



SCCOE SPECIAL EDUCATION-SELPA HOUSING POLICY

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

I. INTRODUCTION

We believe all educational partners have a right to belong to a school community. To that end, the districts of the Santa Clara County SELPAs are committed to the provision of special education services to all students with disabilities in the least restrictive environment as required by State and Federal law. It is the districts' obligation to assure that when it is not possible for students with disabilities to be educated in their home schools, they receive the services specified in their IEPs in classrooms located as close to their homes as possible. Decisions regarding student placement, including participation in academic, non-academic, and extracurricular activities, in and outside of the instructional day, will be deferred to the IEP team. All students including the students receiving services provided by the SCCOE are students of the district. The intent of this goal is to fulfill the SELPA's purpose that the students, families, and staff be included to the greatest extent possible as a part of the school community. Belongingness can be exemplified by participating in school activities, playing on the playground, eating lunch with their peers, attending school dances and assemblies, accessing parent engagement and education opportunities, students and staff being included in the yearbook, and countless other opportunities to join activities on campus.

To the maximum extent possible, our classrooms will be centrally located to ensure that students and families are warmly welcomed and included in the heart of the school. Maximum effort will be made to avoid the over representation of special education classes on an individual school site. In addition, classrooms should be located to promote natural opportunities for students with disabilities to participate with chronologically age-appropriate, general education students in academic, non-academic and extra-curricular activities to the maximum extent appropriate for the needs of all students.

To fulfill this commitment, the districts shall provide classroom space for all special education students in Santa Clara County.

Each school district accepts the ultimate responsibility for providing classroom facilities, or the financial resources to provide classroom facilities, for the special education students residing within its boundaries. A district may join with other districts in its area to provide classroom space or the financial support to house their students. The classroom needs of all students, both general and special education must be considered in all decisions regarding the allocation of classroom space. There may be times when a school district offers classroom space, which is not utilized by SCCOE (see page 3, item #7).

II. POLICIES AND PROCEDURES

The Santa Clara County SELPAs will be responsible for the implementation and monitoring of this policy. The SCCOE Special Education Department will assume responsibility for determination of classrooms

owed and provided by each district and will collaborate with the SELPA offices in the calculation and collection of housing fees and disbursement of housing compensation.

III. PROVISION OF CLASSROOM SPACE BY DISTRICTS

A. Calculation of Projected Classroom Space Needed by Districts

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

1. The SCCOE Special Education Department's May 1st enrollment projections for the following year will serve as the basis for estimating the classroom space owed by each district in the subsequent school year.
2. Actual determination of housing obligations will be based on current year December-April average enrollment in SCCOE Special Education programs.
3. The number of pupils constituting one classroom for the purpose of the Housing Policy will be recommended each year by the Facilities Rate Setting Committee and approved in the SELPA Budget Allocation Plans along with Rate per class and percentage credit for land-only.
4. When the Santa Clara County Office of Education owns or leases a portable classroom located on district operated site, that classroom will generate partial credit toward the calculation of the district's housing obligation.
5. Each district will have two options for fulfilling its housing obligation.
 - a. The provision of classroom space. This is the preferable option.
 - b. In the event that a district does not provide the obligated classroom space, it will be charged a housing fee.

A SELPA may exercise the option of "pooling" member district obligations and/or compensation for space.
6. When a district exceeds its housing obligation by providing additional classroom space, the district will be paid the approved housing compensation rate.
7. Classroom space offered by the district must not only meet the standards specified in this policy but must also be appropriate to the needs of the program operator and student population.

Criteria for appropriateness includes the following:

- the classroom offered provides for interaction with non-disabled peers of similar age or grade
- usage of the classroom provided does not result in unusual additional costs to the SCCOE Special Education program or district, if not in alignment with other district or school site updates
- Sufficient population projections to sustain the classroom for at least three years with minimal disruption or displacement for students in existing programs is required
- placement of the classroom minimizes transportation time and cost; this includes appropriate accessibility for students to and from their classroom

B. Contracts for Provision of Classroom Space

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

2. Negotiations between the SCCOE Special Education Department and districts for new contracts or other arrangements to provide classroom space shall be completed by May 30th of each year.
3. Contracts for classroom space shall be for a specific classroom site and it is recommended that it be for a minimum of three (3) years. The use of classrooms for Extended School Year programs is included in the contracts. The relocation of classrooms for Extended School Year programs shall be negotiated between the district and SCCOE Special Education Department by April 15.
4. Termination of contracts prior to their expiration date shall be by mutual consent of the district and SCCOE Special Education Department.

C. Standard for Classrooms

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

1. One classroom (approximately 960 square feet) will be provided in accordance with established State and Federal standards (i.e., applicable Americans with Disabilities Act accessibility standards, Health and Safety Codes, fire alarm requirements, and Field Act standards, or a waiver of Field Act standards. The classroom should be located in an area on campus that meets the unique needs of the student population being served and provides appropriate access to the entire school community.
2. Running hot water will be provided in all classrooms where the availability of water within the classroom is necessary to meet the health and safety needs of the students, as determined by the SCCOE Special Education Department. Example: An accommodation for hot water could be an instant hot water heater.
3. Heat and Air Conditioning will be provided in all classrooms where the availability of heat and air conditioning within the classroom is necessary to meet the health and safety needs of the students, as determined by the SCCOE Special Education Department.
4. In-class toilet facilities will be provided as appropriate for the age and the needs of the students and as determined by the SCCOE Special Education Department with the approval of the district.

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

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

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

5. Any site modifications, if needed, will be negotiated between the SCCOE Special Education Department and the district prior to modifications taking place.
6. The site will provide internet access in each classroom. SCCOE Special Education classrooms need comparable Internet access, as do the host site classrooms. SCCOE will be provided with one static IP address and one live Ethernet jack in each Special Education classroom to set up VPN technology in each classroom.

D. Custodial Services

Custodial service, including daily classroom cleaning for all classrooms, including portables, whether district or SCCOE owned, shall be the responsibility of the district. Occasionally, there may be a situation when the district is not able to provide custodial services and SCCOE is required to provide

it. Districts that do not provide Custodial and Utilities will pay actual cost to SCCOE for providing them.

The SCCOE Special Education Department will provide information regarding recommended daily classroom cleaning as identified in the State publication “State Guidelines and Procedures for Meeting the Specialized Physical Health Care Needs of Pupils” and designated by level of need of classroom.

E. Facilities:

Classrooms need to be included in all emergency drills that take place on sites. Phones in the classrooms, including extensions, need to be part of the school site phone list. Emergency systems that are school wide systems (i.e., phone alarm) must also be operational in County operated classes. PA systems should be activated in the classrooms. Classrooms need to be included in the custodial building cleaning schedule.

Classes are located in a desirable location. The desirability is relative to the specific needs of the students in the class. Some classes will need to be located near a bathroom, near the drop off and pick up for buses, and/or need larger rooms due to equipment. The selection of classrooms should be in collaboration with the Special Education departments at both the districts and county office. The county classrooms should be modernized as part of the school campus.

Depending on the type of program and the needs of the students, bathrooms need to accommodate student needs. Many students require changing tables, Hoyer lifts, and other pieces of equipment. Bathrooms must accommodate furniture and equipment needs.

When the district updates/upgrades its facilities and technology, county classes should have access to the same improvements.

F. Equipment:

Equipment should be accessible to classrooms when they are out during recess and have access to recess and school lunch schedules in an effort to be included in these activities.

G. Maintenance

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

Repairs

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

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

H. Relocation of Classrooms

In the event a district has to relocate a SCCOE Special Education Department classroom due to planned renovations, fire, natural disaster, vandalism or other emergency situations when the classroom is unsuitable for housing students, the district remains responsible for providing adequate

temporary housing until repairs can be completed. The district will make every effort to house the students on the same school site.

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

- Fire or natural disaster: Insurance will be billed. If no insurance, or uncovered costs, will be paid by the district.
- Renovation by district: Cost will be paid by the district
- SCCOE moves class during ESY per district's decision: Cost will be paid by the district
- SCCOE moves class during ESY per SCCOE's decision: Cost will be paid by SCCOE
- If the SCCOE class will operate during ESY on a campus that offers a student lunch program, SCCOE students will have access to lunch services. If the school does not offer summer food services, the District will not be required to provide lunch services to SCCOE students.

IV. ACCESS, COMMUNICATION AND COLLABORATION

The intent of this agreement is to allow students and families the highest level of campus participation as is appropriate, to build community, on par with others enrolled on that campus. The hosting district will make every effort possible to ensure applicable items listed in the Housing Policy are implemented to ensure students, staff, and parents have equitable access to participate, be welcomed and included in site activities and programs.

Examples of access may include, but not limited to:

- Academic Curriculum Access
- Academic Mainstreaming
- Access to Assemblies
- Access to Back to School Night
- Access to Electives
- Access to Field Trips
- Access to Library
- Access to Lunch
- Access to Music
- Access to Open House
- Access to Recess
- Access to School Programming
- Access to Art
- Class participates in Earthquake Drill
- Class Participates in Fire Drills
- Class Participates in Run / Hide / Defend Drill
- Dances
- Garden Space
- GE Student Aides
- Online learning platforms
- School Awards Ceremonies
- Science Camp

- Students are included in school orientation activities (summer)
- Students included in all school photo
- Students included in the Yearbook

Staff Access

- School includes staff on staff meetings
- School invites staff to PD opportunities
- School provides access to a staff lounge
- School provides textbooks/curriculum
- Staff have access to an appropriate and accessible bathroom
- Staff included in all school photo
- Staff included in the yearbook
- Staff participates in Emergency Trainings
- Staff provided ID badge

Caregiver Access

- Caregiver is invited to PTA, ELAC, other committee meetings
- Caregiver is invited to school events and events are shared with SCCOE programs co-located

Examples of communication may include, but are not limited to:

- At the school site, two-way communication will be utilized between district and SCCOE staff in order to inform and include all students, staff, and families as members of the school community.
- Caregivers receive school communications and notice of events in the same manner as district students.
- SCCOE staff receive school communications and notice of events in the same manner as district staff.
- Students receive school communications and notice of events in the same manner as all students at the school site.
- Communication methods: newsletters, emails, phone calls, School Loop, Parent Messenger, website, etc.
- Events: safety, dances, student pictures, book fair, job day, parent nights, open house, etc.

Examples of collaboration may include, but are not limited to:

- All students should have an opportunity to mainstream.
- Collaboration between SCCOE SPED teacher and GE teacher on implementation of IEP goals in the GE classroom if students are being mainstreamed
- Collaboration between SCCOE itinerant staff (OT, speech, etc.) and GE teacher on implementation of IEP goals in the GE classroom if students are being mainstreamed
- Collaboration on schedules and access to areas of campus (breakroom, copy room, art or specialty rooms, etc.)
- Different opportunities of learning would be accessible to county classes through having a buddy class or in a similar method
- Invitations and access to special events for families of students in the county classroom(s)

- Eligibility for students in the county programs to attend after school programs and grant funded opportunities
- Include families in PTA and other fundraising opportunities
- Families should receive school newsletter and other school information
- Inclusion field trips
- Collaboration for students in SCCOE-run programs to participate in district-run academic and non-academic activities, as appropriate.
- Access to professional development offered at the school-site and through the county

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

- A.** New Construction by SCCOE on District Property Requiring 40-Year Lease. The housing policy section concerning new construction (40-year leases): shall be reviewed every two years beginning with the 2007-08 school year.

Option 1

SCCOE provides the custodial and utilities. District receives 45% credit times current agreed upon facilities housing rate times the number of actual classrooms provided.

Option 2

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

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

For example:

- Site preparation
- Water and sewer hook-up
- Architectural and other fees

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

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

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

1. SCCOE Special Education Department shall be responsible for all requirements specified in Section III.C (Standards for Classrooms).
2. Custodial service, including daily classroom cleaning for all classrooms, shall be the responsibility of the district or negotiated between the district and SCCOE Special Education Department. The SCCOE Special Education Department will provide information regarding daily classroom cleaning as identified in the State publication, "State Guidelines and Procedures for Meeting the Specialized Physical Health Care Needs of Pupils."

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

VI. FINANCIAL ARRANGEMENTS

1. Districts are obligated to provide classroom space (or financial resources to provide classroom space) for the number of resident students enrolled in SCCOE Special Education Department operated programs. This obligation includes classroom space, utilities, custodial services and such maintenance and repair as specified in this document.
2. The SELPA facilities committee each year will recommend the value to be placed on classrooms provided, which are over or under a district's obligation. The value placed will be in consideration of the following factors: average cost of utilities, average cost of custodial services and routine maintenance/repair, average cost of a leased portable, and reasonable lease rate for classroom space on an open school campus. The value placed on classrooms, and the fraction thereof allowable for land (utilities and custodial/maintenance service) shall be pending approval of all SELPA Governance Councils in the county.
 - a) The Facilities Rate Setting Committee will meet prior to March of each year to recommend and finalize the rate/number of pupils per class and percentage of credit for land-only for the following year. The rate suggested at the December 2010 meeting will stay in effect for the 2011-2012 year.
 - b) The committee will be comprised of district special education program and fiscal representatives. The intention of the committee is to reach agreement using the following priorities:
 - Consensus of all present at the Facilities Rate Setting Meeting with a quorum consisting of representation from all SELPAs and a minimum of five fiscal and/or program administrators from South East SELPA and five fiscal and/or program administrators from North West SELPA.
 - Dispute resolution (SELPA Directors, and an outside mediator)
 - c) The SELPA Directors and SCCOE Special Education staffs are not members of the committee that decides consensus.
3. Housing fees for the number of spaces that a district is short of its obligation will be added to the estimate of cost of SCCOE programs for that district. Housing compensation for the number of spaces that a district provides, which are over its obligation, will be estimated, but not credited against, the district's cost of SCCOE programs. This amount will be a Revenue Transfer for Housing Compensation at the end of each year.
4. SELPA Fiscal Advisors will assess the Excess or Deficit in revenue resulting from the Housing Policy at the end of each year looking only at the year to either refund any excess or collect from districts any deficit when the excess or deficit is greater than or equal to the current facilities rate for a SCCOE classroom. In that case, the entire excess will be distributed, or deficit charged back, based on current pupil count used in facility cost calculations. This process began in 2008-2009 and will continue annually thereafter. Included in the assessment will be other contract costs related to Facility costs, moving expenses, set-up and remodel fees and indirect costs. Also included will be other lease revenue collected by SCCOE Special Education.

VII. OVERSIGHT COMMITTEE

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

The Oversight Committee will be responsible for the following:

- meet with district directors to review needs and availability of classroom space; and
- if necessary, to review appropriateness of offers submitted by districts for use of classrooms.

Approved by Executive Council:

<i>SELPA I</i>	<i>June 14, 2007</i>	<i>May 19, 2011</i>	<i>May 14, 2015</i>	<i>May 19, 2016</i>	<i>March 21, 2024</i>
<i>SELPA II</i>	<i>June 15, 2007</i>	<i>May 27, 2011</i>	<i>May 15, 2015</i>	<i>May 20, 2016</i>	<i>October 27, 2023</i>
<i>SELPA III</i>	<i>June 14, 2007</i>	<i>May 19, 2011</i>	<i>May 14, 2015</i>	<i>May 19, 2016</i>	<i>March 21, 2024</i>
<i>SELPA IV</i>	<i>June 18, 2007</i>	<i>May 18, 2011</i>	<i>May 19, 2015</i>	<i>May 18, 2016</i>	<i>October 27, 2023</i>
<i>SELPA VII</i>	<i>June 18, 2007</i>	<i>May 19, 2011</i>	<i>May 13, 2015</i>	<i>May 18, 2016</i>	<i>March 20, 2024</i>
<i>SECSE</i>	<i>June 20, 2007</i>	<i>May 18, 2011</i>	<i>May 20, 2015</i>	<i>May 18, 2016</i>	<i>November 15, 2023</i>