

TRI-VALLEY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)

SECTION 2

GOVERNANCE

LOCAL PLAN FOR SPECIAL EDUCATION

Revised June, 2016

SECTION 2

GOVERNANCE

The Tri-Valley Special Education Local Plan Area is a multi-district SELPA comprised of the Dublin Unified School District, Livermore Valley Joint Unified School District, Mountain House Elementary School District, Pleasanton Unified School District, Sunol Glen Unified School District, and the Alameda County Office of Education.

GOVERNING BODY

The governing body of the SELPA is the Governance Council, made up of one trustee from each of the LEA governing boards and the superintendent for each of the LEAs. If unable to attend any Governance Council meeting, a superintendent or trustee may send a designee in his or her stead. Superintendent's designees are typically assistant or associate superintendents, but superintendents may, at their discretion, appoint as designee any administrator employed by their LEA. Trustees may appoint as designee any other trustee from their LEA governing board. Superintendents and trustees agree that in appointing a designee they transfer to the designee for the duration of the meeting all decision making powers attendant to their role on the Governance Council. Designees may be appointed by notifying, in writing, the chair of the Governance Council of the intent to send a designee to one or more meeting within the fiscal year.

Each LEA is entitled to one vote and the trustee from each LEA will cast the LEA's vote. In the absence of the trustee, the superintendent may cast the LEA's vote. Governance Council members are responsible to their respective boards in their decision making process. In voting, majority vote rule will be observed. Members who are trustees of their LEAs serve a two-year term and appointments expire on December 1 annually, as appropriate.

The Governance Council, at the January meeting, shall annually elect a chairperson and Vice chairperson from its voting members. Each of these officers shall serve at the pleasure of the Governance Council until a successor is elected or until the member's term expires.

The SELPA Director and CAC chairperson are non-voting members of the Governance Council.

GOVERNANCE

The SELPA operates under an agreement (see Appendix H).

The Governance Council shall develop and adopt bylaws, which may be amended from time to time.

Regular meetings shall be held as determined by the Governance Council and set forth in these bylaws. Such meetings shall comply with all provisions of the Brown Act (Government Code Sections 54950 and following) and provisions of the Education Code regarding school district governing board meetings (Ed. Code Sections 35140 and following). A majority of the voting membership of the Governance Council shall constitute a quorum and a majority vote of the voting membership shall be necessary for action to be taken. Vacant positions shall be counted as part of the membership when determining whether a majority exists. Where the representative of a subgroup (LEA) resigns, is removed, or otherwise vacates membership on the Governance Council, that subgroup shall appoint a replacement for the remainder of the unexpired term. The manner in which the Governance Council member is selected and removed from office shall be decided by the appointing subgroup.

GOVERNANCE STRUCTURE AND ADMINISTRATIVE SUPPORT

The local education agencies within the Tri-Valley join together pursuant to Section 56195 of the California Education Code to adopt a plan in accordance with California Education Code 56200 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 Tri-Valley Special Education Local Plan Area (Tri-Valley SELPA). In adopting the Local Plan, each participating agency agrees to carry out the duties and responsibilities assigned to it within the plan. Participating

agencies may enter into additional contractual arrangements to meet the requirements of applicable federal and state law.

RESPONSIBILITY OF PARTICIPATING AGENCIES

In adopting the Local Plan, each participating local education agency 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 a local education agency 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 Tri-Valley.

IMPLEMENTATION OF ADMINISTRATIVE FUNCTIONS

The Pleasanton Unified School District is designated as the Administrative Unit (AU) for the Tri-Valley SELPA. It shall be responsible for functions such as, but not limited to:

1. Receipt and distribution of special education funds to district accounts for the operation of special education programs and services. This includes local property tax revenues.
2. Receipt and distribution of special education funds to accounts exclusively designated for SELPA use.
3. The employment of staff to support SELPA functions.
4. Providing office and meeting space for SELPA staff and activities
5. Providing utilities, technology, and facilities and technological support for SELPA offices and staff

The Pleasanton Unified School District SELPA office is designated as the entity responsible for the administration of the Local Plan and assuring that the SELPA is in compliance with all applicable laws and regulations.

RESPONSIBILITIES OF LOCAL EDUCATION AGENCY BOARD MEMBERS

Local education agency boards shall:

1. Exercise authority over, assume responsibility for, and be fiscally accountable for special education programs operated by the agency.
2. By approving the Local Plan, enter into an agreement with other local education agencies participating in the plan, for purpose of delivery of regional services and programs.
3. Review and approve revisions of the Tri-Valley SELPA Local Plan for Special Education.
4. Participate in the governance of the Tri-Valley SELPA through their designated representative to the Governance Council. The governing boards provide the Governance Council with the authority to act as the board designee to approve and amend policies as necessary.

RESPONSIBILITIES OF LOCAL EDUCATION AGENCY ADMINISTRATORS

Local education agency administrators of special education are responsible for the coordination of special education service and programs within their agencies and for the implementation of the Local Plan. The administrators

participate on the Directors Council and the Finance Committee, which are given authority by the Governance Council to implement policies and procedures.

Directors Council

The duties of the Directors Council include, but are not limited to, the following:

1. Develop vision and mission and establish annual goals for the SELPA.
2. Provide information and recommendations for the development, modification and implementation of the Local Plan to the Governance Council.
3. Develop and implement procedures for the identification, referral, assessment, IEP development and placement of individuals with disabilities as established by the Local Plan.
4. Develop SELPA-wide forms and procedures.
5. Develop recommendations for programs and services for review, modification and approval by the Governance Council.
6. Develop an annual budget for SELPA operations for review, modification and approval by the Governance Council.
7. Develop inservice/staff development programs, including parent education activities.
8. Provide recommendations for membership for the Community Advisory Committee.
10. Receive input from the CAC.
11. Develop the Annual Services Plan for approval by the Governance Council.
12. Consult with administrators in their LEAs to facilitate communication between SELPA and Governance Council
13. Attend and participate in Governance Council meetings

The Directors Council may be requested by the Governance Council to provide advice or assistance in other areas as needs are identified within the SELPA.

The Directors Council meets on a monthly basis, as established on a yearly calendar. The SELPA Director serves as the chairperson of the council and is responsible for providing timely written notice of the meeting and agenda, a summary of decisions made, and additional documentation as needed to provide for informed decision making.

In addition to carrying out the responsibilities identified in the Local Plan, the Directors Council may choose to form special subcommittees to focus on special issues. Such subcommittees shall report to the Directors Council.

A charter school that has been approved to operate by a participating LEA shall be represented on the Directors Council in the same manner as all schools within that LEA's area.

Finance Committee

The duties of the Finance Committee include, but are not limited to, the following:

1. Provide information and recommendations for the development, modification and implementation of the SELPA funding allocation plan to the Governance Council.
2. Review and make recommendations to the Governance Council regarding decisions which impact the finances of local education agencies.
3. Develop the Annual Budget Plan for approval by the Governance Council.

The Finance Committee may be requested by the Governance Council to provide advice or assistance in other areas as needs are identified within the SELPA.

The Finance Committee meets twice yearly or more often as established on a yearly calendar. The SELPA Director serves as the chairperson of the committee and is responsible for providing timely written notice of the meeting and agenda, notes for the meeting and additional documentation as needed to provide for informed decision making.

In addition to carrying out the responsibilities identified in the Local Plan, the Finance Committee may choose to form special subcommittees to focus on special issues. Such subcommittees shall report to the Finance Committee.

SELPA STAFFING

The governing boards of each of the participating local education agencies agree to invest the Governance Council with the responsibility of designating an appropriate agency as the Administrative Unit (AU) for the administration of the Local Plan and its implementation. The boards assure that the Governance Council shall identify the need for and designate positions necessary for the operation of the SELPA functions according to this policy.

SELPA Director

The fundamental role of the SELPA Director is to provide leadership and facilitate the decision making process. The SELPA Director's role includes the provision of information, specific services identified by the Governance Council, technical assistance, leadership and arbitration. It is the SELPA Director's responsibility to represent the interests of the SELPA as a whole without promoting any particular local education's interest over the interest of any other agencies. In the event there are differences of opinions and/or positions on issues, it is the SELPA Director's responsibility to mediate a reasonable resolution of the issue(s).

The SELPA director will be hired, evaluated and supervised by the AU superintendent or designee with input from superintendents or designees of member districts. It is understood that the AU will be responsible for any allegations of violations arising under the federal and state equal employment law.

The SELPA Director is subject to the Administrative Unit's policies and procedures for day to day operations, but receives direction from, and is responsible to, the Governance Council. The SELPA Director is evaluated annually by the Governance Council.

SELPA Staff

The Governance Council shall be responsible for designating the staff to support the functioning of the SELPA. In reviewing and approving the SELPA budgets on an annual basis, the Governance Council designates the staffing for the SELPA Office upon recommendation of the Directors Council.

SELPA staff shall be employed by the Administrative Unit and supervised by the SELPA Director according to the Administrative Unit's policy and practices. The SELPA Director shall use a selection process that includes

representation from the Governance Council, the Directors Council and, as appropriate, the Community Advisory Committee.

DISTRIBUTION OF FEDERAL AND STATE FUNDS

All federal and state special education funds shall be allocated to the SELPA Administrative Unit for distribution to local education agencies according to an approved Special Education Funding Allocation Plan. Any changes to the allocation of federal and state special education funds shall be made by the Governance Council.

RESPONSIBILITIES FOR DISTRIBUTION OF FEDERAL AND STATE FUNDS

The governing boards of the local education agencies participating in the SELPA have agreed that students with disabilities will be provided with appropriate special education services. The Governance Council has been designated the authority to determine the distribution of all federal and state special education funds in order for local education agencies to carry out their responsibilities. The Administrative Unit shall be responsible for the distribution of the funds according to an approved Special Education Funding Allocation Plan. The SELPA Director is responsible to ensure that the funds are distributed in accordance with the funding allocation plan.

The Finance Committee shall develop the Annual Budget Plan for review and approval by the Governance Council. The Annual Budget Plan shall be distributed to the local education agencies and the Community Advisory Committee upon approval by the Governance Council.

PROVISION OF SPECIAL EDUCATION SERVICES TO STUDENTS WITH DISABILITIES

It is the intention of the SELPA to provide a full continuum of services to students with disabilities, including students in charter schools, throughout the geographic region of the SELPA. Access to services is through each of the local education agencies. The referral, assessment and IEP process is utilized to identify the needs of each individual student with disabilities. The local education agencies have committed to policies and procedures to assure that students will have their rights to appropriate services provided in the least restrictive environment.

The Directors Council shall identify on a regular basis any unmet needs for students within the SELPA. With the assistance of the SELPA Director, the Directors Council identifies the resources within the SELPA which could provide the appropriate services. When services are required beyond the programs and services being provided by any local education agency, the Directors Council shall develop a plan for consideration by the Governance Council. Any plan having a fiscal impact on local education agencies shall be reviewed by the Finance Committee prior to consideration by the Governance Council.

The Directors Council shall develop the Annual Services Plan for review and approval by the Joint Powers Board. The Annual Services Plan shall be distributed to the local education agencies and the Community Advisory Committee upon approval.

MONITORING THE USE OF SPECIAL EDUCATION FUNDS

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 and supplementary aids and services provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP for the child, even if one or more nondisabled children benefit from these services.
2. To develop and implement a fully integrated and coordinated services system.

The SELPA Director, with the assistance of the Directors Council, the Finance Committee, and the Administrative Unit, shall be responsible to monitor on an annual basis the appropriate use of all funds allocated for special education

programs. Final determination and action regarding the appropriate use of special education funds shall be made by the Governance Council through the Annual Budget Plan process.

PREPARATION OF PROGRAM AND FISCAL REPORTS

The SELPA Director, with the assistance of the Directors Council, the Finance Committee, and the Administrative Unit, shall be responsible to prepare all program and fiscal reports required of the SELPA by the state.

Amendments to Revise Local Plan

The governing boards of the local education agencies agree to designate authority to the Governance Council to approve the SELPA-wide annual service and budget plans and any subsequent modifications. Changes or amendments to the permanent portion of the Local Plan may be considered during the annual service and budget plan process. The Governance Council may adopt amendments to the permanent portion of the Local Plan.

DISPUTE RESOLUTION

In the event of a disagreement among local education agencies, local education agencies and the Administrative Unit, local education agencies and/or the Administrative Unit and the SELPA regarding the distribution of funding, responsibility for service provision and any other governance activities specified in the Local Plan, it is the intent of the Governance Council that issues be resolved at the lowest level possible in the governance structure outlined in the Local Plan. The Governance Council is considered to be the board of last resort.

If a local education agency disagrees with a decision or practice of another agency or the SELPA Office, that local education agency has a responsibility to discuss and attempt resolution of the disagreement with the party, or parties, directly involved. The parties involved will present the issues to their respective superintendents, or designees, who will attempt to resolve the matter. Either party may request the direct assistance of the SELPA Director, the Directors Council, the Finance Committee, or the services of a neutral mediator from outside the SELPA. In the event the issue has not been resolved, either party may pursue a hearing on the issues and resolution with the Governance Council. The decision of the Governance Council shall be final.

SELECTION OF REPRESENTATIVES FOR DEVELOPMENT OF THE LOCAL PLAN

The Local Plan shall be developed and updated cooperatively by a committee of representatives of special and regular teachers and administrators and, if appropriate representatives of charter schools selected by the groups they represent, and with participation by parent members of the community advisory committee, or parents selected by the community advisory committee to ensure adequate and effective participation and communication.

SELECTION OF SPECIAL EDUCATION TEACHERS

Special education teachers shall be selected by the SELPA Directors Council.

SELECTION OF GENERAL EDUCATION TEACHERS

General education teachers shall be selected by the SELPA Directors Council.

SELECTION OF ADMINISTRATORS

General education administrators shall be selected by the SELPA Directors Council.

Special education administrators shall be selected by the SELPA Directors Council.

SELECTION OF CHARTER SCHOOL REPRESENTATIVES

Directors of charter schools shall be requested to select a representative to serve on the Local Plan committee.

SELECTION OF PRESCHOOL REPRESENTATIVES

Representatives of preschool programs shall be selected by the SELPA Preschool Program.

DEVELOPMENT OF LOCAL PLAN

(See Appendix H for documentation of development of the Local Plan, including required representation.)

PARTICIPATION OF COMMUNITY ADVISORY COMMITTEE

(See Appendix H for documentation of development of the Local Plan, including required representation.)

PARTICIPATION OF SPECIAL AND REGULAR TEACHERS

(See Appendix H for documentation of development of the Local Plan, including required representation.)

PARTICIPATION OF PARENTS

(See Appendix H for documentation of development of the Local Plan, including required representation.)

PARTICIPATION OF ADMINISTRATORS

(See Appendix H for documentation of development of the Local Plan, including required representation.)

REPRESENTATIVES OF CHARTER SCHOOLS

(See Appendix H for documentation of development of the Local Plan, including required representation.)

CONSULTATIONS FOR POLICY AND BUDGET DEVELOPMENT

All policy and budget development matters shall be reviewed by the Community Advisory Committee prior to action by the Governance Council. Special education teachers, regular education teachers, administrators and parent members of the CAC shall participate in regular consultations regarding policy and budget development.

COMMUNITY ADVISORY COMMITTEE (CAC)

(See Appendix E)

COMMUNITY ADVISORY COMMITTEE MEMBERSHIP

(See Appendix E)

PUBLIC PARTICIPATION

Members of the public, including parents or guardians of students with disabilities, may address questions or concerns to the governing boards of the local education agencies, the Governance Council, the Directors Council, the Finance Committee and any subcommittees of the above.

REGIONALIZED SERVICES AND OPERATIONS

The SELPA Director shall serve on behalf of the member local education agencies and implement the Local Plan including the following regionalized services and operations:

1. Coordination of the SELPA and the administration of the Local Plan
2. Coordinated system of identification and assessment
3. Coordinated system of procedural safeguards
4. Coordinated system of staff development and parent education
5. Coordinated system of internal program review, evaluation of the effectiveness of the local plan and implementation of a local plan accountability mechanism
6. Coordinated system of data collection and management
7. Coordination of interagency agreements
8. Coordination of services to licensed children's facilities and foster family

- homes
- 9. Preparation and transmission of required SELPA reports
- 10. Fiscal and logistical support of the Community Advisory Committee
- 11. Assurance of full educational opportunity
- 12. Fiscal administration and the allocation of state and federal funds

RESPONSIBILITIES OF SUPERINTENDENTS

LEA Superintendents or designees are members of the Governance Council and supervise the administration of LEA services. The Superintendent of the Administrative Unit, Pleasanton Unified School District, is responsible for overall coordination and implementation of the plan and is the fiscal agent of the SELPA.

LEA Superintendents responsibilities include:

1. Implement and monitor all Tri-Valley SELPA policies and procedures at the district level.
2. Direct the allocation and utilization of special education services and resources within their districts in accord with the Tri-Valley SELPA Local Plan.
3. Ensure compliance with federal and state laws and regulations concerning individuals with disabilities within their districts.
4. Participate as members of the Governance Council.
5. Provide leadership to the SELPA regarding the development, revision, implementation and review of the Local Plan.
6. Approval of all SELPA policies, standards and guidelines.
7. If unable to attend a Governance Council meeting, appoint a designee to attend and act in his or her stead