

SANTA BARBARA COUNTY SELPA LOCAL PLAN

SECTION 9

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS BUDGET PLANNING PROCESS

Budget Planning Process Policies
3201 - 3218

(Revised 5-4-2020)

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- 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

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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

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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

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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

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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

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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.

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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.

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V. FUNDING FOR REGIONAL PROGRAMS OR SERVICES

All regional program costs will be charged to district/LEA of residence (DOR) on a per 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 15th, January 15th and year end close (July 15th); and April 15th for Adopted Budget.
- Per pupil costs for July 1st through October 31st of the given school year will be calculated based on prior year actuals. Following November 1st and February 1st 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.

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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

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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:

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• 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.

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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).

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

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

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

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

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

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

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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.

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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.

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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

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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).

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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 9th-12th shall receive one additional SBCSELPA funded NPS slot per year at 100% of one placement for the first year/12 months, 50% for the second year/12 months, and 30% for the third year/12 month.
- Santa Ynez Valley Special Education Consortium LEAs and SBCEO Direct Service LEAs shall each be treated as one LEA for purposes of this policy.
- 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.

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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.

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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.

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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.

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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

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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.

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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:

1st priority – specialized equipment and materials expenses

2nd priority – direct services

3rd priority – transportation to direct services

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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

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- 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 1st – May 31st. The overlap in school years will allow LEAs to submit their final billing each year by June 30th of the current year.

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.

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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

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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 th Quarter data due to SELPA by:
Event									
Regional Itinerant VH, O&M, DHH, OT, Pre-K Specialist	Enrollment	3rd Friday of October	October 31st	3rd Friday of January	January 30th	4th Friday of March	April 3rd <u>April 15th Adopted Budget</u>	June 30th	July 6th
Regional SDC Mod-Severe Elem, Mod-severe Second., DHH, Preschool, Court and Comm. TLP Level 1, TLP Level 2	Enrollment		October 31st	Operators provide enrollment data July 1 st – December 31 st	January 15th	Operators provide year to date enrollment	March 31st (TLP 1,2 only) <u>April 15th Adopted Budget</u>	Operators provide year to date enrollment	July 15th
Program Cost updates	Expenses		October 15th		January 15th		March 31st (TLP1.2 only) <u>April 15th Adopted Budget</u>		July 15th
ESY Actual data	Enrollment & Expenses		September 1st						
Prior Year Adjustments	Expenses		September 30th						
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	<u>April 15th Adopted Budget</u>		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 th) .10 (9 th up)	0	0	0 (pre k – 8 th) .10 (9 th 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
TLP		
K-6	8-12	Daily: <ul style="list-style-type: none"> 12 hrs. behavior aide support (two 6 hr. behavior aides) Weekly: <ul style="list-style-type: none"> 20 hours of Mental Health therapist support 6 hours BCBA support 8 hours of school psychologist support
7 – 8	* 10-12	Daily: <ul style="list-style-type: none"> 12 hrs. behavior aide support (two 6 hr. behavior aides) Weekly: <ul style="list-style-type: none"> 20 hours of Mental Health therapist support; 6 hours BCBA support; 8 hours of school psychologist support
9 - 12	* 10-12	Daily: <ul style="list-style-type: none"> 12 hrs. behavior aide support (two 6 hr. behavior aides) Weekly: <ul style="list-style-type: none"> 20 hours of Mental Health therapist support or .50 FTE 6 hours BCBA support; 8 hours of school psychologist support or .20 FTE
Pre. Specialist Inclusion	32	6 hrs. per teacher
Severe/Profound		
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
VH Itinerant	15-18	8 hrs. Brailist
O & M	15-18	Shared 6 hour aide w/VH Itinerant

Occupational Therapy	**20-30 (Direct service consults count toward caseload numbers: 2 direct service consults = 1 direct service)	N/A
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Regional Programs	Recommended Average Class Size/Caseload Per 1 FTE	Recommended Daily Classified Support Provider Hours Total (aide, aide interpreter, interpreter)
DHH		
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)

PROGRAM	COUNTY OFFICE SBCEO	DISTRICT
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)

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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

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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

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3208	Closure of Regional Programs or Program and Service Transfers (<i>Continued</i>)

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

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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

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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.

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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 15th 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>

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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:

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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 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

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- 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

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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.

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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

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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

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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

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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.

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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.

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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

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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:

- 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

All SBCSELPA apportionments shall be made through the Administrative Unit's Fund 10.

The Administrative Unit shall record receipt of the apportionments and 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.
- 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

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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.

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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