess their child's educational needs. IEE Evaluators will be paid the federal business mileage reimbursement rate for required travel if assessor is located outside of Santa Barbara County associated with the assessment to the student's school of attendance or for any distance beyond 50 miles or each way within the Tri Counties region.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

- 6000 SPECIAL EDUCATION - INSTRUCTION
- 6200 ASSESSMENT
- 6208 Independent Educational Evaluations (*Continued*)

**Cost Limitations for Evaluations**

The cost of an IEE shall be comparable to those costs that the LEA incurs when it uses its own employees or the going rate in the area for contractors to perform a similar assessment. Costs include: observations, record review, administration and scoring of tests, report writing, and attendance in person or by phone at an IEP Team meeting. Reimbursement will be in an amount no greater than the actual cost to the parent and will be subject to proof of payment. The following cost limitations have been agreed upon and set forth by the governing (JPA) Board of the Santa Barbara County SELPA:

Type of Assessment	Allowable Rate or *Range (*depending on tasks performed and/or type of licensure of assessor)
Academic Achievement	\$1,500.00 - \$2,000.00 depending on the areas assessed and complexity
Augmentative Alternative Communication	Up to \$1,500.00
Adapted Physical Education	\$1,200.00 - \$1,500.00
Adaptive Behavior	\$ 500.00 - \$ 600.00
Assistive Technology	Up to \$1,500.00
Autism/Behavior (ABA) with observation / data collection	\$1,200.00 - \$1,500.00
Behavioral - functional behavior analysis (FBA) Conducted by BCBA-all Costs Inclusive	\$2,500.00 - \$3,500.00
Auditory Acuity or Perception	\$ 300.00 - \$ 350.00
Auditory Verbal Therapy	\$1,200.00 - \$1,500.00
CAPD (Central Auditory Processing)	\$1,200.00 - \$1,500.00
DHH (Deaf and Hard of Hearing)	\$2,500.00
Neuropsychological Assessment	\$2,500.00 - \$3,500.00
Occupational Therapy (fine/gross motor skills)	\$1,200.00 - \$1,500.00
Physical Therapy	\$1,200.00 - \$1,500.00
Full Psycho-educational (rate allowed depends on components tested such as academic, adaptive behavior, cognition, social-emotional, neuropsych, etc.)	\$3,500.00 - \$5,000.00
Speech & Language	\$1,000.00 - \$2,500.00 depending on the areas assessed and complexity
Social-emotional	\$1,000.00 - \$1,500.00 depending on the areas assessed and complexity
Transition - Post Secondary Complete Evaluation	\$2,000.00 - \$2,500.00
Visual Acuity & Perception	\$ 300.00 - \$ 350.00
Visual Processing	\$ 300.00 - \$ 350.00

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6200 ASSESSMENT

6208 Independent Educational Evaluations (*Continued*)

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

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

As part of the contracted evaluation, independent evaluators must:

- attend relevant IEP Team meetings by phone or in person to discuss their findings
- provide protocols of the assessments, and
- provide a written report prior to the IEP Team meeting.

The written report must meet the requirements of the Individuals with Disabilities Education Act and California Education Code Section 56327.

The LEA/district shall schedule an IEP meeting within 30 days of receipt of the written report from the IEE assessor.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000	SPECIAL EDUCATION - INSTRUCTION
6200	ASSESSMENT
6208	Independent Educational Evaluations ( <i>Continued</i> )

**Minimum Qualifications for Evaluators**

Evaluators must meet qualifications specified in ed code or they will not be approved unless the parent can demonstrate the appropriateness of using an evaluator meeting other qualifications. (E.C. 56320(b)(3); E.C. 56329)

**Minimum Qualifications for Evaluators**

Type of Assessment	Qualifications
Academic Achievement	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist
Adaptive Behavior	Credentialed Special Education Teacher Credentialed School Psychologist (must have LEP) Licensed Clinical Psychologist Licensed Educational Psychologist (LEP) Board Certified Behavior Analyst (BCBA)
Assistive Technology	Credentialed or Licensed Speech/Language Pathologist Certified Assistive Technology Specialist Credentialed Special Education Teacher Registered Occupational Therapist
Auditory Acuity	Licensed or Certificated Audiologist
Auditory Perception	Credentialed School Psychologist Licensed Educational Psychologist Licensed or Credentialed Speech/Language Pathologist
CAPD (Central Auditory Processing Disorder)	Licensed or Certificated Audiologist
Cognitive Functioning	Licensed Psychologist Licensed Educational Psychologist Credentialed School Psychologist
Motor Skills (fine)	Credentialed School Psychologist Registered Occupational Therapist Licensed Educational Psychologist
Motor Skills (gross)	Credentialed Adapted Physical Education Teacher Registered Occupational Therapist
Speech and Language	Credentialed or Licensed Speech/Language Pathologist

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6200 ASSESSMENT

6208 Independent Educational Evaluations (*Continued*)

Type of Assessment	Qualifications
Social/Emotional/Behavioral	Credentialed School Psychologist (must be LEP) Licensed Educational Psychologist (LEP) Licensed Psychiatrist Licensed Clinical Psychologist Board Certified Behavior Analyst BCBA (Behavioral only)
Vision (acuity and perception)	Credentialed Teacher of the Visually Impaired Credentialed School Nurse Vision Specialist
Visual Processing	Credentialed School Psychologist Registered Occupational Therapist Licensed Educational Psychologist Credentialed Teacher of the Visually Impaired

SBCSELPA will maintain a courtesy list of potential Independent Educational Evaluation (IEE) evaluators who have agreed to the agency's criteria; however, the SBCSELPA or its member LEAs/districts do not endorse the evaluators listed and are not responsible for any liability that may arise from use of any evaluator listed. It is recommended that parent/guardians request a copy of potential evaluators' resumé or vitae, ask for references, and request a written proposal that includes the itemized costs for the evaluation including writing the report and attending the IEP meeting, prior to making a final selection. It is recommended that parent/guardians contact the LEA/district prior to making the final selection of an IEE evaluator to ensure that the evaluator meets the agency's licensures/credentialing criteria.

(EDUCATION CODE 56329 (b) (c); 56506 (c))

(34 CFR §300.502 (b) (1))

(GOVERNMENT CODE 7572 (c) (1) (2) (3))

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 DATE APPROVED: October 6, 2008  
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 DATE REVISED: June 7, 2010  
 DATE REVISED: December 6, 2010  
 DATE REVISED: January 9, 2012  
 DATE REVISED: December 10, 2012

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# **SANTA BARBARA COUNTY LOCAL PLAN**

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## **SECTION 6**

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### **SPECIAL EDUCATION INSTRUCTION INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM**

Instructional Planning and Individualized Education Program  
Policies 6301- 6313

(Revised 5-4-2020)



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6300 INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM

6301 Provision of Individualized Education Program Teams

The County Education Office or a nondirect service school district shall provide Individualized Education Program (IEP) Teams for the purpose of developing, reviewing, and revising the Individualized Education Program (IEP) for pupils within their jurisdiction.

DATE APPROVED: January 3, 1984  
DATE REVISED: January 9, 1987  
DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6300 INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM

6302 Responsibility of Individualized Education Program Teams

District or County Education Office Individualized Education Program (IEP) Teams will make placement recommendations for programs operated within their district of responsibility, except as follows:

1. Individuals with exceptional needs who are within the age range of birth to 3 years and who are enrolled, or may be enrolled, in special education programs in public schools within the boundaries of the Santa Barbara County SELPA are the responsibility of the County Education Office IEP Teams, except when a district chooses to operate appropriate programs which may meet the needs of the student.
2. County Education Office IEP Teams will be responsible for all referrals of individuals who are within the age range of 3 to 4.9 years, except for those referrals for special education services where districts operate programs which appear to meet the needs of the suspected disability of the referred individuals. In the latter cases, the district administrator and specialist shall be invited to the IEP Team meeting to assist in the determination of need, frequency and/or duration of service.
3. Individuals with exceptional needs residing in foster family homes and in group homes defined as LCIs are the responsibility of the IEP Team of the nondirect service district in which the individual resides and of the IEP Team of the County Education Office for direct service districts if the individual resides in a direct service district of Santa Barbara County.
4. Individuals with exceptional needs ages 18 to 22 years old residing in foster family homes and in group homes defined as LCIs are the responsibility of the district where they reached the age of majority or the district of residence of their conservator (if conserved). The district of responsibility may contact the district where the LCI is located to determine if they are able and willing to serve the student. All costs associated with the placement shall be the fiscal responsibility of the district where the student reached the age of majority or where the conservator resides (if the student is conserved).
5. Individuals placed in Juvenile Court facilities **and Community Day Schools** are the responsibility of County Education Office IEP Teams.
6. Special education services for eligible students placed in public hospitals, proprietary hospitals and other residential medical facilities shall be provided by the school district in which the facility is located.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6300 INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM

6302 Responsibility of Individualized Education Program Teams  
(Continued)

7. When a student attends programs operated by an entity other than that responsible for the IEP, any IEP meeting shall include invited representatives of both entities.

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DATE REVISED: June 4, 2018

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6300 INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM

6303 Recommendation for Individualized Education Program (IEP) Team for Programs Outside Area of Responsibility (Intra-SELPA Student Placements)

When an IEP Team determines that an appropriate program for an individual student is not available within its LEA or through a regional program and an appropriate program might be available in another LEA within the Special Education Local Plan Area, the following procedures shall be followed:

1. The Special Education Administrator/Designee from the referring LEA shall contact Special Education Administrators from other LEAs to determine if they may have an appropriate program for the student.
2. If another LEA in the SELPA indicates they have a possible appropriate program for the student, the referring LEA Administrator/Designee or IEP team members shall go observe the potential program(s) in order to determine if it is appropriate for the student. They shall provide prior notice to the receiving LEA Special Education Administrator(s) of the intent to go observe the program. A parent or guardian shall not be allowed to visit the program in an outside LEA without prior consent of the receiving and notice to the referring LEA. The receiving LEA special education administrator/designee may request written documents regarding the student prior to a formal referral packet being sent.
3. If, after steps two and three above have taken place, the referring LEA determines a program in another LEA in the SELPA is appropriate for the student, the Special Education Administrator/Designee shall send a referral packet to the receiving LEA at least 10 days prior to the date of an IEP meeting to discuss possible placement in the program.. The packet shall include copies of the most recent cognitive and academic assessments, as well as copies of other applicable assessments such as OT, PT, speech, social-emotional, etc. They shall also include a narrative summary of the student's needs and a description of why a placement outside of the district is requested. The receiving LEA shall respond to the referring LEA regarding whether or not they will accept intra-SELPA transfer student within 10 working days.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6300 INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM

6303 Recommendation for Individualized Education Program (IEP) Team for Programs  
Outside Area of Responsibility (Intra-SELPA Student Placements) (*Continued*)

4. If the receiving LEA agrees to a potential placement of the student, the referring LEA may conduct an IEP meeting to offer the intra-SELPA placement as a possible placement. The referring LEA shall invite the receiving LEA Special Education Administrator/Designee to the IEP meeting to discuss possible placement.
5. If an intra-SELPA IEP team student placement is made, the referring LEA is responsible for full costs of inter-SELPA placed students. The receiving LEA shall bill the referring LEA actual costs associated with providing a program and related services to the student. The placement shall not be deemed as an "inter-district" transfer.
6. A MOU between the receiving and referring LEA shall be drafted to stipulate all matters related to the placement such as how costs associated with dispute resolution and due process shall be funded.
7. If there is disagreement between a referring and receiving LEA regarding a potential placement, intra-SELPA student placement services, or costs associated with such a placement, and the dispute cannot be resolved by the parties at the lowest level, the referring LEA Special Education Administrator will contact the SBCSELPA Executive Director who will schedule a meeting with the affected LEAs to attempt to mediate the disagreement. If the referring and receiving LEA administrators cannot come to an agreement about a potential student placement, final decisions regarding intra-district placements are the jurisdiction of the receiving LEA.

DATE APPROVED: January 3, 1984  
DATE REVISED: January 9, 1987  
DATE REVISED: February 5, 1988  
DATE REVISED: December 9, 2002  
DATE REVISED: May 3, 2010

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

- 6000 SPECIAL EDUCATION - INSTRUCTION
- 6300 INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM
- 6304 Recommendation for State Residential School Placement

As a result of recommendations from the IEP Team that no appropriate placement is available in the local plan area, the Santa Barbara County SELPA and referring district/county may recommend placement in a State Special School.

When the IEP Team believes that no appropriate placement may be available within the District, an adjacent District or the County Education Office and prior to a student being referred by the District to the State School for possible placement, a referral for services shall be forwarded to the SBCSELPA Administrative Unit. The referral must include the relevant school records, a comprehensive description of the type of educational program needed and the rationale for requiring such a program.

The SBCSELPA Administrative Unit will work in conjunction with the district of residence in an effort to locate an appropriate program for the student within the SBCSELPA or in an adjacent SELPA.

If it is determined that a referral to the State School should be made, the special education director/coordinator of the district of residence and the SBCSELPA Executive Director or designee shall be included at the IEP meeting. The referral shall be made by the director/coordinator of the district of residence with notice of such referral given concurrently to the SBCSELPA Executive Director.

Referrals for further assessment and recommendations to the California School for the Deaf, California School for the Blind, or the State Diagnostic School shall not constitute placement in a State Special School.

(EDUCATION CODE 56367)

DATE APPROVED: January 9, 1987  
DATE REVISED: August 22, 1988  
DATE REVISED: December 8, 1989  
DATE REVISED: February 2, 1994  
DATE REVISED: December 9, 2002



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6300 INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM

6305 Recommendation for Placement Outside of District, Adjacent District, or County Education Office Program

1. When the IEP Team determines that no appropriate placement is available within the District, an adjacent District or the County Education Office, a referral for services shall be forwarded to the SBCSELPA Administrative Unit. The referral must include the relevant school records, a comprehensive description of the type of educational program needed and the rationale for requiring such a program.

If a nonpublic school placement is required to meet the student's program needs, the recommendation will be submitted to the JPA Board for fiscal approval at its next meeting.

2. Every effort shall be made to locate an appropriate nonpublic school within the State of California. The SBCSELPA Executive Director and the referring district shall be responsible for identifying with the parent an appropriate nonpublic school and negotiating the nonpublic school (NPS) contract in accordance with the IEP.

(EDUCATION CODE 56365)

DATE APPROVED: January 3, 1984  
DATE APPROVED: January 9, 1987  
DATE REVISED: November 8, 1991  
DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6300 INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM

6306 Responsibility for Nonpublic School/State Residential School IEPs

Whenever an IEP for a student is to be developed, reviewed or revised prior to or following enrollment in a nonpublic school or state residential school, the IEP Team of the district of residence or the County Education Office, whichever is appropriate, shall be the party responsible for assuring compliance with state and federal mandates. The SBCSELPA Executive Director or designee shall be a member of the IEP Team.

DATE APPROVED: February 7, 1984

DATE REVISED: January 9, 1987

DATE REVISED: December 8, 1989

DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6300 INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM

6307 Parent Participation

Each district and the County Education Office shall take steps to ensure that one or both parents of the disabled pupil are present at each Individualized Education Program (IEP) Team meeting or are afforded the opportunity to participate in the development of the IEP and provide meaningful input.

Such procedures shall include, but are not limited to, the following:

1. Parents shall be notified of the Individualized Education Program (IEP) Team meeting early enough to ensure that they will have an opportunity to attend.
2. The written notice shall indicate the purpose, time and location of the meeting, and who will be in attendance and shall be provided to the parent in a language easily understood by the general public and in the native language of the parent as defined in Section 300.29 of Title 34 of the Code of Federal Regulations, or other mode of communication used by the parent, unless to do so is clearly not feasible.
3. The meetings shall be scheduled at a mutually agreed upon time and place.
4. If neither parent can attend, the district or County Education Office shall use other methods to ensure parental participation, including telephone calls.
5. A meeting may be conducted without a parent if the district or County Education Office is unable to convince the parents that they should attend. In this case, detailed records of attempts to arrange a meeting with the parents, including records of telephone calls and visits, and copies of correspondence shall be maintained.
6. The district or County Education Office shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting.
7. The district or County Education Office shall give the parent a copy of the completed Individualized Education Program (IEP).

(EDUCATION CODE 56341.5; 56506)

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DATE REVISED: March 3, 1995  
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DATE REVISED: June 4, 2012

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6300 INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM

6308 Meeting of the Individualized Education Program Team/Conducting an Individualized Education Program Team Meeting

Individualized Education Program (IEP) Team meetings shall be conducted according to the following procedural guidelines:

1. All attending persons shall be introduced and their roles explained.
2. Parents' rights in the individualized education program process shall be explained.
3. The procedures for conducting the IEP Team meeting shall be explained.
4. The reason for referral and the case history of the child (including medical report) shall be presented.
5. The assessment techniques used and the rationale for their use shall be briefly reviewed.
6. A brief summary of the findings from the assessments conducted, written in language easily understood by the general public, shall be presented to the parent(s). These findings and the educational implications of the findings shall be explained.
7. The parents shall be given an opportunity to discuss all findings and to contribute their own observations of the child.
8. Long term goals shall be written.
9. Short term objectives shall be written, as appropriate.
10. The continuum of the program and service options shall be explained to attending parents.
11. Placement and service recommendations based on the child's needs shall be presented by the school representative on the IEP Team, to include the start date, frequency, duration, and location of services.
12. Service alternatives considered by the IEP Team will be documented on the IEP.
13. The extent to which the pupil is to be integrated in the regular school program (i.e., the activities, frequencies and durations of the integration), a rationale for integration, and the approximate date of initiation of integration shall be determined.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6300 INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM

6308 Meeting of the Individualized Education Program Team/Conducting an Individualized Education Program Team Meeting (*Continued*)

14. The parents may be given the opportunity to observe the recommended program(s). School and teacher to be assigned by Special Education Administration.
15. The approximate date of the annual review shall be determined.
16. A copy of the procedural guidelines regarding the conduct of the Individualized Education Program (IEP) Team meetings shall be provided to all persons acting as chairpersons of Individualized Education Program Team meetings.

DATE APPROVED: January 3, 1984  
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DATE REVISED: November 8, 1991  
DATE REVISED: December 9, 2002  
DATE REVISED: November 7, 2011  
DATE REVISED: June 3, 2013

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6300 INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM

6309 Individualized Education Program Review Required Meetings

An Individualized Education Program Team shall meet whenever any of the following occurs:

1. A pupil has received an initial formal assessment. The team may meet when a pupil receives any subsequent formal assessment.
2. The pupil demonstrates a lack of anticipated progress.
3. The parent or teacher requests a meeting to develop, review, or revise the Individualized Education Program.
4. At least annually, to review the pupil's progress, the Individualized Education Program, and the appropriateness of placement, and to make any necessary revisions. The Individualized Education Program Team conducting the annual review shall consist of those persons specified in subdivision (b) of Section 56341. Other individuals may participate in the annual review if they possess expertise or knowledge essential for the review.

The Individualized Education Program Team (IEP Team) shall examine, at least annually, all elements of the Individualized Education Program (IEP) as stated in Education Code 56345. This review shall also determine the appropriateness of the Individualized Education Program and seek information from those present at the review meeting(s) of the IEP Team.

The IEP Team shall also determine whether changes must be made in the Individualized Education Program. If changes are necessary, they shall be generated at the review meeting(s) of the IEP Team.

For pupils whose primary language is other than English, the IEP Team shall examine whether goals, objectives, programs and services are linguistically appropriate.

Reasonable and appropriate time shall be allotted for each Individualized Education Program (IEP) review.

An IEP Team meeting shall be convened at least every six months for any emotionally disturbed pupil who has been placed in a residential nonpublic school program.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6300 INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM

6309 Individualized Education Program Review Required Meetings (*Continued*)

(EDUCATION CODE SECTION 56341, 56343, 56345, 56380)  
(GOVERNMENT CODE 7525(c) (2))

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SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6300 INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM

6310 Distribution of Individualized Education Program Contents

Each district and the County Education Office shall, prior to the placement of an individual with exceptional needs, ensure that the regular classroom teacher(s), the special education teacher(s), and other persons involved in implementing the pupil's Individualized Education Program (IEP) shall be knowledgeable of the content of the IEP.

A copy of the IEP shall be maintained at the school site where the pupil is enrolled. Service providers from other agencies who provide services to the individual off the school site shall be provided a copy of the IEP.

(EDUCATION CODE 56347)

DATE APPROVED: January 3, 1986  
DATE REVISED: December 9, 2002



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6300 INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM

6311 Review of Pupil Assignment

Regular and special education teachers providing services in classes operated within the Santa Barbara County SELPA may request a review of the assignment of an individual with exceptional needs to his or her class.

The request for review shall be submitted in written form to the district's director/coordinator of special education or, for students enrolled in regional programs, the administrator having responsibility for the regional program. The review shall be conducted within 20 calendar days of receipt by the administrator of the written request, not counting days between the teacher's regular school sessions, terms, or days of school vacation in excess of five school days.

If the review indicates a change in the pupil's placement, instruction, related services, or any combination thereof, the district's special education administrator or administrator of the regional program, as appropriate, shall ensure that an Individualized Education Program Team meeting is convened within 30 calendar days of the review, not counting days between the teacher's regular school sessions, terms, or days of school vacation in excess of five school days.

(EDUCATION CODE 56195.8 (b)(2))

DATE APPROVED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

- 6000 SPECIAL EDUCATION - INSTRUCTION
- 6300 INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM
- 6312 Free Appropriate Public Education (FAPE)

A free appropriate public education shall be made available to all students with disabilities residing within the districts that comprise the Santa Barbara County SELPA, including students with disabilities who have been suspended or expelled from school.

Free appropriate public education means special education and related services that:

1. Have been provided at public expense, under public supervision and direction and without charge;
2. Meets the standards established by state or federal law;
3. Include an appropriate preschool, elementary, or secondary school education in California; and
4. Are provided in conformity with the individualized education program required under state and federal law.

A determination that a student is in need of special education shall be based on an appropriate assessment(s). All special education and related services determined by the Individualized Education Program Team to be necessary for a student to benefit from his or her instructional program shall be listed on the IEP. Each local education agency within the SBCSELPA shall assure that each student with a disability for whom it is responsible is provided with special education services in accordance with the student's IEP.

(EDUCATION CODE SECTION 56205(a) and  
CALIFORNIA CODE OF REGULATIONS, TITLE 5, SECTION 3001(o))

DATE APPROVED: October 6, 2003

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6300 INSTRUCTIONAL PLANNING AND INDIVIDUALIZED EDUCATION PROGRAM

6313 Prohibition on Mandatory Medication

Local education agency personnel are prohibited from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition for attending school, receiving an evaluation, or receiving services.

Nothing in this prohibition is to be construed to create a Federal prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a student's academic and functional performance, or behavior in the classroom or school, or regarding the need for evaluation for special education or related services.

DATE APPROVED: June 2, 2008

# SANTA BARBARA COUNTY SELPA LOCAL PLAN

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## SECTION 7

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### SPECIAL EDUCATION INSTRUCTION IMPLEMENTATION

Implementation Policies  
6401- 6443

(Revised 5-4-2020)



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6401 Continuum of Program Options

The Santa Barbara County Special Education Local Plan Area (SBCSELPA) which is made up of all the school districts in Santa Barbara County and the County Education Office will operate programs which will ensure a continuum of program options for all individuals with exceptional needs in the least restrictive environment. The operation of programs will utilize instructional personnel within the SBCSELPA or outside SBCSELPA that could include non-public agencies to offer the continuum in the most effective manner possible.

(EDUCATION CODE SECTION 56360)

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DATE REVISED: December 9, 2002

DATE REVISED: February 2, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6402 Program and Service Options

Individualized education program placement and service provision for ages 0 through 21 years, shall be based on the unique needs of the disabled pupil as identified by the Individualized Education Program (IEP) Team. The placement decision shall not be based upon the availability of services in the Local Plan Area.

The continuum of program options that may be provided shall include, but not necessarily be limited to, all of the following or any combination of the following:

1. Regular education programs consistent with subparagraph (a) of paragraph (5) of subsection (a) of Section 1412 of Title 20 of the United States Code and implementing regulations.
2. A resource specialist program pursuant to Section 56362.
3. Related Services pursuant to Section 56363.
4. Special classes pursuant to Section 56364.2.
5. Nonpublic, nonsectarian school services pursuant to Section 56365.
6. State special schools pursuant to Section 56367.
7. Instruction in settings other than classrooms where specially designed instruction may occur.
8. Itinerant instruction in classrooms, resource rooms, and settings other than classrooms where specially designed instruction may occur to the extent required by federal law or regulation.
9. Instruction using telecommunication, and instruction in the home, in hospitals, and in other institutions to the extent required by federal law or regulation.

A district, SELPA or county office may contract with a hospital to provide related services. However, a district, SELPA or county office may not contract with a sectarian hospital for instructional services.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6402 Program and Service Options (*Continued*)

Coordination of services with other local public agencies which are funded to serve disabled individuals shall be the responsibility of the SBCSELPA. The SBCSELPA Executive Director may consult with local education agency (LEA) special education administrators and business officials from LEAs in SBCSELPA, as needed, to seek input regarding the coordination of services.

(EDUCATION CODE SECTIONS 56195.7(d), 56360, 56361, 56363, 56364, 56365, 56367)

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DATE REVISED: December 9, 2002  
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DATE REVISED: October 5, 2015



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6403 Supplemental Program Options

In addition to the Education Code-mandated continuum of program options listed in Santa Barbara County SELPA Policy, individual districts within the SBCSELPA may also provide special education services to students pursuant to an IEP in programs which may include the following:

1. Special Day Class with Maximum Mainstreaming  
A Special Day Class may maintain pupils within the SDC caseload who are mainstreamed in general education for more than 50% of the instructional day. The IEP shall indicate the amount of time the pupil shall be served in the general education setting and the activities of the SDC teacher to support successful mainstreaming.
2. SDC/Inclusion Support  
An SDC teacher may maintain a caseload containing pupils with IEPs who are placed in general education classrooms for 100% of the instructional day, with the SDC inclusion teacher providing support to the general education teachers in curriculum modification, instructional strategies, assignment monitoring, and/or program coordination.
3. Embedded Special Day Class  
A district may create embedded Special Day Classes by merging a complete SDC with a general education classroom. Team teaching shall be provided as long as the district assures that all IEP goals/objectives and services are addressed and that general education pupil's families have been fully informed regarding the program.
4. Learning Center Special Education Delivery Options  
A district may elect to provide special education services via a Learning Center model provided the district assures that all IEP goals/objectives and services are met. The Learning Center concept assigns all pupils to age-appropriate general education classrooms for appropriate activities such as the opening of school, appropriate instructional and non-instructional activities, special events, lunch, recess, field trips, and other activities as appropriate per each IEP. The Learning Center may include services previously provided via SDC, RSP and/or related services based on each district's defined Learning Center. Learning Centers may also include other categorical services, i.e., ELL/ELD, Title 1, GATE, general education services, and other district/school services.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6403 Supplemental Program Options (*Continued*)

5. Departmentalized Special Education Services

A district may provide departmentalized services, blending services between SDC teachers and RSP teachers, with the IEP specifying the total amount of special education services to be provided. Pupils may receive services from both SDC and RSP staff per the IEP. A case carrier for each student shall be assigned.

6. Small Group Instruction (SGI)

A district may provide services to pupils in special education in small group settings utilizing appropriately credentialed special education staff.

DATE APPROVED: December 9, 2002

DATE REVISED: February 2, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6404 Development of Additional Resource Options

When educational services needed by an individual with exceptional needs are not available in the Santa Barbara County Special Education Local Plan Area, the Administrative Unit shall assist the district or County Education Office in developing or locating the needed services or contracting with appropriate public or private agencies.

DATE APPROVED: January 3, 1984  
DATE REVISED: January 9, 1987  
DATE REVISED: March 3, 1995  
DATE REVISED: December 9, 2002  
DATE REVISED: February 2, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6405 Entities Responsible for Program Operation

Nondirect service school districts will operate programs for individuals with disabilities residing within their district with the following exceptions:

1. The County Education Office will operate infant programs for individuals with disabilities who are within the age range of birth to 3 years and who are eligible for special education.
2. The County Education Office will operate preschool special education programs for individuals with disabilities who are enrolled in preschool programs except for:
  - a. District operated regional programs of low incidence disabilities such as hearing impaired, visually impaired, etc.
  - b. District operated preschool special education programs for individuals with disabilities.

The expectation is that children will enter kindergarten if they are 4.9 years of age as of September 1.

3. Individuals with disabilities who are retained in preschool through the recommendation of the IEP Team (which must include an administrative representative from both the County Education Office and the child's district of residence) shall continue to receive necessary special education services from the County Education Office.

All preschool students shall transition to an appropriate kindergarten program by the student's sixth birthday in order to meet California Compulsory Education Laws.

4. Preschool individuals with an IEP who reside in districts that comprise the Santa Barbara County SELPA (SBCSELPA) may, upon parent request due to employment related reasons, receive preschool special education services in a like program offered as FAPE in the IEP from the County Education Office and district where regional program is operated on a space available basis in regions of the SBCSELPA other than the region where services would ~~normally~~ be provided. In cases where preschool intra-SELPA placements are at parent request rather than pursuant to a recommendation of the IEP Team, transportation for the child shall be the responsibility of the parent.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6405 Entities Responsible for Program Operation (*Continued*)

School age regional program students who reside in districts that comprise the SBCSELPA may, upon parent written request to and approval from the SBCSELPA Executive Director, attend and receive special education services in a like regional program located in a region other than the region where the services would ~~normally~~ be provided on a space available basis due to parent employment reasons. The SBCSELPA Executive Director will meet with the LEA special education administrator and regional program operators from both regions to discuss the request to ensure the request is appropriate and feasible. The SBCSELPA Executive Director's final decision will be provided to the parent in writing within 30 days from the request unless the request is received when school is not in session pending JPA Board approval. If the request is received when school is not in session, then the final decision will be provided to the parent by September 15<sup>th</sup>. Each intra-SELPA transfer will be granted for one year only and a new request must be submitted annually. In cases where the intra-SELPA placement is at parent request rather than pursuant to a recommendation of the IEP Team, transportation for the child shall be the responsibility of the parent. All costs associate with the program, with the exception of transportation, shall be funded as per SBCSELPA Local Plan Policy 3204.

5. Preschool individuals with disabilities whose parents reside outside the boundaries of the SBCSELPA may receive preschool special education services provided by the County Education Office with the consent of the child's district of residence on a space available basis. Any excess costs of special education services received by such individuals shall be billed to the child's district of residence.

The governing board of the County Education Office or any district within the SBCSELPA may provide for the education of individual pupils in special education programs maintained by other districts or counties and may include within the special education program pupils who reside in other districts or counties.

(EDUCATION CODE 56195.5(b))

DATE APPROVED: January 9, 1987  
DATE REVISED: March 3, 1995  
DATE REVISED: January 8, 1999  
DATE REVISED: December 9, 2002

DATE REVISED: December 3, 2007  
DATE REVISED: December 14, 2009  
DATE REVISED: November 1, 2010  
DATE REVISED: February 2, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6406 Responsibility in Individualized Education Program Implementation

The individuals responsible for implementing the Individualized Education Program (IEP) at the site level shall ensure a direct correlation between Individualized Education Program (IEP) goals and objectives and instructional practices. Ongoing communication/coordination of instruction and curriculum between all implementers of IEPs shall be developed and maintained.

DATE APPROVED: January 3, 1984

DATE REVISED: January 9, 1987

DATE REVISED: March 3, 1995

DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6407 Resource Specialist Program

The Resource Specialist Program shall provide, but not be limited to, all of the following:

1. Provide instruction and services needed for those eligible pupils who are assigned to regular class teachers for the majority of the day.
2. Provide information and assistance to eligible pupils and their parents.
3. Provide consultation, resource information and material regarding eligible pupils to their parents and regular staff members.
4. Coordinate special education services with the regular education program.
5. Monitor pupil progress on a regular basis including participating in their review and revisions to IEPs.
6. Refer pupils who do not make progress to the Individualized Education Program Team.
7. Emphasize, at the secondary level, academic achievement, career and vocational development and preparation for adult life.

(EDUCATION CODE 56195.8(b)(4) and 56362)

DATE APPROVED: January 9, 1987

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6409 Resource Specialist Program Caseload

Resource specialist caseloads shall include but not be limited to, all pupils for whom the resource specialist performs any of the services described in subdivision (a) of Education Code Section 56362.

Resource specialists shall not enroll a pupil for the majority of a school day without prior approval by the State Board of Education and the Santa Barbara County SELPA.

Resource specialist caseloads shall not exceed 28 pupils.

A resource specialist shall not simultaneously be assigned to serve as a resource specialist and to teach regular classes.

(EDUCATION CODE 56195.8(b)(4) and 56362)

DATE APPROVED: January 9, 1987



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6410 Related Services

Related services include but are not limited to the following:

1. Language, Speech Development and Remediation
2. Audiological Services
3. Orientation and Mobility Instruction
4. Instruction in Home or Hospital
5. Adaptive P.E.
6. Physical/Occupational Therapy
7. Vision Services
8. Specialized Driver Training Instruction
9. Counseling and Guidance
10. Psychological Services (other than assessment and development of the IEP)
11. Parent Counseling and Training
12. Health and Nursing Services
13. Social Worker Services
14. Specially Designed Vocational Education and Career Development
15. Recreation Services
16. Specialized Services for Low Incidence Disabilities such as readers, transcribers and vision and hearing services
17. Supplemental Instruction

(EDUCATION CODE 56363)

DATE APPROVED: January 9, 1987

DATE REVISED: February 2, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6411 Related Services Provision

Related services may include individual or small group instruction in a specialized area of educational need.

Related services may be provided to individuals with disabilities who are served throughout the full continuum of educational settings.

Related services as specified on the IEP shall be available when the instruction and services are necessary for the pupil to benefit educationally from his/her instructional program.

Related services, when needed as determined by the IEP Team, shall be specified in the IEP including frequency and duration of service.

Each individual with disabilities shall be provided with related services and related services in accordance with his or her individualized education program.

All persons providing related services shall be qualified as required by adopted standards for certification of professional personnel by the Commission on Teacher Credentialing, the State Board of Education, or other appropriate licensing agencies.

Related services occupational therapy (OT) services that are deemed medically necessary as specified in the IEP shall be provided by California Children Services (CCS), as appropriate, pursuant to Chapter 26.5 of the Government Code.

In the event that other public agencies fail or cease to provide related services in accordance with an IEP for which they have responsibility, the local education agency that is providing primary educational services for the pupil will provide the related services specified in the pupil's IEP. Reimbursement for the cost of providing such related services shall be requested from the public agency responsible for the provided services (20 U.S.C. 1412(a)(12)(B)).

Related services regional occupational therapy (OT) services shall be provided by the County Education Office as specified in the IEP for students in districts located in south Santa Barbara County. Related services regional OT services shall be provided by the Orcutt Union School District as specified in the IEP for students in districts located in north Santa Barbara County.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6411 Related Services Provision (*Continued*)

Related services shall be available through nonpublic nonsectarian agency services when no appropriate public education program is available.

A district, SELPA or county office may provide related services through contract with a hospital when no appropriate public education program is available.

(EDUCATION CODE SECTIONS 56100(f), 56361.5(a), 56363(a), 56365(a) and TITLE 5, SECTIONS 3051(a) (1), (2) and (3))

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DATE REVISED: December 9, 2002  
DATE REVISED: February 1, 2010  
DATE REVISED: November 7, 2011  
DATE REVISED: February 2, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6412 Related Services Caseload

The SELPA-wide average caseload for language, speech and hearing specialists shall not exceed 55 cases. The SELPA-wide average caseload allows for specialized provision of services to meet the needs of the full scope of service populations from the mild to severe/profound.

The maximum caseload for a speech and language specialist providing services exclusively to individuals with exceptional needs, between the ages of three and five years, inclusive, as defined in Section 56441.7 shall not exceed a count of 40.

(EDUCATION CODE SECTION 56363.3, 56441.7)

DATE APPROVED: January 9, 1987  
DATE REVISED: December 9, 2002  
DATE REVISED: November 3, 2003  
DATE REVISED: December 5, 2011  
DATE REVISED: February 2, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6413 Related Services Instructional Assistants

Related services may be provided by an assistant working under the direct supervision of a credentialed language, speech and hearing specialist if specified in the IEP. No more than two assistants may be supervised by one credentialed language, speech, and hearing specialist.

An instructional assistant is a person employed to assist classroom teachers and other certified personnel in the performance of their duties and in the supervision of pupils in instructional tasks which, in the judgment of the certified personnel to whom the instructional assistant is assigned, may be performed by a person not licensed as a classroom teacher.

Educational qualifications and proficiencies for instructional assistants require a demonstrated proficiency in basic reading, writing and mathematics skills up to or exceeding that required by the employing district proficiency test.

(EDUCATION CODE SECTION 56363 and  
TITLE 5 SECTION 3051.1(c))

DATE APPROVED: January 9, 1987  
DATE REVISED: December 9, 2002  
DATE REVISED: February 2, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6414 Related Services Counseling

Related Services Counseling shall be provided to individuals with exceptional needs when the IEP Team determines that such counseling is needed in order to implement the special education services described in the IEP.

There may be times when the individual with exceptional needs can benefit from counseling for problems which are not directly related to the special education eligibility criteria. In those cases, counseling should be provided in the same manner as for all other students.

DATE APPROVED: June 2, 1989  
DATE REVISED: March 3, 1995  
DATE REVISED: December 9, 2002  
DATE REVISED: February 2, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6415 Provisions for Vocational Career Education-Transition

The Santa Barbara County SELPA is committed to provide individuals with exceptional needs with appropriate vocational and career education in order to facilitate their transition into the community.

Specially designed vocational education and career development for individuals with exceptional needs regardless of severity of disability may include:

1. Providing prevocational programs and assessing work-related skills, interests, aptitudes and attitudes.
2. Coordinating and modifying the existing vocational education program for individuals with exceptional needs.
3. Assisting individuals in developing attitudes, self-confidence, and vocational competencies to locate, secure, and retain employment in the community or sheltered environment, and to enable such individuals to become participating members of the community.
4. Establishing work training programs.
5. Assisting in job placement.
6. Instructing job trainers and employers as to the unique needs of individuals.
7. Maintaining regularly scheduled contact with all workstations and job site trainers.
8. Coordinating services with the Department of Rehabilitation as designated in the IEP.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6415 Provisions for Vocational Career Education-Transition (*Continued*)

The above vocational and career education activities shall provide for the planning of services to facilitate the transition of pupils from special education programs to the field of work and/or other educational/vocational training programs.

(EDUCATION CODE SECTION 51215, 56345.1)

DATE APPROVED: January 9, 1987

DATE REVISED: March 3, 1995

DATE REVISED: December 9, 2002



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6416 Transition Planning and Services

Beginning no later than age 16 (and in some cases at age 14 or younger), Individualized Education Programs (IEPs) must include a statement of the "transition services" the student will need before leaving the school setting. Transition services are intended to promote the student's movement from school to post-school activities (including post-secondary education, vocational training, integrated employment, continuing and adult education services, independent living or community participation) and must include instruction, community experiences, development of employment and other post-school living objectives and, in some cases, acquisition of daily living skills and functional vocational education. The IEP must also state any interagency responsibilities or linkages regarding the needed transition services. In the event that a participating agency other than the school system fails to provide agreed upon services, the IEP team must reconvene to identify alternative strategies for meeting the transition objectives.

Notices to parents of IEP meetings where transition will be discussed must indicate this purpose, that the student will be invited to attend the meeting and identify any other agency that will be invited to send a representative.

(EDUCATION CODE SECTIONS 56345.1, 34 CODE OF FEDERAL REGULATIONS 300.344)

DATE APPROVED: November 8, 1991

DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6417 Provision of Home Hospital Services for Students Enrolled in Regional Classes

Regional program operators shall engage in the following activities when they are notified that a student enrolled in a regional program requires a change in placement to home and hospital instruction:

1. The regional program operator or designee shall contact the special education administrator from the student's district of residence to inform them of the temporary change in placement to home and hospital.
2. The regional program operator or designee shall set up an IEP or generate an IEP amendment (for short term change in placements) with the district of residence to obtain parent consent and inform team members of pending changes.
3. The regional program operator or designee shall arrange for the provision of home and hospital services in consultation with the district of residence as needed for recruitment of personnel.

The costs associated the provision of home and hospital instruction shall be a regional program cost. The regional program operator or district providing the service will claim the ADA for the student receiving the home hospital services and any revenue generated shall offset the regional program costs. A district of residence (DOR) that desires to provide the home and hospital services may propose this intent via an IEP team meeting to consider a change of placement.

DATE APPROVED: October 9, 2000

DATE REVISED December 9, 2002

DATE REVISED: May 4, 2009

DATE REVISED: October 3, 2016

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6418 Special Transportation

1. Special transportation for students with disabilities is a related service when included in the student's Individualized Education Program (IEP). If a student's special transportation is specially designed and described on the IEP, then changes in this service would require parent notification and a meeting to review that portion of the IEP dealing with the related service.
2. Modes of transportation shall be determined by the IEP team and may include but not be limited to school bus, public transportation, contracted carrier or parent reimbursement.
3. A change in an existing transportation schedule does not constitute a change in the IEP.

DATE APPROVED: January 3, 1984  
DATE REVISED: January 9, 1987  
DATE REVISED: March 3, 1995  
DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6419 Special Transportation Criteria

Individualized Education Program (IEP) Teams shall use a least restrictive concept in specifying the mode of transportation for students enrolled in special education. The modes of transportation that may be used shall include:

1. Walking to neighborhood school.
2. Riding the regular bus from a pick-up point with students without disabilities.
3. Riding a special education bus from a pick-up point.
4. Riding a special education bus from curb to curb.
5. Other arrangements for transportation.

Students with disabilities who are capable of walking to a pick-up station may require special transportation because of age, or the nature or severity of their disability.

Students with disabilities attending other than their neighborhood school who are capable of walking to a pick-up station may require special transportation because of the nature or severity of their disability, or their age.

Students with disabilities attending a school other than their neighborhood school may require special transportation because they are not capable of walking to and from school due to their age, or because of the nature of their disability.

The local education agencies that comprise the Santa Barbara County SELPA (SBCSELPA) and that provide special transportation for students with disabilities shall ensure compatibility between mobile seating devices when used, and the securement systems required by Federal Motor Vehicle safety standards No. 222 (49 C.F.R. 571.222).

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6419 Special Transportation Criteria (*Continued*)

Local education agencies of the SBCSELPA that contract for transportation services for students with disabilities shall ensure that the contracted transportation agency has implemented procedures to ensure compatibility between mobile seating devices when used, and the securement systems required by Federal Motor Vehicle safety standards No. 222 (49 C.F.R. 571.222).

The local education agencies of the SBCSELPA shall ensure that all school bus drivers are trained in the proper installation of mobile seating devices in the securement systems.

(EDUCATION CODE SECTIONS 56195.8 (b)(5))

DATE APPROVED: January 3, 1984

DATE REVISED: February 1, 1991

DATE REVISED: March 3, 1995

DATE REVISED: December 9, 2002

DATE REVISED: February 2, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6420 Special Transportation for Related Services

1. Special transportation shall be made available to access a related service when the related service is not available at the child's school of attendance.
2. Reimbursement for transportation provided by the parent shall be the responsibility of the district of residence or County Education Office. The rate of reimbursement will be set by the respective board.

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DATE REVISED: July 12, 1987  
DATE REVISED: December 8, 1989  
DATE REVISED: March 3, 1995  
DATE REVISED: December 9, 2002  
DATE REVISED: February 2, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6421 Services for Students with Low Incidence Disabilities

Students with low incidence disabilities shall be provided instruction in a manner that is consistent with state guidelines.

DATE APPROVED: September 5, 1997

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6422 Low Incidence Specialized Equipment, Materials and Services

The Santa Barbara County SELPA (SBCSELPA) shall provide specialized equipment, materials and services to students in special education with a low incidence disability when the IEP team concludes that these are necessary for them to benefit from special education.

Low Incidence funds will be utilized to provide the necessary equipment, materials and services. In accordance with State Guidelines, Low Incidence funds for equipment and services will not be co-mingled. Funding for specialized equipment, materials and services will be distributed within the SBCSELPA in a manner that maximizes the opportunities to serve pupils in the least restrictive environments.

(EDUCATION CODE 56206)

DATE APPROVED: January 9, 1987  
DATE REVISED: December 8, 1989  
DATE REVISED: January 6, 2003



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6423 Process for Allocation of Low Incidence Materials, Equipment and Services

Specialized materials, equipment and services shall be provided to students with low incidence disabilities (as defined in E.C. 56026.5) when such materials, equipment, or services are required under the IEP. Regarding specialized equipment or materials, the following procedures shall take place:

When special education staff or the IEP Team determines that a student with a low incidence disability has an educational need for a specialized type of equipment, materials, or services, a request for purchase or reimbursement of low incidence materials or equipment shall be made to the special education administrator of the district of residence using the Santa Barbara County SELPA (SBCSELPA) form designated for this purpose. The low incidence request shall indicate the reason that the low incidence materials or equipment are required under the IEP.

The educational need for the low incidence request shall be described in terms of functional need or on the IEPs of students with low incidence disabilities. The goals and objectives should describe the skills the student is expected to achieve with the assistance of the low incidence materials, equipment, or services.

The special education administrator of the district of residence (DOR) will consider, but not be limited to, the following sources of procurement of the specialized equipment or materials: other district equipment surplus, State Clearinghouse for specialized equipment, or California Children Services funding. If the director determines that no other options exist for the purchase or donation of specialized equipment or materials and the director deems that the request is in conformity with the California Department of Education's guidelines for use of low incidence funds, then the requested purchase may be made utilizing the DOR's allocation of low incidence materials, equipment, or services funding. The DOR's special education administrator shall assume the responsibility for assuring that funds for low incidence materials and equipment are expended in accordance with the legal requirements and guidelines for their use as published by the California Department of Education. Any specialized equipment that is purchased with low incidence funds becomes the property of the SBCSELPA. Equipment purchased by parental insurance is the property of the student's parent.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6423 Process for Allocation of Low Incidence Materials, Equipment and Services  
(Continued)

When the usefulness of such equipment has ceased in the requesting district, said specialized equipment will be available for use throughout the SBCSELPA. Liability and maintenance insurance and costs shall be borne by the district/county using the equipment. These costs will be taken from the Low Incidence entitlement.

(EDUCATION CODE SECTIONS 56136, 56345(b)(7))

DATE APPROVED: December 4, 1984  
DATE REVISED: December 8, 1989  
DATE REVISED: June 7, 1996  
DATE REVISED: December 9, 2002  
DATE REVISED: February 2, 2015  
DATE REVISED: June 6, 2016

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6424 Special Classes

Special education is an integral part of the total public education system and provides education in the manner that promotes maximal interaction between pupils with disabilities and students without disabilities, as appropriate to the needs of both. Whenever possible, Special Day Classes shall be located to promote optimal appropriate interactions within regular education environments. Special classes shall enroll the pupils only when the nature or severity of the disability precludes their participation in the regular school program.

Removal of an individual with exceptional needs from the regular education environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplemental aids and services cannot be achieved satisfactorily. On providing or arranging for the provision of nonacademic and extracurricular services and activities, including recess periods and meals, each local education agency shall ensure that each individual with exceptional needs participates in those activities and services with pupils without disabilities to the maximum extent appropriate.

Placement in special classes shall not restrict the consideration of options, including any combination of programs and services as may be required to meet the needs of the pupil as specified on the pupil's IEP. Unless otherwise stipulated by the IEP Team as a special need, pupils in a Special Day Class shall be provided with an instructional day equivalent in length to that provided to the student's peers in regular education. Allocation of instructional assistants for special day class programs shall be based upon the needs of each class, determined on an individual basis.

(EDUCATION CODE SECTION 56031, 56364.2 and TITLE 53053)

DATE APPROVED: January 9, 1987  
DATE REVISED: November 2, 1990  
DATE REVISED: December 6, 1991  
DATE REVISED: March 3, 1995  
DATE REVISED: December 9, 2002  
DATE REVISED: October 6, 2003

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6425 Least Restrictive Environment

To the maximum extent appropriate, children with disabilities, including those public or private institutions or other care facilities, are educated with children who are not disabled. Special classes, separate schooling, or other removal of disabled children from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes cannot be achieved satisfactorily.

Special education programs, to the maximum extent appropriate to student's needs, are housed on regular school campuses and dispersed throughout the district.

Programs for students with severe disabilities shall be located in age-appropriate, non-segregated, school settings to the maximum extent possible.

The physical location of the program is intended to facilitate continuing social interaction with students without disabilities.

Long-range plans and commitments for physical housing on regular school campuses are made in order to avoid frequent and disruptive program relocations.

Through long-range commitments for physical housing on regular school campuses, individuals with exceptional needs are afforded opportunities to develop and maintain continuing relationships with nondisabled peers.

DATE APPROVED: June 2, 1989  
DATE REVISED: March 3, 1995  
DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6426 Least Restrictive Delivery Systems

The Santa Barbara County SELPA will provide a full continuum of program options to meet the educational and service needs of individuals with exceptional needs in the least restrictive environment.

The IEP team shall determine the extent to which an individual with exceptional needs participates in regular education with students without disabilities. The determination of appropriate program placement, related services needed, and curriculum modifications is made by the IEP Team based upon the unique needs of the disabled student rather than the label describing the disabling condition or the availability of programs. Individuals with exceptional needs are offered programs as identified on the IEP which promote maximum interaction with the general school population in a manner which is appropriate to the needs of both. (EC Section 56001(g)).

Program and service alternatives considered by the IEP Team will be documented on the IEP.

As each service alternative is considered by the IEP Team, significant consideration will be given to the pupil's opportunity to interact with age appropriate regular education peers as well as meeting the educational needs of the pupil. It will be the responsibility of the IEP team to determine the appropriate balance between special services and the regular program. Individuals with exceptional needs shall be grouped for instructional purposes according to their instructional needs (Ed. Code 56031).

DATE APPROVED: January 9, 1987  
DATE REVISED: June 2, 1989  
DATE REVISED: November 8, 1991  
DATE REVISED: March 3, 1995  
DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6427 Nonpublic, Nonsectarian School and Agency Services

The Santa Barbara County SELPA (SBCSELPA) and its member local education agencies shall utilize nonpublic, nonsectarian school and/or agency services only when SBCSELPA resources are inappropriate to implement the IEP of an individual with disabilities.

Before contracting with an out-of-state nonpublic, nonsectarian school or agency, the SBCSELPA or the contracting local education agency, as appropriate, shall document its efforts to utilize public schools or to locate an appropriate nonpublic, nonsectarian school or agency within the state.

If an individual with disabilities is placed in a an out-of-state nonpublic, nonsectarian school, the SBCSELPA will, within 15 days of the placement decision, submit a report to the State Superintendent of Public Instruction that includes information about the special education and related services provided by the out-of-state program and the efforts of the local education agency and the SBCSELPA to locate an appropriate in-state public school or nonpublic, nonsectarian school or agency, or a combination thereof.

For individuals with disabilities placed in out-of-state nonpublic nonsectarian school or agency programs, the SBCSELPA or contracting local education agency, as appropriate, shall indicate the anticipated date for the pupil's return to an in-state public or nonpublic, nonsectarian school or agency placement or combination thereof, and shall document efforts during the previous placement year to return the pupil.

(EDUCATION CODE SECTIONS 56365(e), 56365 (f), 56365 (g))

DATE APPROVED: January 9, 1987

DATE REVISED: December 9, 2002

DATE REVISED: February 2, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6428 Standards and Contracting Requirements for Nonpublic Schools and Agencies

The Santa Barbara County SELPA (SBCSELPA) and its member local education agencies shall enter into master contracts for the provision of special education and/or related services only with nonpublic schools and agencies that have been certified by the California Department of Education as meeting appropriate standards relating to the required special education and specified related services and facilities for individuals with disabilities.

Master contracts developed for nonpublic, nonsectarian school or agency services shall be consistent with the provisions of California Education Code Sections 56366(a)(1), 56366(b) and 56366(d), and policy memorandums issued by the California Department of Education.

The master contract shall specify the general administrative and financial agreements between the nonpublic, nonsectarian school or agency and the SBCSELPA or contracting local education agency, as appropriate, to provide special education and related services, as well as transportation as specified in the pupil's individualized education program.

The master contract shall include procedures for record keeping and documentation to assure that appropriate high school graduation credit is received by the pupil.

The master contract may allow for partial or full-time attendance at the nonpublic school.

The master contract shall include an individual service agreement for each pupil receiving nonpublic school or agency services negotiated for the length of time for which nonpublic school or agency services are specified in the pupil's individualized education program.

Changes in educational instruction, services, or placement provided under the contract may be made only on the basis of revisions to the pupil's individualized education program.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6428 Standards and Contracting Requirements for Nonpublic Schools and Agencies  
(Continued)

The nonpublic school or agency shall provide all services specified in the individualized education program unless the nonpublic school or agency and the SBCSELPA or contracting local education agency agree otherwise in the contract or individual service agreement.

The master contract or individual service agreement shall not include special education transportation provided through the use of services or equipment owned, leased, or contracted by a district, SBCSELPA, or county office, unless provided directly or subcontracted by the nonpublic school or agency.

The master contract shall specify the schedule for apprising the SBCSELPA or contracting local education agency of the progress of pupils being served pursuant to such contract.

The master contract shall contain provisions for billing and payment for services consistent with the requirements of Education Code Sections 56366 (c)(1) and 56366.5.

The master contract shall contain assurances that special education and related services will be delivered utilizing appropriate, credentialed/qualified teachers and/or staff as specified by the individualized education program and/or the individual service agreement in accordance with the requirements of Education Code Section 56061 and 56366.

Nonpublic schools with which the SBCSELPA and its member local education agencies enter into contracts for the provision of special education shall have available a written course of study designed to provide adequate credits for high school graduation for secondary age students.

By entering into master and individual service contracts with the SBCSELPA and its member local education agencies, nonpublic schools and agencies assure that students shall receive designated instruction and services related services as specified in their individualized education programs. Failure to provide such services shall be grounds for termination of the master and individual service contracts and may also be grounds for suspension or revocation of the certification of the nonpublic school or agency.



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6428 Standards and Contracting Requirements for Nonpublic Schools and Agencies  
(Continued)

Each nonpublic school or agency shall be required to submit monthly attendance records verifying that all instructional services have been provided as specified in the individualized education programs of those students being served by the school or agency.

(EDUCATION CODE SECTIONS 51223.5, 51228, 56061, 56205(c), 56366, 56366.5 56200(j))

DATE APPROVED: January 9, 1987  
DATE REVISED: December 9, 2002  
DATE REVISED: February 2, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6429 Services for Individuals with Exceptional Needs Placed in Public Hospitals, Proprietary Hospitals, and Other Residential Medical Facilities

Educational services for individuals with exceptional needs placed in public hospitals, proprietary hospitals, and other residential medical facilities shall be provided to eligible pupils by the school district in which the hospital is located. If the hospital is located within the boundaries of a direct service district, the educational services shall be provided by the Santa Barbara County Education Office.

(EDUCATION CODE 56195.7(e))

DATE APPROVED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6430 Licensed Childrens Institutions and Foster Family Homes

The Santa Barbara County SELPA (SBCSELPA) shall assure the provision of appropriate education to individuals with exceptional needs residing in LCI's, STRTP's and Foster Family Homes located in Santa Barbara County.

Children residing in Licensed Childrens Institutions and foster homes located in the SBCSELPA have available to them the full continuum of services which is available to any other child whose district of residence falls within the geographic boundaries of Santa Barbara County. Access to these services will be achieved in the same manner as required for all other children eligible to receive services in the SBCSELPA.

(EDUCATION CODE 56195.7(f))

DATE APPROVED: January 9, 1987  
DATE REVISED: December 9, 2002  
DATE REVISED: February 2, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6431 Juvenile Court Schools

Special education for individuals with exceptional needs who have been adjudicated by the juvenile court for placement in such settings as the juvenile hall or a juvenile home, day center, ranch or camp, or for individuals with exceptional needs placed in a county community school located in Santa Barbara County shall be provided by the Santa Barbara County Education Office of and by the appropriate local education agency, for the provision of services for pupils with visual or hearing impairments.

(EDUCATION CODE 56195.7(g))

DATE APPROVED: January 9, 1987  
DATE REVISED: March 3, 1995  
DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6432 Participation of Students who Require Special Education in the California Reading Initiative

The local education agencies that comprise the Santa Barbara County SELPA shall ensure that students who require special education will participate in the California Reading Initiative.

Special education instructional personnel will participate in staff development inservice opportunities in the area of literacy that include:

1. Information about current literacy and learning research
2. State-adopted standards and frameworks
3. Increased participation of students with disabilities in statewide student assessments
4. Research-based instructional strategies for teaching reading to a wide range of diverse learners in order to increase the percentage of children with disabilities who are literate.

The local education agencies that comprise the Santa Barbara County SELPA shall also ensure that students with disabilities will have full access to all required core curriculum including state-adopted core curriculum textbooks and supplementary textbooks and instructional materials and support in order that students with disabilities attain higher standards in reading.

(STATE BOARD REQUIREMENT)

DATE APPROVED: November 4, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6433 Inter-SELPA Transfers

The placement of students in special education referred by an IEP Team from an adjacent SELPA to the Santa Barbara County SELPA (SBCSELPA) shall be evaluated on a case-by-case basis. Any potential incoming inter-SELPA transfer of a special education student shall be forwarded to the SBCSELPA Executive Director, who shall then contact the potential program operator and/or affected district. The individual director(s)/ coordinator(s) and superintendent(s) who may be affected will be involved with each transfer and shall consider relevant Education Code Sections and have the final decision-making authority regarding acceptance of the pupil into the requested program pursuant to Education Code requirements. A student's inter-SELPA transfer shall be reviewed on at least an annual basis. The SBCSELPA office shall be responsible for obtaining agreement from the sending SELPA for the appropriate transfer of funds based upon the circumstances of each individual case.

DATE APPROVED: April 8, 1987  
DATE REVISED: September 5, 1997  
DATE REVISED: December 9, 2002  
DATE REVISED: February 2, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6434 Procedural Safeguards

The districts and the County Education Office that comprise the Santa Barbara County SELPA shall assure the establishment and maintenance of all procedural safeguards under the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 and following) as well as those pursuant to Chapter 5 of the Education Code (commencing with Section 56500).

At each Individualized Education Program meeting, the responsible administrator or administrative designee shall inform the parent and pupil of the federal and state procedural safeguards that were provided in the notice of parent rights pursuant to Education Code Section 56321.

The rights and protections afforded to individuals with exceptional needs and their parents include, but are not limited to, the following:

1. The right to initiate a referral of a child for special education services
2. The right to obtain an independent educational assessment
3. The right to participate in the development of the Individualized Education Program and to be informed of the availability of a free appropriate public education under state and federal law
4. The right and opportunity to examine all school records of the child and to receive copies upon request
5. The right to an expeditious resolution of complaints regarding any alleged violations of the Individuals with Disabilities Education Act
6. The right to a fair and impartial administrative hearing at the state level.

(EDUCATION CODE 56195.8(b)(3), 56205(a))

DATE APPROVED: December 19, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6435 Interagency/ Memorandum of Understanding Agreements

The Santa Barbara County SELPA Executive Director in consultation with an ad hoc committee will establish, maintain and revise as necessary the agreements with the following local public agencies:

1. California Children Services
2. Tri-Counties Regional Center
3. Department of Rehabilitation
4. Community Action Commission, Head Start Program
5. Tri-Counties Regional Center, Part C

All interagency/ memorandum of understanding agreements shall be approved by the JPA Board.

Other interagency/memorandum of understanding agreements may be established as deemed necessary.

DATE APPROVED: January 9, 1987  
DATE REVISED: November 8, 1991  
DATE REVISED: December 9, 2002  
DATE REVISED: November 7, 2011  
DATE REVISED: February 2, 2015



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6436 Recognition of Educational Achievement

It is the intent of the Santa Barbara County SELPA (SBCSELPA) that individuals with exceptional needs receive recognition in lieu of a high school diploma for satisfactory participation in their individualized high school course of study.

To this end, local education agencies operating secondary programs within the SBCSELPA are strongly encouraged to make provision to award a certificate of educational achievement to an individual with exceptional needs who is unable to meet the regular district standards and requirements for a diploma due to the nature or severity of his or her disability. Pursuant to Education Code Section 56391, an individual with exceptional needs who meets the criteria for a certificate of educational achievement is eligible to participate in any graduation ceremony and any school activity related to graduation in which a pupil of similar age without disabilities is eligible to participate. Participation in graduation ceremonies does not equate to completion with a regular high school diploma.

To be eligible for a certificate of educational achievement, an individual with exceptional needs must meet the requirements of (a), (b) or (c) below.

- a. The student has satisfactorily completed an alternative course of study approved by the governing board of the school district in which the student attended school or the local education agency with jurisdiction over the student and identified in his or her IEP;
- b. The student has satisfactorily met his or her IEP goals and objectives during high school as determined by the IEP team; or
- c. The student has satisfactorily attended high school, participated in the instruction specified in his or her IEP, and has met the objectives of the statement of transition services.

(EDUCATION CODE 56390-56392)

DATE APPROVED: November 4, 2002

DATE REVISED: February 2, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6438 Full Educational Opportunity

Each of the Santa Barbara County SELPA's local education agencies shall ensure that students with disabilities have access to the educational programs, services and activities available to students without disabilities, including nonacademic and extra-curricular services and activities, and participate in those programs, services and activities as appropriate to their needs.

(EDUCATION CODE SECTION 56205(a))

DATE APPROVED October 6, 2003

DATE REVISED: February 2, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6439 Suspension and Expulsion of Students Enrolled in Regional Programs

This policy addresses suspension/expulsion procedures for special education students enrolled in Regional programs operated by an entity other than the student's district of residence with the exception of students attending county-operated court and community schools.

Suspensions in Cases Where Expulsion is Not Being Considered

1. If a student enrolled in a Regional program violates a school rule that warrants suspension and the violation takes place within the context of the Regional program, the Regional program administrator will be responsible for the suspension process.
2. If a student enrolled in a Regional program violates a school rule where suspension is warranted and the violation takes place at a school activity, on the grounds of the school campus or in a regular classroom, the site administrator and the administrator of the Regional program will collaborate in implementing the suspension.

Recommendations for Expulsion for Students Enrolled in Regional Programs

1. If a student enrolled in a Regional program commits an offense for which expulsion may be considered, the administrator of the Regional program and the site administrator, if appropriate to the circumstances of the offense, will collaborate in implementing the pre-expulsion suspension.
2. The administrator of the Regional program, the site administrator of the program's location and a designated administrator from the student's district of residence shall collaborate in reaching the decision regarding a recommendation for expulsion. The administrator of the Regional program, the site administrator, and the administrator from the district of residence shall work together in collecting the evidence relevant to the recommendation for expulsion. Evidence will be gathered in conformance with the expulsion procedures of the district of residence.
3. The administrator of the Regional program shall be responsible for coordinating any necessary pre-expulsion assessments.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6439 Suspension and Expulsion of Students Enrolled in Regional Programs  
(Continued)

4. The administrator of the Regional program is responsible for holding the manifestation determination IEP meeting. The designated administrator in charge of expulsion and the special education administrator from the district of residence shall be invited to and shall participate in the meeting. The site administrator from the school of attendance shall also be invited to participate in the manifestation determination IEP if appropriate to the circumstances of the school misbehavior.
5. The administrator of the Regional program and the administrator in charge of expulsion and the special education administrator from the student's district of residence shall be jointly responsible for presenting the recommendation for expulsion to the board of education or hearing panel from the district of residence.
6. The board of education of the district of residence shall be responsible for the final recommendation regarding expulsion.
7. The student's district of residence shall be responsible for assuring that the student is provided with appropriate special education services during the period of the expulsion.

Date Approved: November 3, 2004

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6440 Access to Instructional Materials

Consistent with the requirements of state and federal law, the local education agencies of the Santa Barbara County SELPA will, in a timely manner, provide to blind persons or other persons with print disabilities instructional materials that are produced in, or may be rendered in, specialized formats.

DATE APPROVED: December 3, 2007

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6441 Inclusion of Regional Classroom Staff and Students in Dissemination of School-wide Notices, Materials, Events, and Meetings

1. All notices for changes in schedules, special events, assemblies, etc. sent to the general education classrooms shall be sent to the regional classroom.
2. All notices/bulletins on testing, or other school/curriculum matters shall be sent to the regional classroom.
3. Regional staff shall be invited to attend school-wide staff meetings.
4. The regional class staff should be advised of any special meetings, school-wide trainings/in-services, etc. It shall be at the discretion of the classroom teacher and the special education coordinator/director, as to the relevance of attending the meeting. If the principal feels the regional staff should attend a specific meeting, the regional staff shall attend unless there is some specific rational for not attending. If necessary, this can be handled between the two special education coordinators/directors of the regional and district programs.
5. Regional students shall be invited to participate in school-wide photography for class pictures, yearbooks, etc.

DATE APPROVED: December 3, 2007

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6442 Testing for Students Enrolled in Regional Programs

1. The regional operator shall oversee and handle CAASPP testing for the regional students.
2. The regional operator shall oversee and handle Desired Results for regionally enrolled preschool students housed at district sites.
3. The regional operator shall be responsible for ELPAC or alternate assessment for regional students in Special Day Class programs.
4. The regional operator shall be responsible for overseeing and administering alternate assessments to regional high school students in Special Day Class programs.

DATE APPROVED: February 4, 2008  
DATE REVISED: February 7, 2011

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

6000 SPECIAL EDUCATION - INSTRUCTION

6400 IMPLEMENTATION

6443 Registration, Transcripts and Diplomas

When a student is placed in a regional program, all district policies related to registration, transcripts and diplomas shall apply to the regional student.

1. Regional students will be officially enrolled in/registered (not for ADA purposes) in district classes and shall receive credits and transcripts from the district.
2. Upon completion of all requirements to earn a high school diploma, or a certificate of achievement/completion, regional students shall be allowed to participate in all graduation activities, to include commencement.
3. When students are placed in off-site programs (e.g., Community-based TLP) by the IEP team to better meet their needs, the district location of the program shall become the school of residence for those students. These students shall have equal access to services and shall retain the rights delineated above for the purposes of registration in classes, earning credits, transcripts and diplomas (not for ADA purposes).

DATE APPROVED: December 3, 2007

DATE REVISED: October 2, 2017



# SANTA BARBARA COUNTY SELPA LOCAL PLAN

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## SECTION 8

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### **BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

### **INCOME**

Income Policies  
3101 -3103

(Revised 12-1-14)



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3100 INCOME

3101 Process for Distribution of State and Federal Funds

State and federal funds received by the Santa Barbara County SELPA for the provision of services to students with disabilities shall be distributed among the local education agencies that make up the SBCSELPA pursuant to the methodology contained in the SBCSELPA's AB 602 Special Education Fiscal Allocation Plan.

The SBCSELPA's Fiscal Allocation Plan shall be approved and amended as needed pursuant to the SBCSELPA policymaking process described in SBCSELPA Policy 8103, Adoption of Policies and Procedures.

(EDUCATION CODE SECTION 56195.7(i))

DATE APPROVED: November 4, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3100 INCOME

3102 Santa Barbara County Pro Rata Multiplier

The Santa Barbara County SELPA Pro Rata Multiplier will be used to chargeback all districts and the County Education Office for SBCSELPA administrative and support cost deficits and/or to abate excess SBCSELPA generated funds. The pro rata multiplier will be based on the P-2 ADA count beginning July 1, 2010. The basis includes the pupil count of all nondirect service districts, all direct service districts, and the County Education Office. The County Education Office's appropriate share is based on a count of all direct service districts, which would be a second count of the direct service district pupils.

Chargebacks or abatements will be calculated on the current year's P-2 ADA count beginning July 1, 2010. The pro rata multiplier will be adjusted on an annual basis as new ADA information is officially made available to the SBCSELPA, usually in February.

DATE APPROVED: January 9, 1987  
DATE REVISED: October 13, 1989  
DATE REVISED: June 3, 1992  
DATE REVISED: December 9, 2002  
DATE REVISED: May 3, 2010

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000	BUSINESS AND NON-INSTRUCTIONAL OPERATIONS
3100	INCOME
3103	Nonpublic School Student ADA

When the Santa Barbara County SELPA has been designated as fiscally responsible for all or a portion of the costs of a student's nonpublic school (NPS) and/or residential treatment center (RTC) placement, the average daily attendance (ADA) will be reported and the equivalent LCFF transfer funding (in proportion to the percentage of the NPS RTC placement funded by SBCSELPA), based on the student's grade and adjusted for the actual LCFF funding rate, shall be collected by the district of residence (DOR) and transferred to SBCSELPA to offset the SBCSELPA's cost of the NPS placement.

DATE APPROVED: February 12, 1987  
DATE APPROVED: November 1, 2010  
DATE APPROVED: December 1, 2014

# SANTA BARBARA COUNTY SELPA LOCAL PLAN

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## SECTION 9

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### **BUSINESS AND NON-INSTRUCTIONAL OPERATIONS BUDGET PLANNING PROCESS**

Budget Planning Process Policies  
3201 - 3218

(Revised 5-3-2021)



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

- 3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS
- 3200 BUDGET PLANNING PROCESS
- 3201 SELPA Budget

The SBCSELPA Executive Director is responsible for the Santa Barbara County SELPA's budget planning process.

The SBCSELPA Executive Director may consult with special education administrators and business officials from local education agencies (LEAs) in SBCSELPA as needed, to seek input regarding the budget planning process. The SBCSELPA Executive Director shall report his/her recommendations to include those provided from districts and/or the community to the JPA Board.

DATE APPROVED: January 9, 1987  
DATE REVISED: December 12, 1997  
DATE REVISED: December 14, 2009



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3202 Procedures for Making Changes in Budgeting

The SBCSELPA Executive Director shall be responsible for making changes in budgetary allocations.

The SBCSELPA Executive Director may recommend budgetary allocation changes to the JPA Board for approval as deemed necessary. The SBCSELPA Executive Director may consult with special education administrators and business officials from local education agencies (LEAs) in SBCSELPA to seek input regarding such changes.

DATE APPROVED: January 9, 1987  
DATE REVISED: December 12, 1997  
DATE REVISED: December 9, 2002  
DATE REVISED: December 14, 2009

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATION

3200 BUDGET PLANNING PROCESS

3203 Review of Annual Budget Plan for Subsequent Year

By June 30th of each year, the SBCSELPA Executive Director shall review the proposed Annual Budget Plan and shall submit recommendations to the JPA Board. The SBCSELPA Executive Director may consult with special education administrators and business officials from local education agencies (LEAs) in SBCSELPA as needed, to seek input regarding such recommendations.

DATE APPROVED: January 3, 1984  
DATE REVISED: December 9, 2002  
DATE REVISED: December 14, 2009

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. Provide full 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 to authorize the SBCSELPA Administrative Unit to act as the fiscal agent for the SBCSELPA. Funds for SBCSELPA-funded services shall

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 (*Continued*)

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 P-2 ADA. At year-end, the ADA will be adjusted and aligned to the greater of the prior year or current year certified P-2 ADA. In the event of a declared emergency or approved J-13 waiver, the revised P-2 ADA will be used.

### **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 and shall be distributed to districts based upon their non-Regional P-2 ADA count beginning July 1, 2010. At year-end, the ADA will be adjusted and aligned to the greater of the prior year or current year certified P-2 ADA.

- Preschool Staff Development (Resource 3345)
- Federal Preschool Grant (Resource 3315)
- Federal Part B Local Assistance (PL-142) Funds (Resource 3310)
- Low Incidence Funds
- Infant Program Income (both IPS Unit and supplemental grant funding)
- Licensed Children's Institution (LCI) Funds
- County Property Taxes

The following fund sources will be outside of and in addition to the block grant and shall be allocated as determined annually by the JPA Board:

- State Mental Health Funding
- IDEA federal Mental Health Funding

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

- LCI Emergency Impaction Funds

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 (*Continued*)

**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.

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 (*Continued*)

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

**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.

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 (*Continued*)

**V. FUNDING FOR REGIONAL PROGRAMS OR SERVICES**

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

- Per pupil 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 15<sup>th</sup>, January 15<sup>th</sup> and year end close (July 15<sup>th</sup>); and April 15<sup>th</sup> for Adopted Budget.
- Per pupil costs for July 1<sup>st</sup> through October 31<sup>st</sup> of the given school year will be calculated based on prior year actuals. Following November 1<sup>st</sup> and February 1<sup>st</sup> of a given school year the per pupil 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 pupil actual daily costs will be calculated using regional program costs divided by total day of enrollment.
- The per pupil 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,
- Regional operators of therapeutic learning programs (TLPs) shall also report their current enrollment on March 31st to assist with updating mental health funding calculations.

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.

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 (*Continued*)

Regional program operators shall submit the following information to the SBCSELPA office on a quarterly basis:

- Students (name, DOB, DOR) receiving itinerant services by program/category
- Total minutes of itinerant services for the quarter.

**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. Such consideration of funding requests may 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 needs can be met without increasing the current number of staff members serving in the program. An ad hoc committee review team may be designated by the SBCSELPA Executive Director on an as needed basis to advise her or him 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.

At the end of each school year the SBCSELPA Executive Director shall review the need for continued funding for Regional program expansion and additional instructional aides or other support staff positions in the subsequent school year. 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



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 (*Continued*)

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 child's Behavior Intervention Plan.

## **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 to include 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:

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 (*Continued*)

• 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

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 other than SBCEO operated Programs shall be based on the lesser of the prior year's district indirect cost rate (as established by the state) or average of the indirect cost rate of all district regional program providers, whichever is less. Indirect cost rates for the SBCEO operated regional programs shall be negotiated annually.

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 (*Continued*)

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 a shared expense of all districts within the SBCSELPA. Each district's share of costs for housing Regional programs shall be billed as a separate expense with the SBCSELPA office being responsible for collecting and redistributing housing fees.

**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).

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 (*Continued*)

**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

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 (*Continued*)

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 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.

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 (*Continued*)

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 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 in 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.

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 (*Continued*)

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
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

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 (*Continued*)

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 should be assessed a higher per pupil 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).



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 (*Continued*)

**XI. NONPUBLIC SCHOOL AND AGENCY COSTS**

Federal and state funding provided for mental health IEP services and AB 602 Block Grant 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. Funding will also be set aside to cover costs of SBCSELPA-approved audiological services. 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 9<sup>th</sup>-12<sup>th</sup> 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.
- 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.

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 (*Continued*)

Placements will be funded as stipulated above in the order the students is 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 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.

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 (*Continued*)

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.
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.

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 (*Continued*)

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 an 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.
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.

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 (*Continued*)

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:

- Funding equivalent to the SBCSELPA-wide revenues for the 1997 Extended Year Program, minus \$75,000 formerly set aside for Devereux administrative costs
- Funding equivalent to the SBCSELPA-wide revenues received by districts in 1997-98 through the J-50 process as reimbursement for nonpublic school and agency placements
- An additional fixed allocation as authorized by the JPA Board in an amount sufficient to fully fund anticipated SBCSELPA-level expenditures for the upcoming school year

The total of the above income shall be augmented by the amount of the deficit COLA in any fiscal year that COLA funding for special education is received.

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

- K-12 and Preschool Regionalized Services Income
- Federal and State funding for IEP Mental Health services as designated by the Board

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 (*Continued*)

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.

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 (*Continued*)

**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. Current year P-2 ADA will be used for charter school funding (except Manzanita, Santa Barbara Charter, and Family Partnership).

**XV. LOW INCIDENCE MATERIALS AND EQUIPMENT FUNDS**

Low Incidence (LI) Materials and Equipment funding will continue to be allocated to LEAs within the SBCSELPA based upon the CALPADS Fall 1 with Low Incidence Disabilities as specified in SBCSELPA policy.

By September first of each fiscal school year, SBCSELPA will review LI expenditures by LEA from the prior year. Any LEA annual allocation LI funding remaining from the prior year above 25% shall go into a SBCSELPA shared pool to fund any other LEA unfunded LI costs from the prior year. Any LEA that can demonstrate they have a shortage of LI funding in a given year to cover LI student needs (as per specified priorities listed below) may submit a request with documentation to the SBCSELPA by June first of the current school year in order to access shared pool LI funding that may become available the following September. If there is SBCSELPA level shared pool LI funding remaining after all prior year LEA expenses are funded, it will be allocated out to SBCSELPA member LEAs by based on numbers/percentages of students identified as low incidence (LI) in the current year.

The following excess cost funding priorities will apply:

1<sup>st</sup> priority – specialized equipment and materials expenses

2<sup>nd</sup> priority – direct services

3<sup>rd</sup> priority – transportation to direct services

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>Continued</i> )

**XVI. INFANT PROGRAM FUNDING**

Infant program funding will be received separately from other AB 602 special education revenues. Funds received for operation of programs for infants with disabilities (including both State and Federal funds) will be allocated to the program operators serving infants.

**XVII. LICENSED CHILDREN’S INSTITUTION FUNDING**

The SBCSELPA receives LCI Out-of-Home Care Funding as part of the AB602 allocation. This funding is based on the bed count data for students residing in group homes and six other types of facilities (LCIs) located within each SELPA’s geographic boundary and is intended to offset costs that districts may incur in serving these students. The amount of funding the SBCSELPA receives per pupil is based on the level and type of LCI facility each student resides in.

It is the intent of this policy to ensure that LEAs be reimbursed for all costs associated with providing special education services to students residing in LCI group homes and skilled nursing facilities attending regional programs or receiving an intensive level of service in LEA/district programs due to high level needs. SBCSELPA will reimburse the LEA/District for actual expenditures of students with SDC/higher level needs (as defined in this policy) residing in LCI group home at year end. Any funding remaining after LEAs/districts have been reimbursed for students with SDC/higher level needs residing in LCI group homes shall be distributed to LEA/districts per their overall percentage of students with IEPs enrolled that reside in LCI group homes based on days of enrollment.

SBCSELPA will receive LCI funding to be used to reimburse LEAs for full costs of students residing in LCI group homes and skilled nursing facilities who are served in regional programs or defined as being a special day class (SDC) or high level needs student. This calculation will be based on actual costs.

For purposes of this policy a student must meet one or more of the following criteria to be considered an “SDC/higher level needs student”:

- Student attends a pull-out self-contained special education classroom for more than 50% of the day to receive SAI



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 (*Continued*)

- Student is assigned to an ed specialist (SPED teacher) for more than 50% of the day either in pull out or general education setting receiving SAI (CASEMIS Code 330)
- Student is assigned a 1:1 assistant for more than 50% of the day (CASEMIS Code 340 or 350)
- Student is assigned an NPA service for 20 hours or more weekly (CASEMIS Code 400)

Reimbursable costs associated with students with a high level of needs who are attending LEA special day class (SDC) shall be calculated annually as per the following funding formula:

- LEAs will receive LCI funding based on their total percentage of students with high needs attending LCI SDC compared to the total ADA of students with a high level of needs attending LCI SDC in the SBCSELPA.
- Transportation costs will not be reimbursable through SBCSELPA and shall be offset by pupil ADA collected by the LEA.

The annual billing period will be June 1<sup>st</sup> – May 31<sup>st</sup>. The overlap in school years will allow LEAs to submit their final billing each year by June 30<sup>th</sup> of the current year.

Note that Individuals with exceptional needs ages 18 to 22 years old residing in foster family homes and in group homes defined as LCIs are the fiscal responsibility of the district where they reached the age of majority or the district of residence of their conservator (if conserved). The district of responsibility may contact the district where the LCI is located to determine if they are able and willing to serve the student. All costs associated with the placement shall be the fiscal responsibility of the district where the student reached the age of majority or where the conservator resides (if the student is conserved) and are not reimbursable out of SBCSELPA LCI funding.

### **XVIII. MENTAL HEALTH FUNDING**

The board shall annually adopt a budget by June 30th of the current school year to determine how state and federal AB 114 mental health funding shall be allocated for the subsequent school year to include the following:

1. Funding to offset IEP related mental health services and other misc. costs associated with providing mental health IEP services.

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 (*Continued*)

If funding is allocated directly to an LEA, the LEA agrees to follow state and federal guidelines regarding allowable expenditures and will not supplant current program expenses.

The LEA shall maintain a log of expenditures and will provide to the SBCSELPA upon request within five business days so that required expenditure reports can be submitted to the CDE in a timely manner.

2. Payment of costs for therapeutic nonpublic school (NPS) residential treatment center (RTC) placement /services for students found eligible for special education with emotional disturbance (ED) pursuant to the NPS funding model pursuant to Local Plan Policy 3204 Section XII.
3. Funding to offset costs associated with providing staff development and training, supplies and equipment in order to serve students eligible for special education as ED attending regional therapeutic learning programs (TLPs) and day treatment (DT) programs. The annual allocation for supplies for TLP level 1 shall be \$5,000 and TLP Level 2 shall be \$8,000.
4. Funding to offset other indirect costs associated with providing mental health services to students as deemed appropriate by the board on an annual basis.

## **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.

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

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 (*Continued*)

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, 2014  
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

**APPENDIX A**  
Santa Barbara County SELPA Funding Plan  
Annual Event Schedule

		First Quarter		Second Quarter		Third Quarter		Fourth Quarter	
		SELPA provides Enrollment Searches	Data due to SELPA by:	SELPA provides Enrollment Searches	Data due to SELPA by:	SELPA provides Enrollment Searches	Data due to SELPA by:	SELPA provides Enrollment Searches	4 <sup>th</sup> Quarter data due to SELPA by:
Event									
Regional Itinerant VH, O&M, DHH, OT, Pre-K Specialist	Enrollment	3rd Friday of October	<b>October 31<sup>st</sup></b>	3rd Friday of January	<b>January 30<sup>th</sup></b>	4th Friday of March	<b>April 3<sup>rd</sup></b>  <b><u>April 15<sup>th</sup> Adopted Budget</u></b>	<b>June 30<sup>th</sup></b>	<b>July 6<sup>th</sup></b>
Regional SDC Mod-Severe Elem, Mod-severe Second., DHH, Preschool, Court and Comm. TLP Level 1, TLP Level 2	Enrollment		<b>October 31<sup>st</sup></b>	Operators provide enrollment data July 1 <sup>st</sup> – December 31 <sup>st</sup>	<b>January 15<sup>th</sup></b>	Operators provide year to date enrollment	<b>March 31<sup>st</sup></b> <b>(TLP 1,2 only)</b>  <b><u>April 15<sup>th</sup> Adopted Budget</u></b>	Operators provide year to date enrollment	<b>July 15<sup>th</sup></b>
Program Cost updates	Expenses		<b>October 15<sup>th</sup></b>		<b>January 15<sup>th</sup></b>		<b>March 31<sup>st</sup></b> <b>(TLP1.2 only)</b>  <b><u>April 15<sup>th</sup> Adopted Budget</u></b>		<b>July 15<sup>th</sup></b>
ESY Actual data	Enrollment & Expenses		<b>September 1<sup>st</sup></b>						
Prior Year Adjustments	Expenses		<b>September 30<sup>th</sup></b>						
AB602 CDE Exhibits						Feb			Late June- Mid July
Funding Model Updates				Nov Calculated with prior year P-2 ADA		Feb Calculated with prior year P-2 ADA	<b><u>April 15<sup>th</sup> Adopted Budget</u></b>		Aug Calculated with greater of current or previous year P-2 ADA

DATE REVISED: October 1, 2012  
DATE REVISED: November 6, 2017

## APPENDIX B

### Regional Class Program Operational Guidelines

1. It shall be the responsibility of the SBCSELPA Executive Director to recommend to the JPA Board establishment of additional regional classes if new regional classes are needed.
2. It is recommended that regional operators adhere to the established related services support staffing levels specified in this policy.
3. It is recommended that regional operators adhere to established class size and instructional aide guidelines as is necessary to effectively implement IEPs. If a program drops to sixty percent (60%) or below the established class size and the Board determines the program shall remain open, the regional operator shall meet with the SBCSELPA Executive Director and special education administrators to discuss if it is feasible to potentially reduce instructional assistant time in the program. The SBCSELPA Executive Director may designate a committee comprised of persons that do not have a conflict of interest to go observe a regional program to make recommendations regarding potential staffing reductions if deemed needed. Any decisions to reduce staffing shall occur within 60 days after the Board determines the program shall remain open (see Attachment 2).
4. Nursing costs for itinerant regional students are not part of regional costs (i.e., vision and hearing screenings).
5. Costs for regional class operations will be determined by grade level and program type including:
  - aide support
  - class size
  - related services support
  - support costs
6. Indirect costs for operation of regional programs other than SBCEO operated programs shall be based on the lesser of the prior year's district indirect cost rate (as established by the state) or average of the indirect cost rate of all district regional program providers, whichever is less. Indirect cost rates for the SBCEO operated regional programs shall be negotiated annually.
7. Districts proposing to take over operation of regional programs or to take back programs for only their students who are currently served in a regional program must give notice of such intention to the SBCSELPA and regional program provider prior to July 1 of the fiscal year preceding the school year of the requested program transfer unless otherwise agreed upon by the current regional program operator and district proposing to take back services as specified in education code.
8. If new instructional aides or other support staff are deemed needed in regional programs due to increased enrollment above recommended staffing levels, regional operators shall submit to the SBCSELPA Executive Director a request for increased staffing. Regional operators shall also request the assistance of the SBCSELPA Executive Director, and a committee comprised of the special education administrators and business officials from districts in SBCSELPA in brainstorming other solutions to unique staffing needs. The SBCSELPA Executive Director shall make final recommendations to the JPA Board.

9. Necessary related services for students who receive regional itinerant deaf and hard of hearing (DHH) or visual handicapped (VH) support but who are not enrolled in a regional SDC program shall be provided by the student's district or residence.
10. Funding for sign language interpreters to facilitate participation of students with hearing impairments in school-sponsored extracurricular activities (including those taking place during periods of school vacation) shall not be considered an acceptable regional program expense and the district of residence (DOR) shall be responsible for all costs.
11. Funding for regional sign language interpreters that serve student(s) enrolled in a special day class deaf and hard of hearing (DHH) program shall be billed as part of the regional class expense.
12. Funding for regional itinerant sign language interpreters that serve a LEA/district student(s) at their DOR and are not enrolled in a special day class DHH program shall be the fiscal responsibility of the DOR of each student served and be cost neutral to the regional operator. The regional program operator shall calculate the costs associated with regional itinerant sign language interpreters as a separate line item in the regional DHH program billing. The billing shall list the student name, dates served, daily time of service, and location of services. The total costs shall be for the duration of the interpreter's annual contract in order to ensure that regional program operators do not incur costs for which they are not reimbursed.

DATE REVISED: October 4, 2010  
DATE REVISED: June 6, 2011  
DATE REVISED: October 5, 2015  
DATE REVISED: December 7, 2015  
DATE REVISED: December 5, 2016

### Recommended Related Services FTE Support for Regional Programs by Program Type

PROGRAM TYPE	Mod/Severe Elementary	Mod/Severe Secondary	Preschool SDC	TLP	DHH SDC	Itinerant HH/VH	Preschool Specialist	JCCS RSP/SDC
Psychological / Behavioral Services	.20	.10 - .25	.30	.70 (Psych/MH /BCBA combined)	.30	.05	.15	.375
Related Services Nurse	.05	.05	.05	.025	.015	.015	.02	.025
Speech/Language	.10 - .20	.10	.20 - .40	.05	*.20	0	0	.025
Vocational Education	0	.15	0	.10	0 (pre k – 8 <sup>th</sup> ) .10 (9 <sup>th</sup> up)	0	0	0 (pre k – 8 <sup>th</sup> ) .10 (9 <sup>th</sup> up)
Adaptive P.E.	.10	.05	.20	.05	.10	0	.025	0
TOTAL	.325 - .435	.335 - .555	.75 - .95	.925	.40 - .50	0	.075	.21 - .31

1.00 = Full time per class  
 .50 = 2½ days per week per class  
 .20 = 1 day per week per class  
 .10 = ½ day per week per class  
 .05 = ¼ day per week per class

Note: Regional Program operators shall be allowed line-item discretion (by staff type) when planning for the allocation of funding to cover costs of related services support staff and submitting expenditure reports to SBCSELPA

REVISED: January 9, 2012  
 REVISED: May 6, 2013  
 REVISED: October 7, 2013  
 REVISED: October 5, 2015  
 REVISED: December 7, 2015  
 REVISED: October 2, 2017  
 REVISED: March 4, 2019  
 REVISED: August 31, 2020

## Recommended Staffing Levels for Regional Programs

Regional Programs	Recommended Average Class Size/Caseload Per 1 FTE	Recommended Daily/Weekly Classroom Support Provider Hours
<b>TLP</b>		
K-6	8-12	Daily: <ul style="list-style-type: none"> <li>12 hrs. behavior aide support (two 6 hr. behavior aides)</li> </ul> Weekly: <ul style="list-style-type: none"> <li>20 hours of Mental Health therapist support</li> <li>6 hours BCBA support</li> <li>8 hours of school psychologist support</li> </ul>
7 – 8	* 10-12	Daily: <ul style="list-style-type: none"> <li>12 hrs. behavior aide support (two 6 hr. behavior aides)</li> </ul> Weekly: <ul style="list-style-type: none"> <li>20 hours of Mental Health therapist support;</li> <li>6 hours BCBA support;</li> <li>8 hours of school psychologist support</li> </ul>
9 - 12	* 10-12	Daily: <ul style="list-style-type: none"> <li>12 hrs. behavior aide support (two 6 hr. behavior aides)</li> </ul> Weekly: <ul style="list-style-type: none"> <li>20 hours of Mental Health therapist support or .50 FTE</li> <li>6 hours BCBA support;</li> <li>8 hours of school psychologist support or .20 FTE</li> </ul>
<b>Pre. Specialist Inclusion</b>	32	6 hrs. per teacher
<b>Severe/Profound</b>		
Pre. SDC	8-9 ½ day class size	12 hrs. (2 aides per 3 hr ½ day session)
Pre-K Autism	8 5 hr. day	15 hrs. (3 aides)
K-3	8-9	18 hrs.
4-6	8-10	18 hrs.
7-8	8-10	18 hrs.
9-12	8-10	18 hrs.
18-22	8-10	18 hrs
<b>VH Itinerant</b>	15-18	8 hrs. Brailist
<b>O &amp; M</b>	15-18	Shared 6 hour aide w/VH Itinerant



<b>Occupational Therapy</b>	<b>**20-30</b> (Direct service consults count toward caseload numbers: 2 direct service consults = 1 direct service)	N/A
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<b>Regional Programs</b>	<b>Recommended Average Class Size/Caseload Per 1 FTE</b>	<b>Recommended Daily Classified Support Provider Hours Total (aide, aide interpreter, interpreter)</b>
<b>DHH</b>		
Pre. Itinerant	6-8 ½ day caseload	0 hrs.
Pre. SDC	6-8 ½ day class size	6 hrs (2 aides per 3 hr. ½ day session)
Prim. SDC	6-9	9 hr. (1:3 hr. aide + 1:6 hr. aide)
(3) 4-6	9-12	12 hr.
7-8	9-12	12 hr.
9-12	9-12	6 hr.
***Pre K-12 Itinerant and Full Inclusion	12-18	Classified staff hours to be determined by student population and location and reported to SBCSELPA

\*These recommended staffing levels are for regional TLP students who are in the TLP classroom for 50% or more of their day, unless the IEP team developed a transition plan in order to transition the student back into general education.

\*\*Mileage in excess of 300 miles monthly is to be considered.

\*\*\*LEA must report the name of DHH classified staff, position, hours and student name when submitting regional program expenditure report to SBCSELPA.

All recommended staffing levels are “recommendations only”; if regional program enrollment exceeds the recommended levels, regional program operators shall request assistance of the SBCSELPA Executive Director to seek advisement regarding solutions from LEA special education administrators and business officials. The SBCSELPA Executive Director shall make recommendations to the JPA Board for staffing or program increases as deemed appropriate.

10/3/2011

DATE REVISED: May 7, 2012

DATE REVISED: May 6, 2013

DATE REVISED: May 4, 2015

DATE REVISED: October 2, 2017

DATE REVISED: September 10, 2018

**Appendix B – Attachment 3**  
**Allowable Regional Program Administrative & Classified Clerical**  
**Support Charges (percentage to total program cost)**

<b>PROGRAM</b>	<b>COUNTY OFFICE SBCEO</b>	<b>DISTRICT</b>
Severely Handicapped (SH)		
Administrative	4.7%	4.2%
Classified Clerical	2.9%	1.9%
GROW		
Administrative	0.0%	8.0%
Clerical	0.0%	1.9%
Deaf and Hard of Hearing (DHH) SDC		
Administrative	4.3%	3.5%
Clerical	2.9%	1.9%
Pre-K		
Administrative	5.1%	3.8%
Clerical	2.9%	1.9%
Deaf and Hard of Hearing (DHH) Itinerant		
Administrative	5.2%	3.9%
Clerical	2.9%	1.9%
Occupational Therapy (OT)		
Administrative	5.8%	4.5%
Clerical	3.4%	1.9%
VH O&M		
Administrative	4.7%	3.9%
Clerical	2.9%	1.9%
Pre-K Specialist		
Administrative	4.6%	3.3%
Clerical	2.9%	1.9%
Court & Community		
Administrative	3.1%	NA
Clerical	2.9%	NA

APPROVED: June 6, 2011  
 REVISED: March 5, 2012  
 REVISED: February 2, 2015  
 REVISED: June 5, 2017

## APPENDIX C

### **Fiscal Allocation Plan Calculation Detail for Extended School Year**

LEA's shall be responsible for the set up and operation of ESY programs for non-regional program students enrolled in their LEA.

ESY regional program costs shall be funded by the districts of residence of students served by the program.

Reimbursement to regional program ESY staff members for student related expenses including supplies, food, duplicating/ copying, and transportation for field trips shall not exceed \$100.00 per teacher and \$50.00 per DIS provider.

ESY regional programs shall be housed at the same location they are housed during the regular school year unless other mutually agreed upon arrangements are made between the district providing housing and the regional program operator. The following costs shall not be reimbursed to districts as part of providing housing for ESY regional programs:

- Rental, custodial or utilities fees charged for ESY classroom use
- Indirect costs

DATE REVISED: November 7, 2005

DATE REVISED: May 4, 2009

DATE REVISED: June 1, 2009

DATE REVISED: May 3, 2010

DATE REVISED: December 6, 2014

## **APPENDIX D**

### **FUTURE STUDIES**

As part of the process of refining the SBCSELPA's Long Term AB 602 Funding Plan, the following issues will be studied with recommendations forwarded to the JPA Board:

Study whether special financial consideration should be given long term to small districts that have transitioned from direct to non-direct service district status.

Study whether special financial consideration should be given for sparsity factors and for districts meeting the direct service district size criteria.

Study whether funding should be provided through the SBCSELPA Budget to offset the cost of additional accounting tasks associated with implementation of the new funding model.

Study the cost implications of Regional programs were to be funded totally as pay as you go or ½ pay as you go and ½ as a shared expense.

Study whether special financial consideration should be given to districts serving LCI pupils in district SDC programs.

## APPENDIX E

### Definition of Sparsely Populated Districts

The following section of the Education Code is taken from the 1997 California Special Education Programs Composite of Laws. It reflects Education Code language describing special education funding under the J-50 funding system, prior to Education Code amendments that resulted in implementation of the AB 602 funding legislation.

#### E.C. 56728.6 (d) (1)

- (A) Sparsely populated districts are school districts that meet one of the following conditions:
  - (i) A school district or combination of contiguous school districts in which the total enrollment is less than 600 pupils, kindergarten and grades 1 to 12, inclusive, and in which one or more of the school facilities is an isolated school.
  - (ii) A school district or combination of contiguous school districts in which the total pupil density ratio is less than 15 pupils, kindergarten and grades 1 to 12, inclusive, per square mile and in which one or more of the school facilities is an isolated school.
- (B) Isolated schools are schools with enrollments of less than 600 pupils, kindergarten and grades 1 to 12, inclusive, that meet one or more of the following conditions:
  - (i) The school is located more than 45 minutes average driving time over commonly used and well-traveled roads from the nearest school, including schools in adjacent special education local plan areas, with an enrollment greater than 60 pupils, kindergarten and grades 1 to 12, inclusive.
  - (ii) The school is separated, by roads that are impassable for extended periods of time due to inclement weather, from the nearest school, including schools in adjacent special education local plan areas, with an enrollment greater than 600 pupils, kindergarten and grades 1 to 12, inclusive.
  - (iii) The school is of a size and location that, when its enrollment is combined with the enrollments of the two largest school within an average driving time of not more than 30 minutes over commonly used and well-traveled roads, including school in adjacent special education local plan areas, the combined enrollment is less than 600 pupils, kindergarten, and grades 1 to 12, inclusive.
  - (iv) The school is the one of normal attendance for a severely disabled individuals, as defined in Section 56303.5, or an individual with a low-incidence disability, as defined in Section 56026.5, who otherwise would be required to be transported more than 75 minutes average one-way driving time over commonly used and well-traveled roads, to the nearest appropriate program.

(1/10/03)

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3207 Methodology for Counting Students with Low Incidence Disabilities and Allocating Low Incidence Funds

The district of residence (DOR) of the student shall receive the low incidence funding allocated. Low incidence funds generated by pupils with low incidence disabilities shall be maintained at the SBCSELPA and allocated to DORs annually to reimburse any low incidence expenditure made on behalf of pupils with low incidence disabilities.

Low incidence funds are allocated annually to SBCSELPA district of residence (DOR) of pupils with low incidence disabilities on a per pupil dollar amount basis based on the total number of pupils with low incidence disabilities reported on the CALPADS Fall 1. The per pupil dollar amount is derived by dividing the number of low incidence pupils reported SBCSELPA-wide into the SBCSELPA total amount of low incidence service funds received.

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 sign in consent all requests to purchases or to seek reimbursement for low incidence equipment, materials, or services via the SBCSELPA Low Incidence Request Form.

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

EDUCATION CODE 56206

DATE APPROVED: September 5, 1997  
DATE REVISED: December 9, 2002  
DATE REVISED: June 6, 2016

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000	BUSINESS AND NON-INSTRUCTIONAL OPERATIONS
3200	BUDGET PLANNING PROCESS
3208	Closure of Regional Programs or Program and Service Transfers

1. The SBCSELPA Executive Director shall consider closure of a regional class/program by January 15th of the year preceding the potential closure when the number of students drops below sixty percent of the recommended SELPA Plan caseload. Such consideration shall be reviewed by a committee designated by the SBCSELPA Executive Director to include the regional program operator, special education administrator, affected LEA special education administrators (from both LEAs of current students served and sending LEAs in the following school year), and at least one or more parent(s) of a child served in the program. The committee shall consider the following when making recommendations regarding potential closure of a regional class/program:

- Historical class size data for past two years
- Projected class size for next two future years
- Age span of students
- Purpose and intent of the class/program
- Other viable options that provide FAPE in LRE and most appropriate setting
- Parent input
- Fiscal impact of closing the class/program versus keeping it open

Recommendations from the committee shall be discussed with the special education administrators and business official from districts in SBCSELPA in order to determine it is feasible to close the regional class/program and continue to meet student IEP needs.

The SBCSELPA Executive Director shall make final recommendations for closure of regional classes/programs to the JPA Board.

2. The SBCSELPA Executive Director shall consider an LEA's request for closure of a regional class/program when such request is put in writing and forwarded to the SBCSELPA Executive Director by September 1 of the year preceding the proposed regional class/program closure. Such consideration shall be discussed with the district and a committee comprised of the special education administrators and business official from districts in SBCSELPA in order to determine it is feasible to close the regional class/program and

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3208 Closure of Regional Programs or Program and Service Transfers (*Continued*)

continue to meet student IEP needs. The LEA and SBCSELPA Executive Director shall also ensure that there has been involvement and representation of parents of all affected students and staff (e.g., special and non special education teachers, itinerant specialists, administrators, and classified) in the planning process. The SBCSELPA Executive Director shall make final recommendations for closure of regional classes/programs to the JPA Board.

3. The SBCSELPA Executive Director shall consider a LEA's request (sending or receiving) to transfer program(s) and service(s) (in whole or in part) when the sending or receiving agency has informed the other agency and the SELPA prior to the first day of the second fiscal year beginning after the date on which the transfer will take place unless both LEA's involved unanimously approve that the transfer take place on the first day of the first fiscal year following that date. The SBCSELPA Executive Director shall make final recommendations regarding program and service transfer requests (in whole or in part) to the JPA Board.
4. If an LEA requests (sending or receiving) to transfer program(s) and service(s) (in part or in whole) less than a year and a day prior to the proposed transfer, a written letter of request shall be made to the administrator of the current program operator and SBCSELPA Executive Director prior to a final recommendation going forth to the JPA Board. The SBCSELPA Executive Director shall receive confirmation in writing from the current program operator that they approve the requested date of transfer in part or in whole.
5. The LEA requesting program and service transfers certifies that the agency will comply with all applicable requirements of federal and state laws and regulations and special education local plan area policies, including compliance with the Individuals with Disabilities Education Act, Section 504 of Public Law, and the provisions of the California Education Code prior to the transfer. Specifically, the receiving LEA/District shall provide the Board a detailed program transfer plan that includes all of the following:
  - Evidence pupil needs within the SBCSELPA can be met
  - Evidence availability of a full continuum of services to affected pupils has been considered



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3208 Closure of Regional Programs or Program and Service Transfers (*Continued*)

- Evidence continuation of current IEPs of affected pupils has been considered
- Evidence provision of services and least restrictive environment (LRE) for affected pupils has been considered
- Evidence of maintenance of all IEP support services has been considered
- Assurance statement that there will be compliance with all federal and state laws and regulations and SBCSELPA policies
- Evidence parents and staff were represented in the planning process for both the sending and receiving LEA
- Evidence of an agreed upon plan between sending and receiving LEAs for transfer of equipment
- Proposed plan for facilities
- Certification of the receiving LEA's governing board

6. When a reorganization (including the closure of a regional class/program or program and service transfer) of special education programs under the Local Plan results in the termination, reassignment, or transfer of an employee, certificated and classified employee rights shall be determined in accordance with applicable statutes. (See Ed. Code § 44903.7, 45120.2.)

An ad hoc committee review team may be designated by the SBCSELPA Executive Director on an as needed basis to advise her or him regarding potential regional class/program closures or program and service transfers.

This team may at the discretion and direction of the SBCSELPA Executive Director, review significant data regarding the regional class/program and/or make an on-site study prior to making a written recommendation to the SBCSELPA Executive Director as to its findings:

1. Projected class size based on the CALPADS Fall 1 of the past 3 years and current enrollment shall be considered in the case of a recommendation for a regional class/program closure or program and service transfers

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3208 Closure of Regional Programs or Program and Service Transfers (*Continued*)

2. Pupil needs
3. Exceptional circumstances such as population, sparsity and low incidence disabilities shall also be considered in order to assure the availability of the full continuum of service to affected pupils
4. The functional continuation of the current individualized education programs of all affected pupils. The team must assure that the affected pupils' IEPs, to include appropriate support services, can be appropriately implemented in another setting in the case of a regional class/program closure or program and service transfer
5. The provision of services in the LRE from which the affected pupils can benefit
6. The assurance that there will be compliance with all federal and state laws and regulations and special education local plan area policies
7. The means through which parents and staff will be represented in the planning processes
8. If it is a request to close a regional class/program or to transfer program(s) and service(s), consideration shall be given to whether another program operator is willing and able to assume responsibility for the program in order to assure a full continuum of service.
9. How certificated and classified personnel will be affected by the transfer.
10. Fiscal impact of regional class/program closure or program and service transfer.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

- 3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS
- 3200 BUDGET PLANNING PROCESS
- 3208 Closure of Regional Programs or Program and Service Transfers (*Continued*)

Closure of a regional class/program or program and service transfers shall occur at the beginning of the next fiscal year unless the program operator(s) unanimously agree that the closure take place at a different time.

The LEA requesting program and service transfers shall notify the SBCSELPA and JPA Board by January 15<sup>th</sup> of the year prior to the closure/transfer of a program or service if they plan to rescind the request.

California Education Code Part 30, Section 56207; 45120.2; 56822; 44903.7

DATE APPROVED:	<u>June 12, 1987</u>
DATE REVISED:	<u>November 8, 1991</u>
DATE REVISED:	<u>March 3, 1995</u>
DATE REVISED:	<u>December 9, 2002</u>
DATE REVISED:	<u>April 7, 2008</u>
DATE REVISED:	<u>November 2, 2009</u>
DATE REVISED:	<u>October 7, 2013</u>
DATE REVISED:	<u>September 8, 2014</u>
DATE REVISED:	<u>June 15, 2015</u>
DATE REVISED:	<u>January 9, 2017</u>

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3209 Criteria for Funding and Fading Additional Instructional Assistant Time Assigned to Regional Programs to Address Behavior Issues

In an effort to promote maximum independence, interaction with peers, and group participation and substitute positive replacement behaviors for maladaptive behaviors, additional instructional assistant support will be assigned to the classroom of individual students exhibiting serious behavior problems in conformance with the following guidelines:

1. Whenever a regional program operator requests additional instructional assistant time is requested for behavioral support in Regional classrooms, the expectation is that the additional instructional assistant time will be assigned to the class as a whole rather than to an individual student.
2. In all cases where additional instructional assistant time is assigned to a Regional class, the children for whom the additional behavioral support is needed must have a behavior support plan or a Hughes Bill plan that includes specific criteria for fading the additional instructional assistant time.
3. All requests for funding for additional instructional assistant time for Regional programs to address behavior issues must be accompanied by the following information:
  - a. A description of and data documenting the frequency and intensity and antecedents related to the maladaptive behaviors prompting the request for additional instructional assistant time.
  - b. A description of the prior interventions that have been attempted to address the behavior and the results of these interventions.
  - c. A description of the goal/anticipated outcome to be achieved by adding the additional instructional aide assistance.
  - d. A summary of the portion of the behavior plan that describes the criteria for fading the additional instructional assistant time.
4. The behavior plans developed to address the maladaptive behavior requiring the addition of instructional assistant time shall include the following components:

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3209 Criteria for Funding and Fading Additional Instructional Assistant Time Assigned to Regional Programs to Address Behavior Issues (*Continued*)

- a. A statement that the instructional assistant is assigned to the class rather than to an individual student in order to achieve the following objectives:
  - the classroom teacher will have flexibility to work directly with the child exhibiting specific maladaptive behaviors
  - the instructional assistant will be ~~is~~ seen as an intervention and not as a permanent component of the placement
  - the child will not become aide dependent.
- b. The criteria for fading the additional instructional assistant intervention built into the target behaviors and tied directly to the decreasing frequency of the target behaviors.
- c. A description of the ongoing support that will be available to the child and the class should the target behaviors recur to some degree after the additional instructional assistant time is discontinued (i.e., other assistant support for another class on campus, a floating assistant, etc.).

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.

DATE APPROVED: December 4, 2000

DATE REVISED: December 9, 2002

DATE REVISED: January 11, 2016

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

- 3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS
- 3200 BUDGET PLANNING PROCESS
- 3210 Approval for Nonpublic Agency Services for Regional Programs

When the operator of a regional program concludes that:

1. Additional services are required to support the program, and
2. These additional services should be provided by contracting with a non-public agency,

The Regional operator will present its request to the JPA Board for discussion and subsequent action.

No contract with a non-public agency for the purpose of augmenting services to a regional program shall be developed without prior approval of the JPA Board and review by the SBCSELPA Executive Director.

The SBCSELPA Executive Director may consult with special education administrators and business officials from local education agencies (LEAs) in SBCSELPA as needed, to seek input regarding such requests.

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DATE APPROVED: June 3, 1992  
DATE REVISED: March 4, 1994  
DATE REVISED: March 3, 1995  
DATE REVISED: December 9, 2002  
DATE REVISED: December 14, 2009

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3212 State Residential School

The SELPA and its member local education agencies shall be financially responsible for the placement of individuals with disabilities in nonpublic/state residential schools and for nonpublic agency services as outlined below:

1. The Santa Barbara County SELPA (SBCSELPA) shall be responsible for the costs associated with placement of SBCSELPA-resident students in the state residential schools.
2. The funding of SRS placements shall exclude those provided via settlement agreement and/or as compensatory education. Such costs shall be the sole responsibility of the district of residence, pursuant to SBCSELPA Local Plan Policy 3217.
3. The SBCSELPA shall be responsible for the costs associated for audiological services pursuant to an IEP, as follows:
  - One annual audiological assessment and two hearing aide checks annually per student with an IEP ages 3-12.
  - Plus, audiological assessment every three years and two hearing aid checks annually per student with an IEP ages 13-21.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3212 State Residential School (*Continued*)

4. Nonpublic agency services provided to students enrolled in regional programs shall be a shared SBCSELPA expense through the regional program funding mechanism.
5. All other nonpublic agency service costs shall be the responsibility of the contracting local education agency pursuant to SBCSELPA Policy 3217.

The SBCSELPA and its member local education agencies shall pay to the nonpublic, nonsectarian school or agency the full amount of the tuition and other related services for individuals with disabilities enrolled in such programs pursuant to the provision of the current master contract.

(EDUCATION CODE. 56365(d))

DATE APPROVED: January 9, 1987.  
DATE REVISED: November 10, 1988  
DATE REVISED: November 8, 1991  
DATE REVISED: December 9, 2002  
DATE REVISED: November 7, 2005  
DATE REVISED: June 4, 2007  
DATE REVISED: September 14, 2009  
DATE REVISED: June 4, 2012



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3213 Chargebacks for LCI Nonpublic School Costs

In the event that the state budget for LCI nonpublic school and agency funding is exceeded and additional state funding is not provided, the resulting deficit in funding for LCI nonpublic school and agency services shall be considered part of the SBCSELPA's total regional program expenses to be shared by all districts within the SBCSELPA.

DATE APPROVED: April 15, 1994

DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3214 Payment for Independent Educational Evaluations (IEE)

1. For non-regional programs, the district of residence of the child (which shall include the County Education Office for children residing in direct service districts who receive special education services from County Education Office staff), shall be responsible for payment of the costs of independent educational evaluations.
2. For regional programs, the costs of independent educational evaluations shall be included in the total costs for operation of the Regional Program under the following circumstances:
  - a. The parent requests an IEE and the regional program operator, with the agreement of the SBCSELPA Executive Director, determines that the IEE should be provided at public expense in lieu of requesting a due process hearing to show that its assessment was appropriate.
  - b. The parent requests reimbursement for an IEE obtained privately and the regional program operator, with the agreement of the SBCSELPA Executive Director, determines that the IEE should be funded in lieu of requesting a due process hearing to show that its assessment was appropriate.
  - c. The parent files a complaint with either the California Department of Education or the Office for Civil Rights and the corrective action requires payment of the costs of an IEE.
3. For children enrolled in regional programs, the cost of an IEE included as part of a mediation settlement agreement or due process hearing decision shall be included in the total costs for operation of the Regional Program.

DATE APPROVED: January 10, 2000

DATE APPROVED: February 4, 2002

DATE REVISED: December 14, 2009

DATE REVISED: February 1, 2016

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3215 Provision of Special Education Services to Parentally Enrolled Private School Students

Local education agency (LEA) members of the Santa Barbara County SELPA shall annually spend a proportionate share of IDEA Part B local assistance subgrant federal funds to provide special education and related services to children with disabilities enrolled by their parents in private school, including religious, schools or facilities that meet the definition of elementary school or secondary school, located in the school district served by the LEA. These funds may not be used for repair, remodeling, or construction of private school facilities.

Annually the SBCSELPA Executive Director shall inform each district of the amount of federal special education dollars to be spent on private school students. The proportionate share of funding to be expended on parentally-placed private school students shall be determined by calculating, based on CALPADS Fall 1 private school child count, the ratio of the total number of school age children eligible for special education who reside in the LEA's jurisdiction to the total number of private school children with disabilities aged 3 through 21 who are enrolled by their parents in private school, including religious, elementary schools and secondary schools located in the school district served by the LEA. Parentally placed private school children with disabilities aged three through five who are enrolled by their parents in a private school, including religions, elementary school located in the school district served by the LEA shall be considered to be parentally placed private school children with disabilities, and included in the total private school pupil count, only if they are enrolled in a private school that meets the definition of elementary school in CFR §300.13.

The total of the LEA's current year IDEA Part B local assistance subgrant for school age children shall be multiplied by this ratio to determine the proportionate share of the LEA's Part B subgrant for school age children with disabilities that must be expended during the grant period on the provision of special education and related services for the parentally placed private school children with disabilities enrolled in private school within the LEA's jurisdiction.

If an LEA has not expended its proportionate share of Subgrant Part B Federal funding for parentally placed school services in the fiscal year the money was appropriated, the LEA may carry-over the funds for a period of one additional year.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3215 Provision of Special Education Services to Parentally Enrolled Private School Students (*Continued*)

Prior to December 1 of each school year, the SBCSELPA Executive Director, in collaboration with LEA special education administrators/designees, shall engage in timely and meaningful consultation with private school representatives and representatives of parents of parentally placed private school children with disabilities regarding the following:

1. How parentally placed private school children suspected of having a disability can participate equitably; child find process.
2. How parents, teacher and private school officials will be informed of the process.
3. How the proportionate share of Subgrant Part B Federal Funds is to be expended on students parentally placed in private schools is calculated.
4. How the consultation process will occur throughout the school year.
5. Provision of services; types of services including direction and alternate service delivery mechanisms.
6. How special education and related services will be apportioned if funds are insufficient to serve all parentally placed private school children; how and when those decisions will be made.
7. How, if the LEA disagrees with the views of the private school officials on the types of services (whether to be provided directly or through a contract), the LEA will provide the private school officials with a written explanation of the reasons why they chose not to provide services directly or through a contract.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3215 Provision of Special Education Services to Parentally Enrolled Private School Students (*Continued*)

The SELPA/LEAs shall obtain a written affirmation signed by the representatives of participating private schools confirming that timely and meaningful consultation has occurred on an annual basis. After the annual consultation meeting with representatives of participating private schools has occurred, LEAs in the SBCSELPA that have private schools located within their boundaries shall develop follow-up guidelines regarding the special education and related services to be provided to special education eligible students enrolled in private schools in their jurisdiction. These guidelines will include the following:

1. Service location options
2. Service provider options (public school employees or contractors)
3. Types of services to be provided pursuant to service plans

EDUCATION CODE: Title 34 CFR Section 300.130-144; Title 20 USC Section 1412 (a) (A) (i)

DATE APPROVED: January 10, 2000

DATE REVISED: November 6, 2000

DATE REVISED: January 5, 2009

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3217 Responsibility for Funding Calculations

The SBCSELPA Joint Powers Agency Board acknowledges the importance of provision of timely and accurate data and calculations in the development of spreadsheet information for special education fund allocations in areas including but not necessarily limited to costs associated with housing of regional classes and apportionment of special education funding pursuant to the SBCSELPA's AB 602 Fiscal Allocation Plan.

In conjunction with the above, the SBCSELPA office shall have the responsibility for the following:

- Receipt and allocation of funding to LEAs
- Collecting data for spreadsheet development
- Compiling data in spreadsheet formats, as appropriate
- Providing to SBCSELPA LEA business and special education administrative personnel back-up data and methodology used for all calculations.

The SBCSELPA LEAs shall be responsible for the accuracy of the data submitted to the SBCSELPA office to be used for fiscal calculations.

The SBCSELPA LEAs shall share responsibility with the SBCSELPA office for checking the accuracy of the calculations pursuant to allocation policy guidelines.

Any data or calculation errors identified shall be corrected for the current fiscal year and shall not be applied retroactively to prior fiscal years.

**I. DISTRIBUTION OF FUNDING AND REGIONAL PROGRAM EXPENSES**

The Administrative Unit will receive all special education revenues, Federal and State, in a Fund 76 as a cash-conduit for the SBCSELPA. The AU, as the Federal Grantee, will record receipt of funds and pass those funds to SBCSELPA's Fund 10.

All SBCSELPA apportionments shall be made through the SBCSELPA's Fund 10.

The SBCSELPA shall transfer funds and expenses to member LEAs based on the SBCSELPA Funding Model.

- Regional Program operators shall be reimbursed for program costs by the district of residence (DOR) member LEA for each student attending the regional program.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3217 Responsibility for Funding Calculations (*Continued*)

- The DOR shall record the regional program cost paid to the Regional Program Operator as a transfer between a district or County as appropriate.

DATE APPROVED: October 6, 2003

DATE REVISED: June 4, 2018

DATE REVISED: May 3, 2021

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3218 Federal Maintenance of Effort Requirement

Santa Barbara County SELPA (SBCSELPA) member local education agencies recognize that the intent of the federally mandated maintenance of effort (MOE) requirement is to ensure the provision of appropriate services for students with disabilities.

The governing board of each local education agency (LEA) of which the Santa Barbara County SBCSELPA is comprised has adopted an assurance statement regarding the maintenance of local financial effort relative to the receipt of federal special education funds. Pursuant to these locally adopted assurance statements, it is the expectation that all individual sub-grant recipient member agencies (LEAs) of the SBCSELPA shall meet the MOE requirement on a yearly basis. As each school year progresses, it shall be the responsibility of each SBCSELPA LEA to monitor expenditures for special education to assure that the LEA is on track to meeting the MOE.

LEAs shall be deemed to have met the MOE if their expenditure data meets the MOE parameters as set forth in the implementing regulations of the Individuals with Disabilities Education Act (IDEA).

If the expenditure data of an individual sub-grant recipient member LEA indicates that the MOE standard will be met only through application of the criteria outlined in Section 300.232 of the IDEA (Exception to Maintenance of Effort), SBCSELPA Executive Director shall review such data and make a recommendation to the JPA Board regarding whether the criteria for exception to MOE have been met. The JPA Board shall take action to approve or deny the recommendation of the SBCSELPA Executive Director.

The SBCSELPA Executive Director may consult with special education administrators and business officials from local education agencies (LEAs) in SBCSELPA as needed, to seek input regarding such requests.



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3218 Federal Maintenance of Effort Requirement (*Continued*)

In the event that the JPA Board determines that a member LEA submits a LEA Maintenance of Effort Calculation Worksheet (LMC-B) that fails to meet the IDEA budget to actual eligibility requirement to receive IDEA funds, the SBCSELPA shall document that it has withheld the LEA's allocation of federal funds until the LEA can demonstrate to the SBCSELPA and the California Department of Education (CDE) that it will meet the LMC-B requirements.

In the event that the JPA Board determines that a member LEA submits an LEA Maintenance of Effort Calculation Worksheet (LMC-A) that fails to meet the IDEA actual to actual compliance requirement, the LEA will be invoiced by the CDE directly. The LEA will have to pay back the difference between the prior actual expenditures and the most recent year actual expenditures directly to the CDE. The LEA must use local and/or state and local funds from the current fiscal year to pay the CDE. If the LEA does not respond to three invoice requests from CDE to pay the invoice, the LEA acknowledges that the CDE will deduct funds from the LEA's next principal apportionment or apportionments until the penalty is met.

DATE APPROVED: April 5, 2004

DATE REVISED: December 14, 2009

DATE REVISED: October 1, 2012

DATE REVISED: September 14, 2015

# SANTA BARBARA COUNTY SELPA LOCAL PLAN

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## **SECTION 10**

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### **BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

### **FISCAL REPORTING**

Fiscal Reporting Policies  
3301 - 3303

(Revised 5-4-2020)



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3300 FISCAL REPORTING

3301 Expenditures

All expenditures of the Joint Powers Agency will be made in accordance with the Education Code, Board policies and procedures and budget limitations.

DATE APPROVED: July 5, 1983  
DATE REVISED: January 6, 2003

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3300 FISCAL REPORTING

3302 Fiscal Reports to the Joint Powers Agency Board

The Joint Powers Agency Board will review and approve the SBCSELPA budgets at Adopted, First Interim, Second Interim, and Unaudited Actuals reporting periods.

DATE APPROVED: July 5, 1983

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3300 FISCAL REPORTING

3303 Approval of Expenditures

Expenditures of Joint Powers Agency funds may be made within budget limitations only. All expenditures will be made by the SBCSELPA Executive Director or Chairperson of the Joint Powers Agency Board or other persons approved by the SBCSELPA Executive Director and ratified by the Board.

(EDUCATION CODE SECTIONS 42632 AND 42633)

DATE APPROVED: July 5, 1983

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000	BUSINESS AND NON-INSTRUCTIONAL OPERATIONS
3300	FISCAL REPORTING
3304	Fund Balance Policy

The Fund Balance Policy is intended to provide guidelines during the preparation and execution of the annual budget to ensure that sufficient reserves are maintained for unanticipated expenditures or revenue shortfalls. It also is intended to preserve flexibility throughout the fiscal year to make adjustments in funding for program approved in connection with the annual budget. The Fund Balance policy should be established based upon a long-term perspective recognizing that stated thresholds are considered minimum balances. The main objective of establishing and maintaining a Fund Balance Policy is for the SBCSELPA to be in a strong fiscal position that will allow for better position to weather negative economic trends.

The Fund Balance consists of five categories; Nonspendable, Restricted, Committed, Assigned, and Unassigned.

- Nonspendable Fund Balance consists of funds that cannot be spent due to their form (e.g. inventories and prepaids) or funds that legally or contractually must be maintained intact.
- Restricted Fund Balance consists of funds that are mandated for a specific purpose by external parties, constitutional provisions or enabling legislation.
- Committed Fund Balance consists of funds that are set aside for a specific purpose by the district's highest level of decision making authority (governing board). Formal action must be taken prior to the end of the fiscal year. The same formal action must be taken to remove or change the limitations placed on the funds.
- Assigned Fund Balance consists of funds that are set aside with the intent to be used for a specific purpose by the SBCSELPA's highest level of decision making authority or a body or official that has been given the authority to assign funds. Assigned funds cannot cause a deficit in unassigned fund balance.
- Unassigned Fund Balance consists of excess funds that have not been classified in the previous four categories. All funds in this category are considered spendable resources. This category also provides the resources necessary to meet unexpected expenditures and revenue shortfalls.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000	BUSINESS AND NON-INSTRUCTIONAL OPERATIONS
3300	FISCAL REPORTING
3304	Fund Balance Policy

Nonspendable and Restricted Funds

Nonspendable funds are those funds that cannot be spent because they are either:

- 1) Not in spendable form (e.g. inventories and prepaids)
- 2) Legally or contractually required to be maintained intact

It is the responsibility of the SBCSELPA Executive Director to report all Nonspendable Funds appropriately in the SBCSELPA's Financial Statements.

Restricted funds are those funds that have constraints placed on their use either:

- 1) Externally by creditors, grantors, contributors, or laws or regulations or other governments
- 2) By law through constitutional provisions or enabling legislation.

It is the responsibility of the SBCSELPA Executive Director to report all Restricted Funds appropriately in the SBCSELPA's Financial Statements.

Classifying Fund Balance Amounts

When both restricted and unrestricted funds are available for expenditure, restricted funds should be spent first unless legal requirements disallow it.

When committed, assigned and unassigned funds are available for expenditure, committed funds should be spent first, assigned funds second, and unassigned funds last; unless the governing board has provided otherwise in its commitment or assignment actions.

Authority to Commit Funds

The SBCSELPA's governing board has the authority to set aside funds for a specific purpose. Any funds set aside as Committed Fund Balance requires the passage of a resolution by a simple majority vote. The passage of a resolution must take place prior to June 30<sup>th</sup> of the applicable fiscal year. If the actual amount of the commitment is not available by June 30<sup>th</sup>, the resolution must state the process or formula necessary to calculate the actual amount as soon as information is available.



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3300 FISCAL REPORTING

3304 Fund Balance Policy

Stabilization Arrangement

Maintaining a Financial Stabilization Account is a necessity for sound financial management and fiscal accountability. The SBCSELPA's JPA board has the authority to establish a Financial Stabilization Account that will be a Committed Fund Balance. A Financial Stabilization Account is established for the purpose of providing funds for an urgent event that affects the safety of the employee and student population (e.g. earthquake, wildfires, etc.). The minimum level for the Financial Stabilization Account is 5% of General Fund expenditures. The recognition of an urgent event must be established by the JPA board or their designee (e.g. SBCSELPA Executive Director). If established by the JPA board's designee, the specific urgent event must be reported to the JPA board at their next meeting. A budget revision must be approved by the SBCSELPA's JPA Board. In the event that the balance drops below the established minimum level, the SBCSELPA's JPA board will develop a plan to replenish the Financial Stabilization Account balance to the established minimum level within four years.

Authority to Assign Funds

Upon passage of the Fund Balance policy, authority is given to the SBCSELPA Executive Director to assign funds for specific purposes. Any funds set aside as Assigned Fund Balance must be reported to the SBCSELPA's JPA board at their next regular meeting. The JPA board has the authority to remove or change the assignment of the funds with a simple majority vote.

The SBCSELPA's JPA board has the authority to set aside funds for the intended use of a specific purpose. Any funds set aside as Assigned Fund Balance requires a simple majority vote and must be recorded in the minutes. The same action is required to change or remove the assignment.

Unassigned Fund Balance

Unassigned Fund Balance is the residual amount of Fund Balance in the General Fund. It represents the resources available for future spending. An appropriate level of unassigned Fund Balance should be maintained in the General Fund in order to cover unexpected expenditures and revenue shortfalls.

Unassigned Fund Balance may be accessed in the event of unexpected expenditures up to the minimum established level upon approval of a budget revision by the SBCSELPA's JPA board. In the event of projected revenue

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000	BUSINESS AND NON-INSTRUCTIONAL OPERATIONS
3300	FISCAL REPORTING
3304	Fund Balance Policy

shortfalls, it is the responsibility of the SBCSELPA Executive Director to report the projections to the SBCSELPA 's JPA board on a quarterly basis and shall be recorded in the minutes.

Any budget revision that will result in the unassigned Fund Balance dropping below the minimum level will require the approval of  $\frac{2}{3}$  vote of the SBCSELPA's JPA board.

The Fund Balance Policy establishes a minimum Unassigned Fund Balance equal to 5% of total General Fund expenditures. In the event that the balance drops below the established minimum level, the SBCSELPA's JPA board will develop a plan to replenish the fund balance to the established minimum level within two years.

DATE APPROVED: June 6, 2011

# SANTA BARBARA COUNTY SELPA LOCAL PLAN

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## **SECTION 11**

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### **BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

### **DATA REPORTING & CONTRACTUAL AGREEMENTS**

Data Reporting and Contractual Agreements  
Policies 3401 - 3501

(Revised 5-4-2020)



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3400 DATA REPORTING

3401 Pupil Count Data

The SBCSELPA office shall collect and maintain information on the number of individuals with exceptional needs who are being provided special education and related services.

(EDUCATION CODE 56195.8(b)(6))

DATE APPROVED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3400 DATA REPORTING

3402 Collection of SELPA-wide Data

The SBCSELPA office shall have the responsibility for collecting data from the SBCSELPA's local education agencies as required by law, and/or SBCSELPA policy. It shall be the responsibility of each local education agency to provide necessary pupil and fiscal data to the SBCSELPA office as requested.

The SBCSELPA and its participating members shall assume no responsibility for potential consequence, financial or otherwise, that may result from the failure of any of the SBCSELPA's local education agencies to submit timely and accurate pupil and fiscal data.

DATE APPROVED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3400 DATA REPORTING

3403 Suspension and Expulsion Rates

The SBCSELPA's local education agencies will submit to the California Department of Education suspension and expulsion rates for individuals with disabilities when requested.

(EDUCATION CODE SECTION 56205(a))

DATE APPROVED: October 6, 2003

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

- 3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS
- 3500 CONTRACTUAL AGREEMENTS
- 3501 Intra-SELPA Agreements

The SBCSELPA Executive Director with approval of the JPA Board is authorized to enter into contractual agreements necessary for the operation of the SBCSELPA.

Pursuant to California Education Code 56195.1 and 56200, Local Plans may incorporate Joint Powers Agreements, Memoranda of Understanding (MOU's) and contracts between agencies within a service area. Subsequently, a SBCSELPA-member LEA may contract with another SBCSELPA-member LEA for special education programs/services within the Santa Barbara County SELPA.

DATE APPROVED: January 9, 1987  
DATE REVISED: December 11, 1992  
DATE REVISED: December 9, 2002



# SANTA BARBARA COUNTY SELPA LOCAL PLAN

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## SECTION 12

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### **BUSINESS AND NON-INSTRUCTIONAL OPERATIONS SPECIAL TRANSPORTATION**

Special Transportation Policies  
3601 - 3605

(Revised 12-9-2002)



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3600 SPECIAL TRANSPORTATION

3601 Provision of Special Transportation

Special Education transportation as a related service shall be provided to students with disabilities if written into the Individualized Education Program (IEP) and shall be provided in accordance with the Special Education Local Plan Area's/districts'/County Education Office's regulations and procedural guidelines. Entities operating transportation shall, where appropriate, coordinate the Special Education transportation with the regular home-to-school transportation.

(EDUCATION CODE SECTION 56345(a)(3))

DATE APPROVED: January 3, 1984  
DATE REVISED: January 9, 1987  
DATE REVISED: March 3, 1995  
DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3600 SPECIAL TRANSPORTATION

3602 Responsibility for Transportation

The following criteria shall apply in determining the entity responsible for special transportation:

- (1) The County Education Office shall be responsible for arranging transportation for all students with disabilities residing in direct service districts and attending district, other district or county-operated programs.
- (2) A nondirect service district shall be responsible for arranging for transporting all preschool and school age students with disabilities who reside in their district and attend programs in their district or programs operated by another entity.
- (3) Reimbursement for transportation provided by the parent shall be the responsibility of the nondirect service district of residence or the County Education Office for direct service districts. The rate will be set by the respective board.

For purposes of establishing the district of residence for transportation chargebacks, the student's grade level as of the start of each school year shall be the determining factor. Districts must assume responsibility for providing transportation as follows:

<u>Type of District</u>	<u>Student Grade Placement as of the Start of the School Year</u>
K-6	Preschool through Grade 6
K-8	Preschool through Grade 8
Grades 7-12	Grades 7 through 12 (and until exit from public school)
Grades 9-12	Grades 9 through 12 (and until exit from public school)

DATE APPROVED: January 3, 1984  
DATE REVISED: January 9, 1987  
DATE REVISED: June 12, 1987  
DATE REVISED: December 6, 1991  
DATE REVISED: March 3, 1995  
DATE REVISED: November 14, 1997  
DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

- 3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS
- 3600 SPECIAL TRANSPORTATION
- 3603 Transportation Agreement

Each district responsible for transportation shall enter into a transportation agreement with the local education agency providing the transportation. The agreement shall spell out the terms and conditions and include mutually agreed upon reimbursement.

DATE APPROVED: January 3, 1984  
DATE REVISED: June 12, 1987  
DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3600 SPECIAL TRANSPORTATION

3604 Responsibility for Reporting Transportation Costs

Each district operating programs for students with disabilities and maintaining a transportation program and the County Education Office shall be responsible for reporting transportation costs and requesting state reimbursement for special transportation if they operate or contract for the service.

DATE APPROVED: January 3, 1984  
DATE REVISED: June 12, 1987  
DATE REVISED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3600 SPECIAL TRANSPORTATION

3605 Transportation Chargebacks

All districts within the Santa Barbara County SELPA shall be responsible for the costs of all special education transportation within the SBCSELPA for students who reside within the district's boundaries with the exception of infants, whose transportation shall be the responsibility of the County Education Office.

For students transported by a district other than the district of residence, the entity providing special transportation shall charge back to the responsible direct or nondirect service district, any non-reimbursed state approved costs and state deficated funding for transportation.

Non-Direct Service Districts

For non-direct service districts, the chargeback shall be the difference between the total approved costs of transportation and the base transportation rate for each individual district, with calculations based on student FTEs.

Direct Service Districts

For direct service districts, as defined by Education Code, the excess cost of transportation shall be determined by computing the difference between the total pooled base transportation rates of the direct service districts and the total pooled state approved costs for all direct service district students transported.

The transportation excess cost chargeback to direct service districts shall be computed by first determining a per student FTE excess cost for transportation by dividing the total pooled excess transportation cost for direct service districts by the number of direct service district student FTEs transported. Each direct service district's excess transportation cost will be computed by multiplying the per student FTE excess transportation cost by the number of student FTEs transported from each district.

DATE APPROVED: January 3, 1984

DATE REVISED: December 12, 1997

# **SANTA BARBARA COUNTY SELPA LOCAL PLAN**

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## **SECTION 13**

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### **BUSINESS AND NON-INSTRUCTIONAL OPERATIONS FACILITIES**

Facilities Policies 3701 - 3702

(Revised 5-4-2020)





SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000	BUSINESS AND NON-INSTRUCTIONAL OPERATIONS
3700	FACILITIES
3701	Facilities Plan for Housing Regional Special Education Programs

The districts that comprise the Santa Barbara County SELPA (SBCSELPA) are committed to the provision of special education services to all individuals with exceptional needs in the least restrictive environment as required by State and Federal law. Accordingly, the Facilities Plan described below for housing special education special day class regional programs is intended to foster the following principles:

- enhance special education students' ability to mainstream with age appropriate peers
- provide opportunities for special education students to participate in school and community activities
- assure that special education students receive the services specified in their IEPs in classrooms located as close to home as possible

Each school district accepts the ultimate responsibility for providing classroom space for all special education students who attend district-operated special education programs. The classroom needs of all students, both general and special education, shall be considered in all decisions regarding the allocation of classroom space.

The over representation of special education classes on an individual school site will be avoided. Classrooms serving special education students should be placed on school sites in locations that promote natural opportunities for students with disabilities to participate with chronologically age-appropriate, non-disabled peers in academic, non-academic and extra-curricular activities to the maximum extent appropriate to the needs of both the special and general education students.

In addition to its responsibility to provide classroom space for special education students who reside in the district and who are enrolled in special education programs operated by the district, those districts who are served by Regional Programs will pay a portion of the cost of the classroom within the PAYGO system within the Funding Model. The calculation of the classroom costs is outlined below,

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000	BUSINESS AND NON-INSTRUCTIONAL OPERATIONS
3700	FACILITIES
3701	Facilities Plan for Housing Regional Special Education Programs ( <i>Continued</i> )

**Calculation of of Regional Housing Responsibility**

The total number of regional classroom stations needed SBCSELPA-wide shall consist of the total number of non-itinerant regional special day classes operated on public school sites, and off campus locations including the CCS MTUs, therapy rooms, SBCSELPA and the County Education Office regional office space, and infant/preschool programs. Office space for district-operated itinerant regional program staff shall also be included in the total regional housing calculation. Each district itinerant regional FTE shall generate housing credit calculated as either the ratio of the actual space provided per FTE compared to a 960 square foot classroom station or .20 of a housing credit per FTE, whichever is less.

Regional housing costs shall include the total annual rental, lease, or lease purchase costs for County portables, district portables leased to provide space for regional classes, and district classrooms.

The SBCSELPA shall be responsible for calculating the per classroom cost. The funding for regional class housing shall be collected and distributed by the SBCSELPA office within the funding model.

An average per classroom cost for Regional Program Classrooms will be calculated and paid as follows:

**I. Annual Rental Costs, Maintenance, Custodial and Utilities Costs will be collected by SBCSELPA.**

Each district housing Regional Programs on their campuses will submit to SBCSELPA the annual maintenance and custodial costs per classroom using the prior year Unaudited Actuals, Indirect Cost Rate Worksheet, Section B – Base Costs, Line 8. From this figure, total utilities costs (Expenditures by Object, line 5500, Operations and Housekeeping) are deducted. Divide the remainder, after the utilities costs have been deducted, by the total number of classroom units in the district (Indirect Cost Rate Worksheet, Part 1 – Classroom Units, line C) not including County portables.

100% of the average SBCSELPA-wide cost of rent and utilities and 75% of the average public school site maintenance and custodial services will be used as a per classroom cost.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000	BUSINESS AND NON-INSTRUCTIONAL OPERATIONS
3700	FACILITIES
3701	Facilities Plan for Housing Regional Special Education Programs ( <i>Continued</i> )

**II. Payment**

The per classroom cost will be included in the Regional Program expenses for each class room and paid by the districts of residence served by the program through the PAYGO system within the funding model.

**III. Credit**

Districts will receive per classroom credit for each Regional class housed on their campus.

**IV. In addition to the Regional Program costs, the following housing costs shall be paid off the top of AB602 Funding:**

- Santa Barbara County SELPA
- Classroom space provided by a district to house a CCS Medical Therapy Unit (in 960 square foot increments) or other therapy programs.
- Santa Barbara County Related Service Staff (i.e. Special Education Technician)
- Santa Barbara County Education Office Audiologist

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

- 3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS
- 3700 FACILITIES
- 3702 Facilities Plan for Housing Regional Special Education Programs (*Continued*)

Contracts for classroom space shall be for a specific classroom and shall be for a minimum of three years. Termination of contracts prior to their expiration date shall be by mutual consent of the District and the program operator. By September 1 of each year, districts shall notify the SBCSELPA and the operators of regional programs housed on their sites of their desire to reclaim classroom space for the following school year by not renewing expiring contracts for classrooms currently used for regional programs. Negotiations between operators of programs and districts for new contracts or other arrangements to provide classroom space shall be completed by May 1 of each year. Districts desiring to take over the provision of housing for an existing regional class shall take whatever steps are necessary to assure that the regional classroom, or an adequate alternative space, is ready for occupancy as of the start of the new school year.

**Identification of Location for New Regional Classes**

All requests to house regional classes at community based sites shall be reviewed by the SBCSELPA Executive Director and approved by the JPA Board. The SBCSELPA Executive Director may consult with special education administrators and business officials from local education agencies (LEAs) in SBCSELPA as needed, to seek input regarding such requests.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3700 FACILITIES

3701 Facilities Plan for Housing Regional Special Education Programs (*Continued*)

In cases where no school district within a given geographic region volunteers to house a new regional class, the SBCSELPA Executive Director shall recommend to the JPA Board whether classroom space on a public school campus is required. The SBCSELPA Executive Director may consult with special education administrators and business officials from local education agencies (LEAs) in SBCSELPA, as needed, to seek input regarding such requests.

When a new regional class is to be opened within the SBCSELPA and a portable building is to be used to house the class, the site preparation costs shall be borne by the entity that will operate the regional program and charged as part of the regional program housing costs.

**Responsibility for Regional Class Housing Costs**

The local education agencies within the SBCSELPA shall seek the most cost effective alternatives for the provision of housing for students enrolled in regional programs.

Regional housing costs shall include the total annual rental, lease, or lease purchase costs for County portables, district portables leased to provide space for regional classes, district classrooms made available in excess of a district's required share of public school site classroom space, the costs of maintenance and custodial services, and utilities (excluding phone) as described below.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3700 FACILITIES

3701 Facilities Plan for Housing Regional Special Education Programs (*Continued*)

The County Office and local school districts are encouraged to enter into lease purchase agreements for new portables housing regional classes rather than long term lease agreements in order to reduce the total cost of housing regional programs. When the SBCSELPA regional housing funding process is used to reimburse a district for the purchase of a portable to house a regional program, the reimbursement shall be prorated over time at a rate comparable to an annual lease rate. Under such circumstances, the district shall agree to allow the use of that portable or, with JPA Board approval, an alternative classroom, for housing a regional program for the full life of the portable building.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3700 FACILITIES

3701 Facilities Plan for Housing Regional Special Education Programs (*Continued*)

When a district provides housing for a regional program(s), in exchange for receiving a housing credit, the district shall comply with the following conditions:

1. The district will include regional special day class program classroom(s) and office space when making campus-wide improvements to the school site, (i.e., wiring/technology upgrades, sinks in classroom, etc.).
2. The district shall be responsible for providing routine maintenance to regional special day class program classroom(s) and office space that are not considered major construction or deferred maintenance, (i.e., addition of an electrical socket, minor alterations, minor plumbing, etc. All other building modifications, repairs, and replacements shall be taken to the SBCSELPA Executive Director for review and for preliminary approval for funding, and then to the JPA Board for final approval.
3. The district will provide all regional special day class program classroom(s) for students with severe/profound disabilities with a sink with hot running water (as required by state health code) and accessible bathrooms. The district may request funding for the addition of sinks with hot running water and accessible restrooms. This request shall be taken to the SBCSELPA Executive Director for review and for preliminary approval for funding, and then to the JPA Board for final approval.
4. It is the responsibility of the district to provide regional special day class program classroom(s) and office space the required annual and ongoing maintenance to ensure a safe and healthy environment. The district shall be responsible for annual preparation and maintenance of regional program classroom(s) for occupancy to include: shampooing of the carpets or replacement if needed, cleaning/disinfecting, painting if needed, and other general repairs. If the classroom carpets in a County-owned portable require replacement, the district shall bring this to the SBCSELPA Executive Director for review and for preliminary approval for funding, and then to the JPA Board for final approval. With approval, as noted above, carpets may be replaced before the date of the deferred maintenance schedule for health and safety reasons.



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000	BUSINESS AND NON-INSTRUCTIONAL OPERATIONS
3700	FACILITIES
3701	Facilities Plan for Housing Regional Special Education Programs ( <i>Continued</i> )

**Responsibility for Deferred Maintenance Costs**

Districts shall be responsible for the deferred maintenance costs of district-owned or district-leased buildings that house regional programs on their school sites.

The deferred maintenance costs of County-owned and/or County-leased portables housing regional programs (including trades of County portables for district classrooms) shall be a shared expense. Each year funds shall be set aside in the SBCSELPA Budget for payment of JPA Board-approved deferred maintenance projects based upon district and County Education Office submission of five-year deferred maintenance plans involving County portables. These plans shall be updated on an annual basis.

Deferred maintenance projects are specifically defined in the Education Code and are generally considered major renovations to existing buildings or land improvements. Districts shall apply the same timelines, standards and criteria for deferred maintenance upgrades for County portables housing regional programs as for their own district facilities.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3700 FACILITIES

3701 Facilities Plan for Housing Regional Special Education Programs (*Continued*)

Prior to the commencement of deferred maintenance projects involving County portables, the SBCSELPA Executive Director shall review and make recommendations to the JPA Board for shared funding for such projects. The cost of deferred maintenance of County portables housing regional programs shall be borne by the district where the portable is housed in the year the expenses are incurred. Such costs shall be reimbursed by the SBCSELPA upon submission of invoices for previously Board-approved projects. The SBCSELPA Executive Director may consult with special education administrators and business officials from local education agencies (LEAs) in SBCSELPA, as needed, to seek input regarding such requests.

If additional necessary deferred maintenance repairs are discovered in the course of a JPA authorized deferred maintenance project involving a County-owned or leased portable, work on the project shall be stopped immediately pending approval of the additional costs of the project by the JPA Board. In the event that a quorum of the JPA Board is not available to approve unanticipated deferred maintenance costs, the board delegates authority to the SBCSELPA Executive Director in consultation with the JPA Board President to approve such additional costs. Reimbursement for the additional work will be provided upon review by the SBCSELPA Executive Director and JPA Board approval/ratification of the additional expense. Districts that proceed with completion of additional deferred maintenance work prior to JPA Board approval, as specified above, do so at the risk of the additional costs of the project not being reimbursed.

**Moving Costs**

If a district requests that a regional class or a County portable or a district owned portable housing a regional class be moved from one of its sites and this relocation is approved by the JPA Board, the district requesting the move is responsible for the costs of moving the portable and/or the classroom equipment to the new site.

If a district chooses to move a County or district owned portable to a new location within the district's boundaries, in addition to being responsible for the costs of moving the portable and classroom equipment to the new site, the district is also responsible for the costs of site preparation for the portable.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3700 FACILITIES

3701 Facilities Plan for Housing Regional Special Education Programs (*Continued*)

If a district wishes to remove a County-leased portable housing a regional program from one of its sites and provide district classroom space instead to house the regional program, the district shall be responsible for any costs associated with meeting the requirements of the state's punch list. The district shall also be responsible for costs associated with removal of the portable from its site.

If a district wishes to remove a County-owned portable housing a regional program from one of its sites and provide district classroom space instead to house the regional program and the County has no need for the portable, the County will transfer ownership of the portable to the district. The district will be responsible to pay any costs associated with moving the portable from the district upon its sale. Excess funds remaining from the sale of the portable after the reimbursement to the district for any costs associated with moving the portable from the district for the sale shall be used to help offset regional housing costs SBCSELPA-wide.

If the JPA Board approves a district's request to move a regional class and/or regional class portable to another district, the costs of site preparation for a necessary portable building at the new location shall be a shared expense of all districts within the SBCSELPA.

If the JPA Board approves a regional operator's request to move a regional class and/or regional class portable in order to assure program operation in the least restrictive age appropriate environment or assure the availability of a full continuum of program options throughout the SBCSELPA, the costs of moving the portable and/or classroom equipment to the new site shall be a shared expense of all districts within the SBCSELPA. Under the specific circumstances outlined in this paragraph, the costs of any necessary building modifications at the new regional class site shall also be a shared expense.

A district shall not be required to house a new class for the upcoming school year unless it has been given a minimum of six months' notice.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

- 3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS
- 3700 FACILITIES
- 3701 Facilities Plan for Housing Regional Special Education Programs (*Continued*)

If the JPA Board approves the opening of a new regional class on a public school site for the upcoming school year after the March 1 cutoff date, adjustments in the distribution of regional housing costs among the districts will be included in a prior year adjustment calculation. This calculation will become part of the regional housing expenses for the year following that in which the new regional class first opened. The housing costs of regional classes opened on public school sites after the start of the school year shall be prorated as appropriate.

If the JPA Board approves the opening of a new regional class on an off campus location after the March 1 cut off date, the total off-campus regional class expenses for the SBCSELPA will be recalculated, with districts being billed for the additional regional housing costs based upon the ADA count for the school year prior to that in which the new off campus class first opened.

**Waiver of Policy Requirements**

The JPA Board may approve a waiver of the requirement that a given district participate in the provision of facilities for regional classes where it is determined that the location of the district renders it inappropriate to be used as the site for regional class placement.

**Dispute Resolution**

Should a dispute arise between any of the SBCSELPA participants that relates to implementation of this Facilities Plan, the parties agree to meet in good faith to resolve the dispute. In the event the parties are unable to reach a mutually acceptable agreement, the matter shall be resolved using the dispute resolution procedures outlined in the SBCSELPA Local Plan.

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3700 FACILITIES

3701 Facilities Plan for Housing Regional Special Education Programs (*Continued*)

Other issues that may arise regarding regional class housing not specifically addressed in this policy shall be dealt with on a case-by-case basis.

DATE APPROVED: September 5, 1997  
DATE REVISED: February 5, 1999  
DATE REVISED: May 17, 1999  
DATE REVISED: June 4, 1999  
DATE REVISED: May, 1, 2000  
DATE REVISED: May 7, 2001  
DATE REVISED: January 7, 2002  
DATE REVISED: June 2, 2003  
DATE REVISED: October 9, 2006  
DATE REVISED: June 4, 2007  
DATE REVISED: November 5, 2007  
DATE REVISED: December 14, 2009  
DATE REVISED: September 13, 2010  
DATE REVISED: May 5, 2014  
DATE REVISED: May 4, 2020

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3700 FACILITIES

3702 Medical Therapy Units and Satellite Facilities

School districts and the County Education Office shall, on behalf of the SBCSELPA, provide facilities for Medical Therapy Units in accordance with the provisions of Government Code 7575(d), the existing State Interagency Agreement between the California Department of Education, Division of Special Education and the State Department of Health Services, California Children Services, and the local Interagency Agreement between the Special Education Local Plan Area and the Santa Barbara County Health Care Services, and California Children Services. Operation, space, and equipment costs of Medical Therapy Units shall be included in the Administrative and Support Budget of the SBCSELPA.

Satellite facilities may be operated at the discretion of a local school district or group of school districts when there are a sufficient number of CCS eligible children for CCS to provide therapy services in a satellite program. In such cases, the SBCSELPA Executive Director shall provide coordination between the district(s) and CCS in establishing the satellite.

If a CCS satellite facility is established at the discretion of a local district or group of districts, then the local district(s) shall be responsible for all costs of operation of such a satellite facility.

If a satellite facility is established based upon identified need with the agreement of both the SBCSELPA, through JPA Board approval, and California Children Services, then the operation, space, and equipment costs of such a satellite shall be included in the Administrative and Support Budget of the SBCSELPA.

(G.C. 7575(d))

DATE APPROVED: January 3, 1984  
DATE REVISED: June 2, 1995  
DATE REVISED: July 13, 1998  
DATE REVISED: December 9, 2002

# SANTA BARBARA COUNTY SELPA LOCAL PLAN

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## SECTION 14

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### **BUSINESS AND NON-INSTRUCTIONAL OPERATIONS LEGAL OR ATTORNEY SERVICES**

Legal or Attorney Services Policy 3802

(Revised 5-4-2020)





SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3800 LEGAL OR ATTORNEY SERVICES

3802 Responsibility for Solicitation of Provision of Legal/Attorney Services

1. Legal or Attorney service including representation in litigation, mediation, or administrative hearings for local education agencies (LEAs) within the SBCSELPA, and/or employer-employee relations shall be provided through contractual agreements with qualified attorneys on an open, ongoing bid basis practice. Desirable additional legal services include availability of telephone consultation and staff development on legal matters.
2. Only the SBCSELPA Executive Director may authorize SBCSELPA -funded consulting services of a legal nature. This consultation shall be for services and consultation on behalf of the JPA Board.
3. The JPA Board shall have the responsibility for authorizing the use or cessation of specific law firms for SBCSELPA-funded legal services (to include all services rendered as per SBCSELPA Policy 3204).
4. When more than one LEA is involved in a due process case or potential due process case requiring legal representation, it is recommended that the legal representative be selected by consensus of the parties involved. If consensus cannot be reached regarding selection of a legal representative, each LEA shall select their own legal representative. If the case involves a regional program student, it is required that the SBCSELPA Executive Director be involved in the attorney selection process.
5. The SBCSELPA may contract with multiple law firms for special education legal services and will establish base rates to be paid to the law firm(s) for services rendered to LEAs within the SBCSELPA.
6. If a SBCSELPA LEA wishes to utilize legal/attorney services other than those contracted by the SBCSELPA's JPA Board specifically for special education, the local education agency shall be responsible for the cost of such services.

DATE APPROVED: June 6, 1986  
DATE REVISED: January 7, 2002  
DATE REVISED: June 7, 2004  
DATE REVISED: June 29, 2004  
DATE REVISED: November 3, 2008  
DATE REVISED: December 14, 2009  
DATE REVISED: October 4, 2010

# SANTA BARBARA COUNTY SELPA LOCAL PLAN

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## SECTION 15

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### PERSONNEL

Personnel Professional Development Policy 4201

Personnel Qualifications Policy 4301

Prohibitions Against Employee Use of Drugs and Alcohol in  
the Workplace Policy 4401

Employee Eligibility Verification and Nondiscrimination Policy 4501

Prohibition Against Discrimination and Harassment Policy 4601

(Revised 1-12-15)



SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

4000	PERSONNEL
4200	PERSONNEL PROFESSIONAL DEVELOPMENT
4201	Personnel Professional Development

The Santa Barbara County SELPA will work with districts and the County Education office to make provisions for a continuous staff development program for all teachers serving ages 0 through 21 including special education and general education staff, parents, administrators and other appropriate individuals and community agencies.

(EDUCATION CODE 56240-56243)

DATE APPROVED: January 9, 1987  
DATE REVISED: November 6, 1987  
DATE REVISED: March 3, 1995  
DATE REVISED: December 9, 2002  
DATE REVISED: January 12, 2015

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

4000 PERSONNEL

4300 PERSONNEL QUALIFICATIONS

4301 Personnel Standards

The local education agencies within the SBCSELPA that are responsible for the provision of special education services shall make an ongoing good-faith effort to recruit and hire appropriately and adequately trained personnel to provide special education and related services to children with disabilities, including, where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet standards consistent with state law.

Paraprofessionals providing services to children with disabilities shall be provided opportunities for appropriate training and shall be supervised in accordance with the provisions of state law and regulations.

(EDUCATION CODE 56205 (a))

DATE APPROVED: December 9, 2002

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

4000 PERSONNEL

4400 DRUG AND ALCOHOL FREE WORKPLACE

4401 Prohibitions Against Employee Use of Drugs and Alcohol in the Workplace

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance at any Santa Barbara County SBCSELPA workplace. These prohibitions apply before, during and after school hours. A Santa Barbara County SELPA workplace is any place where employees of the Santa Barbara County SELPA perform work or are otherwise engaged in SBCSELPA business, including all school district and County Education Office sites.

DATE APPROVED: December 6, 2010

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

- 4000 PERSONNEL
- 4500 LEGAL STATUS REQUIREMENT
- 4501 Employment Eligibility Verification and Nondiscrimination

The Santa Barbara County SELPA shall employ only those individuals who are lawfully authorized to work in the United States.

The SBCSELPA Executive Director or designee shall verify the employment eligibility of all persons hired by completing the U.S. Citizenship and Immigration Services Form I-9, Employment Eligibility Verification, for each individual hired and ensure that the SBCSELPA does not knowingly hire or continue to employ any person not authorized to work in the United States.

In accordance with law, the SBCSELPA Executive Director or designee shall ensure that SBCSELPA employment practices do not unlawfully discriminate on the basis of citizenship status or national origin, including, but not limited to, discrimination against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

DATE APPROVED: December 6, 2010

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

4000 PERSONNEL

4600 NONDISCRIMINATION IN EMPLOYMENT

4601 Prohibition Against Discrimination and Harassment

The Joint Powers Agency Board prohibits discrimination against and/or harassment of Santa Barbara County SELPA employees and job applicants on the basis of race, religion, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, sex, or sexual orientation.

DATE APPROVED: December 6, 2010



