

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



California Department of Education

Special Education Division

January 2020

SELPA 0114 Tri-Valley

Fiscal Year 2021-22

## 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 Tri-Valley SELPA is a multi-district SELPA within the tri-valley of Alameda County. The SELPA membership includes the following county office of education and districts: Alameda County Office of Education, Dublin Unified School District, Livermore Valley Joint Unified School District, Mountain House Elementary School District, Pleasanton Unified School District, and Sunol Glen Unified School District. There are approximately 4,624 students with disabilities enrolled in the member districts and county office of education, ages 0-21.

The districts range in size from approximately 16 students in rural eastern edge of Alameda county to a unified district with nearly 13,900 students. There are three (3) unified districts, two (2) elementary districts and one (1) county office of education.

The Tri-Valley area is a triangle-shaped region of the eastern San Francisco Bay Area, 18 miles southeast of Oakland and 33 miles from San Francisco. It encompasses the cities of Dublin, Livermore, Pleasanton and San Ramon, and the town of Danville

The Tri-Valley SELPA office is located in the Pleasanton Unified School District Office in Pleasanton, California.

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:

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 (or the superintendent's designee) for each of the LEAs. If unable to attend any Governance Council meeting, a superintendent (or the superintendent's designee) 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 (or the superintendent's designee) 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

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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.

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.

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.

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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 in-service/staff development programs, including parent education activities.
8. Provide recommendations for membership for the Community Advisory Committee.

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9. Receive input from the CAC.
10. Develop the Annual Services Plan for approval by the Governance Council.
11. Consult with administrators in their LEAs to facilitate communication between SELPA and Governance Council.
12. 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

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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 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 will be hired, evaluated and supervised by the AU superintendent or designee with input from superintendents or designees of member districts and Governance Council trustees 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.

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 may 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

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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 Governance Council. 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.

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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.

### 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.



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3. Describe the SELPA's regional policy making process. Clearly define the roles of a multi-LEA governing body, or single LEA administration as applicable related to the policy making process for coordinating and implementing the local plan:

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.

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.

PARTICIPATION OF COMMUNITY ADVISORY COMMITTEE GOALS AND OBJECTIVES

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The broad goal of the Committee is to involve interested parents, students, teachers, community members and education specialists in advising and providing input to the Tri-Valley SELPA Board and district special education directors on the unique requirements of students with exceptional needs, to assist the administration in furthering and improving the functioning of the Special Education Local Plan Area, and to support local and regional activities organized on behalf of students with exceptional needs.

To maintain communication channels between parents/guardians of individuals with exceptional needs and school district administrators and professional staff. Assist the SELPA to develop in the local community an understanding of the Local Plan for Special Education and the needs for special education for individuals with exceptional needs. Encourage community involvement in the development and review of the Local Plan. Recommend annual priorities to be addressed by the plan.

May liaise with district and state legislative and administrative personnel and other CAC committees to keep informed on new developments in special education; advise state legislators of the special education needs of Tri-Valley students with exceptional needs.

To assist in parent education and in recruiting parents and other volunteers who may contribute to the CAC and the implementation of the Local Plan. The CAC will sponsor parent education workshops and engage in other parent support activities such as creating a resource list, disseminating information on community activities, holding support groups and hosting activities such as the Make a Difference Awards.

Appoint a non-voting member to the SELPA Governance Council. It is this member's role to give CAC input regarding annual priorities and the budget plan, and to act as a liaison in expressing parent and community concerns.

4. Clearly define the roles of the County Office of Education (COE) as applicable, and/or any other administrative supports necessary to coordinate and implement the local plan:

56140. County offices shall do all of the following:

(a) Initiate and submit to the Superintendent a countywide plan for special education that demonstrates the coordination of all local plans submitted pursuant to Section 56205 and that ensures that all individuals with exceptional needs residing within the county, including those enrolled in alternative education programs, including, but not limited to, alternative schools, charter schools, opportunity schools and classes, community day schools operated by districts, community schools operated by county offices of education, and juvenile court schools, will have access to appropriate special education programs and related services. However, a county office shall not be required to submit a countywide plan when all the districts within the county elect to submit a single local plan.

(b) Within 45 days, approve or disapprove any proposed local plan submitted by a district or group of districts within the county or counties. If approved, the county office shall submit the plan with comments and recommendations to the Superintendent. If disapproved, the county office shall return the plan with comments and recommendations to the district. The district may immediately appeal to the Superintendent to overrule the county office's disapproval. The Superintendent shall make a decision on an appeal within 30 days of receipt of the appeal. A local plan shall not be implemented without approval of the plan by the county office or a decision by the Superintendent to overrule the disapproval of the county office.

Approval shall be based on the capacity of the district or districts to ensure that special education programs and services

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are provided to all individuals with exceptional needs, and both of the following:

- (1) Whether the local plan adheres to the guidelines established pursuant to Section 56122 for the development of local plans.
- (2) Whether the local plan contains all of the required components as detailed in Section 56205.
- (c) Participate in the state onsite review of the district's implementation of an approved local plan.
- (d) Join with districts in the county that elect to submit a plan or plans pursuant to subdivision (c) of Section 56195.1. Any plan may include more than one county, and districts located in more than one county. Nothing in this subdivision shall be construed to limit the authority of a county office to enter into other agreements with these districts and other districts to provide services relating to the education of individuals with exceptional needs.
- (e) For each special education local plan area located within the jurisdiction of the county office of education that has submitted a revised local plan pursuant to Section 56836.03, the county office shall comply with Section 48850, as it relates to individuals with exceptional needs, by making available to agencies that place children in licensed children's institutions

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

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

CHARTER SCHOOLS (E.C. 56207.5 (a-c))  
It shall be the policy of this SELPA and participating LEAs that a request by a charter school to participate as a local educational agency (LEA) in a special education local plan area (SELPA) may not be treated differently from a similar request made by a school district.

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.

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

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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

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:

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.

AMENDMENTS: This agreement is reviewed annually and may be amended as necessary according to the procedures for decision-making established in the plan. Any such amendment becomes effective after approval by all parties to the Local Plan and submitted to the State. Amendments are reviewed by the Community Advisory Committee and by others specified by law.

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 GENERAL EDUCATION TEACHERS

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

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.

MEMBERSHIP

The Community Advisory Committee is composed of representative of Dublin, Livermore, Mountain House, Pleasanton and Sunol Glen Districts and the Alameda County Office of Education

The District Directors of Special Education (or superintendents of districts that do not have directors of special education) shall seek recommendations for membership in the CAC. When possible, recommendations shall be solicited to balance the CAC to represent all districts, a variety of types of student disability, and ethnic diversity.

Each District superintendent (or as designated, special education director) selects from the recommendations and appoints members from his or her district to serve on the CAC.

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The CAC will ideally consist of no fewer than six (6) members. The district directors of special education shall be appointed as a non-voting members of the CAC.

Members of the CAC may be:

- parents of individuals with disabilities enrolled in public or private schools
- parents of other students enrolled in school
- students with disabilities
- adults with disabilities
- special education teachers
- general education teachers
- related service providers, administrators, or other school personnel
- other public/private agencies
- other concerned community members

The majority shall be composed of parents of students enrolled in schools participating in the Local Plan and a majority of such parents shall be parents of individuals with exceptional needs.

All members of the committee will generally serve for a two-year term. The membership year begins July 1 and continues through June 30 of the next calendar year.

Any member may resign or make a request for a leave of absence by filing a written request to the CAC Chairperson for approval of the body.

Any member who misses three (3) consecutive regular meetings in the year without due cause, as determined by the Committee members, may be recommended for replacement by their local district. Excused absences are accepted when a member has notified a CAC officer of a valid reason for the absence.

In the event a member misrepresents the CAC goals and objectives or procedures as outlined in this section, the CAC officers or other voting or non-voting members may recommend to the member's district that the member be replaced.

8. Identify and describe the responsible local agency (RLA), Administrative Unit (AU), or other agency who is responsible for performing tasks such as the receipt and distribution of funds, provision of administrative support, and coordination and implementation of the plan:

DISTRIBUTION OF FUNDS (20 USC § 1411(e),(f)(1-3) (Federal requirement for State Education Agency only)

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.

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- 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. 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.

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.

FUNDS AND EXPENDITURES: The Administrative Unit is authorized to receive, disburse, and expend funds for the conduct of regionalized services in accordance with the Local Plan and the Annual Budget approved by the Governance Council. The AU Superintendent establishes record-keeping procedures in accordance with state and federal requirements, and prepares and

submits required fiscal reports, including an annual audit, to the appropriate authority.

The District designated as the Administrative Unit (AU) is responsible for fiscal service including receipt and distribution of regionalized services funds, provision of administrative support, and coordination of the implementation of the plan.

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Each participating school district maintains compatible fiscal records and provides fiscal information necessary for the completion of required reports.

Direct program costs, direct support costs, and regionalized services expenditures are clearly identified, recorded, and reported. Property acquired by the SELPA shall be distributed in a manner determined by the Governance Council.

The fiscal year of the SELPA shall run July 1 through June 30. ALLOCATION DISTRIBUTION CYCLE

AB602 apportionments are processed through the Alameda County Office of Education (ACOE) and are included in the member district's Monthly Principal Apportionment. The AU fiscal office submits to the ACOE the allocation spreadsheet provided by the SELPA office and any changes thereafter due to P1, P2, and P-Annual certifications. The ACOE uses the allocation spreadsheet to distribute funds to member districts.

For all other funds, annually, upon receipt of grant letters, the SELPA office creates purchase orders which are used to distribute funds to member districts. As funds become available, Notices of Apportionment Income are sent from the Alameda County Office of Education to the AU fiscal office, and are forwarded to the SELPA office. Within ten (10) days of SELPA's receipt of these notices, distributions are calculated based on the formulas listed above, and the notices are returned to the AU for processing. Typically, districts can expect to receive their distribution within two weeks of the date the SELPA returns the apportionment notices to the AU.

IMPLEMENTATION, ADMINISTRATION, AND OPERATION OF THE TRI-VALLEY SPECIAL EDUCATION LOCAL PLAN AREA

PURPOSE

The purpose of this agreement is to provide for the creation and continuation of the Tri-Valley Special Education Local Plan Area (SELPA), an agency which is separate from the parties to this agreement. This agency shall designate an Administrative Unit (AU) to provide administrative, personnel, and fiscal services for the Tri-Valley SELPA. The SELPA is structured to comply with the requirements of the State of California's Education Code (Part 30) and the federal Individuals with Disabilities Education Improvement Act (IDEA).

PARTIES TO THIS AGREEMENT:

Alameda County Office of  
Education Dublin Unified  
School District  
Livermore Valley Joint Unified  
School District Mountain House  
Elementary School District  
Pleasanton Unified School District  
Sunol Glen Unified School District

FUNDS AND EXPENDITURES: The Administrative Unit is authorized to receive, disburse, and expend funds for the conduct of regionalized services in accordance with the Local Plan and the Annual Budget approved by the Governance Council. The AU Superintendent establishes record-keeping procedures in accordance with state and federal requirements, and prepares and submits required fiscal reports, including an annual audit, to the appropriate authority.

The District designated as the Administrative Unit (AU) is responsible for fiscal service including receipt and distribution of regionalized services funds, provision of administrative support, and coordination of the implementation of the plan.

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### ANNUAL BUDGET PLAN:

A budget plan which allocates instructional personnel service units directly to agencies operating services and which allocates regionalized service funds which are disbursed by the Administrative Unit is prepared annually by the Tri-Valley Special Education Directors' Council. The tentative budget shall be presented to the Governance Council by June 30. Final adoption shall be completed by September 30. The AU Board adopts the budget at a public hearing. Notice of the hearing is posted in each school in the SELPA at least fifteen (15) days prior to the hearing. Proposed policy-making process described in the Local Plan.

FUNDS AND EXPENDITURES: The Administrative Unit is authorized to receive, disburse, and expend funds for the conduct of regionalized services in accordance with the Local Plan and the Annual Budget approved by the Governance Council. The AU Superintendent establishes record-keeping procedures in accordance with state and federal requirements, and prepares and submits required fiscal reports, including an annual audit, to the appropriate authority.

The District designated as the Administrative Unit (AU) is responsible for fiscal service including receipt and distribution of regionalized services funds, provision of administrative support, and coordination of the implementation of the plan.

Each participating school district maintains compatible fiscal records and provides fiscal information necessary for the completion of required reports.

Direct program costs, direct support costs, and regionalized services expenditures are clearly identified, recorded, and reported. Property acquired by the SELPA shall be distributed in a manner determined by the Governance Council.

The fiscal year of the SELPA shall run July 1 through

### June 30. FUND RESERVES

The Tri-Valley SELPA holds aside 10% of total expenses in both the Administrative Unit and Mental Health budgets. Unutilized reserves are carried forward into the subsequent year's budget.

### EXCESS COSTS/DEFICITS

The districts participating in the Tri-Valley SELPA agree as follows:

1. Direct Instruction: Annual Service and Budget Plans shall be developed by the Directors' Council and submitted to the Governance Council for approval.
  - a. If any party to this agreement exceeds the funding allocations specified in the Annual Budget Plan approved by the Governance Council, the resultant cost of such excess shall be borne by the LEA that exceeded the allocation.
  - b. Deficits which occur in direct instruction programs provided as SELPA-wide services will be shared by LEAs in a proportion and amount to be recommended to the Governance Council by the Directors' Council and Finance Committee.
2. Regionalized Services: The regionalized services budget includes an allocation for the cost of Administrative Unit services and for program review, evaluation, MIS, curriculum, and personnel development as specified in the Annual Budget Plan. A reserve will be maintained. The first 25 percent of any deficit in regionalized and AU services will be divided equally among the districts, except Mountain House, whose assessment will not exceed \$500 during each year. The balance will be divided and charged to each LEA based on that LEA's prior year P-2 ADA.

### GOVERNANCE

The Tri-Valley Special Education Local Plan Area (SELPA) is composed of six districts, or local education agencies (LEAs): Alameda County Office of Education, Dublin Unified School District, Livermore Valley Joint Unified School District, Mountain House Elementary District, Pleasanton Unified School District, and Sunol Glen Unified School



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District. Its purpose is to assure

access to free and appropriate special education services for all disabled students residing within the Tri-Valley

The governing body of the SELPA, as set forth in the Tri-Valley SELPA Local Plan, is the Governance Council. The Governance Council is composed of a trustee and superintendent or designee from each district or local educational agency (LEA), except for Mountain House Elementary District which has a trustee on the board but does not have a superintendent. Each district has one vote. One of the responsibilities of the Governance Council is to allocate, among the participating LEAs, those public funds which are received to support special education programs, and to review on an annual basis the efficacy of the allocation procedures.

The Pleasanton Unified School District serves as the Administrative Unit (AU) of the Tri-Valley SELPA. The AU receives and distributes funds in accordance with the adopted SELPA plans.

The SELPA Director coordinates the administration and implementation of the Tri Valley SELPA Local Plan. The SELPA Director is subject to the AU's policies and procedures for day to day operations, but receives direction from and is responsible to the Governance' Council.

SELPA Level Workgroups composed of members of the Director's Council and Finance Committee will ensure the equity of the fiscal allocation model by reviewing any disparity in local support required by the individual LEAs. The workgroups will determine the factors and causes of the disparity and make recommendations to alter the allocation.

INDIRECTS

The Administrative Unit (AU) charges an indirect fee equal to the state indirect rate times all SELPA expenditures except for low incidence purchases. This fee covers use of space, utilities, human resources, fiscal department, technical and janitorial support and de minimus use of other AU resources.

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.

SELPA STAFFING

The governing boards of each of the participating local education agencies agree to endow 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 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.

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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.

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.

- 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:

POWERS OF LEAS:

The governance of LEA special education programs shall be the responsibility of LEA governing boards. LEA governing boards shall have and retain authority to receive and budget all special education income allocated by the Governance Council for

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programs and services provided by LEAs, and for state regionalized services if so

allocated. THE SELPA SHALL:

1. In conjunction with the LEAs who are parties to this agreement, develop a local plan for the education of individuals with exceptional needs in accordance with the requirements of the Education Code Sections 56205 and following.
2. Coordinate the implementation of the Local Plan.
3. Provide administrative support and regionalized services to each of the parties in the following areas at levels to be determined by the Governance Council subject to Annual Budget Plan allocations.
  - a. Personnel development pursuant to Ed. Code Sections 56240 and following.
  - b. Program evaluation pursuant to Ed. Code Sections 56600 and following.
  - c. Data collection and the development of management information systems as needed to meet Tri-Valley SELPA requirements.
  - d. Local Plan curriculum development.
  - e. Ongoing review of programs conducted, and procedures utilized, under the Local Plan.
  - f. Others, as appropriate.
4. Allocate Instructional Personnel Service Units (IPSUs) to infant programs and services in the Tri-Valley SELPA.
5. Coordinate the development of uniform policies and procedures governing identification, referral, and placement of individuals with exceptional needs pursuant to Education Code Sections 56300 and following.
6. Develop a process for the coordination with other public agencies, which are funded to serve individuals with exceptional needs.
7. Enter into agreements with individual school districts, other SELPAs, and/or the County Superintendent of Schools for the provision of special education services.
8. Receive, distribute and account for regionalized services funds for local plan implementation.
9. Decide disputes within the scope of this agreement among the parties.
10. Adopt an Annual Budget Plan.

SEVERABILITY:

Should any portion, term, condition or provision of this local plan or these agreements be decided by a court of competent jurisdiction to be illegal or in conflict with any law of the State of California, the validity of the remaining portions, terms, conditions, and provisions shall not be affected.

COORDINATION WITH OTHER AGENCIES

The Dublin Unified School District, Livermore Valley Joint Unified School District, Mountain House Elementary School District, Pleasanton Unified School District, and Sunol Glen Unified School District, and Alameda County Office of Education agree that:

1. The Directors' Council specifies services to be provided considering impact on plan participants.
2. A designated LEA director negotiates agreements with other agencies including services and costs.
3. The Directors' Council reviews all such agreements and submits them to the Governance Council for review and approval.

NONPUBLIC SCHOOL (NPS) and NONPUBLIC AGENCY (NPA) CONTRACTS

The Tri-Valley SELPA is a member of the Bay Area Collaborative (BAC). As such it participates with other regional SELPAs in the development of a Master Contract and a rate sheet reflecting rates negotiated with regional NPSs and NPAs. Annually the SELPA will participate in the development of the Master Contract and NPS/NPA rate sheet, and

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will provide these to member districts. Each district is individually responsible for developing its own contracts and Individual Service Agreements (ISAs) with

10. For multi-LEA local plans, specify:

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

**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 meetings 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 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.

**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 the 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

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Council. The governing boards provide the Governance Council with the authority to act as the board designee to approve and amend policies as necessary.

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

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

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:

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

Tri-Valley Special Education Local Plan Area (SELPA) Community Advisory Committee

Bylaws  
ARTICLE I

NAME

The name of the organization shall be the Tri-Valley SELPA Community Advisory Committee (CAC). The Tri-Valley SELPA CAC represents the following districts: Dublin Unified, Livermore Valley Joint Unified, Mountain House Elementary, Pleasanton Unified, Sunol Glen Unified School Districts, and Alameda County Office of Education

ARTICLE II

GOALS AND OBJECTIVES

The broad goal of the Committee is to involve interested parents, students, teachers, community members and education specialists in advising and providing input to the Tri-Valley SELPA Board and district special education directors on the unique requirements of students with exceptional needs, to assist the administration in furthering and improving the functioning of the Special Education Local Plan Area, and to support local and regional activities organized on behalf of students with exceptional needs. To maintain communication channels between parents/

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guardians of individuals with exceptional needs and school district administrators and professional staff.

Assist the SELPA to develop in the local community an understanding of the Local Plan for Special Education and the needs for special education for individuals with exceptional needs. Encourage community involvement in the development and review of the Local Plan. Recommend annual priorities to be addressed by the plan.

May liaise with district and state legislative and administrative personnel and other CAC committees to keep informed on new developments in special education; advise state legislators of the special education needs of Tri-Valley students with exceptional needs.

To assist in parent education and in recruiting parents and other volunteers who may contribute to the CAC and the implementation of the Local Plan. The CAC will sponsor parent education workshops and engage in other parent support activities such as creating a resource list, disseminating information on community activities, holding support groups and hosting activities such as the Make a Difference Awards.

Appoint a non-voting member to the SELPA Governance Council. It is this member's role to give CAC input regarding annual priorities and the budget plan, and to act as a liaison in expressing parent and community concerns.

Any member who misses three consecutive regular meetings in the year without due cause, as determined by the Committee members, may be recommended for replacement to their local governing board. Excused absences are accepted when a member has notified an Executive Committee member of a valid reason for the absence.

In the event a member misrepresents the CAC goals and objectives or procedures as outlined in Article III and VI of the body's bylaws, the CAC Executive Committee may recommend replacement of the member to the local governing board

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

The Tri-Valley Special Education Local Plan Area (SELPA) is a multi-district SELPA comprised of six local educational agencies (LEAs) joined together to provide for the coordinated delivery of programs and services to students with disabilities. In adopting the Local Plan, each participating LEA agrees to carry out the duties and responsibilities assigned to it within the plan and to ensure access to programs and services to eligible persons requiring special education in the service region. The school board of each LEA shall approve its participation in the Tri-Valley Local Plan for Special Education. The local school board responsibilities include, but are not limited to:

a. Adoption of the Local Plan

b. Adoption of SELPA policies and procedures for special education programs and services within their districts.

c. LEA compliance with all elements of the Local Plan, including policies and procedures approved by the SELPA Policy Board.

d. Input on SELPA policies and procedures through the Superintendent of the LEA.

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- e. Approval of district-specific modifications to SELPA policies and procedures.
- f. Appointment of one individual per LEA to the CAC.

LEA administrators and staff coordinate and implement special education services and programs within their respective LEA. LEAs monitor IEPs for compliance with state and federal law, engage in Child Find, ensure students with disabilities have access to an educational program in the least restrictive environment, and ensure special education expenditures align with federal and state law.

The Alameda County Office of Education complies with Local Plan administrations and implementation requirements defined in California Education Code 56140.

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 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 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 will be hired, evaluated and supervised by the AU superintendent or designee with input from superintendents or designees of and Governance Council trustees 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.

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

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

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

**TRI-VALLEY SELPA FUNDING ALLOCATION MODEL**  
Most of the funds allocated to the Tri-Valley SELPA are distributed to districts on the basis of average daily attendance (ADA), which is determined based on P-1 (first interim), P-2 (second interim) or P-Annual reports, or on pupil count (the number of students with IEPs) which is based on the December 1 CASEMIS report of the prior year. See Appendix J - Tri-Valley SELPA Funding Allocation Plan, for the current allocation plan.

**FUND RESERVES**  
The Tri-Valley SELPA holds aside 10% of salary and benefits in both the Administrative and Mental Health budgets. Unutilized reserves are carried forward into the subsequent year's budget.

**ALLOCATION DISTRIBUTION CYCLE**  
AB602 apportionments are processed through the Alameda County Office of Education (ACOE) and are included in the member district's Monthly Principal Apportionment. The AU fiscal office submits to the ACOE the allocation spreadsheet provided by the SELPA office and any changes thereafter due to P1, P2, and P-Annual certifications. The ACOE uses the allocation spreadsheet to distribute funds to member districts.

**ALLOCATION DISTRIBUTION CYCLE**  
AB602 apportionments are processed through the Alameda County Office of Education (ACOE) and are included in the member district's Monthly Principal Apportionment. The AU fiscal office submits to the ACOE allocation spreadsheet provided by the SELPA office and any changes thereafter due to P1, P2, and P-Annual certifications. The ACOE uses the allocation spreadsheet to distribute funds to member districts.

For all other funds, annually, upon receipt of grant letters, the SELPA office creates purchase orders which are used to distribute funds to member districts. As funds become available, Notices of Apportionment Income are sent from the Alameda County Office of Education to the AU fiscal office, and are forwarded to the SELPA office. Within ten (10) days of SELPA's receipt of these notices, distributions are calculated based on the formulas listed above, and the notices are returned to the AU for processing. Typically districts can expect to receive their distribution within two weeks of the date the SELPA returns the apportionment notices to the AU.

c. The operation of special education programs:

The governance of LEA special education programs shall be the responsibility of LEA governing boards. LEA governing boards shall have and retain authority to receive and budget all special education income allocated by the Governance Council for programs and services provided by LEAs, and for state regionalized services if so allocated.

Each LEA operates its own programs unless it is not feasible to do so. Feasibility is established by the Directors'



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Council. By consensus, the Council recommends an Annual Service Plan to the Governance Council and identifies programs and services to be provided on a regional basis and by LEAs. The general rule is that an LEA provides for its own children who are placed in specialized academic instruction and related service programs. Certain other special classes are designated as SELPA-wide programs for students with disabilities residing in the geographic area of the Tri-Valley SELPA. A representative of the receiving district participates in the meeting when an IEP team considers a placement in that district.

The Tri-Valley SELPA has established a Clinical Services Department to address the need for ERICS. The Clinical Services Department is staffed by a Director or Assistant Director and sufficient clinical counselors to provide assessments, outpatient counseling, and mental health support to all-SELPA-draw Counseling Enriched Classes (CECs) located in Dublin, Pleasanton and Livermore. In addition, the Clinical Services Department utilizes the clerical services of the SELPA office.

Districts continue to be directly responsible for arranging and funding mental health services to students in non-public school (NPS) and residential treatment center (RTC) placements.

Based upon an appropriate referral and completed assessments IEP teams convene to determine eligibility for ERICS. Mental health as a related service is identified as mental health services that are required in order for a student to benefit from their special education program. If ERICS is recommended, social emotional goals will be written for the IEP and the student will be assigned to a Mental Health Clinician. Clinicians provide ERICS to students on a pull-out basis or as part of their educational placement in a Counseling Enriched Class. Group counseling and parent counseling may be included as part of the recommended related services. Mental health services are reviewed periodically throughout the year to determine progress towards goals.

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

SUPPLEMENTATION OF STATE/FEDERAL FUNDS (20 USC § 1412 (a)(17))

It shall be the policy of this SELPA and participating LEAs to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA; will be used to supplement and not to supplant state, local and other Federal funds.

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.

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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.

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:

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

Low Incidence Funds are used to purchase IEP-based materials and services for individual students who need equipment or specialized services due to having low incidence disabilities (Deaf/Hard of Hearing [DHH], visual impairment [VI] or orthopedic impairment [OI]) Starting FY 2019-20, the low incidence funds will be distributed to the member districts/COE/Early Start as part of AB602 funding. The allocation will be based on the prior year Dec. 1 low incidence students count for the districts/COE/ Early Start.

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 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 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.

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: 1 LP

Document Title: Certification of Participation, Compatibility and Compliance Assurances

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Document Location:

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

Yes  No

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**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

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**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

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

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Policy/Procedure Number:

Document Title:

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

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**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

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**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

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No

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**7. Evaluation: 20 USC Section 1412(a)(7)**

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

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**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

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**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

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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

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**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

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**12. Interagency: 20 USC Section 1412(a)(12)**

Policy/Procedure Number:

Document Title:

Document Location:

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

Yes  No

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**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

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**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

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**15. Performance Goals and Indicators: 20 USC Section 1412(a)(15)**

Policy/Procedure Number:

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Document Title:

Document Location:

"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

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**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

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**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

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**18. Maintenance of Effort: 20 USC Section 1412(a)(18)**

Policy/Procedure Number:



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Document Title:

Document Location:

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

Yes  No

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**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

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**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

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**21. Access to Instructional Materials: 20 USC Section 1412(a)(23)**

Policy/Procedure Number:

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Document Title:

Document Location:

"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

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**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

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**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

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**Administration of Regionalized Operations and Services**

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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:

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

Reference Number:	<input type="text" value="1 LPa"/>
Document Title:	<input type="text" value="Regionalized Services and Operations"/>
Document Location:	<input type="text" value="SELPA Office"/>
Description:	<input type="text" value="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"/>

2. Coordinated system of identification and assessment:

Reference Number:	<input type="text" value="2 LPa"/>
Document Title:	<input type="text" value="Regionalized Services and Operations"/>
Document Location:	<input type="text" value="SELPA Office"/>
Description:	<input type="text" value="Each district conducts child find activities in accordance with EC56301. Each district of residence screens school enrollees and non-school individuals, processes referrals, completes assessments, and holds IEP meetings. The district of service conducts reviews and reviews of IEPs re-assessments and as placements, specified in including the Tri-Valley required annual SELPA and procedures triennial reviews and re-assessments as specified in the Tri-Valley SELPA procedures."/>

3. Coordinated system of procedural safeguards:

Reference Number:	<input type="text" value="3 LPa"/>
Document Title:	<input type="text" value="Regionalized Services and Operations"/>

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Document Location: SELPA Office

Description: PROCEDURAL SAFEGUARDS
To meet each district's due process responsibilities, the districts participating in the Tri-Valley Local Plan, pursuant to 20 USC 1412 (A)(6), 20 USC 1415 agree as follows:
1. Each district holds ownership of and is responsible for IEPs of individuals with disabilities who reside in the geographic boundaries of that district.
2. State law requires that each district adopts and implements policies and regulations for procedural due process, which are in compliance with state and federal law.

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

Reference Number: 4 LPa

Document Title: Regionalized Services and Operations

Document Location: SELPA Office

Description: The duties of the Director's Council include the development of in-service/staff development programs, including parent education activities.
Staff Development Opportunities
To achieve goals for students in Reading/Language Arts, the Tri-Valley SELPA and/or its member districts provide staff development opportunities:
For special educators, general educators, and families in the core curriculum and the California Reading/Language Arts Framework and Standards evidence-based reading programs
That support literacy programs in the areas of reading, writing, speaking and listening with more instructional time, precisely sequenced direct Instruction , more coaching and practice, and careful progress monitoring
Special education instructional personnel will participate in staff development In-service opportunities in the areas of literacy that include:
Information about current literacy and learning research
State adopted standards and frameworks aligned with the federal Common Core State Standards
Increased participation of students with disabilities in statewide student assessments
And evidence-based instructional strategies aligned with the Common Core State Standards for teaching reading and writing to a wide range of diverse learners in order to increase the percentage of children with disabilities who are literate

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

Reference Number: 5 LPa

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Document Title:	<input type="text" value="Regionalized Services and Operations"/>
Document Location:	<input type="text" value="SELPA Office"/>
Description:	<input type="text" value="ACCESS TO INSTRUATIONAL MATERIALS (20 USC 1412 (A)(23))&lt;br/&gt;It shall be the policy of each 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."/>

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

Reference Number:	<input type="text" value="6LPa"/>
Document Title:	<input type="text" value="Regionalized Services and Operations"/>
Document Location:	<input type="text" value="SELPA Office"/>
Description:	<input type="text" value="GOVERNANCE E (20 USC 6 1412 (aH1'3 ))&lt;br/&gt;It shall be the policy of this SELPA and participating LEAs 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 Educational Agency."/>

7. Coordinated system of data collection and management:

Reference Number:	<input type="text" value="7 LPa"/>
Document Title:	<input type="text" value="Regionalized Services and Operations"/>
Document Location:	<input type="text" value="SELPA Office"/>
Description:	<input type="text" value="Data Management (MIS): The AU and/or SELPA collects and summarizes data from each LEA. A system that provides for the management and reporting of state and federal required data as well as other pertinent information is determined by the Directors' Council."/>

8. Coordination of interagency agreements:

Reference Number:	<input type="text" value="8 LPa"/>
Document Title:	<input type="text" value="Regionalized Services and Operations"/>

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Document Location:

Description:

9. Coordination of services to medical facilities:

Reference Number:

Document Title:

Document Location:

Description:

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

Reference Number:

Document Title:

Document Location:

Description:

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

Reference Number:

Document Title:

Document Location:

Description:

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12. Fiscal and logistical support of the CAC:

Reference Number:

Document Title:

Document Location:

Description:

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

Reference Number:

Document Title:

Document Location:

Description:

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

Reference Number:

Document Title:

Document Location:

Description:

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15. Assurance of full educational opportunity:

Reference Number:	15 LP a
Document Title:	Regionalized Services and Operations
Document Location:	SELPA Office
Description:	The SELPA Director shall serve on behalf of the member local education agencies and implement the Local Plan including the Assurance of full educational opportunity.

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

Reference Number:	16 LPa
Document Title:	Regionalized Services and Operations
Document Location:	SELPA Office
Description:	<p>The SELPA Director shall <i>serve</i> on behalf of the member local education agencies and implement the Local Plan including the fiscal administration and the allocation of state and federal funds.</p> <p><u>Funds and Expenditures:</u> The Administrative Unit is authorized to <i>receive</i>, disburse, and expend funds for the conduct of regionalized services in accordance with the Local Plan and the Annual Budget approved by the Governance Council. The AU Superintendent establishes record-keeping procedures in accordance with state and federal requirements, and prepares and submits required fiscal reports, including an annual audit, to the appropriate authority.</p> <p>The District designated as the Administrative Unit (AU) is responsible for fiscal service including receipt and distribution of regionalized services funds, provision of administrative support, and coordination of the implementation of the plan.</p> <p>Each participating school district maintains compatible fiscal records and provides fiscal information necessary for the completion of required reports.</p> <p>Direct program costs, direct support costs, and regionalized services expenditures are clearly identified, recorded, and reported. Property acquired by the SELPA shall be distributed in a manner determined by the Governance Council.</p> <p>The fiscal year of the SELPA shall run July 1 through June 30.</p>



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

Reference Number:	<input type="text" value="LP 17a"/>
Document Title:	<input type="text" value="Regionalized Services and Operations"/>
Document Location:	<input type="text" value="SELPA Office"/>
Description:	<p>The governance of LEA special education programs shall be the responsibility of LEA governing boards. LEA governing boards shall have and retain authority to receive and budget all special education income allocated by the Governance Council for programs and services provided by LEAs, and for state regionalized services if so allocated.</p>

**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:	<input type="text" value="1 LPb"/>
Document Title:	<input type="text" value="Regionalized Services and Operations"/>
Document Location:	<input type="text" value="SELPA Office"/>
Description:	<p><u>INFANTS AND TODDLERS</u> The Tri-Valley SELPA, along with other SELPAs in Alameda and Contra Costa Counties, has established an Interagency Agreement with Regional Center of the East Bay to jointly provide for the education of students birth to 36 months of age who are eligible for special education services under Part C of the Individuals with Disabilities Education Improvement Act (IDEA).</p> <p>Each LEA operates its own programs unless it is not feasible to do so. Feasibility is established by the Directors' Council. By consensus, the Council recommends an Annual Service Plan to the Governance Council and identifies programs and services to be provided on a regional basis and by LEAs. The general rule is that an LEA provides for its own children who are placed in specialized academic instruction and related service programs. Certain other special classes are designated as SELPA-wide programs for students with disabilities residing in the geographic area of the Tri-Valley SELPA. A representative of the receiving district participates in the meeting when an IEP team considers a placement in that district.</p>

2. A description of the method by which members of the public, including parents or guardians of

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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:	<input type="text" value="2 LPb"/>
Document Title:	<input type="text" value="Regionalized Services and Operations"/>
Document Location:	<input type="text" value="SELPA Office"/>
Description:	<input type="text" value="PUBLIC PARTICIPATION: Members of the public, including parents or guardians of students with disabilities, may address the 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."/>

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:

Reference Number:	<input type="text" value="3 LPb"/>
Document Title:	<input type="text" value="Regionalized Services and Operations"/>
Document Location:	<input type="text" value="SELPA Office"/>
Description:	<input type="text" value="DISPUTE RESOLUTION&lt;br/&gt;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.&lt;br/&gt;&lt;br/&gt;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."/>

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

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considered and, where appropriate, utilized:

Reference Number:

Document Title:

Document Location:

Description:

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:

Document Title:

Document Location:

Description: 

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less than twice per year, review the IEP progress reports provided by the NPS to assure that the student is making meaningful progress on IEP goals.

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

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

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

Reference Number: 6 LPb

Document Title: Regionalized Services and Operations

Document Location: SELPA Office

COORDINATING AND PROVIDING SERVICES TO STUDENTS WITH DISABILITIES PLACED IN ADULT JAILS  
Adults who are aged 18 through 21 years, who have not graduated with a high school diploma, who, at the time they turned 18 years were identified as an individual with exceptional needs and had an individualized education program (IEP) under the IDEA, are also entitled to a FAPE (hereinafter, "eligible adults"). (See 20 U.S.C. § 1400 (d)(1)(A), (B), (C); 20 U.S.C. § 1412(a)(1)(A); Cal. Educ. Code, §§ 56000, 56026(c)(4).) This applies to adults incarcerated in California adult jails and prisons. However, an individual, aged 18 through 21 years, who, in the educational placement prior to his or her incarceration in an adult correctional facility was not identified as an individual with exceptional needs or did not have an IEP under the IDEA, is not entitled to a FAPE. (20 U.S.C. § 1412(a)(1)(B); Cal. Educ. Code, § 56040(b).)  
**District of Residence**  
For eligible adults who prior to reaching the age of majority resided within the Tri-Valley SELPA geographic boundaries, the applicable local educational agency (LEA) within the SELPA shall ensure they have available to them a FAPE. If the parent relocates to a new district of residence, the new district of

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residence shall become the responsible LEA. If the student is conserved, the residence of his or her conservator shall control. (Cal. Educ. Code 56041)

**Individualized Education Program**

It is the responsibility of the incarcerated student to request a review of their special education services. Once the LEA is informed that one of its residents is an eligible adult incarcerated at an Adult Jail and the student has requested a review of their IEP, the designated LEA will arrange to review the individual's IEP as necessary, subject to the cooperation of the correctional facility where the student is located.