

LOCAL PLAN

Section B: Governance and Administration

SPECIAL EDUCATION LOCAL PLAN AREA



California Department of Education

Special Education Division

SELPA 4310 - Santa Clara North West SELPA

Fiscal Year 2024-25

B. Governance and Administration

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

Participating Local Educational Agencies

Participating local educational agencies (LEAs) included in the Special Education Local Plan Area (SELPA) local plan must be identified in Attachment I.

Special Education Local Plan Area—Local Plan Requirements

1. Describe the geographic service area covered by the local plan: [EC 56195.1(d); EC 56195.1(a)(1); EC 56211; EC 56212]

The Santa Clara North West County SELPA (NW SELPA) is comprised of the following local education agencies (LEAs):

1. Cambrian School District
2. Campbell Union School District
3. Campbell Union High School District
4. Cupertino Union School District
5. Fremont Union High School District
6. Lakeside Joint School District
7. Loma Prieta Joint Union School District
8. Los Altos Elementary School District
9. Los Gatos Union School District
10. Los Gatos Saratoga Union High School District
11. Luther Burbank School District
12. Moreland School District
13. Mountain View Los Altos Union High School District
14. Mountain View Whisman School District
15. Palo Alto Unified School District
16. San Jose Unified School District
17. Santa Clara County Office of Education
18. Santa Clara Unified School District
19. Saratoga Union School District
20. Sunnyvale School District
21. Union School District

The geographic boundaries of all the aforementioned school districts comprise the geographic service area for NW SELPA. The LEAs are joined together as a consortium to (1) adopt a plan in accordance with California Education Code to assure access to special education and services for all individuals with disabilities residing within the geographic area and (2) provide for the coordinated delivery of programs and services and provide assurance of equal access to such programs and services to eligible individuals with disabilities requiring special education in the service region. The Santa Clara County Office of Education (SCCOE) is considered an LEA for all purposes of this

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Local Plan, except when referred to as the Responsible Local Agency (RLA)/Administrative Unit (AU)

2. Describe the SELPA regional governance and administrative structure of the local plan. Clearly define the roles and structure of a multi-LEA governing body, or single LEA administration as applicable: [EC 56195.1(b)(1)-(3)(c); EC 56205(a)(12)]

The governance structure of NW SELPA is established by agreement among the superintendents of the member LEAs. This governance structure consists of the Governance Council of Superintendents (GCS), the Administrative Unit (AU) Council, the Coordinating Committee, the Finance Committee, and the Community Advisory Committee (CAC).

The role of the SELPA is to provide technical assistance and advisory support to member LEAs, ensuring compliance with components of this Local Plan and providing liaison services between LEAs and the California Department of Education (CDE). SELPA adheres to all legally required duties as per Education Code, but does not have supervisory, managerial, or directive authority over any of the LEA members. However, the CDE can designate the SELPA to provide support and oversight to LEAs including, but not limited to, state monitoring activities, data submissions, and fiscal oversight.

The SELPA carries out activities and duties assigned by the GCS to ensure guidance, regional policies, and resources are available to member LEAs. LEAs maintain operational and decision-making autonomy while utilizing the SELPA and GCS's support to ensure the full continuum of educational opportunity and access to shared resources are available.

GOVERNANCE COUNCIL OF SUPERINTENDENTS (GCS)

The NW SELPA GCS is the governing and policy-making body on all matters related to the SELPA. The SELPA takes direction from the GCS. NW SELPA is a multi-LEA SELPA and no one LEA has oversight of the SELPA.

The GCS is composed of (21) voting superintendents, or designees, from the SELPA's member LEAs. No member shall have more than one vote. LEA Superintendents are the preferred participants at GCS meetings to represent their LEAs in SELPA matters. The SELPA recognizes that LEA priorities shift and LEA Superintendents may assign a designee to participate in the GCS meetings. Every effort shall be made by the LEA Superintendent to ensure a single consistent designee is assigned for continuity of information and discussion at GCS meetings.

The GCS will elect a chairperson and vice chairperson from its members. The term of office will be for one (1) year. Elections are held the last meeting of the fiscal year or as scheduled by GCS's action. New chairpersons are to take office at the first meeting of the new fiscal year. The Officers of the GCS are the chairperson and vice chairperson. The vice chairperson shall succeed the chairperson. If the vice chairperson cannot succeed as chairperson, the GCS will elect a new chairperson and vice chairperson.

The SELPA Executive Director will serve as ex-officio and Secretary to the GCS. The SELPA Executive Director will have a non-voting status on the GCS and shall be responsible for preparing the agenda and all support materials for each GCS meeting. The GCS Chairperson and the SELPA Executive Director will be responsible for preparation of the GCS agenda.

The GCS shall meet no less than four (4) times per school year. The chairperson may call special meetings as necessary. The GCS meeting calendar will be established at the last meeting of the previous fiscal year for the following school year. A quorum shall consist of eleven (11) voting members. All meetings shall be conducted in accordance with the Brown Act.

The GCS shall review the NW SELPA Local Plan and recommend modifications as necessary. All such modifications

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shall be subject to appropriate statutory and locally defined input process prior to incorporation in this plan. The SELPA Executive Director and district special education administrators shall assist the GCS with these reviews.

The GCS shall be the policy making body for NW SELPA. The policies and procedures adopted by the GCS under the authority of the adopting LEA board have the same status as other LEA board policy. [56205(a)(12)(D)(ii)(I-II)], 56195, 56195.8(a).

The Governance Council of Superintendents shall:

- Adopt policies for NW SELPA
- Initiate policies for NW SELPA
- Monitor compliance as required by law through policy
- Coordinate and implement the NW SELPA Local Plan
- Adopt an annual operations budget for NW SELPA
- Approve inter-agency agreements
- Approve the Annual Budget Plan for submission to the state
- Approve the Annual Service Plan for submission to the state
- Approve agreements with the Administrative Unit for services.
- Review and consider comments regarding the Local Plan provided by the CAC via the SELPA Executive Director
- Address and resolve disputes, if any, between participating LEAs that arise concerning special education and related matters or related to the interpretation of the Local Plan and other agreements and policies between or among the LEAs.
- Supervise and evaluate the SELPA Executive Director

ADMINISTRATIVE UNIT (AU) COUNCIL

The AU Council is composed of superintendents or their representatives from each of the member LEAs* within Santa Clara North West SELPA and South East (SE) SELPA.

*(*Alum Rock Union School District, Berryessa Union School District, Cambrian School District, Campbell Union School District, Campbell Union High School District, Cupertino Union School District, East Side Union School District, Evergreen School District, Franklin-McKinley School District, Fremont Union High School District, Gilroy Unified School District, Lakeside Joint School District, Loma Prieta Joint Union School District, Los Altos Elementary School District, Los Gatos Union School District, Los Gatos-Saratoga Union High School District, Luther Burbank School District, Milpitas Unified School District, Moreland School District, Morgan Hill Unified School District, Mountain View Whisman School District, Mountain View-Los Altos Union High School District, Mt. Pleasant School District, Oak Grove School District, Orchard School District, Palo Alto Unified School District, San Jose Unified School District, Santa Clara County Office of Education, Santa Clara Unified School District, Saratoga Union Elementary School District, Sunnyvale School District, Union Elementary School District)*

Each Superintendent or their designee shall have one vote on the council. A quorum is established with the following representation: 11 district representatives from NW SELPA, 6 representatives from SE SELPA, and the County Superintendent of Schools. Once a quorum is established, a motion may pass with the majority present. Matters passed by the AU Council that affect local plan coordination and implementation shall be forwarded to the NW SELPA and SE SELPA governing boards for ratification. The AU Council is a Brown Act Body.

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The AU Council shall:

- Review and approve any of the housing/facilities policy for SCCOE-operated special education programs.
- Participate in the discussion for the rates charged for SCCOE's fee-for-service special education programs and services.
- Address any other county-wide special education related issue within the scope of the SELPA deemed appropriate by the AU Council chairpersons.
- Address other topics within the scope of the SELPA as recommended or requested by the Santa Clara County Superintendent of Schools.
- Meet quarterly or as needed to address the topics delineated above.
- Meet in person at alternating locations so that twice a year it is at the NW SELPA Office and twice a year it is at the SE SELPA Office.

AU Governance Structure:

- The chairperson of the AU council is elected by the superintendents of the LEAs in Santa Clara County. The chairperson role will be alternated each year between NW SELPA and SE SELPA. To determine the rotation, a coin toss will be held prior to the first year election of the chair to determine if a NW SELPA or SE SELPA representative will be eligible as the chairperson in the first year. Thereafter, the rotation will be established and codified in the minutes.
- The governing bodies for NW SELPA and SE SELPA (Governance Council or Executive Council) will each elect a representative to be a co-vice chairperson of the AU Council.
 - The SELPA administrators may bring issues to their respective vice chairpersons who may then elevate the issues to the AU Council chairperson.
- The elected chairperson and the secretary will be responsible for preparation of the agenda with input from the SELPA administrators.
- The County Superintendent of Schools shall serve as the secretary of the AU Council.
- The secretary shall be responsible for:
 - Ensuring that minutes are taken
 - Maintaining the records of AU Council
- The SE SELPA Director and the NW SELPA Director will function as ex-officio members of the AU Council.

SELPA EXECUTIVE DIRECTOR

The SELPA Executive Director shall serve as the lead administrator of NW SELPA to coordinate and implement the Local Plan, including the following:

- a) Serve as ex-officio secretary to the GCS
- b) Arrange for meetings, establish agendas, and record minutes as appropriate for the GCS
- c) Implement the regionalized services of the SELPA
- d) Conduct the business operations for NW SELPA.

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- e) Hire, supervise, evaluate, and discipline SELPA staff employed by the Administrative Unit in support of the Local Plan. [56205(a)(12)(D)(ii)(I)]
- f) Assist in the development of the annual budget plan and annual SELPA operations budget.
- g) Allocate and distribute funds to LEAs for the operation of special education programs and services in accordance with policy.
- h) Coordinate the funds for low incidence services, equipment, and materials in accordance with established procedures.
- i) Complete reports for NW SELPA and individual districts in accordance with state priorities, criteria, and Education Code Sections 56220(c)(I), 56368, 56780.
- j) Monitor the appropriate use of federal, state, and local funds allocated for special education programs. [56205(a)(12)(D)(ii)(IV)]
- k) Prepare and submit to the State Department of Education all reports required for NW SELPA. [56205(a)(12)(D)(ii)(V)]
- l) Assist in the development and coordinate the implementation of agreements related to the Local Plan.
- m) Assist in the identification of special education program and service needs for NW SELPA.
- n) Provide technical assistance to LEA administrators and represent the SELPA in due process and complaint procedures.
- o) Act as liaison between and among the SELPA, the State Department of Education, Governance Council Superintendents, the Community Advisory Committee, Federal Departments and elected government officials.
- p) Update the GCS on legislative changes, proposals, trends, and related concerns.

The SELPA Executive Director may convene additional ad hoc committees as appropriate with special education and/or business administrators to problem-solve issues concerning the SELPA and discuss activities related to the coordination and implementation of the local plan.

COORDINATING COMMITTEE

The NW SELPA Coordinating Committee shall consist of the director of special education/coordinator for special education, or designee, from each member LEA who has been empowered by the LEA superintendent to act on behalf of the LEA in special education policy and operational matters in coordinating and implementing the SELPA Local Plan. The SELPA Executive Director facilitates the Coordinating Committee meetings and is responsible for maintaining records. The purpose of the Coordinating Committee is to analyze and make recommendations specific to SELPA policy and operation to ensure that all students with disabilities served by within the geographic boundaries served by the SELPA receive appropriate special education and/or related services.

The Coordinating Committee may meet no fewer than two (2) times per fiscal year. The Coordinating Committee shall discuss SELPA policies and operations initiated by the committee before presenting to the GCS for discussion and action.

FINANCE COMMITTEE

The NW SELPA Finance Committee shall consist of director of Special education/coordinator for special education and the chief business official (CBO) or their respective designees from each member LEA who have been empowered by the LEA superintendent to act on behalf of the LEA related to SELPA fiscal matters and allocation of

special education funding. The SELPA administrator facilitates the Finance Committee meetings and is responsible in maintaining records.

The purpose of the Finance Committee is to analyze SELPA fiscal and related issues and collectively make recommendations to the GCS. The Finance Committee may meet no fewer than two (2) times per fiscal year. The Finance Committee shall discuss SELPA fiscal and related issues initiated by the committee before presenting to the GCS for discussion and action.

COMMUNITY ADVISORY COMMITTEE (CAC):

The SELPA Community Advisory Committee (CAC) shall be composed of parents of individuals with exceptional needs enrolled in public or private schools, parents of other pupils enrolled in school, pupils and adults with disabilities, regular education teachers, special education teachers and other school personnel, representatives of other public and private agencies, and persons concerned with the needs of individuals with exceptional needs. At least the majority the CAC shall be composed of parents of pupils enrolled in schools participating in the local plan, and at least a majority of such parents shall be parents of individuals with exceptional needs.

The members of the CAC shall be appointed by, and responsible to, the governing board of each member LEA of the SELPA and should engage in activities that are in alignment with their respective LEAs. Each SELPA member LEA shall appoint two (2) voting members each except for Loma Prieta Joint Union School District, Luther Burbank School District, and Lakeside Joint School District with one (1) voting member each. Each participating LEA's governing board appoints member(s) to the CAC based on their policies and procedures. Terms of appointment to the CAC are for at least two (2) years and are annually staggered to ensure that no more than one half of the membership serves the first year of the term in any one year.

The CAC serves in an advisory capacity to the GCS and SELPA Executive Director in matters related to the Local Plan. The district special education administrators provide support and leadership to the CAC, as needed. The SELPA Executive Director is an ex-officio member of the CAC and serves as a liaison between the CAC and GCS. The district special education administrators provide support and leadership to the CAC. The CAC is accountable to the GCS and should engage in activities that are in alignment with the SELPA.

The CAC advises the Executive Director, who then advises the GCS regarding the development, amendment, and review of the local plan. Using a format determined by the SELPA Executive Director, the CAC shall submit information about the committee's activities specific to responsibilities set forth in the Local Plan.

Under the provisions of Education Code Section 56194, the CAC has the following responsibilities:

- a) Advise the GCS regarding the development, amendment, and review of the local plan.
- b) Recommend annual priorities to be addressed by the plan.
- c) Assist in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan.
- d) Encourage community involvement in the development and review of the local plan.
- e) Support activities on behalf of individuals with exceptional needs.
- f) Assist in parent awareness of the importance of regular school attendance.
- g) Support community involvement in the parent advisory committee established pursuant to Section 52063 to encourage the inclusion of parents of individuals with exceptional needs to the extent these pupils also fall within one or more of the definitions in Section 42238.01.

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3. Describe the SELPA's regional policy making process. Clearly define the roles of a multi-LEA governing body, or single LEA administration as applicable related to the policy making process for coordinating and implementing the local plan: [EC 56195.7(i)(j)(1)(2)]

The NW SELPA Governance Council of Superintendents (GCS) is the governing and policy-making body on all matters related to the SELPA. The GCS is responsible for reviewing each proposed policy with recommendations from the SELPA Executive Director and LEA special education administrators. The GCS can also initiate policy development.

The SELPA Coordinating Committee shall review and propose policies for the operation of special education programs and services within the SELPA and to support the implementation of the Local Plan. The SELPA Executive Director will recommend SELPA policies to the GCS received from the Coordinating Committee. The GCS will take action to approve or reject the proposed policy. Directly following the approval or revision of any policy, SELPA member LEAs are tasked with the charge to implement all SELPA policies.

SELPA policies that are required by legal mandates to coordinate and implement the Local Plan are included in the SELPA Procedural Handbook and accessible on the SELPA web page.

4. Clearly define the roles of the County Office of Education (COE) as applicable, and/or any other administrative supports necessary to coordinate and implement the local plan: [EC 56195.1(c); EC 56205(a)(12)(D)(i); EC 56195.5]

The GCS has designated the SCCOE as NW SELPA's Responsible Local Agency (RLA) and Administrative Unit (AU). The Santa Clara County Superintendent of Schools is the RLA Superintendent who signs when signatures are required on SELPA related documents as per Education Code.

To coordinate and implement the Local Plan, SCCOE, as the SELPA's AU and RLA, is responsible for the provision of administrative support and services consistent with requirements of the SELPA Local Plan and as set forth in the *Memorandum of Understanding: Administrative Unit and Responsible Local Agency Services for the Santa Clara County Special Education Local Plan Areas*.

SCCOE ensures that all individuals with exceptional needs residing within the county, including those enrolled in alternative education programs, including, but not limited to, alternative schools, charter schools, opportunity schools and classes, community day schools operated by districts, community schools operated by SCCOE, and juvenile court schools, have access to appropriate special education programs and related services as per Education Code 56140(a). SCCOE also makes available to agencies that place children in licensed children's institutions a copy of the SELPA's annual service plan as per Education Code 56140(e).

5. Does the SELPA have policies and procedures that allow for the participation of charter schools in the local plan? [EC 56207.5]

☒ Yes

☐ No

If No, explain why the SELPA does not have the policy and procedures.

n/a

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6. Identify and describe the representation and participation of the SELPA community advisory committee (CAC) pursuant to EC Section 56190 in the development of the local plan: [EC 56194(a)(b)(d); EC 56195.9(a)]

Representation

The CAC is represented in the development of the Local Plan by appointing CAC members to the SELPA Local Plan Committee. At least one (1) representative from each the previous SELPA I, II, III, IV, and VII will be recruited to participate in the Local Plan committee. The CAC Local Plan representatives participate in the development and review of the Local Plan and also provide updates to the CAC on the status of the Local Plan development/review.

Participation

The SELPA CAC shall work cooperatively with the SELPA and other representatives in developing and updating the Local Plan. The CAC participates in the development, amendment, and review of Section B of the Local Plan by 1) appointing representatives to the SELPA Local Plan Committee, 2) providing comments on the draft local plan to the SELPA no more 30 days prior to submission to CDE, 3) advising the GCS through the SELPA Executive Director, 4) recommending annual priorities to be addressed by the SELPA in a format established by the SELPA Executive Director, and 5) encouraging community involvement pursuant to Education Code Sections 56205(b)(7) and 56194(a)(b)(d).

7. Describe the SELPA's process for regular consultations regarding the plan development with representative of special education and regular education teachers, and administrators selected by the groups they represent and parent members of the CAC: [EC 56205(a)(12)(E); EC 56205(b)(7)]

The SELPA Local Plan is developed and updated cooperatively by a Local Plan committee convened by the SELPA Executive Director. The purpose of the committee is to advise the SELPA Executive Director regarding any changes or preservation of language in Section B of the Local Plan. At a minimum, the committee will be composed of the following members: one special education teacher, one general education teacher, one special education administrator, one general education administrator, and one CAC representative from each of the previous SELPA I, II, III, IV, and VII. The SELPA Executive Director, or designee, will also be a member of the committee.

The Local Plan committee will meet at least once every three (3) years to review the SELPA Local Plan to ensure information contained within the plan remains relevant and accurate. In the year the Local Plan Section B: Governance and Administration is being reviewed, the committee will meet no more than four (4) times a year, or more as needed, to ensure regular consultation and adequate and effective participation and communication. The SELPA Executive Director will facilitate the consultation process with committee members. The district special education administrators will recruit special education and regular education teachers and administrators who will serve as committee members. The CAC will recruit and nominate five (5) parent representatives to the committee.

The SELPA Executive Director reviews and considers recommendations received from the SELPA Local Plan committee members to modify contents of the draft Local Plan document. The SELPA Executive Director then shares a draft copy to the CAC for comments. Through the SELPA Executive Director, the SELPA Governance Council considers comments from CAC and feedback from the Coordinating Committee. The SELPA Governance Council, reviews and approves the Local Plan prior submission to the California Department of Education.

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8. Identify and describe the responsible local agency (RLA), Administrative Unit (AU), or other agency who is responsible for performing tasks such as the receipt and distribution of funds, provision of administrative support, and coordination and implementation of the plan: [EC 56836.01(a)(b); EC 56205(a)(12)(D)(ii); EC 56195(b)(3); EC 56030]

The GCS has designated SCCOE as NW SELPA's Responsible Local Agency (RLA) and Administrative Unit (AU). As the RLA and AU, SCCOE is the recipient of Special Education funds on behalf of NW SELPA. Upon receipt of funds by SCCOE, the SELPA then calculates and allocates the funds to member LEAs in accordance to the SELPA Budget Allocation Plan.

SCCOE is responsible for performing tasks such as the receipt and distribution of funds, provision of administrative support, and other roles identified in the Local Plan and *Memorandum of Understanding: Administrative Unit and Responsible Local Agency Services for the Santa Clara County Special Education Local Plan Areas*. The RLA/AU is responsible for implementing the following functions:

- a) Receipt of special education funds for the operation of special education programs and services within the SELPA, pursuant to state and federal law, as directed by the NW SELPA GCS.
- b) Administrative support, including, but not limited to, providing and maintaining sufficient office space for SELPA staff and general operations support (i.e., payroll preparation, facilities use, personnel services, purchasing, and technology services).
- c) Employment of SELPA staff to coordinate and implement of the local plan. The AU serves as the employer of the staff for the SELPA office, including the SELPA Executive Director, to handle all SELPA functions. The SELPA personnel, housed within the administrative unit, completes tasks specified in Education Code 56836.23 as a condition of receiving funds for regionalized operations and services. In addition, the SELPA also performs the following:
 - Maintain SELPA policies and procedures.
 - Provide alternative dispute resolution support and services.
 - Provide reasonable and appropriate technical assistance and information to the LEA upon request from LEA administration.
 - Oversight of web-based IEP system.
 - Fiscal monitoring and information related to the budget allocation plan and to maintenance of local effort, uses of federal funds, and county tax money.
 - Coordination of policy, fiscal, legal, and programmatic aspects of the local plan.
 - Master contract negotiations, including rate setting, with NPS/NPAs, in conjunction with SE SELPA.

9. Describe the contractual agreements and the SELPA's system for determining the responsibility of participating agency for the education of each student with special needs residing within the geographical area served by the plan: [EC 56195.7. EC 56195.1(b)(c)]

Each district of special education accountability is responsible for the students within their jurisdiction. The LEA

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members of NW SELPA may enter into additional contractual arrangements to meet the requirements of applicable federal and state law. There are no contractual agreements that supersede federal and state law.

Interagency agreements necessary to support the implementation of the local plan, and as required by legal mandates, are developed based on the needs of the SELPA and its participating LEAs. Copies of these agreements can be requested through written request from the Santa Clara North West SELPA, 1290 Ridder Park Drive, MC-277, San Jose, CA 95131. The SELPA Procedural Handbook also contains policies and procedures for coordination of supports and services by the member LEAs of the SELPA.

For children from birth to 3, the SCCOE provides services based on allocated Infant Funding Units. SCCOE's service area includes all districts within Santa Clara County. San Andreas Regional Center also provides for services for children from birth to 3.

Generally, the LEA of Residence is the entity deemed accountable for all students identified as students with disabilities and placed under the auspices of an LEA IEP Team. In most instances, the LEA of Residence is the school district in which the residency of the student's parent/guardian is located. However, there are several exceptions where state and/or federal law shifts responsibility to provide education to agencies other than the school district where the parent/guardian resides. The SELPA follows state and federal laws for determining the responsibility of participating agency for the education of each student with special needs residing within the geographical area served by the plan. When the law is unclear as to which LEA is responsible, member LEAs of the SELPA will work cooperatively with each other and with other agencies involved in the education of students with disabilities. When necessary, LEAs may enter into contractual agreements to outline and identify responsibilities of LEAs involved.

10. For multi-LEA local plans, specify:

a. The responsibilities of each participating COE and LEA governing board in the policymaking process: [EC 56205(a)(12)(D)(i)]

LEA governing boards participate in the governance of NW SELPA through the LEA Superintendent, their designated representative to NW SELPA GCS. LEA governing boards are responsible for the adoption of policies and procedures for special education programs and services within their respective education agencies. LEA governing boards appoint members to the SELPA CAC.

The GCS is the policy making body for NW SELPA and its member LEAs. The policies and procedures adopted by the GCS under the authority of the adopting LEA board have the same status as other LEA board policies and are part of the Local Plan.

b. The responsibilities of the superintendents of each participating LEA and COE in the implementation of the local plan: [EC 56205(a)(12)(D)(i)]

The Superintendents of NW SELPA member LEAs will have the ultimate obligation to:

- Provide leadership within the LEA in support of the special education programs.
- Represent the LEA as a member of the GCS.
- Recommend to the LEA governing board, when appropriate, modifications of district special education programs necessary to meet the changing needs of the students, adjusting the required Annual Service and

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Budget Plans submitted to the SELPA when appropriate.

- Act as a liaison between the governing board of the Local Education Agency and the SELPA GCS.
- Ensure LEA compliance with all elements of the Local Plan.

c. The responsibilities of district and county administrators of special education in coordinating the administration of the local plan: [EC 56205(a)(12)(D)(i)]

To coordinate the administration of the Local Plan, district and county administrators of special education will do the following:

- Carry out the duties and responsibilities assigned to each LEA.
- Annually review special education programs and services.
- Operate local programs consistent with state and federal law, regulations, and policies and procedures approved by the SELPA.
- Participate in the development and implementation of policies related to the governance and operation of the SELPA.
- Develop and implement policies for the operation of the LEA which are consistent with those of the SELPA, and which promote the concept to ensure access to appropriate programs and services for all children with disabilities.
- Participate in the nomination, selection, and appointment of representatives to the CAC.
- Coordinate with NW SELPA member LEAs to assure the availability of appropriate services to eligible individuals regardless of district of residence.
- Provide suitable housing for special educational programs maintained by the Local Education Agency.
- Assist superintendents in meeting LEA compliance with all elements of the Local Plan.
- Coordinate and conduct Child Find activities.
- Develop and provide programs and services for all eligible students for whom the LEA is responsible in accordance with state or federal laws and regulations.
- Operate all special education programs and services in accordance with state and federal laws and regulations, and in conformance with the local plan.
- Collect and complete state and federal report requirements, including California Longitudinal Pupil Achievement Data System (CALPADS reports and compliance reviews), and reports on student enrollment, program expenditures, and program evaluation.
- Oversee Nonpublic School placements.

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11. Identify the respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA related to:

- a. The hiring, supervision, evaluation, and discipline of the SELPA administrator and staff employed by the AU in support of the local plan: [EC 56205(a)(12)(D)(ii)(I)]

The GCS makes all employment decisions regarding the SELPA Executive Director, including selection, supervision, direction, compensation, evaluation, discipline, and if necessary, termination. The SELPA Executive Director is employed under contractual terms established by the Council. The GCS also approves the staffing of the SELPA office.

SELPA staff are employed through the AU and serve the SELPA under the direction of the SELPA Executive Director. The SELPA Executive Director oversees the hiring, supervision, evaluation, and discipline of SELPA staff subject to the RLA/AU's legal responsibility as employer and subject to its applicable collective bargaining agreements. The RLA/AU shall have the responsibility of coordinating the selection process to fill the certificated, classified, and management positions that are determined needed by the GCS with recommendations from the SELPA Executive Director. Selection of personnel to certificated, classified, or management positions and subsequent appointments shall be made by the RLA/AU upon recommendation of the SELPA Executive Director.

- b. The local method used to distribute federal and state funds to the SELPA RLA/AU and to LEAs within the SELPA: [EC 56205(a)(12)(D)(ii)(II); EC 56195.7(i)]

The SELPA AU receives federal and state funds and distributes funds to SELPA member LEAs in accordance with the SELPA Budget Allocation Plan. The SELPA conducts Budget Allocation Plan (BAP) meetings throughout the school year with special education administrators and fiscal administrators from NW SELPA member LEAs to determine allocation of special education grants and entitlements. Recommendations from the BAP meetings are shared with the Finance Committee, which in turn are presented to the GCS for approval. The GCS annually adopts local methods for the distribution of federal and state funds to member LEAs. Details regarding distribution of funds within the SELPA can be found in Budget Allocation Plan held locally at the SELPA office and posted on the website.

- c. The operation of special education programs: [EC 56205(a)(12)(D)(ii)(III)]

Each member LEA is responsible to operate special education programs necessary to meet the needs of their local population under the supervision of the LEA special education administrator. In the event any LEA requires specialized programs beyond those offered within their LEA boundaries, LEAs may refer for program, placement or services to other LEAs of the SELPA or the county, including the SCCOE programs, or to appropriate special education programs operated by Non-Public Schools, Non-Public Agencies or other educational service providers as deemed appropriate by the LEA.

The SCCOE operates specialized programs on behalf of other member LEAs. Special education programs operated by the SCCOE include infant and toddler services under Early Start, Early Childhood Education programs, K-12 Programs, including transition age programming through age 22. SCCOE also performs services on behalf of districts for persons with disabilities in Juvenile Court Schools and Licensed Children's Institutions attending a Non-Public School. SCCOE is a member LEA of each SELPA

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in the county and provides special education services to more than one SELPA.

Memorandum of Understanding (MOUs) or Exchange Agreements between SELPA member LEAs and other agencies may be used to assure a full range of program options for students enrolled within the SELPA.

d. Monitoring the appropriate use of federal, state, and local funds allocated for special education programs: [EC 56205(a)(12)(D)(ii)(IV)]

The SELPA, AU, and each LEA shall establish appropriate record-keeping procedures in accordance with State and Federal requirements, maintain accurate fiscal accounting records, and prepare and submit required fiscal reports to the appropriate authority.

The SELPA Executive Director, with support from the SELPA office staff and SELPA member LEAs, as appropriate, will monitor the appropriate use of federal, state, and local funds allocated for special education programs. The SELPA completes annual monitoring of the appropriate use of federal, state, and local funds allocated for special education programs via required end of year reporting to CDE and via annual audit participation via the AU fiscal support received by the SELPA.

All LEAs shall expend funds in accordance with all State and Federal laws and shall maintain fiscal accounting records in a manner that facilitates an audit by a Certified Public Accountant. Each LEA is responsible for monitoring and auditing their local use of federal, state, and local funds allocated for special education programs.

12. Describe how specialized equipment and services will be distributed within the SELPA in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environments: [EC 56206]

The NW SELPA office and member LEAs administer Low Incidence funds for specialized equipment and services, which are provided at the site determined by the Individualized Education Program (IEP) team for the student to receive free and appropriate public education in the least restrictive environment. Low Incidence funds are restricted for use for students in the following disability categories: hard of hearing, deaf, visual impairment, orthopedically impaired, and deaf-blind. The GCS adopts an allocation plan to guide the distribution of these funds and is specified in the NW SELPA Budget Allocation Plan.

The SELPA coordinates the allocation and distribution of Low Incidence funds to ensure that each student who demonstrates need can receive these supports in their move to another district within the SELPA. The SELPA and member LEAs will maintain a Low Incidence equipment inventory for all items purchased.

Policies, Procedures, and Programs

Pursuant to *EC* sections 56122 and 56205(a), the SELPA ensures conformity with Title 20 *United States Code (USC)* and in accordance with Title 34 *Code of Federal Regulations (CFR)* Section 300.201 and has in effect policies, procedures, and programs. For each of the following 23 areas, identify whether or not, each of the following provisions of law are adopted as stated. If the policy is not adopted as stated, briefly describe the SELPA's policy for the given area. In all cases,

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provide the SELPA policy and procedure numbers (If applicable. Leave blank if not applicable); the document title; and the physical location where the policy can be found.

1. Free Appropriate Public Education: 20 USC Section 1412(a)(1); EC 56205(a)(1)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that a free appropriate public education is available to all children with disabilities residing in the LEA between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

2. Full Educational Opportunity: 20 USC Section 1412(a)(2); EC 56205(a)(2)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that all children with disabilities have access to educational programs, non-academic programs, and services available to non-disabled children." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

3. Child Find: 20 USC Section 1412(a)(3); EC 56205(a)(3)

Policy/Procedure Number:

Document Title:

Document Location:

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"It shall be the policy of this LEA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, who are in need of special education and related services, are identified, located, and evaluated. A practical method has been developed and implemented to determine which children with disabilities are currently receiving needed special education and related services." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

4. Individualized Education Program (IEP) and Individualized Family Service Plan (IFSP): 20 USC Section 1412(a)(4); EC 56205(a)(4)

Policy/Procedure Number:

Document Title:

4310 - Attachment Sec B - Policies_Procedures

Document Location:

SELPA Local Plan (SELPA website and SELPA office)

"It shall be the policy of this LEA that an IEP, or an IFSP that meets the requirements of 20 USC Section 1436 (d), is developed, implemented, reviewed, and revised for each child with a disability who requires special education and related services in accordance with 20 USC Section 1414 (d). It shall be the policy of this LEA that an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

5. Least Restrictive Environment: USC Section 1412(a)(5); EC 56205(a)(5)

Policy/Procedure Number:

Document Title:

4310 - Attachment Sec B - Policies_Procedures

Document Location:

SELPA Local Plan (SELPA website and SELPA office)

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

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☒ Yes ☐ No

6. Procedural Safeguards: 20 USC Section 1412(a)(6); EC 56205(a)(6)

Policy/Procedure Number:

Document Title:

4310 - Attachment Sec B - Policies_Procedures

Document Location:

SELPA Local Plan (SELPA website and SELPA office)

"It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards according to state and federal laws and regulations." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

7. Evaluation: 20 USC Section 1412(a)(7); EC 56205(a)(7)

Policy/Procedure Number:

Document Title:

4310 - Attachment Sec B - Policies_Procedures

Document Location:

SELPA Local Plan (SELPA website and SELPA office)

"It shall be the policy of this LEA that a reassessment of a child with a disability shall be conducted at least once every three years or more frequently, if appropriate." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

8. Confidentiality: 20 USC Section 1412(a)(8); EC 56205(a)(8)

Policy/Procedure Number:

Document Title:

4310 - Attachment Sec B - Policies_Procedures

Document Location:

SELPA Local Plan (SELPA website and SELPA office)

"It shall be the policy of this LEA that the confidentiality of personally identifiable data, information, and records maintained by the LEA relating to children with disabilities and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act, non-academic programs, and services available to non-disabled children." The policy is adopted by the SELPA as

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stated:

☒ Yes ☐ No

9. Part C to Part B Transition: 20 USC Section 1412(a)(9); EC 56205(a)(9)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that children participating in early intervention programs under the Individuals with Disabilities Education Act (IDEA), Part C, and who will participate in preschool programs, experience a smooth and effective transition to preschool programs in a manner consistent with 20 USC Section 1437(a)(9). The transition process shall begin prior to the child's third birthday."The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

10. Private Schools: 20 USC Section 1412(a)(10); EC 56205(a)(10)

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

11. Local Compliance Assurances: 20 USC Section 1412(a)(11); EC 56205(a)(11)

Policy/Procedure Number:

Document Title:

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Document Location:

"It shall be the policy of this LEA that the local plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs, and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the IDEA; the Federal Rehabilitation Act of 1973, Section 504 of Public Law; and the provisions of the California *EC*, Part 30." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

12. Interagency: 20 USC Section 1412(a)(12); EC 56205(a)(12)(D)(iii)

Policy/Procedure Number:

Document Title:

Document Location:

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

☒ Yes ☐ No

13. Governance: 20 USC Section 1412(a)(13); EC 56205(a)(12)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the local plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Education Agency." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

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14. Personnel Qualifications; EC 56205(a)(13)

Policy/Procedure Number:

Document Title:

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Document Location:

SELPA Local Plan (SELPA website and SELPA office)

"It shall be the policy of this LEA to ensure that personnel providing special education related services are appropriately and adequately prepared and trained, and that those personnel have the content knowledge and skills to serve children with disabilities. This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the California Department of Education (CDE) about staff qualifications." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

15. Performance Goals and Indicators: 20 USC Section 1412(a)(15); EC 56205(a)(14)

Policy/Procedure Number:

Document Title:

4310 - Attachment Sec B - Policies_Procedures

Document Location:

SELPA Local Plan (SELPA website and SELPA office)

"It shall be the policy of this LEA to comply with the requirements of the performance goals and indicators developed by the CDE and provide data as required by the CDE." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

16. Participation in Assessments: 20 USC Section 1412(a)(16); EC 56205(a)(15)

Policy/Procedure Number:

Document Title:

4310 - Attachment Sec B - Policies_Procedures

Document Location:

SELPA Local Plan (SELPA website and SELPA office)

"It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs described in 20 USC Subsection 6311. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments where necessary and as indicated in their respective Reps.." The policy is

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adopted by the SELPA as stated:

☒ Yes ☐ No

17. Supplementation of State, Local, and Federal Funds: 20 USC Section 1412(a)(17); EC 56205(a)(16)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA, and will be used to supplement and not to supplant state, local, and other federal funds." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

18. Maintenance of Effort: 20 USC Section 1412(a)(18); EC 56205(a)(17)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in federal laws and regulations." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

19. Public Participation: 20 USC Section 1412(a)(19); EC 56205(a)(18)

Policy/Procedure Number:

Policy/Procedure Title:

Document Location:

"It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity for comments are available to the general public, including individuals with disabilities and parents of

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children with disabilities, and are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

20. Suspension and Expulsion: 20 USC Section 1412(a)(22); EC 56205(a)(19)

Policy/Procedure Number:

Document Title:

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Document Location:

SELPA Local Plan (SELPA website and SELPA office)

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

☒ Yes ☐ No

21. Access to Instructional Materials: 20 USC Section 1412(a)(23); EC 56205(a)(20)

Policy/Procedure Number:

Document Title:

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Document Location:

SELPA Local Plan (SELPA website and SELPA office)

"It shall be the policy of this LEA to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state-adopted National Instructional Materials Accessibility Standard." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

22. Over-identification and Disproportionality: 20 USC Section 1412(a)(24); EC 56205(a)(21)

Policy/Procedure Number:

Document Title:

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Document Location:

SELPA Local Plan (SELPA website and SELPA office)

"It shall be the policy of this LEA to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities." The policy is adopted by

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the SELPA as stated:

☒ Yes ☐ No

23. Prohibition on Mandatory Medicine: 20 USC Section 1412(a)(25); EC 56205(a)(22)

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services." The policy is adopted by the SELPA as stated:

☒ Yes ☐ No

Administration of Regionalized Operations and Services

Pursuant to EC sections 56195.7(c), 56205(a)(12)(B), 56368, and 56836.23, describe the regionalized operation and service functions. Descriptions must include an explanation of the respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA. Information provided should include the document title and the location (e.g., SELPA office) for each function:"

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

Document Title:

Document Location:

Description:

2. Coordinated system of identification and assessment:

Document Title:

Document Location:

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Description:

The Administration of Regionalized Operations and Services document includes information regarding coordinated system of identification and assessment.

3. Coordinated system of procedural safeguards:

Document Title:

4310 - Attachment Sec B - Regionalized Operations Services

Document Location:

SELPA website, SELPA office, SELPA Procedural Handbook

Description:

The Administration of Regionalized Operations and Services document includes information regarding coordinated system of procedural safeguards.

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

Document Title:

4310 - Attachment Sec B - Regionalized Operations Services

Document Location:

SELPA website, SELPA office, SELPA Procedural Handbook

Description:

The Administration of Regionalized Operations and Services document includes information regarding coordinated system of staff development and parent and guardian education.

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

Document Title:

4310 - Attachment Sec B - Regionalized Operations Services

Document Location:

SELPA website, SELPA office, SELPA Procedural Handbook

Description:

The Administration of Regionalized Operations and Services document includes information regarding coordinated system of curriculum development and alignment with the core curriculum.

6. Coordinated system internal program review, evaluation of the effectiveness of the local plan, and implementation of the local plan accountability system:

Document Title:

4310 - Attachment Sec B - Regionalized Operations Services

Document Location:

SELPA website, SELPA office, SELPA Procedural Handbook

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Description:

The Administration of Regionalized Operations and Services document includes information regarding coordinated system of internal program review, evaluation of the effectiveness of the local plan, and implementation of the local plan accountability system.

7. Coordinated system of data collection and management:

Document Title:

4310 - Attachment Sec B - Regionalized Operations Services

Document Location:

SELPA website, SELPA office, SELPA Procedural Handbook

Description:

The Administration of Regionalized Operations and Services document includes information regarding coordinated system of data collection and management.

8. Coordination of interagency agreements:

Document Title:

4310 - Attachment Sec B - Regionalized Operations Services

Document Location:

SELPA website, SELPA office, SELPA Procedural Handbook

Description:

The Administration of Regionalized Operations and Services document includes information regarding interagency agreements.

9. Coordination of services to medical facilities:

Document Title:

4310 - Attachment Sec B - Regionalized Operations Services

Document Location:

SELPA website, SELPA office, SELPA Procedural Handbook

Description:

The Administration of Regionalized Operations and Services document includes information regarding coordination of services to medical facilities.

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

Document Title:

4310 - Attachment Sec B - Regionalized Operations Services

Document Location:

SELPA website, SELPA office, SELPA Procedural Handbook

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Description:

The Administration of Regionalized Operations and Services document includes information regarding coordinated of services to licensed children's institutions and foster family homes.

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

Document Title:

4310 - Attachment Sec B - Regionalized Operations Services

Document Location:

SELPA website, SELPA office, SELPA Procedural Handbook

Description:

The Administration of Regionalized Operations and Services document includes information regarding preparation and transmission of required SELPA reports.

12. Fiscal and logistical support of the CAC:

Document Title:

4310 - Attachment Sec B - Regionalized Operations Services

Document Location:

SELPA website, SELPA office, SELPA Procedural Handbook

Description:

The Administration of Regionalized Operations and Services document includes information regarding fiscal and logistical support to the CAC.

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

Document Title:

4310 - Attachment Sec B - Regionalized Operations Services

Document Location:

SELPA website, SELPA office, SELPA Procedural Handbook

Description:

The Administration of Regionalized Operations and Services document includes information regarding the coordination of transportation services for students with exceptional needs.

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

Document Title:

4310 - Attachment Sec B - Regionalized Operations Services

Document Location:

SELPA website, SELPA office, SELPA Procedural Handbook

The Administration of Regionalized Operations and Services document

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Description: includes information regarding the coordination of career and vocational education and transition services.

15. Assurance of full educational opportunity:

Document Title: 4310 - Attachment Sec B - Regionalized Operations Services

Document Location: SELPA website, SELPA office, SELPA Procedural Handbook

Description: The Administration of Regionalized Operations and Services document includes information regarding assurance of full educational opportunity.

16. Fiscal administration and the allocation of state and federal funds pursuant to *EC* Section 56836.01—The SELPA Administrator's responsibility for the fiscal administration of the annual budget plan; the allocation of state and federal funds; and the reporting and accounting of special education funding.

Document Title: 4310 - Attachment Sec B - Regionalized Operations Services

Document Location: SELPA website, SELPA office, SELPA Procedural Handbook

Description: The Administration of Regionalized Operations and Services document includes information regarding fiscal administration and the allocation of state and federal funds.

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

Document Title: 4310 - Attachment Sec B - Regionalized Operations Services

Document Location: SELPA website, SELPA office, SELPA Procedural Handbook

Description: The Administration of Regionalized Operations and Services document includes information regarding direct instructional program support that may be provided by program specialists.

Special Education Local Plan Area Services

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

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Document Title:	Procedural Handbook
Document Location:	SELPA website and SELPA office
Description:	Procedural handbook includes a chapter with information related to the description of services for children between birth and 5 years of age who are receiving special education services.

2. A description of the method by which members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the local plan, may address questions or concerns to the SELPA governing body or individual administrator:

Document Title:	SELPA Local Plan
Document Location:	SELPA website and SELPA office
Description:	<p>The public is allowed to address the NW SELPA GCS on posted agenda items for each meeting.</p> <p>Persons wishing to address the GCS on issues not on the agenda may do so under the item entitled, "Hearing of Persons Wishing to Address the Council or to Present Petitions."</p>

3. A description of a dispute resolution process, including mediation and final and binding arbitration to resolve disputes over the distribution of funding, the responsibility for service provision, and the other governance activities specified within the local plan:

Document Title:	SELPA Local Plan
Document Location:	SELPA website and SELPA office
	<p>Disputes: NW SELPA Governance Council of Superintendents (GCS)</p> <p>The NW SELPA GCS decides on any disputes between participating LEAs that arise concerning special education and related matters, or related to the interpretation of the Local Plan and other agreements and policies between or among the LEAs. In the event of a disagreement among LEAs, or local education agencies LEAs and the AU regarding the distribution of funds, responsibility for service provision, and/or governance activities, the disputing LEAs shall first attempt to arrive at a settlement. Either party may request the direct assistance of the SELPA Executive Director, chairperson of the Governance Council, or the services of a neutral mediator from outside of the SELPA. If the process fails, the parties may pursue a hearing on the issues and a resolution through the Governance Council. The GCS shall hear the facts of the dispute and shall render a written decision on the matter, which shall be binding on all parties.</p>

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Description:

Disputes: SELPA Administrative Unit (AU) Council

In the event of a disagreement among LEAs, or LEAs and the AU regarding the distribution of funds, responsibility for service provision, and/or governance activities, the disputing LEAs shall first attempt to arrive at a settlement. If the process fails, the parties may pursue a hearing on the issues and a resolution through a Resolution Council. The Resolution Council shall hear the facts of the dispute and shall render a written decision on the matter, which shall be binding on all parties. The Resolution Council shall be composed of the following members:

- The AU Council Chairperson
- The AU Council Secretary
- The AU Council Co-Vice Chairperson from NW SELPA
- The AU Council Co-Vice Chairperson from SE SELPA
- The NW SELPA Executive Director
- The SE SELPA Director
- The AU Council Immediate Past Chairperson-Elect

4. A description of the process being used to ensure a student is referred for special education instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized:

Document Title: Procedural Handbook

Document Location: SELPA website, SELPA office, and Procedural Handbook

Description: The NW SELPA Procedural Handbook includes information specifying that a student is referred for special educational instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized.

5. A description of the process being used to oversee and evaluate placements in nonpublic, nonsectarian schools and the method of ensuring that all requirements of each student's individualized education program are being met. The description shall include a method for evaluating whether the student is making appropriate educational progress:

Document Title: Procedural Handbook

Document Location: SELPA website, SELPA office, and Procedural Handbook

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Description:

The NW SELPA Procedural Handbook includes policy and procedure related to monitoring NPS/NPA placement and services, including sections related to the provision of services and appropriate assessment.

6. A description of the process by which the SELPA will fulfill the obligations to provide free and appropriate public education (FAPE) to a student age 18 to 21 (or age 22 under the circumstances described in *EC 56026(c)(4)*) who has been incarcerated in a county jail and remains eligible for special education services:

The obligation to make FAPE available extends to those otherwise-eligible adults in county jail, age 18 to 21, who: (a) had been identified as a child with a disability and had received services in accordance with an IEP, but left school prior to their incarceration; or (b) did not have an IEP in their last educational setting, but had actually been identified as a child with a disability. (*EC Section 56040*)

It is the responsibility of the district of residence (DOR) to provide special education services and related services to an adult student in county jail who remains eligible for these services and wishes to receive them. The DOR is the district in which the student's parents resided when the student turned 18, unless and until the parents move to a new DOR. For conserved students, the DOR is based on the residence of the conservator. (*EC Section 56041*)

Document Title:

SELPA Local Plan

Document Location:

SELPA website and SELPA office

Free Appropriate Public Education

Every individual with exceptional needs who is eligible to receive special education instruction and related services under the Individuals with Disabilities Education Act (IDEA) and state special education laws, shall receive that instruction and those services at no cost to his or her parents or, as appropriate, to him or her. A Free Appropriate Public Education (FAPE) shall be available to individuals with exceptional needs in accordance with Section 1412(a)(1) of Title 20 of the United States Code and Section 300.101 of Title 34 of the Code of Federal Regulations.

Eligible Adults

Adults who are aged 18 through 22 years, who have not graduated with a high school diploma, who at the time they turned 18 years were identified as an individual with exceptional needs and had an individualized education program (IEP) under the IDEA, are also entitled to a FAPE (hereinafter, "eligible adults"). (See 20 U.S.C. § 1400 (d) (1) (A), (B), (C); U.S.C. § 1412(a) (1) (A); Education Code, § 56000, 56040 (b).) This applies to adults incarcerated in California adult jails and prisons. However, an individual aged 18 through 22 years, who, in the educational placement prior to his or her incarceration in an adult correctional facility was not identified as an individual with exceptional needs or did not have an IEP under the IDEA, is not entitled to a

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FAPE. (20 U.S.C. § 1412 (a) (1) (B); Education Code, § 56040(b).)

Child Find

For eligible adults who prior to reaching the age of majority resided within the NW SELPA geographic boundaries, the applicable LEA within the SELPA shall ensure they have available to them a FAPE. Generally, the district of residence (DOR) responsible for providing special education and related services to pupils between the ages of 18 to 22 years, inclusive, shall be assigned, as follows:

- For non-conserved pupils - the last DOR in effect prior to the pupil's attaining the age of majority shall become and remain as the responsible LEA, as long as and until the parent/s relocate to a new DOR. At that time, the *new* DOR shall become the responsible LEA.
- For conserved pupils - the DOR of the conservator shall attach and remain the responsible LEA, as long as and until the conservator relocates or a new one is appointed. At that time, the *new* DOR shall attach and become the responsible LEA. (Education Code §56041)

Provision of Service

Once SELPA or the responsible LEA is informed that an eligible adult is incarcerated in an adult correctional facility, the responsible LEA will determine whether the eligible adult requests to receive FAPE. Once the request has been made, the responsible LEA shall review and revise the IEP as necessary, subject to the cooperation of the correctional facility where the eligible adult is located. The eligible adult must consent to the receipt of such services in order to receive said services while incarcerated.

Description:

The responsible LEA will determine, within 30 days of eligibility notification, whether the qualified individual requires FAPE. And if so, the LEA will ensure that the qualified individual is provided FAPE pursuant to IDEA and corresponding California special education law. To receive special education services while incarcerated, the student must consent to the receipt of such services, such as, but not limited to, transition services, specialized academic instruction, and other services as determined by the IEP team. The student may revoke their consent for special education services at any time.

Limitations

The following special education requirements do not apply to eligible individuals who are convicted as adults under State law and incarcerated in adult prisons:

The requirements set out in 20 U.S.C. § 1412(a) (16) and 20 U.S.C. § 1414(d) (1) (A) (i) (VI) (relating to participation in general assessment) do not apply. Eligible individuals convicted as adults under State law and incarcerated in adult prisons are exempted from participation in State and district-wide assessment programs under the IDEA.

The requirements of items (aa) and (bb) of 20 U.S.C. § 1414(d) (1) (A) (i) (VIII) (relating to transition planning and transition services) do not apply with respect to such individuals whose eligibility under the IDEA will end, because of their age, before such individuals will be released from county jail.

Section B: Governance and Administration

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If an individual with a disability is convicted as an adult under State law and incarcerated in an adult county jail, the individual's IEP team may modify the individual's IEP or placement notwithstanding the least restrictive environment (LRE) requirements of 20 U.S.C. § 1412(a)(5)(A) and the IEP contents requirements of 20 U.S.C. § 1414(d)(1)(A) if there is a bona fide security or compelling penological interest that cannot otherwise be accommodated.

An individual who was not identified as a student with exceptional needs or did not have an IEP under IDEA in the educational placement prior to his or her incarceration in an adult correctional facility is not entitled to a FAPE.

Adults (aged 18-22 years) incarcerated in California adult jails and prisons are entitled to FAPE if they meet the following criteria:

- The inmate is not a graduate with a high school diploma; and
- At the time they turned 18, the inmate was identified as an individual with exceptional needs and had an individualized educational program (IEP) under IDEA. Students who reach age 22 are no longer eligible.

LEAs in the SELPA may enter into agreement to fulfill the obligations to provide FAPE to a student age 18 to 21 (or age 22 under the circumstances described in EC 56026(c)(4)) who has been incarcerated in a county jail and remains eligible for special education services.