

Glenn County Special Education Local Plan Area**SELPA Administrative Regulation****SELPA Reorganization****I. Overview¹**

Proposals to change the organization of the SELPA must be introduced at least one year prior to the effective date of the proposed change.

II. Definitions

For the purpose of this policy, SELPA reorganization refers to a change in the LEA membership of the SELPA.

III. Admission to the Glenn County SELPA

Any public school district or county office of education, hereinafter referred to as a local education agency (LEA), located in an area contiguous to Glenn County, or any charter school whose charter was approved by a LEA located within Glenn County, LEA located in a county contiguous to Glenn County or the State Board of Education may apply to the SELPA Governance Committee to become a member of the Glenn County SELPA. Application must be made to the SELPA at least one year prior to the date when the school district or charter school is requesting to participate as a member of the Glenn County SELPA. Once granted membership, the LEA will participate in the governance of the SELPA in the same manner as all other LEA members in the SELPA.

IV. Notification Requirements

At least one year prior to the effective date of a proposed change, the requesting entity shall notify in writing the California Department of Education (“CDE”), the affected SELPA’s and County Superintendents of its intent to change its SELPA status in accordance with Education Code section 56195.3.

V. Application Process

- A. To initiate an application for SELPA membership, the interested LEA/charter school (Applicant) must provide a copy of the notification described in Section IV above to the Glenn County SELPA Director and complete the appropriate SELPA application form (see SELPA form titled “Application to Become a Local Education Agency Member of the Glenn County SELPA for the Provision of Special Education Services”). The application requires the provision of documents and assurances as described below:

1. Documentation

¹ The procedures outlines in SELPA Policy 51.1 may not be in contravention of any regulations for the California Department of Education.

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- a. Evidence of notice of withdrawal from current SELPA.
- b. The reason for requesting membership in the Glenn County SELPA.
- c. The current special education and related services provided by the Applicant and those anticipated special education and related services that the applicant anticipates will be needed from the Glenn County SELPA or neighboring school districts.
- d. The annual amount of ADA generated by the LEA over the immediate past three year period.
- e. Copy of audit reports for the past two years.
- f. Income/Expense reports for special education for the immediate past three year period.
- g. API scores for the past two years.
- h. Most recent School Accountability Report Card(s).
- i. List of credentials for all certificated staff.
- j. Most recent pupil count information – CASEMIS.
- k. Most recent CBEDS count.
- l. Proof of liability insurance.
- m. In the case of a charter school, a copy of the current charter petition.

2. Assurances

- a. Complete compliance assurances, including general compliance with the Individuals with Disabilities Education Act (20 U.S.C. §. 1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), federal regulations relating thereto, and Part 30 of the California Education Code, and state regulations relating thereto.
- b. Assurance that all eligible individuals with disabilities (ages birth to 22) shall have access to appropriate special education programs and services.
- c. Agreement that no student will be denied enrollment in the LEA due to a disability or the LEA's inability to serve the student.
- d. Agreement to place special education students enrolled in a Charter School in special education programs operated by other LEAs within the SELPA only with the expressed consent of the receiving entity and under the conditions that the placing entity will be responsible for any excess costs attributable to the placement.
- e. Agreement to accept intra-SELPA placements only with agreement between the educational entities. Under such circumstances, the placing LEA will be responsible for any excess costs, including transportation.

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- f. Assurance of its knowledge and understanding of applicable special education laws.
- g. Assurance that each certificated employee is appropriately credentialed to serve in his/her assignment.
- h. Assurance of sufficient staff to provide services as required to meet federal and state mandates.
- i. Assurance that all requirements of the SELPA Local Plan will be followed.
- j. Assurance that SELPA approved forms will be utilized.
- k. Assurance that transportation will be provided to students as indicated in the IEPs.
- l. Agreement to be 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 and intra SELPA placements, due process proceedings, complaints and attorney fees.
- m. Agreement to document that all State and Federal special education funds apportioned to the LEA are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities; and agree that such funds shall be used to supplement and not supplant other sources of federal, state and local funds apportioned to the LEA.
- n. Assurance that the LEA understands its sole legal and financial responsibility to provide appropriate services to eligible students, and that the LEA shall not seek defense or indemnification from the SELPA or SELPA members unless liability is the result of acts or omissions of other agencies, their agents or employees, while performing services under an agreement.

VI. Approval Procedures

- A. Upon receipt of the Applicant's letter of intent, the Glenn County SELPA Director will review and analyze all relevant information. The SELPA Director may also take any other steps appropriate in assessing the Applicant's request for membership, such as the review of special education programs and evaluation of staff qualifications. Upon conclusion of this review, the Director shall submit his/her recommendations regarding the application to the respective committees for consideration of a final recommendation to the SELPA Governance Committee.
- B. The determination whether the requesting LEA will be accepted to the SELPA, shall be made by the SELPA Governance Committee and the County Superintendent. In making their determination, the SELPA Governance Committee and the County Superintendent shall review and consider the documentation submitted by the

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Applicant and the recommendation of the SELPA Director. The final determination regarding acceptance to the SELPA is subject to approval of an amended Local Plan. If approved by the Governance Committee and County Superintendent, the SELPA Director shall amend the local plan as necessary and submit the amended local plan to the CDE for their review and approval. Once approved by the CDE, the amended plan will take effect.

VII. Rights of Membership

- A. Once deemed a member of the SELPA, an LEA shall:
 - 1. Participate in the governance of the SELPA in the same manner as all other LEAs in the SELPA.
 - 2. Contribute to, participate in, and receive the benefits of reimbursement from all SELPA fiscal pools, and participate in any chargebacks in the same manner as other members.
 - 3. Receive state and federal funding for special education in accordance with the SELPA special education fiscal allocation plan.
 - 4. Be responsible for all costs incurred in the provision of special education services to students enrolled in the LEA. These costs may include, but are not limited to, instruction, related services, 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 LEA are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities.

VIII. Approvals/Renewals/Revocations

- A. Membership may be initially granted for a period not to exceed five years with subsequent renewals subject to approval by the SELPA Governance Committee. Each renewal shall be for a period of five years.
- B. Membership may be revoked by the SELPA Governance Committee if it finds that the LEA committed any of the following:
 - 1. A material violation of any of the conditions, standards, or procedures set forth in this policy or the Local Plan
 - 2. Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement of special education funds.

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3. Violated any provision of law applicable to the LEA relating to special education.
- C. The SELPA Governance Committee shall examine the pattern of conduct by the LEA in implementing special education laws. The decision to revoke may be based on the ability and willingness of the LEA to cure and correct violations and/or the LEA's ability to ensure ongoing, consistent compliance with all applicable special education laws. Prior to revocation, the SELPA Governance Committee shall notify the LEA of any violation of this policy and give the LEA a reasonable opportunity to cure the violation, unless the SELPA Governance Committee determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils. Upon revocation of membership, the LEA shall take immediate steps to comply with Education Code section 56195.1 and any other requirements of the California Department of Education.

Note: The previous requirements do not apply to LEAs that were members of the Glenn County SELPA prior to the adoption of this policy.

IX. Withdrawal from the Glenn County SELPA

- A. An LEA desiring to withdraw as a member of the Glenn County SELPA shall first submit in writing any concerns including, but not limited to the SELPA governance, programs administration, or funding to the SELPA Governance Committee for discussion and possible resolution.
- B. If, after the SELPA Governance Committee has had a full opportunity to address the LEA's concerns and the LEA still desires to withdraw from the Glenn County SELPA, the LEA, at least one year prior to the effective date of a proposed change, shall notify in writing the CDE, the affected SELPA's and County Superintendents of its intent to change its SELPA status in accordance with Education Code section 56195.3. The LEA will comply with requirements from the receiving SELPA.
- C. Prior to terminating membership in the Glenn County SELPA, a LEA must do one of the following:
 1. Be accepted as a member of a SELPA. Acceptance includes approval of an amended Local Plan in the receiving SELPA;
or
 2. Be allowed to establish a new SELPA in Glenn County or an adjacent county, pursuant to Education Code section 56195.1. Establishing a new SELPA includes the development of a Local Plan and receipt of approval from each participating

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LEA governing board, the County Superintendent and the State Board of Education.

3. If either of the previous options is not approved by a County Superintendent, the County Office shall return the plan with comments and recommendations to the LEA. The LEA may appeal the decision to the Superintendent of Public Instruction. (Ed. Code, § 56140 (b)(2))

X. Interagency Agreements

Whenever a request is submitted to change the membership of the SELPA, the SELPA Director will consider the request and when appropriate negotiate changes to interagency agreements, primarily with County Mental Health and the Regional Center. In order to ensure continuity of services, when a change is required to an interagency agreement, the new agreement must be completed before any change in membership can be finalized.

XI. Dispute Resolution

Disagreements regarding decisions made within the Glenn County SELPA relative to the admission/withdrawal of LEAs shall be resolved according to the dispute resolution procedures specified in the Glenn County SELPA Local Plan. Disagreements regarding decisions made by an LEA or SELPA outside the geographic area of the Glenn County SELPA may be resolved in accordance with the pertinent dispute resolution procedures in that LEA or SELPA.

Legal References

CALIFORNIA EDUCATION CODE:

Ed. Code § 56140
 Ed. Code § 56195.1
 Ed. Code § 56195.3
 Ed. Code § 56195.7
 Ed. Code § 56205
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