

**LOCAL PLAN**  
**Section B: Governance and Administration**  
**SPECIAL EDUCATION LOCAL PLAN AREA**



California Department of Education

Special Education Division

January 2020

Section B: Governance and Administration

SELPA

Fiscal Year

**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:

The Merced Special Education Local Plan Area (SELPA) is a multi-district SELPA comprised of twenty participating Local Education Agencies (LEAs) and on County Office of Education (COE) joined together to provide for the coordinated delivery of programs and services to students with special needs who reside in the area. The twenty districts and county office include: Atwater Elementary School District, Ballico-Cressey Elementary School District, Delhi Unified School District, Dos Palos-Oro Loma Joint Unified School District, El Nido Elementary School District, Gustine Unified School District, Hilmar Unified School District, Le Grand Elementary School District, Le Grand High School District, Livingston Union Elementary School District, Los Banos Unified School District, McSwain Elementary School District, Merced Elementary School District, Merced River Union Elementary School District, Merced Union High School District, Plainsburg Elementary School District, Planada School, District, Snelling-Merced Falls Union Elementary School District, Weaver Union School District, Winton School District and the Merced County Office of Education. The Merced County Office of Education is designated as the Administrative Unit (AU) as referred in Education Code 56205(a) (12) (D) (ii) for the SELPA as referred in Education Code 56030.

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:

Governance of the Merced SELPA is composed of the Board of Directors (BOD), the Executive Committee (EC), the Special Education Advisory Committee (SEAC), and the Special Education Community Advisory Committee (CAC). The governance structure of the SELPA is established by agreement among the Superintendents of the member LEAs. The governing body of the Merced SELPA is the Board of Directors. The SELPA Director may convene additional advisory committees as needed. The SELPA Director is responsible for coordination of the SELPA and implementation of the Local Plan. For the purpose of the Merced SELPA Local Plan, the term AU will be used.

**GOVERNANCE (Education Code 56205)**

Each LEA will defend and indemnify the AU against, and will hold and save AU, its officers, agents, and employees harmless from any and all actions, claims, damages to persons or property, penalties, obligations, or liabilities that may be asserted or claimed by any person, firm, entity, corporation, political subdivisions, or any other organization arising out of the operation or maintenance or other activities of the LEA or its agents, employees, or independent contractors under this agreement.

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**GOVERNANCE STRUCTURE AND ADMINISTRATIVE SUPPORT (*Educ Code 56140, 56195, 56195.1, 56195.3, 56195.5*)**

The LEAs within the Merced SELPA join together pursuant to Sections 56140 and 56195 of the California Education Code to adopt a Local Plan to assure access to special education and services for all eligible individuals with disabilities residing in the geographic area served by these agencies, hereafter known as the Merced SELPA. In adopting the Local Plan, each participating agency agrees to carry out the duties and responsibilities assigned to it within the Local Plan. Participating agencies may enter into additional contractual arrangements to meet the requirements of applicable federal and state law. The function of the SELPA and participating LEAs is to provide a continuum of quality educational programs and services appropriate to the needs of each eligible student with a disability who reside within the Mid-Cities SELPA.

**RESPONSIBILITY OF PARTICIPATING AGENCIES (*Education Code 56195.1(b)(2), 56195.5, 56207*)**

In adopting the Local Plan, each participating LEA agrees to carry out the duties and responsibilities assigned to it within the plan. Each agency shall provide special education and services to all eligible students within its boundaries, including students attending charter schools where that LEA of the SELPA has granted that charter. In addition, each agency shall cooperate to the maximum extent possible with other agencies to serve individuals with disabilities who cannot be served in the local education agency of residence programs. Such cooperation ensures that a range of program options is available throughout the Merced SELPA.

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:

**FUNCTIONS OF THE AU/RLA (*Education Code 56195, 56195.1(b)(3)(c)(2) 56205 (a)(12)(D)(ii), 56205(a)(12)(D)(ii)(IV)*)**

The Merced County Office of Education is designated as the Administrative Unit (AU) also known as the Responsible Local Agency (RLA) for the Merced SELPA. It shall be responsible for functions such as, but not limited to:

1. The AU Superintendent shall serve as a member of the Board of Directors.
2. Receipt and distribution of special education funds to district accounts for the operation of special education programs and services.
3. Receipt and distribution of federal and state special education funds per the SELPA allocation plan.
4. The employment of staff in accordance with direction from the Board of Directors.
5. Establish a separate account for SELPA use. All SELPA revenues including earned interest shall be deposited in the SELPA fund as designated by the SELPA Director.
6. The AU shall not access SELPA funds or accounts for transfer, payment, deduction, or any other activity without specific prior written authorization of the SELPA Director.
7. Employ classified personnel in support of SELPA certificated staff.
8. Establish appropriate record keeping procedures to be followed by each LEA for the purpose of maintaining accurate fiscal and accounting records in accordance with state and federal requirements and submit required reports to the appropriate authorities.
9. Provide administrative and departmental support, including purchasing, human resources, information technology, operations, and maintenance.

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### **Board of Directors** (*Education Code 56205(a)(12) (D)(i), 56195.1, 56205(b)*)

The Board of Directors is composed of the Superintendents from each of the twenty LEAs and county office within the SELPA. Superintendents may participate via telephone or video conferencing, pursuant to the provisions of the Brown Act, if unable to attend a meeting. All Board of Directors members have one vote and decisions will be made by a majority vote, except in circumstances where state or federal mandates require a unanimous vote. A quorum shall consist of eleven members in attendance. The AU Superintendent shall serve as chairperson. The SELPA Director serves as Secretary to the Board of Directors. The SELPA Director will prepare each agenda, with consultation from the chairperson, and all required materials.

The Board of Director may meet six times per year. All meetings of the Board shall be noticed and conducted in compliance with the Brown Act and other applicable laws. Meeting notices shall be sent to all Merced SELPA Superintendents and others as requested. 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 Board of Directors at a regularly scheduled meeting.

The Superintendents of each participating LEA shall be responsible for special education programs operated by the LEA and for implementing all requirements of the Local Plan.

A charter school that operates as its own LEA for special education purposes shall participate in the governance of the SELPA in the same manner as all LEAs.

Board of Directors responsibilities shall include, but not limited to:

1. May provide feedback to the County Office Superintendent on the evaluation of the SELPA Director.
2. Provide leadership to the SELPA regarding the development, revision, implementation, review of the Local Plan.
3. Take action to approve or deny annual budget and service plans at a public hearing scheduled at a Superintendents' Council meeting in compliance with all legal mandates.
4. Take action to approve or deny SELPA-wide policies, administrative regulations, procedures, resolutions, local interagency agreements, and guidelines for the management and implementation of special education programs and services within the SELPA. Each member shall assume responsibility for communication and presentation to their respective governing boards of the adopted policies and procedures.
5. Provide direction and approval of SELPA budgets and SELPA provided services.
6. Provide direction to the SELPA Director for regionalized and program specialist services.
7. Review, approve and monitor the allocation of federal, state, and local funds to LEAs. Approve revisions to the Allocation Plan as required.
8. Take action to approve or deny requests for program transfers.
9. Establish and promote a Community Advisory Committee (CAC); review and consider comments from the CAC.

### **Executive Committee**

Six District Superintendents, including two from large unified districts, three from high school and feeder districts grouped by ADA, and one from south county districts. The County Superintendent is a permanent member. District Superintendents serve a two-year rotating term basis and are elected by the Board of Directors. The SELPA Director is included as secretary and facilitator.

### **SELPA DIRECTOR**

The fundamental role of the SELPA Director is to direct all SELPA staff, as well as provide leadership and facilitate the decision-making process. The SELPA Director's role includes the provision of information, specific services identified by the Board of Directors and Executive Committee, technical assistance, leadership, and arbitration.

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The AU shall be responsible for the selection, direction, monitoring, discipline, and annual evaluation of the SELPA Director. The AU shall be assisted in the hiring and selection process by the Superintendents' Council. It is understood that this includes responsibility for any allegations of violations arising under the federal and state equal employment law.

The SELPA Director is subject to the AU policies and procedures for day-to-day operations, but receives direction from, and is responsible to, the County Superintendent. The SELPA Director is evaluated by the County Office Superintendents with input from District Superintendents.

The SELPA Director carries out the SELPA's obligation to assure equal access to all programs and services in the SELPA and provides advice to members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the Local Plan, on the availability of established due process and legal service options and procedures. In cooperation with the California Department of Education (CDE), the SELPA Director provides information to ensure that all pupils in special education receive appropriate due process and procedural safeguards as provided by law.

The SELPA Director's responsibilities include, but are not limited to:

1. Establish and maintain a positive relationship with all members of the SELPA; ensure all students have access to a full continuum of educational programs.
2. Coordinate implementation of all components of the Local Plan.
3. Develop, update, and submit adopted annual budget and service plans that have been presented at a SELPA public hearing.
4. Oversee the recruitment, supervision, and evaluation of SELPA designated staff.
5. Gather input from LEA program and business staff to formulate policy and procedure recommendations for Superintendents' Council action related to the distribution of state and federal funds among the LEAs.
6. Meet with LEA program and business staff regarding special education program needs, policies, procedures, agreements, and forms; and the development and implementation of personnel development programs.
7. Provide LEA program staff with a venue for sharing ideas regarding issues such as IEP development and implementation, curriculum scope and sequence, student performance targets, assessments, instructional best practices, day-to-day operations, personnel development, and procedural safeguards.
8. Develop and maintain interagency agreements with appropriate public agencies to ensure a full range of special education programs and services.
9. Ensure appropriate use of federal, state, and local funds allocated for special education.
10. Prepare program and fiscal reports required by the LEAs, SELPA, and CDE, manage the CALPADS or other required data system to comply with all Federal and State requirements through cooperative and collaborative efforts by member LEAs.
11. Provide technical assistance and consultation to LEAs and parents in all areas of special education, including complaint and due process procedures.
12. Adopt and implement a management information system.
13. Coordinate, schedule, and attend meetings of the SELPA Administrator of California Meetings, Board of Directors, Executive Committee, Special Education Advisory Committee and the Community Advisory Committee.
14. Provide technical assistance to the LEAs with non-public schools and agencies, including distribution of the Master Contract.
15. Inform the Superintendents of the status of the special education programs.
16. Inform the Superintendents of significant special education updates from the local, state, and federal level.
17. Serve as Secretary to the Board of Directors and Executive Committee.

**LOCAL EDUCATION AGENCY ADMINISTRATORS (Special Education Advisory Committee)** (*Education Code 56205(a) (12)(D)(ii)(III)*)

LEA members of special education that constitute the Special Education Advisory Committee (SEAC) are responsible for the coordination of special education services and programs within their agencies and for the implementation of the Local Plan.

SEAC acts as an advisory body to the SELPA Director, Executive Committee and Board of Directors. Its members consist of a special education administrator/designee from each participating LEA, and when appropriate representatives from facilities and business divisions. Administrative Council meetings are held no less than eight times per year.

The purpose of SEAC is to provide input to the SELPA Director regarding special education program/service needs, policies and procedures, agreements and forms, as well as the planning and implementation of personnel development programs. Meetings of SEAC also provide participants with a venue for sharing ideas and best practices.

Responsibilities of the SEAC include but are not limited to:

1. Provide information and recommendations for the development, modification, and implementation of the Local Plan to the Executive Committee and the Board of Directors.
2. Develop and implement procedures for the identification, referral, assessment, IEP development, and placement of individuals with disabilities as established by the Local Plan.
3. Develop forms, procedures, and recommendations for programs and services for review, modification, and approval by the Board of Directors.
4. Review, modify, and recommend an annual budget for SELPA operations, including Regional Services allocations for review, modification, and approval by the Board of Directors.
5. Recommend and monitor in-service/staff development programs, including parent education activities, for review, modification, and approval by the Board of Directors.
6. Provide recommendations for membership for the CAC; providing resources to the CAC. (EC56205) (a)(c).
7. Develop the Annual Service Plan for approval by the Board of Directors.
8. Provide input on the SELPA Allocation Plan and the impact on the special education programs and services; monitoring appropriate use of federal, state, and local funds allocated for special education.
9. Prepare programs and reports mandated by the LEAs, SELPA, and CDE.
10. Advise the SELPA Director on issues of provision of special education programs and services throughout the SELPA.
11. Review the outcome of due process hearings and complaints, and if a pattern develops, make appropriate recommendations to the Board of Directors.
12. Provide leadership and support in order to implement the Local Plan.
13. Acts as liaison to parents, community resources, other LEAs, the SELPA Director, and Board of Directors.
14. Develop, review, approve, and submit required reports by the federal government, and/or CDE.
15. Provide direction and leadership in the development, implementation, and evaluation of quality programs and services for special needs students, including needed policy revisions.
16. Participate in the development of appropriate special education services, which will ensure services are provided when specified in the student's IEPs and students with disabilities will have access to educational opportunities as students without disabilities.
17. Coordinate and facilitate the day to day participation of LEA special education personnel and utilizing other available resources to improve special education services in accordance with the provisions of the Local Plan.

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**Procedure for Conflict Resolution**

Issues concerning governance and administration will be reviewed by the Executive Committee and referred to the Board of Directors for resolution.

1. 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:

The Merced SELPA shall submit the Local Plan to the Superintendent of the Merced County Office of Education for approval. If the County Superintendent does not approve the plan, the County Office shall return the plan with comments and recommendations to the LEAs. The LEAs participating in the plan may appeal the decision to the Superintendent of Public Instruction (E.C. 56140(b) (2)).

2. Describe the policies and procedures of the SELPA that allow for the participation of charter schools in the local plan:

**CHARTER SCHOOL AS A LEA WITHIN THE SELPA**

Approval for membership into the SELPA shall be by any majority vote of the voting members of the Board of Directors. Such membership requires the applicant to agree to the provisions of the current SELPA Local Plan, including policies agreements, and the Funding Allocation Plan approved by the SELPA governance structure. Such adoptions of the current Local Plan shall not require reauthorization of the Local Plan by all members. Such membership shall be indicated via the addition of the new member's name of the Local Plan and any agreement without new approvals by other members.



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In addition, the member must adopt local policies and administrative regulations or procedures sufficient to support the Local Plan and in compliance with state or federal review. Failure to comply with the criteria listed below will result in the withholding of any funding allocations or portions of allocation until compliance of those items is completed.

The independent Charter School deemed as an LEA is required to assure compliance with all requirements of the SELPA Local Plan approved Amendments, and policies outlined in the Local Plan and Appendix, including:

1. Meet the terms of the agreement regarding assurances of the Local Plan.
2. Meet the terms of agreement regarding Due Process and Complaints.
3. Meeting the terms of the agreement regarding the Annual Budget and Service Plan.
4. Meeting the terms of the agreement regarding unreimbursed costs as specified in the Participants' Agreement.
5. Meet terms of Participants on the Board of Directors.

Once deemed a LEA for the purpose of special education, the charter school will be responsible for and entitled to the following:

1. Charter schools designed, as a LEA for special education shall have voting rights on the Board of Directors of the SELPA.
2. Participate in the Special Education Advisory Committee, Community Advisory Committee, and Finance Committee in the same manner as other districts within the SELPA.
3. Receive state and federal funding for special education in the same manner as other districts within the SELPA per the approved Funding Allocation Plan.
4. Responsible for all costs incurred in the provision of special education services. These costs may include, but are not limited to, instruction, transportation, nonpublic school/agency placements, inter-intra SELPA placements, due process proceedings, complaints, and attorney fees.
5. Document that all state and federal special education funds apportioned to the charter school are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities. Such funds shall be used to supplement and not supplant other sources of federal, state, and local funds apportioned to charter school.

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:

**COMMUNITY ADVISORY COMMITTEE (CAC) (Education Code 56205(a)(12)(c))**

The Merced SELPA Community Advisory Committee (CAC) serves in an advisory capacity. CAC membership includes parents of individuals with exceptional needs enrolled in public or private schools, parents of other students enrolled in member LEAs, students with disabilities, adults with disabilities, general education teachers, special education teachers, other school personnel, representatives of other public and private agencies, and persons concerned with the needs of individuals with exceptional needs. At least a majority of the CAC shall be composed of parents of students 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 membership of CAC consists of the following: 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 and special education teachers, other interested school personnel, representatives of other public and private agencies, and other persons concerned with the needs of individuals with exceptional needs. The majority of the CAC is composed of parents of individuals with exceptional needs.

CAC responsibilities include:



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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:

**SELECTION OF REPRESENTATIVES FOR DEVELOPMENT OF THE LOCAL PLAN (Education Code 56195.3)**

The Local Plan is developed and updated cooperatively by a SELPA Local Plan Committee of representatives of special and general education teachers, administrators, representatives of charter schools selected by the groups they represent and with participation by the chair of the CAC to ensure adequate and effective participation and communication. Teacher participants shall be selected by their peers. General education and special education administrators shall be selected by the representative Superintendents. Directors of independent charter schools shall be requested to select a representative to serve on the SELPA Local Plan Committee. The SELPA Director or designee will serve as a committee chairperson.

8. Identify and describe the responsible local agency (RLA) 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:

**FUNCTIONS OF THE AU/RLA (Education Code 56195, 56195.1(b)(3)(c)(2) 56205 (a)(12)(D)(ii), 56205(a)(12)(D)(ii)(IV))** Beginning the 2019-2020 school year, the Merced County Office of Education is designated as the Administrative Unit (AU) for the Merced SELPA. It shall be responsible for functions such as, but not limited to:

1. The AU Superintendent shall serve as a member of the Board of Directors.
2. Receipt and distribution of special education funds to district accounts for the operation of special education programs and services.
3. Receipt and distribution of federal and state special education funds per the SELPA allocation plan.
4. The employment of staff in accordance with direction from the Board of Directors for functions the SELPA is required to provide.
5. Establish a separate account for SELPA use. All SELPA revenues including earned interest shall be deposited in the SELPA fund as designated by the SELPA Director.
6. The AU shall not access SELPA funds or accounts for transfer, payment, deduction, or any other activity without specific prior written authorization of the SELPA Director.
7. Employ classified personnel in support of SELPA certificated staff.

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- 8. Establish appropriate record keeping procedures to be followed by each LEA for the purpose of maintaining accurate fiscal and accounting records in accordance with state and federal requirements and submit required reports to the appropriate authorities.
- 9. Provide administrative and departmental support, including purchasing, human resources, information technology, operations, and maintenance.
- 10. Identification and maintenance of appropriate office and working space for all SELPA staff.

**METHOD OF DISTRIBUTION OF FEDERAL AND STATE FUNDS (Educ Code 56205(a) (12) (D)(ii), 56205 (b)(1) and 56195.7 (h))**

All federal and state special education funds shall be allocated to the SELPA for distribution to LEAs according to an approved Special Education Funding Allocation Plan (FAP). The Board of Directors shall make any changes to the allocation of federal and state special education funds. The SELPA Director is responsible to ensure that the funds are distributed in accordance with the FAP.

**RESPONSIBILITIES FOR DISTRIBUTION OF FEDERAL AND STATE FUNDS (Education Code 56195, 56195.1 (b)(3))**

The Governing Boards of the LEAs participating in the SELPA have agreed that students with disabilities will be provided with appropriate special education services. The Board of Directors has been designated the authority to determine the distribution of all federal and state special education funds in order for LEA to carry out their responsibilities. The SELPA shall be responsible for the distribution of the funds according to an approved Special Education (FAP). The SELPA Director is responsible to ensure that the funds are distributed in accordance with the FAP. The FAP is incorporated on this Local Plan by reference.

**MONITORING THE USE OF SPECIAL EDUCATION FUNDS (Education Code 56205(a)(12)(ii)(IV))**

It is the intent of the SELPA that the needs of students with disabilities as identified in the IEP shall be met. Funds allocated for special education programs shall be used for services to students with disabilities. Federal funds under Part B of IDEA may be used for the following activities:

- 1. For the costs of special education and related services, supplementary aids, and services.
- 2. Services provided in a general education setting or other education-related setting to a child with a disability in accordance with the IEP for the child, even if one or more children without disabilities benefit from these services.
- 3. To develop and implement a fully integrated and coordinated services system.

The SELPA Director and the AU shall be responsible to monitor on an annual basis the appropriate use of all funds allocated for special education programs. The Board of Directors through the Annual Budget Plan process shall make the final determination and take action regarding the appropriate use of special education funds.

- 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:

SELPA policies, procedures, and local agreements necessary to support the implementation of the Local Plan, and as required by legal mandates, have been developed and are available upon request. Interagency agreements and/or memorandums of understanding necessary to support the implementation of the Local Plan, and as required by legal mandates, have been developed with the Central Valley Regional Center.

Other interagency agreements and/or memorandums of understanding will be developed as needed. Copies of these documents can be requested through the SELPA office.

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10. For multi-LEA local plans, specify:

a. The responsibilities of each participating COE and LEA governing board in the policymaking process:

The governance structure of the SELPA is established by agreement among the Superintendents of the member LEAs. The governing body of the Merced SELPA is the Board of Directors. The SELPA Director may convene additional advisory committees as needed. The SELPA Director is responsible for coordination of the SELPA and implementation of the Local Plan.

**LEA GOVERNING BOARDS (Education Code 56195.1, 56195.5)**

LEA Governing Boards shall:

1. Exercise authority over, assume responsibility for, and be fiscally accountable for special education programs operated by the LEA.
2. By approving the Local Plan, enter into an Agreement for Participation with other LEAs participating in the plan, for purpose of delivery of regionalized services and programs.
3. Review and approve revisions of the Merced SELPA Local Plan.
4. Participate in the governance of the Merced SELPA through their designated representative to the Board of Directors. The Governing Boards provide the designated Board of Directors member with the authority to act as the Board designee to approve and amend policies as necessary.
5. Adoption of policies and procedures for special education programs and services within their LEA.
6. LEA compliance with all elements of the Local Plan.
7. Approval of CAC representatives.

b. The responsibilities of the superintendents of each participating LEA and COE in the implementation of the local plan:

The Superintendent of each LEA is responsible to their respective Governing Board. Each Superintendent shall:

1. Serve as a member of the Board of Directors.
2. Assist in the identification of special education program and service needs for the SELPA through participation on the Board of Directors.
3. Communicate SELPA information to their Governing Board.

c. The responsibilities of each LEA and COE for coordinating the administration of the local plan:

The LEAs within the Merced SELPA join together pursuant to Sections 56140 and 56195 of the California Education Code to adopt a Local Plan to assure access to special education and services for all eligible individuals with disabilities residing in the geographic area served by these agencies, hereafter known as the Merced SELPA. In adopting the Local Plan, each participating agency agrees to carry out the duties and responsibilities assigned to it within the Local Plan. Participating agencies may enter into additional contractual arrangements to meet the requirements of applicable federal and state law. The function of the SELPA and participating LEAs is to provide a continuum of quality educational programs and services appropriate to the needs of each eligible student with a disability who reside within the Merced SELPA.

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The LEAs will ensure equal access to programs and services to eligible persons requiring special education in the service region, including students attending charter schools where that LEA of the SELPA has granted that charter. The Local Plan was designed to be fair and equitable to all agencies to continue the commitment to provide high quality programs for students, including students attending charter schools where that LEA of the SELPA has granted that charter.

In addition, each LEA shall cooperate to the maximum extent possible with other agencies to serve individuals with disabilities who cannot be served in the LEA of residence programs. Such cooperation ensures that a range of program options is available throughout the Merced SELPA.

- 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:

The AU shall be responsible for the selection, direction, monitoring, discipline, and annual evaluation of the SELPA Director. The SELPA Director is subject to the AU policies and procedures for day-to-day operations, but receives direction from, and is responsible to, the Board of Directors. The SELPA Director is evaluated by County Superintendent with input from the LEA Superintendents. SELPA Director carries out the SELPA's obligation to assure equal access to all programs and services in the SELPA and provides advice to members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the Local Plan, on the availability of established due process and legal service options and procedures. In cooperation with the California Department of Education (CDE), the SELPA Director provides information to ensure that all special education pupils receive appropriate due process and procedural safeguards as provided by law.

**SELPA STAFFING (Education Code 56205 (a) (12)(D)(ii))**

The Governing Board of each of the participating LEAs agree to invest the Board of Directors with the responsibility of designating an appropriate agency as the AU for the administration of the Local Plan and its implementation. In Merced SELPA, the Merced County Office of Education is the AU. The Boards assure that the Board of Directors shall identify the need for and designate positions necessary for the operation of the SELPA functions according to this policy. In reviewing and approving the SELPA budgets on an annual basis, the Board of Directors designates the staffing for the SELPA office upon recommendation of the SELPA Director.

SELPA staff shall be employed by the AU and supervised by the SELPA Director according to the AU policy and practices. The SELPA Director shall use a selection process that is in accordance with the law and personnel policies of the AU. The supervision of Merced SELPA staff will be determined by the SELPA Director.

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b. The local method used to distribute federal and state funds to the SELPA AU and to LEAs within the SELPA:

c. The operation of special education programs:

**PROVISION OF SPECIAL EDUCATION SERVICES TO STUDENTS WITH DISABILITIES (Education Code 56195.7 (a), 56205 (a)(12)(D)(ii)(III), 56205(b) (1)(C)(E), 56205(b) (1)(D), 56303)**  
The SELPA provides a full continuum of services to students with disabilities, including students in charter schools as well as alternative education, throughout the geographic region of the SELPA. Access to services is through each of the LEAs. The referral, assessment, and IEP process is utilized to identify the needs of each individual student with disabilities. The LEAs have committed to policies and procedures to assure that students will have their rights to appropriate supplemental aids and services provided in the least restrictive environment. A student shall be referred for special educational instruction and services only after the resources of the general education program have been considered and where appropriate, utilized.

d. Monitoring the appropriate use of federal, state, and local funds allocated for special education programs:

**MONITORING THE USE OF SPECIAL EDUCATION FUNDS (Education Code 56205(a)(12)(ii)(IV))**  
It is the intent of the SELPA that the needs of students with disabilities as identified in the IEP shall be met. Funds allocated for special education programs shall be used for services to students with disabilities. Federal funds under Part B of IDEA may be used for the following activities:

1. For the costs of special education and related services, supplementary aids, and services.
2. Services provided in a general education setting or other education-related setting to a child with a disability in accordance with the IEP for the child, even if one or more children without disabilities benefit from these services.
3. To develop and implement a fully integrated and coordinated services system.

The SELPA Director and the AU shall be responsible to monitor on an annual basis the appropriate use of all funds allocated for special education programs. The Superintendents' Council through the Annual Budget Plan process shall make the final determination and take action regarding the appropriate use of special education funds.

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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:

**PROVISION OF SPECIAL EDUCATION SERVICES TO STUDENTS WITH DISABILITIES (Education Code 56195.7 (a), 56205 (a)(12)(D)(ii)(III), 56205(b) (1)(C)(E), 56205(b) (1)(D), 56303)**

The SELPA provides a full continuum of services to students with disabilities, including students in charter schools as well as alternative education, throughout the geographic region of the SELPA. Access to services is through each of the LEAs. The referral, assessment, and IEP process is utilized to identify the needs of each individual student with disabilities. The LEAs have committed to policies and procedures to assure that students will have their rights to appropriate supplemental aids and services provided in the least restrictive environment. A student shall be referred for special educational instruction and services only after the resources of the general education program have been considered and where appropriate, utilized.

**LOW INCIDENCE / SPECIALIZED EQUIPMENT AND SERVICES**

The Merced SELPA serves all pupils, ages 0-22, which are identified as individual with exceptional needs, including those identified as having "low incidence" disabilities. It is the policy of the SELPA to follow all related federal and state laws related to low incidence disabilities. It is the policy of the SELPA to ensure that access to the least restrictive environment is assured for all pupils, including those with low incidence disabilities. Low Incidence funds may be used for all pupils with low incidence disabilities as defined by law (hearing impairments, visual impairments, severe orthopedic impairments or any combination thereof) where an IEP team has determined the pupil meets eligibility requirements for a low incidence disability. Specialized equipment and/or services must be recommended in the student's IEP. The SELPA Allocation Plan outlines the distribution of the Low Incidence funds.

**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, provide the SELPA policy and procedure numbers; the document title; and the physical location where the policy can be found.

**1. Free Appropriate Public Education: 20 USC Section 1412(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



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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)**

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)**

Policy/Procedure Number:

Document Title:

Document Location:

"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)**

Policy/Procedure Number:

Document Title:

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Document Location:

"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)**

Policy/Procedure Number:

Document Title:

Document Location:

"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:

Yes  No

**6. Procedural Safeguards: 20 USC Section 1412(a)(6)**

Policy/Procedure Number:

Document Title:

Document Location:

"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)**

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Policy/Procedure Number:

Document Title:

Document Location:

"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)**

Policy/Procedure Number:

Document Title:

Document Location:

"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 stated:

Yes  No

**9. Part C to Part B Transition: 20 USC Section 1412(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

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**10. Private Schools: 20 USC Section 1412(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)**

Policy/Procedure Number:

Document Title:

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)**

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."

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The policy is adopted by the SELPA as stated:

Yes  No

**13. Governance: 20 USC Section 1412(a)(13)**

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

**14. Personnel Qualifications**

Policy/Procedure Number:

Document Title:

Document Location:

"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)**

Policy/Procedure Number:

Document Title:

Document Location:

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"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)**

Policy/Procedure Number:

Document Title:

Document Location:

"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 adopted by the SELPA as stated:

Yes  No

**17. Supplementation of State, Local, and Federal Funds: 20 USC Section 1412(a)(17)**

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)**

Policy/Procedure Number:

Document Title:

Document Location:



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"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)**

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 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)**

Policy/Procedure Number:

Document Title:

Document Location:

"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)**

Policy/Procedure Number:

Document Title:

Document Location:

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"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)**

Policy/Procedure Number:

Document Title:

Document Location:

"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 the SELPA as stated:

Yes  No

**23. Prohibition on Mandatory Medicine: 20 USC Section 1412(a)(25)**

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 direct instructional support provided by program specialists; and the respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA. Information provided should include the reference number, document title, and the location (e.g., SELPA office) for each function:

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

Reference Number:

Document Title:

Document Location:

Description:

2. Coordinated system of identification and assessment:

Reference Number:

Document Title:

Document Location:

Description:

3. Coordinated system of procedural safeguards:

Reference Number:

Document Title:

Document Location:

Description:

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

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Reference Number:

Document Title:

Document Location:

Description:

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

Reference Number:

Document Title:

Document Location:

Description:

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

Reference Number:

Document Title:

Document Location:

Description:

7. Coordinated system of data collection and management:

Reference Number:

Document Title:

Document Location:

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Description:

The SELPA will review and certify the California Longitudinal Assessment and Pupil Data System (CALPADS) submission of each member district as required by the California Department of Education (CDE). The SELPA provides technical assistance and training to member districts as requested and or deemed necessary. LEAs are responsible for the data entry, quality and integrity. LEAs will approve CALPADS for submission as required by the CDE.

8. Coordination of interagency agreements:

Reference Number:

Document Title:

Document Location:

Description:

The SELPA Administrator will ensure that interagency agreements are in place as required by California Education Code and provide technical assistance and dispute resolution as needed. LEAs will implement inter-agency agreements as appropriate.

9. Coordination of services to medical facilities:

Reference Number:

Document Title:

Document Location:

Description:

The SELPA will facilitate the coordination of services and provide technical support to member districts to ensure that individuals with exceptional needs have full educational opportunities. Students who are placed in a public hospital, state licensed children's hospital, psychiatric hospital, proprietary hospital, or a health facility for medical purposes are the educational responsibility of the local education agency in which the hospital or facility is located.

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

Reference Number:

Document Title:

Document Location:

The SELPA will facilitate the coordination of services and provided technical support to member districts to ensure that individuals with exceptional needs have full

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educational opportunities. Special education services for students with disabilities residing in a foster family home or licensed children's institution shall be the responsibility of the district in which the foster family home or the licensed children's institution is located, unless based on Education Code there is another district of special education accountability which would be responsible.

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

Reference Number:

Document Title:

Document Location:

Description:

The SELPA will ensure timely transmission of required reports and provide technical assistance to member districts in completing said reports. Each member district will submit the required data in order for the SELPA to submit timely reports.

12. Fiscal and logistical support of the CAC:

Reference Number:

Document Title:

Document Location:

Description:

The SELPA will provide fiscal and logistical support of the CAC meeting, events and trainings that are approved by the Board of Directors.

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

Reference Number:

Document Title:

Document Location:

Description:

The SELPA will provide technical assistance if requested with the coordination of transportation services for individuals with exceptional needs. However, each member district is responsible for providing the transportation of their students as determined by the IEP Team.

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

Reference Number:



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Document Title:	<input type="text" value="Program Compliance and Monitoring and Support"/>
Document Location:	<input type="text" value="Merced SELPA website"/>
Description:	<input type="text" value="The SELPA will provide professional development as required to support the transition needs of its member districts. The SELPA will monitor the implementation of supports and services through the Annual Performance Plan Indicators. Member districts will ensure that supports and services are in place for students and will monitor annually the implementation of supports and services by reviewing the Annual Performance Plan Indicators."/>

15. Assurance of full educational opportunity:

Reference Number:	<input type="text" value="Policy 1.02"/>
Document Title:	<input type="text" value="Full Educational Opportunity"/>
Document Location:	<input type="text" value="Merced SELPA Office"/>
Description:	<input type="text" value="Through approval of the Annual Service Plan, the SELPA will ensure the full continuum of service options. The Board of Directors will determine the regionalized programs needed to meet the needs of the students with disabilities within the SELPA. The SELPA will assist with inter-SELPA transfers as needed. Professional development and technical support will be available upon request or as determined to be needed to ensure 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.

Reference Number:	<input type="text" value="Policy 1.13"/>
Document Title:	<input type="text" value="Governance"/>
Document Location:	<input type="text" value="Merced SELPA website"/>
Description:	<input type="text" value="The SELPA will ensure that the distribution and allocation of funds to its member districts is in alignment with the SELPA Allocation Plan. The SELPA will review, monitor and submit the required fiscal reports as identified by CDE, as well as review and submit the Annual Budget Plan."/>

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

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Reference Number:

Document Title:

Document Location:

Description:

**Special Education Local Plan Area Services**

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

Reference Number:

Document Title:

Document Location:

Description:

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:

Reference Number:

Document Title:

Document Location:

Description:

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:

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Reference Number:	<input type="text" value="Policy 2.8"/>
Document Title:	<input type="text" value="Dispute Resolution"/>
Document Location:	<input type="text" value="Merced SELPA website"/>
Description:	<input type="text" value="The policy details the method by which member LEAs may resolve disputes over the distribution of funding, responsibilities of provision and the other governance activities specified in the Local Plan."/>

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:

Reference Number:	<input type="text" value="Policy 2.6"/>
Document Title:	<input type="text" value="Consideration of General Education Resources"/>
Document Location:	<input type="text" value="Merced SELPA website"/>
Description:	<input type="text" value="It is the policy of each LEA in the SELPA that a pupil shall be referred for special educational instruction and services only after the resources of the regular 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:

Reference Number:	<input type="text" value="Policy 2.4"/>
Document Title:	<input type="text" value="Nonpublic, Nonsectarian School Monitoring"/>
Document Location:	<input type="text" value="Merced SELPA website"/>
Description:	<input type="text" value="Each member district has a detailed Board Policy ensuring the continuum of placement options, including the evaluative process when considering placements in nonpublic, nonsectarian schools as agreed by the IEP team."/>

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:

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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)

Reference Number:	<input type="text" value="SELPA Policy 2.3 and district board policy"/>
Document Title:	<input type="text" value="Coordination of Services with STRTP, J. Hall, Jails and Medical facilities"/>
Document Location:	<input type="text" value="Merced SELPA website and district websites"/>
Description:	<input type="text" value="It is the policy of each Local Educational Agency (LEA) within the Merced County Special Education Local Plan Area (SELPA) that every student eligible to receive special education services pursuant to an Individualized Educational Plan (IEP) shall receive them regardless of where they live within the Special Education Local Plan Area (SELPA).&lt;br/&gt;The SELPA and each member district has a policy ensuring the continuum of placement options, including the process by which FAPE is provided to students ages 18-22 who have been incarcerated in a county jail and remain eligible for special education services."/>