

I. PURPOSE AND INTENT:  
(56195)

The following Santa Clara County public school agencies:

Cambrian School District  
Campbell Union School District  
Lakeside Joint School District  
Loma Prieta School District  
Los Gatos School District  
Luther Burbank School District  
Moreland School District  
Saratoga Union School District  
Union School District  
Campbell Union High School District  
Los Gatos-Saratoga Union High School District  
Santa Clara County Office of Education

Join together to adopt a plan in accordance with California Education Code to assure access to special education and services for all individuals with exceptional needs residing in the geographic area served by these districts hereafter known as SELPA III Local Plan Area. In adopting the completed plan, each participating Local Agency (LEA) agrees to carry out the duties and responsibilities assigned to it within the plan. The members of SELPA III may enter into additional contractual arrangements to meet the requirements of applicable federal and state law.

A. DESCRIPTION OF GOVERNANCE STRUCTURE

GENERAL DESCRIPTION [56205(a), 56205 (a)(12)(A), 56195.1-1(b)(1), 56195.1(c), 56195(c)(1-2)]

SELPA III in Santa Clara County is comprised of eleven districts and the Santa Clara County Office of Education. They have joined together in a cooperative effort to provide for the coordinated delivery of programs and services and to provide assurance of equal access to such programs and services to eligible persons with disabilities requiring special education in the services region. The Santa Clara County Office of Education serves as the Administrative Unit (AU) for SELPA III. It shall be responsible for functions such as, but not limited to:

1. Receipt and distribution of funds to accounts exclusively designated for SELPA use.
2. Provisions of designated services as specified in the "Agreement for Services as Administrative Unit." [56195.1(c)(2)]

COMPOSITION AND ORGANIZATION OF THE EXECUTIVE COUNCIL  
56205(a), 56205(a)(12)(A)

1. The SELPA III Special Education Local Plan Area is governed by an Executive Council composed of twelve (12) voting superintendents from member LEAs.
2. Representation on the Executive Council is Superintendents from the following:

**Cambrian School District** – Superintendent of Cambrian School District

**Campbell Union School District** – Superintendent of Campbell Union School District

**Lakeside Joint School District** – Superintendent of Lakeside Joint School District

**Loma Prieta School District** – Superintendent of Loma Prieta School District

**Los Gatos School District** – Superintendent of Los Gatos School District

**Luther Burbank School District** – Superintendent of Luther Burbank School District

**Moreland School District** – Superintendent of Moreland School District

**Saratoga Union School District** – Superintendent of Saratoga Union School District

**Union School District** – Superintendent of Union School District

**Campbell Union High School District** – Superintendent of Campbell Union High School District

**Los Gatos-Saratoga Union High School District** – Superintendent of Los Gatos/Saratoga Union High School District

**Santa Clara County Office of Education** – Superintendent of Santa Clara County Office of Education

**Total Voting Members** – twelve (12) – No member shall have more than one vote.

3. The Executive Council will elect a chairperson from their members. The term of office will be for one year. The chairperson shall serve at the pleasure of the Executive Council until a successor is elected. Elections are held the last meeting of the fiscal year or as scheduled by Executive Council action. New chairpersons are to take office at the first meeting of the new fiscal year.
4. The SELPA III Director will serve ex-officio to the Executive Council. The SELPA Director will have a non-voting status on the Executive Council.
5. The Executive Council shall not meet less than three times per school year. The Executive Council meeting calendar will be established at the last meeting of the previous fiscal year for the following school year. The SELPA III Director shall be responsible for preparing the agenda and all support materials for each meeting. A quorum shall consist of seven voting members.
6. The functions of the Executive Council consist of the adoption of policies designed to give direction to SELPA III in the areas to include, but not be limited to, matters of personnel, budget, policy, and contracts.
7. All meetings of the Executive Council will be held according to law.

## COMPOSITION AND ORGANIZATION OF THE SUPERINTENDENTS' REPRESENTATIVE GOVERNANCE COUNCIL

The Representative Governance Council (hereafter termed Council) is comprised of a superintendent selected from each of SELPAs I, II and III, and the superintendents from SELPAs IV, VII and the Santa Clara County Office of Education (COE) for a total of six members. A superintendent's designee with voting authority may be the representative for SELPAs IV, VII or COE. The selected superintendent or an alternate superintendent shall represent SELPAs I, II and III from that SELPA. The main functions of the Council are to supervise and evaluate the SELPA Director and to resolve conflicts should they exist within the five (5) SELPA consortium.

1. The Council makes recommendations to the Executive Council for necessary changes to the governance structure.
2. The Council makes all employment decisions regarding the SELPA Director, including selection, supervision, direction, compensation, evaluation, and if necessary, termination. The SELPA Director shall be employed under contractual terms established by the Council.
3. The Council approves the staffing of the SELPA office.
4. The Council monitors the SELPA Director's implementation of the SELPA Plans and reviews and approves the SELPA Administrator's annual objectives.
5. The Council shall select a Chairperson and Vice Chairperson from among its members at the annual organizational meeting. The SELPA Director will serve as an ex-officio secretary to the Council. As secretary, the SELPA Director will prepare and distribute Council meeting agendas, prepare minutes, and maintain a permanent file for all Council records and documents.
6. All Council meetings will be conducted in a legally constituted manner.
7. The public is allowed to address the Council on items on the posted agendas for each meeting. Persons wishing to address the Council on issues not on the agenda may do so under the item entitled, "Hearing of Persons Wishing to Address the Council or to Present Petitions."
8. Council meetings can be held with a quorum of three (3) or more Council members present. Votes are all equal and four (4) affirmative votes are required for approval. Three of the votes must come from the four SELPAs and one may come from the COE for approval purposes.
9. Minutes of each Council meeting, following their approval, are public records and shall be permanently retained.

REQUEST FOR SELPA MEMBERSHIP: LEAs AND CHARTER SCHOOLS  
[56203, 56203(b), 56203(c), 56207.5, 56207.5(a), 56207.5(b), 56207.5(c),  
56195.1(c)(2)(f)]

Students enrolled in charter schools are entitled to special education services in a manner similar to those enrolled in public schools in the district. No governing board shall grant a charter unless the charter includes assurances that special education instruction/services shall be provided to all eligible disabled students enrolled in the charter school.

Charter schools that are categorized as dependent and not deemed a LEA for special education purposes are aligned with the chartering district. They will participate in the federal/state funding in the same manner as the other schools within the chartering district. The chartering district shall be responsible for ensuring that all children with disabilities enrolled in the charter school receive special education services in the same manner that is consistent with all applicable provisions of state and federal law.

A charter school may apply to become a LEA for special education purposes. The Executive Council of SELPA III shall determine whether the charter school has provided requisite assurances. Once approved as a LEA, the charter school shall participate in the governance of the SELPA in the same manner as other school districts within the SELPA.

A request by a LEA or a charter school deemed a LEA to participate as a local educational agency in SELPA III special education local plan will not be treated differently from a similar request made by a school district. In reviewing and approving a request by a LEA or a charter school to participate as a local agency in SELPA III, the following requirements shall apply:

- The LEA or charter school shall participate in state and federal funding for special education and the allocation plan developed in the same manner as other local educational agencies of the SELPA.
- The LEA or charter school shall participate in the governance of the SELPA in the same manner as other local educational agencies of the SELPA.

A redrafting of a new local plan and action by each member's governing body shall follow the approval of additional members to the SELPA by the Executive Council.

RESPONSIBILITY OF PARTICIPATING AGENCIES  
[56205(a)(12)(D)(i), 56195.5(b), 56195.1(b)(2), 56195.1(c)(1)]

Each participating LEA is responsible for implementing those services assigned to the local agency herein and provided for in the local plan budget plans. Each LEA provides assigned programs and services through its own facilities and staff.

When a LEA is unable to provide an appropriate program for an individual pupil, the LEA shall arrange for an appropriate placement, through an Individualized Education Team, in another LEA within SELPA III. If such placement is not possible, the SELPA

III Director will assist the district in a placement outside of SELPA III. The Santa Clara County Office of Education shall perform the services of a LEA for persons with disabilities residing in Juvenile Court Schools in SELPA III.

Santa Clara County Office of Education has more than one Local Plan area. Santa Clara COE provides special education services to more than one SELPA. Therefore, relevant provisions of contracts between the Santa Clara County Office of Education and its employees governing wage, hours, and working conditions shall supersede any like provisions contained in the SELPA III Local Plan.

Transfer of responsibility between the elementary and high school districts occurs during the school year in which the student becomes 14.9 years old on or before September 1, unless otherwise accomplished through graduation from the eighth grade or IEP Team decision.

When the district of residence is an elementary school district, the fiscal and case management responsibilities for an identified student will transfer to the high school district of residence when the student reaches 14.9 years of age on or before September 1 of each new school year unless previously graduated from eighth grade or previously transferred by an IEP team decision. This transfer will occur regardless of the district or agency providing the special education service(s).

#### LEA BOARDS OF EDUCATION

56205(a)(12)(D)(i)

LEA BOARDS shall:

1. Exercise authority over, assume responsibility for, and be fiscally accountable for special education programs operated by the LEA.
2. Review and approve revisions of the SELPA III Local Plan for Special Education.
3. Participate in the governance of SELPA III through their designated representative to the Executive Council.
4. Appoint members to the Community Advisory Committee.

## SELPA POLICY

### Procedures for Development

[56205(a)(12)(B), 56205(a)(D)(ii)(III), 56205(b)(4), 56205(a)(D)(i), 56205(a)(D)(ii), 56205(a)(D)(ii)(I)]

Policies governing SELPA III shall be adopted by the Executive Council and are part of the Local Plan. The SELPA III Director advises the Operations Committee. The Operations Committee advises the Executive Council. The Community Advisory Committee (CAC) shall advise the Council. Input may be received from parents, staff, public and non-public agencies and members of the public at large. Individuals wishing an opportunity to address the Council on a particular agenda item can seek recognition from the Chairperson when these items are open for discussion at the Executive Council meetings. Persons who wish to address the Council on issues not on the agenda may do so under the item, "Hearing of Persons Wishing to Address the Council or to Present Petitions."

The Executive Council shall review the SELPA III Local Plan and recommend modifications as necessary. All such modifications shall be subject to appropriate statutory and locally defined input process prior to incorporation in this plan. The SELPA III Director, with the Operations Committee, shall assist the Executive Council with these reviews.

The Executive Council shall be the policy making body for SELPA III and its members LEAs. The policies and procedures adopted by the Executive Council under the authority of the adopting LEA board have the same status as other LEA board policy.

[56205(a)(12)(D)(ii)(I-II)], 56195, 56195.8(a).

The Executive Council shall:

- Adopt policy for SELPA III
- Approve an agreement with the Administrative Unit for services
- Monitor compliance as required by law
- Coordinate and implement the SELPA III Local Plan
- Adopt an operations budget for SELPA III at an annual cost not to exceed the available funds for such service
- Approve interagency agreements
- Approve the Annual Budget and Allocation Plan for submission to the state
- Approve the Annual Service Plan for submission to the state
- Provide an annual audit of all income and expenditures, as required by law
- Receive recommendations from the CAC, Operations Committee, LEA Boards, and other concerned agencies and individuals
- Decide disputes, if any, between participating LEAs that arise concerning special education and related matters or related to the interpretation of the Local Plan and other agreements and policies between or among the LEAs.

LEA Responsibilities: Policies Addressing LEA Responsibilities shall include but not be limited to:

- Child Find
- Procedural safeguards
- Records and report requirements
- Programs and services
- Students and eligibility criteria
- Uniform procedures for notification, identification, referral, assessment, Individualized Education Plan (IEP) development, implementation, and review, and placement
- Transportation
- Complaints and hearings
- Private Schools
- Personnel Standards
- Participation in state and district-wide assessments
- Hospital/Foster/LCI/Juvenile Court schools
- Equipment and services
- Consideration of general education resources after referral

#### REGIONALIZED SERVICES

[56205(a)(12)(B)] 56195.7(c)(1-6)]

##### Administrative Unit Responsibilities

Santa Clara County Office of Education serves as the Administrative Unit (AU) for SELPA III. The AU provides for the allocation of federal, state, and local property taxes for special education instruction and services. They also assist in the development of the Local Plan, Budget Plan, and Service Delivery Plan for SELPA III. The AU provides the Management Information System (MIS) reporting for state and federal purposes as well as local counts that have a fiscal impact. Fiscal monitoring and information related to the budget allocation plan and to maintenance of local effort, uses of federal funds, and county tax money is also provided.

##### SELPA Office

The SELPA Office staff consists of a full time director, who provides staff development, training, and facilitates the decision making process for the SELPA. The clerical staff consists of one supervising administrative assistant, one secretary, a fiscal advisor and a MIS Specialist. The SELPA Office provides for the coordination of policy, fiscal, legal, and programmatic aspects of the Local Plan.

## Program Specialists

SELPA III LEAs employ Program Specialists. The Program Specialists can work within a district or be shared by districts within the SELPA. The Program Specialist may do all of the following:

1. Observe, consult and assist special education personnel.
2. Plan programs, coordinate curricular resources, and evaluate effectiveness of programs for special education students.
3. Provide input into each school's staff development, program development, and innovation of special methods and approaches.
4. Provide coordination, consultation and program development primarily in one specialized area or areas of his or her expertise.
5. Be responsible for assuring that pupils have a full educational opportunity regardless of the district of residence.

Policies Addressing Regionalized Services shall include but not be limited to:

- Interagency coordination and development of agreements
- Non-Public school /agency coordination and development of master contracts including rate setting on behalf of member LEAs and uniform procedures for individual service agreements
- Provision of Program Specialist service
- Evaluation, program review and data collection as required
- Curriculum and program development, as required
- Provision of SELPA personnel and employment standards
- Provision of regionalized staff development
- Resource acquisition
- Resource allocation and distribution according to policy
- Dispute resolution to support parents and LEAs in solving conflict
- Coordination of necessary services
- Other responsibilities as assigned by the Executive Council

Allocation of Resources:

The SELPA III Director shall allocate all resources granted to the Special Education Local Plan Area pursuant to Education Code. Resources will be allocated in accordance with policy and procedures adopted by the Executive Council.

Disputes Among Members:  
[56205(b)(5), 56207(c)]

In the event of a disagreement among local educational agencies or local education agencies and the Administrative Unit regarding the distribution of funds and/or governance activities, the disputing LEAs shall first attempt to arrive at a settlement. Either party may request the direct assistance of the SELPA Director, Chair of the Executive Council or the services of a neutral mediator from outside of the SELPA. If the process fails, the parties may pursue a hearing on the issues and a resolution through the Executive Council. The Executive Council shall hear the facts of the dispute and shall render a written decision on the matter, which shall be binding on all parties.

**B. ADMINISTRATIVE FUNCTIONS**

[56205(a)(12)(D)(ii), 56195.1(b)(2), 56195.1(b)(3), 56195.1(c)(2)]  
56205(a)(12)(B)

**1. SELECTION OF REGIONAL LOCAL AREA (RLA) DESIGNEE AND EMPLOYMENT OF SELPA STAFF**

The Santa Clara County Office of Education shall serve as the Administrative Unit (AU). Should the Executive Committee determine to designate a different agency as the AU or should the Santa Clara County Office of Education choose not to serve as the AU, the Executive Council or the Santa Clara County Office of Education, whichever party seek the change, shall notify the other party of its decision at least one year prior to the proposed effective date of the implementation to the alternative plan. In any fiscal year should the Executive Council choose to contract with an agency other than the AU to perform some or all of the services which the AU has been performing, it shall notify the AU at least one year prior to the proposed effective date of the implementation to the alternative plan. An agreement for services as the AU shall be drawn to define the role and function of the AU.

**2. SELPA III DIRECTOR**

[56205(a)(12)(D)(ii)] 56205(a)(12)(B), 56205(a)(12)(D)(ii)(III),  
56205(a)(12)(D)(ii)(V)

The SELPA III Director shall serve as the Chief Administrator of the SELPA to implement the Local Plan for Special Education including the following:

1. Provide overall coordination of the Local Plan
2. Serve as ex-officio secretary to the Superintendents' Representative Governance Council
3. Serve as ex-officio secretary to the Executive Council
4. Arrange for meetings, establish agendas, and record minutes as appropriate for the Executive Council

5. Implement the regionalized services of the SELPA:
  - a. Administer staff development programs.
  - b. Coordinate program review.
  - c. Supervise data collection, information management and reporting.
  - d. Coordinate curriculum and program development.
  - e. Coordinate the monitoring of Local Plan implementation through program review.
  - f. Other matters related to the representation and operation of the SELPA.
6. Conduct the business operations for SELPA III
7. Hire, supervise, evaluate and discipline staff employed by the SELPA in support of the Local Plan. [56205(a)(12)(D)(ii)(I)]
8. Assist in the development of the annual budget plan and annual SELPA operations budget.
9. Allocate and distribute funds to LEAs for the operation of special education programs and services in accordance with policy.
10. Coordinate the funds for low incidence services, equipment and materials in accordance with established procedures.
11. Complete reports for SELPA III and individual districts in accordance with State priority criteria and Education Code Sections 56220(c)(1), 56368, and 56780.
12. Monitor the appropriate use of federal, state, and local funds allocated for special education programs. [56205(a)(12)(D)(ii)(IV)]
13. Prepare and submit to the State Department of Education all reports required for SELPA III. [56205(a)(12)(D)(ii)(V)]
14. Assist in the development and coordinate the implementation of agreements and contracts with non-public school agencies providing services to exceptional students.
15. Assist in the development and coordinate implementation of agreements with other SELPAs and agencies.
16. Assist in the identification of special education program and service needs for SELPA III.
17. Request input from the LEAs regarding regionalized services.
18. Provide technical assistance to LEA administrators.
19. Provide technical assistance to LEAs in due process and complaint procedures and represent the SELPA in due process and complaint procedures.
20. Act as liaison between and among the SELPA, the State Department of Education, Superintendents' Representative Governance Council, Executive Council, Operations Committee, the Community Advisory Committee, Federal Departments and elected government officials.

21. Update the Superintendents' Representative Governance Council, Executive Council and Operations Committee on legislative changes, proposals, trends, and related concerns.
  22. Provide leadership for special education within SELPA III.
3. OPERATIONS COMMITTEE  
[56205(a)(12)(D)(i)]
1. The coordination and implementation of SELPA III's Local Plan shall be the responsibility of the SELPA III Operations Committee. This committee shall be composed of the Special Education Administrators from each of the eleven (11) participating Districts and the County Office of Education in the Local Plan Area.
  2. The SELPA Director is an ex-officio member and serves on the Operations Committee.
  3. The Operations Committee has responsibility for:
    - Coordinating timely submission of data for reporting purposes.
    - Coordinating timely submission of fiscal reports.
    - Developing and implementing inservice programs.
    - Providing for SELPA-wide placement of students.
    - Coordinating timely and accurate attendance data.
    - Reviewing and recommending budget priorities to the Executive Council.
    - Developing forms, notices, and handbooks.
    - Reviewing and coordinating transportation services.
    - Operating area programs.
    - Implementing policies for due process procedures.
    - Implementing program evaluation procedures.
    - Selecting and supervising program personnel.
    - Assuring proper referral, parent notification, and review procedures.
  4. The Operations Committee may be assigned other responsibilities by the Executive Council.

4. COMMUNITY ADVISORY COMMITTEE (CAC)  
[56205(a)(12)(C)]

The Community Advisory Committee (CAC) serves as an advisor to the Executive Council and the Operations Committee, as well as representative of the interests of parents and of their exceptional children. The advisory functions include input to policy and administrative bodies of the SELPA on such matters as development and review of the Local Plan, recommendations for annual priorities of the SELPA, parent desires and expectations, and community interests. The Boards of Education have appointed members of the CAC. The members of the CAC can provide

updates on their priorities at Board of Education meetings of their respective districts and at Executive Council meetings. The district directors provide support and leadership to the CAC as needed.

The SELPA Director who serves as a liaison and is an ex-officio member of the Community Advisory Committee facilitates the input process.

The CAC assists in the recruitment and education of parents and other volunteers to help implement the Local Plan. It also encourages community involvement in the development and review of the Local Plan as well as implementing efforts to support and assist exceptional individuals in receiving special education programs and services that appropriately meet their needs. The responsibilities of the CAC shall include all the areas cited in Education Code 56194.

## C. AMENDING THE LOCAL PLAN

### LOCAL PLAN AMENDMENTS

The SELPA III Local Plan can be amended for any one of the following reasons:

- Change in federal or state law or regulation
- A new interpretation of the law is presented by the court system
- When there is an official finding of non-compliance with federal or state law or regulation
- When SELPA III representatives choose to amend the contents of the Local Plan

Changes or amendments to the Local Plan will be considered during the annual service and budget plan process. The Executive Council can adopt amendments to the permanent portion of the local plan on an interim basis, not to exceed one year. Amendments approved in this manner would become permanent upon the subsequent approval by all LEAs governing boards and the State Board of Education.

Approved:  
SELPA III CAC – 11/19/15  
SELPA III Executive Council – 02/11/16