

**LOCAL PLAN**  
**Section A: Contacts and Certifications**  
**SPECIAL EDUCATION LOCAL PLAN AREA**



California Department of Education

Special Education Division

January 2020

Section A: Contacts and Certifications

**SELPA**

**Fiscal Year**

### Contact Information and Certification Requirements

From the five choices below, check the box that best represents the Special Education Local Plan Area's (SELPA's) planned submission to the CDE:

- Initial Local Plan (new SELPAs only)       Amended Governance and Administration  
 Annual Plan       Amended Annual Plan       Amended Local Educational Agency Membership

### Special Education Local Plan Area Contact Information

Include current contact information for the SELPA administrator and the administrative unit and fiscal agency responsible for the implementation of the local plan.

### Special Education Local Plan Area Administrator

SELPA administrator position changes do not require amendments to the local plan. However, in such cases, new SELPA administrators assume the responsibility for the contents and implementation of the last submitted and approved local plan filed with the California Department of Education (CDE).

### SELPA Contact Information

SELPA Name	<input type="text" value="Marin County"/>		
SELPA Code	<input type="text" value="2100"/>		
Street Address	<input type="text" value="1111 Las Gallinas Avenue"/>	Zip Code	<input type="text" value="94903"/>
City	<input type="text" value="San Rafael"/>	County	<input type="text" value="Marin"/>
Administrator First Name	<input type="text" value="Jonathan"/>		
Administrator Last Name	<input type="text" value="Lenz"/>		
Email	<input type="text" value="jlenz@marinschools.org"/>		
Telephone	<input type="text" value="(415) 499-5850"/>	Extension	<input type="text"/>
Contact Title	<input type="text" value="Assistant Superintendent &amp; SELPA"/>		
Web Address	<input type="text" value="www.marinselpa.org"/>		

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**Responsible Local Agency (RLA)/Administrative Unit (AU) Contact Information**

RLA/AU	<input type="text" value="Marin County Office of Education"/>		
Street Address	<input type="text" value="1111 Las Gallinas Avenue"/>	Zip Code	<input type="text" value="94903"/>
City	<input type="text" value="San Rafael"/>	County	<input type="text" value="Marin"/>
Superintendent First Name	<input type="text" value="Mary Jane"/>	Last Name	<input type="text" value="Burke"/>
Email	<input type="text" value="mjburke@marinschools.org"/>		
Telephone	<input type="text" value="(415) 499-5801"/>	Extension	<input type="text"/>
Web Address	<input type="text" value="www.marinschools.org"/>		

**Special Education Local Plan Agency Review Requirements**

***Community Advisory Committee***

The SELPA must provide the local plan Governance and Administration component (Section B) to the Community Advisory Committee (CAC) for review. The CAC must be provided with at least 30 days to conduct this review.

The local plan was provided to the CAC for review on what date

***County Office of Education***

*(California Education Code (EC) sections 56140, 56195.1(c), and 56205)*

Within 45 days, the County Office of Education (COE), or COEs (as applicable) must approve or disapprove any proposed initial local plan submitted by a local educational agency (LEA) or group of LEAs within the county or counties, and any amendment to the Governance and Administration element thereafter.

COE responsible for approving the Local Plan is the

The local plan was submitted to the COE on what date

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**Public Hearing Requirements**

***Local Educational Agency***

**Annual Budget and Service Plans (Sections D, E, and Attachments)**

LEAs participating in a SELPA's governance structure are not required to convene a separate public hearing for the adoption of the Annual Budget and Service Plans. However, LEAs must post PH notices at each school site with information related to the SELPA's PH for the adoption of the Annual Budget Plan, and/or Annual Service Plan at least 15 days before the hearing. Evidence of the posting should be maintained and made available upon request by the CDE.

***Special Education Local Plan Area***

**Annual Budget and Services Plans (Sections D, E, and Attachments)**

A PH notice for the adoption of the Annual Budget and/or Annual Service Plan(s) shall be posted at least 15 days before the hearing.

Annual Budget Plan PH Posting Date	<input type="text" value="Apr 15, 2020"/>
Annual Budget Plan PH Date	<input type="text" value="May 6, 2020"/>
Annual Services Plan PH Posting Date	<input type="text" value="Apr 15, 2020"/>
Annual Services Plan PH Date	<input type="text" value="May 6, 2020"/>

**Submitting the Local Plan to the California Department of Education**

**STEP 1:**

Section A is required when submitting any and all local plan sections to the CDE for approval.

**STEP 2:**

Select the radio button and check-box that represents whether the SELPA's organization is a single-LEA, or multiple-LEA structure; and the membership participation (including charter schools, COEs, and whether the SELPA meets the criteria for a small and sparse SELPA).

- Single-LEA
- Multiple-LEAs
  - Charter Schools Only
  - LEAs Only (including Charter LEAs)

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COE/LEA

Small and Sparse (EC sections 56211 through 56212)

**STEP 3:**

Is the local plan component (Governance and Administration, Annual Budget Plan, or Annual Service Plan) an amendment to a previously submitted plan?

Yes  No If "Yes," enter the fiscal year of the previously approved plan

**STEP 4:**

Include the agency, name, and title of the participants who collaborated in the development of the local plan sections. Select the "Add" button to insert a new row and the "-" button to delete the corresponding row.

Add	Agency	First and Last Name	Title	Section
-	SEAC	Deborah Chae Crudo	CAC Member	Section B
-	LEA-Larkspur Corte Made	Sarah Baskin Buro	Special Ed. Teacher	Section B
-	LEA - Novato Unified	Kris Cosca	Administrator	Section B
-	LEA - MCOE	Sarah Baskin Buro	Administrator	Section B
-	Marin County SELPA	Jon Lenz	Administrator	All Sections
-	Marin County SELPA	Rebecca Minnich	Administrator	All Sections
-	Marin County SELPA	Anne Marie Jess	Administrator	Multiple Sections
-	Marin County Office of Ed	Kate Lane	Chief Financial Officer	Multiple Sections

**STEP 5:**

Select the check box to indicate which of the five certifications are being submitted. Include the total number of each type of certification being submitted.

Certification 1      Number Submitted

Certification 2      Number Submitted

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- |   |                  |                                |
|---|------------------|--------------------------------|
| <input checked="" type="checkbox"/> Certification 3 | Number Submitted | <input type="text" value="1"/> |
| <input checked="" type="checkbox"/> Certification 4 | Number Submitted | <input type="text" value="1"/> |
| <input type="checkbox"/> Certification 5            | Number Submitted | <input type="text"/>           |

**STEP 6:**

Make sure all applicable certifications are signed electronically and are attached to this pdf.

**STEP 7:**

Electronically submit the completed section(s) to the CDE at [SELPALocalPlan@cde.ca.gov](mailto:SELPALocalPlan@cde.ca.gov). SELPAs may individually email the corresponding Sections (B, D, E), and the Attachments file to the CDE in the same manner. Or, SELPA may attach all files to a single email.

**IMPORTANT:** Include the SELPA name, "Local Plan" and the Sections (A, B, D, E, and/or Attachments) being submitted in the "Subject" line of all emails sent to the CDE.

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**Certification 1: Governance and Administration**

Certification 1 is required for an initial Section B submission to the CDE, and each subsequently amended submission.

I certify the attached Governance and Administration local plan section has been adopted at LEA public hearings by the represented local board(s) (LEA/county) and is the basis for the operation and administration of special education programs. I further assure the agency(ies) represented herein will meet all applicable requirements of state and federal laws, regulations, and state policies and procedures, including compliance with the Individuals with Disabilities Education Act (IDEA), Title 20 of *United States Code (USC)* 1400 et seq., implementing regulations under Title 34 *Code of Federal Regulations (34 CFR)* Parts 300 and 303, 29 *USC* 705 (20) and 794-794b, the Federal Rehabilitation Act of 1973 as amended, the provisions of the California *EC* Part 30, and Chapter 3 Division 1 of Title 5 of the *California Code of Regulations (5 CCR)*. Copies of all interagency agreements have been attached to the Governance and Administration section of the local plan.

I further certify written agreements have been developed and entered into by LEAs participating in the local plan. Such agreements include, but are not limited to all provisions pursuant to *EC* Section 56195.7.

Web address where the SELPA local plan, including all sections, is posted.

RLA/AU Authorized Agent

Date

Local Governance Council Chairperson

Date

SELPA Administrator

Date

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**Certification 2: Annual Budget Plan and Annual Service Plan**

Certification 2 is required for an initial Section D, and/or E submission to the CDE and each subsequent annual revision.

I certify the attached local plan section(s) including, (1) the Annual Budget Plan; and/or (2) the Annual Service Plan has/have was/were adopted at a SELPA public hearing and is/are the basis for the operation and administration of special education programs specified herein. I further assure the agency(ies) represented will meet all applicable requirements of state and federal laws, regulations, and state policies and procedures, including compliance with the Individuals with Disabilities Education Act (IDEA), 20 USC 1400 et seq., and implementing regulations under 34 CFR Parts 300 and 303, 29 USC 705 (20) and 794-794b, the Federal Rehabilitation Act of 1973 as amended, the provisions of the California EC Part 30, and Chapter 3 Division 1 of 5 CCR.

Web address where the SELPA local plan, including all sections, is posted.

RLA/AU Authorized Agent

Date

Local Governance Council Chairperson

Date

SELPA Administrator

Date



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**Certification 3: County Superintendent**

I certify the attached local plan section(s) as submitted with this certification are approved by the County Office of Education (COE). I further assure the local plan element(s) being submitted meet(s) all applicable requirements of state and federal laws; policies and procedures including compliance with the Individuals with Disabilities Education Act (IDEA); and is/are included in a coordinated system of all local plans (as applicable) to ensure all students with disabilities 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 the COE, and juvenile court schools, will have access to appropriate special education programs and related services.

1. The SELPA joined with the COE to submit the local plan.

Yes  No

2. All local educational agencies (LEAs) within the county have elected to participate in this SELPA local plan.

Yes  No

3. The SELPA local plan element(s) as specified herein was approved by the COE.

Yes  No

4. The County Superintendent certifies the SELPA is a

Single-LEA SELPA

Multi-LEA SELPA\*

\*A written agreement has been entered into between the LEA and SELPA for implementation of provisions, including, but not limited to California Education Code Section 56195.7 as applicable. The County Superintendent ensures local plans, including updates or revisions to the plans submitted by SELPAs in the county, upon approval by the COE, are posted on the COE web site, or include links to each local plan.

Web address where the SELPA local plan, including all sections, is posted.

County Superintendent

Date

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### Certification 4: Community Advisory Committee

1. The Community Advisory Committee (CAC), has advised the Special Education Local Plan Area (SELPA) during the development, amendment, and review of the local plan pursuant to California *Education Code* Section 56194.

Yes  No (If the answer is "NO," please include comments.)

2. The members of the CAC, or parents selected by the CAC, participated in the development and update of the local plan that is being submitted to the California Department of Education (CDE).

Yes  No (If the answer is "NO," please include comments.)

3. The CAC had at least 30 days to conduct a review. This review was completed prior to local plan being submitted to the CDE.

Yes  No (If the answer is "NO," please include comments.)

4. The CAC reviewed revisions made to the local plan as a result of recommendations or requirements from the CDE.

Yes  No (If the answer is "NO," please include comments.)

I certify the information presented herein is an accurate representation of the CAC's involvement in the development and/or amendment of the local plan.

CAC Chairperson

Date

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California Department of Education  
Special Education Division  
January 2020

## 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 Marin County Special Education Local Plan Area is a multi-district SELPA comprised of nineteen (19) local educational agencies including the Marin County Office of Education (MCOE). The MCOE is considered a Local Educational Agency (LEA) for all purposes of this Local Plan except where referred to as the Administrative Unit (AU). The LEAs are joined together to provide for the coordinated delivery of programs and services to students with disabilities. In adopting the completed Local Plan, each LEA agrees to carry out the duties and responsibilities assigned to it within the plan and to ensure equal access to programs and services to eligible students requiring special education in the service region.

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 governance structure of the Marin County SELPA consists of the Operational Steering Committee (OSC), the Advisory Steering Committee (ASC), the Business Advisory Committee (BAC), and the Special Education Advisory Committee (SEAC). Under the direction of the OSC, a Marin County SELPA Administrator may convene additional committees, as needed. Marin County SELPA Administration is responsible for the coordination of the Marin County SELPA and implementation of the Local Plan.

The Marin County Office of Education serves as the Administrative Unit (AU) for the Marin County SELPA. The AU receives and distributes all special education funding; takes required funding for grants; adopts policies governing regionalized and County operated programs and services and distributes funds to districts operating special education programs and services. The AU adopts policies governing district operated programs and services. The AU approves the Marin County SELPA Local Plan.

The Marin County SELPA is comprised of six geographical areas. A superintendent or designee from each of the six geographical areas composes the Operational Steering Committee(OSC). Annually, in collaboration with superintendents from each geographical area, the OSC takes action to select a superintendent to represent each geographical area within Marin County SELPA. An alternate superintendent is identified by the OSC to represent each area as a substitute for the appointed superintendent. Of the six areas, Area two- Novato, and Area Six - the County Office of Education, are the two permanent members of the OSC. The Marin County Superintendent of Schools is the designated Superintendent of the Administrative Unit.

The OSC meets at least three times annually, but may meet more often as needed. Members representing two-thirds of the vote constitutes a quorum. A two thirds vote of those present will be sufficient to approve any actions. In the event of a 3-3 vote, a tie vote is a lost vote, as 2/3 is a majority under Robert's Rules of Order.

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The OSC operates under the requirements of the Brown Act, providing a method by which members of the public may address questions or concerns to the governing board.

The OSC will:

- Establish operational procedures and make decisions on any matters regarding implementation, administration, and operation of special education programs in accordance with the Local Plan.
- Participate through its chairperson with the County Superintendent in the selection, supervision, and evaluation of the Assistant Superintendent of the Marin County SELPA.
- Participate through its chairperson with the County Superintendent in the selection of Marin County SELPA staff.
- Monitor the appropriate use of federal, state, and local funds allocated for special education programs.
- Approve the Marin County SELPA financial actions, including the distribution of special education funding to member LEAs that operate special education programs and services; development of cost containment agreements and procedures, and the Marin County SELPA Annual Service Plan and Annual Budget, and subsequent modifications, as needed.
- Implement the Local Plan and provide the necessary direction and guidance to the Assistant Superintendent of the Marin County SELPA. Review and approve needed modification of the Local Plan on behalf of all member LEAs in the Marin County SELPA. Adopts amendments to the Local Plan as necessary.
- Develop procedures to ensure effective management and content of special education programs and services.
- Approve other agreements including, but not limited to, interagency agreements, facility agreements, and Memorandum of Understandings.
- Develop, review, and approve policy.

The Advisory Steering Committee (ASC) of the Marin County SELPA is composed of the special education administrator or designee from each of the Marin County SELPA's member LEAs. The ASC serves as an advisory body to the Marin County SELPA and the OSC. The ASC is responsible for the operation of the LEA programs to ensure that all eligible students with disabilities receive special education services consistent with identified needs. The ASC will:

- Advise the Marin County SELPA and the OSC regarding the status, accomplishments and needs of special education programs operated within the LEAs.
- Provide leadership and support through inter-district relationships to implement the Local Plan, including regionalized services and programs.
- Act as a liaison with parents, community resources, district appointed SEAC members, other LEAs, Marin County SELPA Administration, and Superintendents of the LEAs.
- Gather, interpret, and report data regarding the implementation, administration, and operation of the Local Plan.
- Annually advise Marin County SELPA of annual program needs for consideration in the development of the Annual Budget and Service Plans.
- Recommend staff development activities in the Marin County SELPA.
- Function in accordance with the Local Plan.

The Business Advisory Committee (BAC) is composed of the chief business officer or designee from each of the Marin County SELPA's member LEAs. This committee advises the Marin County SELPA, ASC and OSC on all special education fiscal policies and procedures. The BAC makes recommendations regarding the allocation of special education funds. The business offices of all member LEAs follow Marin County SELPA approved procedures for reporting

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special education revenues and expenditures for each of the types of programs or services provided within the Marin County SELPA.

The Special Education Advisory Committee (SEAC) serves in an advisory capacity to the ASC, OSC, and Marin County SELPA. The SEAC consists of parent members nominated by the Marin County SELPA member local educational agency (LEA) boards and community agency representatives. Parents comprise most of the membership of the SEAC and, of these members, the majority must be parents of children with disabilities. At least two thirds of the parent membership establish a quorum. The SEAC will:

- Advise the Marin County SELPA, ASC, and OSC regarding the development, amendment, and review of the Local Plan.
- Inform the Marin County SELPA regarding community conditions for students with disabilities.
- Make recommendations for annual priorities to be addressed by the Marin County SELPA.
- Assist in parent education and in recruiting parents/guardians, volunteers, and agencies who may contribute to the implementation of the Local Plan.
- Support activities on behalf of students with disabilities.

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:

Boards of trustees of school districts, the AU Superintendent, and Operational Steering Committee (OSC) will develop and adopt policies and procedures for the special education programs and services provided in the Marin County Special Education Local Plan Area. Such policies and procedures will include, but not be limited to, all areas specified in applicable sections of the Education Code. District boards of trustees will provide input on policy development through their representatives on the Operational Steering Committee (OSC). The OSC will set policy after considering recommendations from the Advisory Steering Committee, Business Advisory Committee, and Special Education Advisory Committee.

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:

The SELPA Governing Board, the Operational Steering Committee (OSC), has designated the Marin County Office of Education (MCOE) as the Administrative Unit (AU) for the Marin County SELPA. The AU is the SELPA's fiscal agent and is responsible for implementing the following functions: 1. Receipt and distribution of special education funds for the operation of special education programs and services, pursuant to state and federal law. 2. Administrative support, including establishing and maintaining an office for SELPA staff. 3. Employment of SELPA staff to coordinate the implementation of the Local Plan.

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

The Marin County SELPA has an established policy which applies to all Charter Schools that are chartered by educational entities located within the geographic boundaries of the member districts of the Marin County SELPA. The policy also applies to any charter school petition granted by the State Board of Education in which oversight and responsibilities have been assigned to a district with the Marin County SELPA (EC47605.5 (k)(1)).

Special education and related services will be provided to all eligible individuals within the jurisdiction of the Marin County SELPA in accordance within the Marin County SELPA Local Plan. Students enrolled in charter schools chartered within Marin County will receive services in a manner similar to students enrolled in member districts with the Marin County SELPA. Funding for special education services, participation in the governance structure and responsibility for provision of services shall be based on the status of the individual charter school.

For the provision of special education services, charter schools may be categorized as either a separate LEA or a public school within a district. All approved charter schools will be deemed public schools within a district, unless the charter school has applied for and has been deemed an LEA by the Operational Steering Committee of the Marin County SELPA and approved by the County Superintendent of Schools.

When redrafting the Local Plan, a Marin County SELPA Administrator contacts each charter school operating as part of the Marin County SELPA geographic region and requests a representative to serve on a subcommittee for the purpose of providing input to the development of the Local Plan.

Please refer to the policy - Provision of Special Education Services to Students Voluntarily Enrolled in Charter Schools in the Marin County SELPA (MS01-04).

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:

The community advisory committee in the Marin County SELPA is referred to as Special Education Advisory Committee (SEAC). The committee consists of parents of students enrolled in general education, parents of students with disabilities enrolled in public or private schools, pupils or adults with disabilities, district personnel, including teachers, representatives of other public agencies, or other persons concerned with the needs of students with disabilities. All parent members of the committee must reside within the geographic area of the Marin County SELPA. Each member of the SEAC shall be appointed a two-year term and may be reappointed to serve additional consecutive terms.

The role of SEAC in the development of the Local Plan is to:

- Provide input;
- Provide a forum for members of the public, including parents or guardians of individuals with disabilities who are receiving services under the plan to address questions or concerns;
- Review drafts;

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- Make recommendations to the Advisory Steering Committee and the OSC, and
- Review the final Local Plan before submission.

Please refer to the Marin County SELPA Special Advisory Committee (SEAC) Bylaws.

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:

The Local Plan is developed and updated cooperatively by a committee of representatives of special and general education teachers, administrators, and representatives of charter schools. The Marin County SELPA office in collaboration with the SEAC Chairperson work to ensure the committee represents all key stakeholders within the Marin County SELPA. All committee participants are selected by superintendents, and parent members are selected by the SEAC Chairperson. Charter school participants are selected by Marin County SELPA Administration. Local Plan committee meetings take place at least every two years from the adoption of the most recent Local Plan, or more often as needed.

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:

The Marin County Office of Education serves as the Administrative Unit (AU) for the Marin County SELPA. The AU receives and distributes all special education funding; takes required funding for grants; adopts policies governing regionalized and county operated programs and services and distributes funds to districts operating special education programs and services. District Boards adopt policies governing district operated programs and services and provide input and approval of regionalized policies in the Local Plan. The AU and District Boards approve the Marin County SELPA Local Plan.

The Marin County Special Education Local Plan Area (SELPA) will meet maintenance of effort (MOE) regulations requiring that federal funds be used only to pay the excess costs of providing special education and related services to children with disabilities and to supplement and not supplant state and local funds for special education (ref: 34 Code of Federal Regulations (CFR), sections 300.203-300.205).

The Marin County SELPA Administrative Unit (AU), as the grantee of federal funds from the California Department of Education (CDE), will distribute all or part of the federal funds received to participating local education agencies (LEA) within the Marin County SELPA through a sub-granting process and will annually conduct and report to the CDE the required MOE information. For the purposes of maintenance of effort, the Marin County SELPA AU is the recipient of the federal funds from CDE and is, in turn, a grantor of all or part of those funds as sub-grants to participating LEAs. The LEAs within the Marin County SELPA will compile and submit budget and expenditure information, including LMC-A and LMC-B reports.

Except as otherwise noted, funds provided to an LEA under Section 300.16 of Part B may be used only to pay the excess costs of providing special education and related services to children with disabilities. Excess costs are those costs for the education of an elementary school or secondary school student with a disability that are in excess of the average annual per student expenditure in an LEA during the preceding school year for an elementary school or secondary school student, as may be appropriate. An LEA must



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spend at least the average annual per student expenditure on the education of an elementary school or secondary school child with a disability before funds under Part B of the Act are used to pay the excess costs of providing special education and related services.

Section 602(8) of the Act and §300.16 require the LEA to compute the minimum average amount separately for children with disabilities in its elementary schools and for children with disabilities in its secondary schools. LEAs may not compute the minimum average amount it must spend on the education of children with disabilities based on a combination of the enrollments in its elementary schools and secondary schools.

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:

The Marin County SELPA enters into contractual agreements on an annual basis to determine the responsibilities of participating agencies for the education of students with disabilities. These contracts when established clearly outline the roles and responsibilities of each agency to serve students with disabilities within the Marin County SELPA.

Please refer to the Memorandum of Understanding By and Between the Marin County SELPA and -

- a) California Children's Services
- b) Golden Gate Regional Center
- c) Early Start

10. For multi-LEA local plans, specify:

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

The Operational Steering Committee (OSC) is responsible for developing and adopting appropriate policies regarding the implementation of the Local Plan for special education. Each district Superintendent by participation or representation in the Operational Steering Committee is charged with overseeing the operations of the Local Plan and implementing the policies adopted. Information is transmitted to the Advisory Steering Committee for implementation of the directives and policies and for the development of procedures. The Marin County SELPA provides a coordinating function and serves as staff to each of the groups.

The OSC may establish an adhoc committee in order to study any area of concern or potential conflict. This study group may include representatives from the other levels of the governance structure when determined appropriate; facilitators and consultants may be used. The ad hoc committee will discuss and explore the issue(s) raised and make recommendations to the larger group which raised the issue, subsequently following through the procedures outlined for policy development when appropriate.

When a change may need to happen to an existing policy, a change may occur in the implementation of the Local Plan. The Marin County SELPA's process for policy development will be used to develop the necessary new procedures or policies. Such policies and procedures will include, but are not limited to, all areas specified in applicable sections of the Education Code.

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Boards of trustees of school districts and the Administrative Unit (AU) will develop and adopt policies and procedures for the special education programs and services provided in the Marin County SELPA. Such policies and procedures will include, but not be limited to, all areas specified in applicable sections of the Education Code. District Boards of Trustees, including the Marin County Office of Education Board of Trustees, will provide input on policy development through their representative on the Operational Steering Committee.

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

The Marin County Office of Education serves as the Administrative Unit (AU) for the Marin County SELPA to perform functions such as receipt and distribution of funds, provision of administrative support and coordination of the implementation of the plan.

Superintendents of each participating Local Educational Agency (LEA) carry out the duties and responsibilities assigned by their respective governing boards. The responsibilities of the superintendents in the implementation of the Local Plan include, but are not limited to:

- On an annual basis, superintendents review and approve special education programs and services of their local educational agency.
- Operate local programs consistent with state and federal law and regulations, and policies and procedures as part of the Special Education Local Plan.
- Develop and adopt policies for the operation of the Local Education Agency (LEA), which are consistent with those of the Special Education Local Plan Area, and which promote the concept to ensure access to appropriate programs and services for all children with disabilities.
- Cooperate with the Superintendent of the AU and the governing boards of participating Local Education Agencies to assure the availability of appropriate services to eligible individuals regardless of district of special education accountability.
- Approve the Local Plan developed for the Marin County Special Education Local Plan Area prior to review by the State Department of Education.
- Ensure LEA compliance with all elements of the Local Plan.
- Providing input and/or recommendations to the LEAs Board regarding policies, procedures and operation of the special education programs through the LEA's representative on the OSC.

Each member LEA will cooperate with the Marin County SELPA in the implementation of the Local Plan by:

- Provide staff development activities as specified in applicable sections of California education code;
- Provide program, employee, student and fiscal information to the Marin County SELPA to facilitate program coordination, fiscal accountability, budget preparation, staff training, and stated, federal, and local reporting; and
- Assist in regional planning of the Marin County SELPA Local Plan;

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Provide facilities for special education students per the Facilities Plan (Marin County SELPA Facilities Plan (MS 01-2009); and

- Approving only its portion of the annual services and budget plans.

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

It is the Marin County SELPA's responsibility to assure program availability for all students with disabilities in the school-age population regardless of the disability. It is incumbent upon the Marin County SELPA to see that a continuum of programs and services are available to meet the unique needs of each student with a disability, to assist in Intra-SELPA and Inter-SELPA placements, and to provide technical assistance and administrative support for the requirements of Federal and State laws. The Marin County SELPA Assistant Superintendent is responsible for coordinating the administration of the Marin County SELPA Local Plan.

The Local Educational Agency (LEA) Special Education Administrator or designee is responsible for the coordination of special education services and programs within their LEA and for the implementation of the Local Plan. Each participating LEA is responsible for the coordinating the administration of the Local Plan by:

- Meeting the legal requirements for procedural safeguards.
- Assuring equal access to all programs and services operated by the district for all eligible special education students residing anywhere within the Marin County SELPA.
- Monitoring the appropriate use of federal, state and local funds allocated for special education programs.
- Utilizing the same Management Information Forms, procedures and guidelines for determining eligibility.
- Placing a student in a comparable special education program when an identified special education student moves into the Marin County SELPA. An IEP review will be held within 30 days of an interim placement.
- Providing parents with an up-to-date copy of their rights, in their primary language or mode of communication, and a list of free or low-cost legal services when requested.
- Providing parents with information on local alternatives to due process including informal Marin County SELPA Review or Alternative Dispute Resolution.
- Implementing the decision of a complaint investigation or due process hearing officer.
- Paying any attorney(s) fees required as a result of mediation or an administrative or court procedure.
- Providing and coordinating transportation for special education students residing in the district as recommended in the IEP.
- Assuring full education opportunity to all students residing within the district.

In the event of a disagreement among local education agencies, local education agencies and the Administrative Unit (AU), local education agencies and/or the AU and the Marin County 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 Operational Steering Committee (OSC) that issues be resolved at the lowest level possible. The OSC is the board of last resort. If any party involved in a disagreement is a voting member on OSC, the alternate for that area will replace the voting member during the OSC resolution of the dispute. This policy is intended to resolve disagreements within a period of 45 days but is not intended to undermine local authority. If the permanent members dispute, they will not vote. In the event of a 3-3 vote, a tie vote is a lost vote, as 2/3 is a majority under RRO.

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If a local education agency disagrees with a decision or practice of another agency or the Marin County SELPA, 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 assistance of the Marin County SELPA Administrator, or his/her designee, or the Chair of the OSC. If this process fails, the parties may pursue a hearing on the issues and resolution with the OSC.

If either party disagrees with the recommendation of the OSC, and the dispute relates to the distribution of funding, the responsibility for service provision or other governance activities specified within the Local Plan, the parties agree to submit the dispute to mediation. The parties will make a good faith effort to mutually agree to a mediator with expertise related to the dispute. If the parties cannot agree on a mediator, the parties will submit the dispute to mediation administered by the American Arbitration Association under its Commercial Mediation Rules.

Any dispute unresolved in mediation, arising from a dispute that relates to the distribution of funding, the responsibility for service provision or other governance activities specified within the Local Plan, shall be settled by arbitration administered by the American Arbitration Association in accordance with its Commercial Arbitration Rules, and judgment on the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. If the parties agree, a mediator involved in the parties' mediation may be asked to serve as the arbitrator. Each party shall bear its own costs and expenses and an equal share of the mediator's and/or arbitrator's and administrative fees of arbitration.

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 Operational Steering Committee (OSC) participates with the Marin County Office of Education in the hiring, supervision and evaluation of the Marin County SELPA Administrator. The Marin County Office of Education serves as the Administrative Unit (AU) for the Marin County SELPA and is the employer of all Marin County SELPA staff.

Under the supervision of the Marin County Superintendent of Schools and the chairperson of the OSC, the Marin County SELPA Assistant Superintendent is responsible for:

- Coordinating the administration and implementation of the Marin County SELPA Local Plan.
- Providing administrative staff for local alternate dispute resolution and for nonpublic school placements and staff development.
- Developing and providing forms, manuals and handbooks.
- Establishing the OSC, ASC and SEAC meeting schedules and agendas.
- Assisting the OSC and serving as a liaison with the AU Board.
- Preparing the regional special education plan and state, federal and local reports as required, with input from the Special Education Advisory Committee (SEAC) and school districts through the OSC, the Advisory Steering Committee (ASC) and the Business Advisory Committee (BAC).
- Coordinating services to students with disabilities with districts and other local public agencies through the development of procedures and negotiation of agreements.

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- Developing and implementing a plan for providing staff development opportunities to staff, parents, SEAC, and others.
- Collecting, processing and reporting program, personnel and fiscal data related to the state evaluation of special education as specified in accordance with State and Federal laws and regulations. Develop regionalized services budgets, and distribute regionalized services funds as approved by OSC.
- Recommending to the OSC the number, type, location and operator of special education classes, programs and services based upon services limits and proportions established by the state.
- Coordinating, documenting and reporting child find activities in public and private schools and public awareness activities for the Marin Special Education Local Plan Area as required by State.
- Maintain an inventory, complete required reports, receive funds and approve purchases for low incidence pupils utilizing the low incidence funds for equipment and services based upon State Department of Education approved guidelines and local policies and procedures.
- Evaluating Marin County SELPA staff with input from the OSC Chairperson and the Marin County Superintendent of Schools.

If employment issues involve a Marin County SELPA Administrator, the Marin County Superintendent of Schools will discuss the issue(s) with the Chairperson of OSC and may make any recommendations to OSC as deemed necessary.

The Marin County Office of Education is the Marin County SELPA's fiscal agent and is responsible for serving as the employing agency for personnel who have responsibilities throughout the Local Plan Area. Such personnel will include, but is not limited to, the Marin County SELPA Assistant Superintendent for the Local Plan Area, Coordinator of Marin County SELPA Content Lead Grant, Director in the Marin County SELPA, and two Program Managers. Classified employees that support the implementation of the Local Plan are supervised by the administrator who they support within the Marin County SELPA. Employment of such personnel will be in accordance with personnel policies and practices of the AU and in coordination with any procedural employment policies approved by the OSC to implement the Local Plan.

The Marin County SELPA Assistant Superintendent will supervise and evaluate the Director in the Marin County SELPA Office and the Coordinator of Marin County SELPA Content Lead. The Director will supervise the two Program Managers, and classified employees of the Marin County SELPA.

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

Each year prior to June 1st, the Marin County SELPA Administrator will recommend a proposed distribution of special education funds to the Business Advisory Committee (BAC) and the Advisory Steering Committee (ASC) for the following year. The BAC and ASC will recommend an annual fiscal allocation plan for the distribution of special education funds to the Operational Steering Committee (OSC). The Marin County SELPA Administrator will utilize pupil count information, input from the ASC and BAC,

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and other sources of information and data collected to formulate a yearly recommendation for the distribution of special education funds.

Upon approval by the OSC, the Marin County SELPA Assistant Superintendent will direct the Marin County business office to distribute special education funds for the following year to each district of service, based upon the fiscal allocation plan approved by the OSC. Each superintendent will plan for budgeting and staffing based on the proposed distribution of special education funds.

### c. The operation of special education programs: education programs:

The Marin County SELPA believes that all students can learn and that students with disabilities must be provided an equal opportunity to become contributing members of society. To support students with disabilities and their families, the Marin County SELPA office facilitates the development and operation of high-quality educational programs and services for students with disabilities and training for parents and educators. Additionally, the Marin County SELPA office collaborates with county agencies and LEAs to develop and maintain healthy and enriching environments in which students with disabilities can succeed. In order to implement the Local Plan, the Marin County SELPA Assistant Superintendent and Administrators are considered "school officials and employees" regarding the access to student records.

The Marin County SELPA :

- Assures that an effective management information system is available to monitor student data;
- Maintains lines of communication with parents, staff and Special Education Advisory Committee (SEAC) members;
- Maintains line of communication with all publicly supported agencies providing services to students with disabilities;
- Maintains lines of communication with the community regarding special education programs and services;
- Maintains high quality regionalized special education services to support participating districts;
- Responds to specific areas of local, state and public concerns;
- Emphasizes the need for effective special education services to improve educational and life outcomes for students with disabilities; and
- Organizes school officials for support of common education goals.

The Marin County Office of Education:

The Marin County Office of Education (MCOE) provides regionalized special education programs for students with mild to severe support needs to the eighteen (18) school districts within the Marin County SELPA. Services and programs are provided to students from birth through age 22.

As a participant in California's Early Start Program, the MCOE has an Early Start Intervention program, serving infants and toddlers. Children who are eligible for services due to a low incidence disability and/or any other disabling condition are served by the Golden Gate Regional Center. Children who are eligible for services solely due to a low incidence disability such as Orthopedic, Vision or Hearing Impairments, are served by the Marin County Office of Education.

The MCOE offers a variety of learning experiences for preschool-aged children who require special education services. Special day classes, small group instruction, specialized services for young children on the autism spectrum, programs that build mobility skills and remedial speech and language instruction are

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among the many services available.

The MCOE Special Education Department operates a variety of special day classes (SDC) for students with mild to moderate or extensive support needs, ages 5-22, who have physical, emotional, cognitive, or developmental disabilities.

The MCOE offers Deaf and Hard of Hearing services for students who are deaf and hard of hearing from age three to 22 years old, whose hearing loss range from mild to profound. Students with these low incidence disabilities are provided with specialized support in district schools, special education classrooms, and other community settings. The Visual Impairment (VI) Program provides services and learning resources for students from age three to 22 years old who meet the eligibility criteria for VI. VI support range from daily intervention for students with intense to monthly consultation for students who require less assistance. These itinerant services are provided in a manner like those described above for students with hearing impairments.

The member Local Educational Agencies (LEAs) comprising the Marin County Special Education Local Plan Area believe that special education is an integral part of the educational process and not separate in any way. Special education is a means of supporting the capacity of the educational system to serve the needs of all students. It is the intent of the districts in the Marin County SELPA to serve students with disabilities in the least restrictive environment consistent with their academic and non-academic needs. The Marin County SELPA has a Policy for students with disabilities who will receive their education in chronologically age-appropriate general education classrooms at neighborhood school sites unless there is an educationally compelling reason why this cannot be accomplished.

The Local Educational Agency (LEA):

Each member LEA is responsible for, but not limited to the following, in the operation of special education programs:

- Operating local programs consistent with state and federal law and regulations and policies and procedures approved for the Marin County SELPA.
- Cooperating with the Superintendent of the AU and the LEAs governing board to assure the availability of appropriate services to eligible students regardless of the district of special education accountability.
- Assuring equal access to all programs and services operated by the district for all eligible special education students residing anywhere within the Marin County SELPA.
- Monitoring the appropriate use of federal, state and local funds allocated for special education programs.
- Placing a student in a comparable special education program when an identified special education student moves into the Marin County SELPA. An IEP review will be held within 30 days of an interim placement.
- Providing and coordinating transportation for special education students residing in the district as recommended in the IEP.
- Assuring full education opportunity to all students residing in the district.

The following guidelines are utilized by member LEAs operating special education programs in order to achieve the least restrictive environment for students with disabilities:

- To the maximum extent appropriate, individuals with disabilities will attend the school they would attend if not disabled.
- Removal from the general education classroom environment will occur only when the nature of the disability is such that education in regular classes, with the use of special education and related

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services, cannot be achieved satisfactorily.

- To the maximum extent appropriate, individuals with disabilities will be placed in programs that will ensure maximum interaction with the regular classroom and school environment.
- Individuals with disabilities will have equal access to all activities, programs and facilities on the general school site. Participation in activities will be determined upon the individual needs of the disabled student.
- Special day classes will be included in discussions regarding long range planning. Commitments for classroom space on regular school campuses will continue in order to avoid frequent program relocations and to allow individuals with disabilities to develop relationships with non-disabled peers and access to appropriate general education programs.
- The IEP team will determine the extent to which an individual with disabilities participates in general classroom education with non-disabled peers. The determination of appropriate program placement, related services needed, and curriculum options offered is made by the IEP team based on the individual needs of the student with disabilities.

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

The OSC is responsible for monitoring the utilization of funds within the Local Plan Area and recommending amendments to the Marin County SELPA fiscal allocation plan.

Each member LEA is responsible for monitoring the appropriate use of federal, state, and local funds allocated for special education programs.

### 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 Low Incidence allocation supports the purchase of books, materials, equipment, and services and is bundled into one allocation. The allocation from the California Department of Education is as follows: 70% for materials and supplies and 30% for services.

Any unexpended funds are utilized to support the reimbursement of costs where reimbursement requests have exceeded the allocation. When the amount eligible for reimbursement exceeds the total allocation the reimbursement for the LEAs shall occur on a prorated share. All remaining Low Incidence monies shall be carried over into next year's Low Incidence allocation.

All Low Incidence reimbursement requests shall be received by the Marin County SELPA office on or before June 1st. The above Low Incidence allocation model serves to protect the reimbursement of Low Incidence books, materials, equipment, and services at a rate consistent with prior expenditures.

Please refer to Guidelines for Low Incidence Services (MS02-2000).

## Policies, Procedures, and Programs

Pursuant to *EC* sections 56122 and 56205(a), the SELPA ensures conformity with Title 20 *United*



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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.

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

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that a free appropriate public education is available to all children 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:

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"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)**

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 a of 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  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 birthday."The policy is adopted by the SELPA as stated:

Yes  No

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

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private schools shall receive appropriate special education and related services pursuant to LEA coordinated procedures. The proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents." The policy is adopted by the SELPA as stated:

Yes  No

**11. Local Compliance Assurances: 20 USC Section 1412(a)(11)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that the local plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs, and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and-regulations, including compliance with the IDEA; the Federal Rehabilitation Act of 1973,

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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:

"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

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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:

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:

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"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:

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:

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"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:

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



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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**

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="AROS 1-2020"/>
Document Title:	<input type="text" value="Coordination of the SELPA and the Implementation of the Local Plan"/>
Document Location:	<input type="text" value="Marin County SELPA Office"/>
Description:	<p>The SELPA Assistant Superintendent will ensure that the Local Plan is implemented and will make recommendations to the Operational Steering Committee when revisions are needed. The SELPA will facilitate development and approval of SELPA policies and procedures necessary to implement the local plan.</p> <p>The Marin County SELPA's member LEAs will ensure a full continuum of services are available in order to provide a free and appropriate public education to all students with disabilities for whom they are responsible. The individual LEAs, through the representative to the Operational Steering Committee will approve any policies and procedures needed to implement the Local Plan.</p>

2. Coordinated system of identification and assessment:

Reference Number:	<input type="text" value="AROS 2-2020"/>
Document Title:	<input type="text" value="Coordinated System of Identification and Assessment"/>
Document Location:	<input type="text" value="Marin County SELPA Office"/>
	<p>Identification, referral and placement of special education students will be done in accordance with Education Code Sections 56300 et. seq.,</p>

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requirements and pertinent CCR Title 5 regulations. Member LEAs will record, document and report student referrals, assessments, program planning, parent involvement and notifications, placements and evaluations. The Marin County SELPA has policies that drive assessments of students with special needs as indicated below.

Assessment & Identification of English Learners for Special Education  
MS-04-2020.3

Adults in Correctional Facilities  
MCS-04-2020.1

Policy and Procedures Independent Educational Evaluations  
MCS-04-2020.11

Policy and Procedures for Serving Pupils with Disabilities Enrolled by their Parents in Private Schools  
MCS-04-2020.21

3. Coordinated system of procedural safeguards:

Reference Number:

Document Title:

Document Location:

Procedural safeguards will be followed by each SELPA member LEA, in accordance with State and Federal laws and regulations.

The Marin County SELPA Administrators shall provide: alternate dispute resolution with districts, as requested by parents; assist parents with filing complaints with the Office of Administrative Hearings, when requested; and assure procedural safeguards by providing technical assistance and guidance on forms and procedures to LEAs in the areas of assessment, identification, and placement.

The LEAs provide procedural safeguards to parents consistent with education code, assist parents understanding of their procedural safeguards, and ensure that procedural safeguards are implemented. The LEAs shall assist parents with filing complaints with the Office of Administrative Hearings, when requested.  
A procedural safeguards notice shall be made available to parents/

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guardians of students with a disability annual, and upon initial referral for evaluation; each notification of an IEP meeting; reevaluation of the student, and; registration of a complaint.

The Marin County SELPA has policies that address the Coordinated Systems of Procedural Safeguards as indicated below:

Procedural Guidance to IEP Teams  
MCS-04-2020.12

Policy and Procedures Independent Educational Evaluations  
MCS-04-2020.11

NON-Adversarial IEP Meeting Policy  
MCS-04-2020.17

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

Reference Number:

Document Title:

Document Location:

Description:

On an annual basis, input is collected from the Special Education Directors from member LEAs to determine the staff development needs that the Marin County SELPA is requested to provide. On an annual basis, the Special Education Advisory Committee will provide input on the parent and guardian education needs. The Marin County SELPA will develop a plan annually following the consultation from key stakeholders, and provide needed training and supports as requested, or determined appropriate for its member LEAs.

The LEAs shall determine their staff development and parent and guardian education, based on their local needs. They may seek technical assistance or involvement from the Marin County SELPA.

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

Reference Number:

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Document Title:

Document Location:

Description:

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

Reference Number:

Document Title:

Document Location:

Description:

Individual LEAs shall review and monitor Annual Performance Reports, the California School Dashboard, and other data sources to ensure students with disabilities receive a free and appropriate public education. Individual LEAs shall engage in monitoring activities as required by the CDE. Following these reviews, annual consultation shall occur with the Marin County SELPA and the Local Plan may be amended accordingly to better represent its member LEAs to generate positive outcomes for students with disabilities.

7. Coordinated system of data collection and management:

Reference Number:

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Document Title:

Document Location:

Description:

8. Coordination of interagency agreements:

Reference Number:

Document Title:

Document Location:

Description:

9. Coordination of services to medical facilities:

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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:

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Document Title:	Preparation and Transmission of Required Special Education Local Plan Area Reports
Document Location:	Marin County SELPA Office
Description:	<p>The Marin County SELPA Administrator will ensure timely transmission of required reports and provide technical assistance to LEAs in completing those reports.</p> <p>The Marin County SELPA's member LEAs will submit required data in order for the Marin County SELPA to submit timely reports.</p>

12. Fiscal and logistical support of the CAC:

Reference Number:	AROS 12-2020
Document Title:	Fiscal and Logistical Support of the CAC
Document Location:	Marin County SELPA Office
Description:	<p>The Marin County SELPA Community Advisory Committee is known as Special Education Advisory Committee (SEAC. The Marin County SELPA will provide fiscal and logistical support to SEAC meetings, events, and trainings. The OSC will ensure the Marin County SELPA has sufficient resources to provide fiscal and logistical support for the SEAC.</p> <p>LEA Directors or designee will facilitate communication between their LEA stakeholders and SEAC representative.</p> <p>The Marin County SELPA's SEAC Bylawys address the fiscal and logistical support of the CAC as indicated below:</p> <p>* The Marin County SELPA Special Education Advisory Committee Bylaws (8-2004)</p>

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

Reference Number:	AROS 13-2020
Document Title:	Coordination of Transportation Services for Individuals with Exceptional Needs
Document Location:	Marin County SELPA Office

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Description:

The Marin County SELPA will assure that students with disabilities will get to and from school in the same manner as their non-disabled peers, unless the IEP team determines that the needs of the student require more restrictive transportation services. Accommodations and/or modifications to regular transportation, including special seating, restraints, behavior interventions, etc. will be considered and implemented as appropriate. Student's eligible for special education services who requires special transportation services, shall receive transportation as a related service if an IEP team determines that such service is necessary for the student to benefit from special education services, or access the core curriculum in the least restrictive environment.

LEAs shall ensure that appropriate transportation services are provided for students with disabilities as specified in their individualized education program (IEP) or accommodation plan. Transportation will be provided at no cost to the student or their parents. The method of transportation is determined by the LEA and may be provided by the LEA, through contract with another public or private agency or by agreement to reimburse the parent.

Marin County SELPA's Special Education Transportation Guidelines address Coordination of Transportation Services for Individuals with Exceptional Needs.

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

Reference Number:

Document Title:

Document Location:

Description:

The Marin County SELPA will provide technical assistance and staff development as needed. The Marin County SELPA will ensure appropriate interagency agreements are in place and facilitate connection to agencies, as appropriate. The Marin County SELPA notice of IEP meeting includes the participants of other public agencies at IEP meetings that are held to discuss transition services. These agency representatives receive a copy of the notice of IEP meeting prior to the meeting date. If the agency representative does not attend the IEP meeting the Marin County SELPA will follow up with the representative regarding transitions services.



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15. Assurance of full educational opportunity:

Reference Number:

Document Title:

Document Location:

Description:

The Marin County SELPA is responsible for assuring that pupils have full educational opportunity regardless of the district of residence. Through the approval of the Annual Services Plan, the Marin County SELPA ensures that a full continuum of program options is available to meet the needs of students with disabilities. The Marin County SELPA will assist member LEAs with Inter-SELPA Agreements, as determined necessary to meet the unique needs of students.

Each LEA is responsible for providing a full continuum of services to students with disabilities. The IEP team's determination of appropriate program placement, related services needed, and curriculum options to be offered is based upon the unique needs of the student. All students with disabilities shall have access to the variety of educational programs and services available to non-disabled students, including nonacademic and extra-curricular services and activities.

Please see:  
Annual Service Plan

Alternative Education Programs  
MCS-04-2020.2

Suspension & Expulsion / Due Process and Students with Disabilities  
MCS-04-2020.7

Guidelines for Home Use of Low-Incidence Equipment  
MCS-04-2020.9

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Policy and Procedures for IEP Team Referral to a NON-Severe SDC Placement  
MCS-04-2020.12

Program Transfers Policy and Procedures  
MCS-04-2020.18

Policy and Procedures for the Provision of Special Circumstance Assistance as a Related Service  
MCS-04-2020.20

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:

Document Title:

Document Location:

Description:

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

Reference Number:

Document Title:

Document Location:

As a condition of receiving local funds for regionalized services and the direction instruction support of program specialists. The Marin County SELPA assures that all regionalized operations and services listed below are provided in accordance with the Local Plan:

Program Specialists are not employed in the Marin County SELPA. Regionalized services of EC Section 56780 are delivered and coordinated by the Marin County SELPA Administrators as follows:

- A coordinated system of identification and assessment.
- A coordinated system of procedural safeguards.
- A coordinated system of staff development and parent education.
- A coordinated system of curriculum development and alignment with the common core.
- A coordinated system of internal program review, evaluation, and effectiveness of the Local Plan, and implementation of the Local Plan accountability mechanism.
- A coordinated system of data collection and management.
- A coordinated system of alternative dispute resolution process.
- Coordination of interagency agreements.
- Coordination of services to medical facilities.
- Coordination of services to licensed children institutions and foster homes.
- Preparation and transmission of required Marin County SELPA reports.
- Fiscal and logistical support of the SEAC.
- Coordination of career, vocational, and transition services.
- Coordination of transportation services for individuals with disabilities.
- Means by which full educational opportunity is ensured.
- Fiscal administration and the allocation of state and federal funds.

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Description:

- Provides the Coordination of the Marin County SELPA.
- Develops operations manual, handbooks and forms to be utilized in the Marin County SELPA. These operations manuals, handbooks and forms are developed with input from the Advisory Steering Committee and the Special Education Advisory Committee. The operations manual and handbooks are approved by the Operational Steering Committee.
- is responsible for assuring coordination of special education programs and services.
- is responsible for supervising Marin County SELPA staff and, together, coordinating a system of procedural safeguards.
- is responsible for preparing the personnel development plan and budget with input of the Advisory Steering Committee and approval by the Operational Steering Committee.
- is responsible for coordinating internal program reviews and for evaluating the effectiveness of the Local Plan by:
  - 1) assisting in the preparation, implementation and follow-up of state reviews including those that are part of the State's Quality Assurance Program (QUAP)
  - 2) Assisting in preparation implementation, technical assistance and follow-up to state or special reviews.
  - 3) Conducting audits or reviews for district programs as requested.
- is responsible for supervision and for maintenance of the coordinated MIS system.
- is responsible for developing all interagency agreements with input from ASC and approval by OSC.
- is responsible for coordinating the identification, assessment and IEP process for LCI or foster family home special education students who require non-public school services. Special Education students residing in LCI or foster family homes who do not require nonpublic school services are the responsibility of the district in which the LCI or foster family home is located, and will be referred, identified, assessed, and placed in special education programs utilizing the processes developed by the Marin County SELPA.
- is responsible for the preparation of Marin County SELPA reports
- is responsible for developing, submitting and supervising regionalized grants.

**Special Education Local Plan Area Services**

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

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Reference Number:

Document Title:

Document Location:

Infants and toddlers (birth to three years): The Marin County IDEA Part C Program ensures that infants and toddlers with disabilities or at risk for developmental delays in Marin County receive coordinated services. Part C agency representatives meet to review referrals received and determine which agency, the Marin County Office of Education, on behalf of the SELPA, or, the Golden Gate Regional Center, shall be responsible for case management including assessment, Individual Family Service Plan (IFSP) development and the provision of needed services.

For planning purposes, Golden Gate Regional Center (GGRC) sends a monthly non-child identifiable demographic list of students (Birth to 3) currently enrolled in GGRC Programs to the Marin County Office of Education (MCOE)/Local Educational Agency (LEA) As part of the child find requirements for transition, GGRC will send individual notification to MCOE/LEA of all children ages 2.6 to 36 months who are currently receiving GGRC services. The notifications will serve as notification of children potentially eligible for Part C services. With parent permission GGRC will provide the MCOE/LEA with information and records for infants/toddlers beginning at age 2.6 who may be eligible for services under Part B. In addition, GGRC and MCOE staff has regularly scheduled meetings to exchange information regarding infant/toddler and family needs and services and information.

GGRC will be the single point of entry for most eligible infants/toddlers; however, the MCOE will provide intake of infants/toddlers with solely low incidence disabilities. The agency receiving the initial referral will contact the family, and notify the other agency of the referral if it appears that the child may be eligible for services from the other agency and will be reviewed and acted upon within appropriate timelines. Every effort will be made to work collaboratively with parents to enhance communication among families and agencies.

When the complete referral is received by GGRC or the MCOE, a service coordinator will be assigned by the Early Start Program Coordinator for that agency (see Service Coordination). Once a complete referral is received, and a service coordinator is assigned, an assessment/evaluation for eligibility will be scheduled by the service

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Description:

coordinator.

For children with solely low incidence disabilities, MCOE will provide the service coordination. GGRC will assume responsibility for service coordination of children eligible for services that do not have a solely low incidence disability. Both agencies will carry out service coordination responsibilities as noted in Section 52121 in the Early Start Regulations, and will collaboratively determine which agency is responsible for service coordination for children who are dually eligible.

The Marin County Office of Education operates a home and center based program. Most toddlers attend this program for one or more days per week with their parent(s) so that program staff may assist the parents to work with their children in the identified areas of need. Teachers in the Early Start program conduct frequent home visits, particularly with the infants, to address home-based issues. Staff assists families in connecting with the wide array of services available, including attending medical appointments with the family, in order to help navigate a complex system of programs and services.

Prior to a child turning 3-years of age, Early Start teachers will coordinate the transition of the student and their family to either district or the Marin County Office of Education’s Early Intervention Program for those students who continue to be eligible and need special education services.

The Marin County SELPA has a continuum of programs for preschool-aged children who require special education services. Children who are 3 to 5-years-old and not yet age-eligible to attend kindergarten, can receive instruction geared to their individual needs. Non Intensive programs include the provision of individual and small group instruction. Based on assessed student needs, services are provided by credentialed Early Childhood special education teachers, licensed and/or credentialed speech and language therapists, occupational therapists, and vision or hearing specialists. More intensive programs include special day classes for students with mild to moderate or extensive support needs, moderate to severe special day classes for students who have global developmental delays and require direct instruction in all areas, and special day classes for students with autism who have needs in the area of language, sensory regulation, and social relationships.

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Parents/Guardians receive information regarding the special education referral process and the continuum of preschool services available within the Marin County SELPA. This information is also provided to agencies, physicians, private preschools, Head Start preschool providers and caregivers.

Please refer to the Interagency Agreement between the Marin County Special Education Local Plan Area and -Golden Gate Regional Center and Early Start.

2. A description of the method by which members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the local plan, may address questions or concerns to the SELPA governing body or individual administrator:

Reference Number:

Document Title:

Document Location:

Description:

3. A description of a dispute resolution process, including mediation and final and binding arbitration to resolve disputes over the distribution of funding, the responsibility for service provision, and the other governance activities specified within the local plan:

Reference Number:

Document Title:

Document Location:

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Description:

Steering Committee (OSC) that issues be resolved at the lowest level possible. The OSC is the board of last resort. If any party involved in a disagreement is a voting member on OSC, the alternate for that area will replace the voting member during the OSC resolution of the dispute. This policy is intended to resolve disagreements within a period of 45 days but is not intended to undermine local authority. If the permanent members dispute, they will not vote. In the event of a 3-3 vote, a tie vote is a lost vote, as 2/3 is a majority under RRO.

If a local education agency disagrees with a decision or practice of another agency or the SELPA, 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 assistance of the SELPA Administrator, or his/her designee, or the Chair of the OSC. If this process fails, the parties may pursue a hearing on the issues and resolution with the OSC.

If either party disagrees with the recommendation of the OSC, and the dispute relates to the distribution of funding, the responsibility for service provision or other governance activities specified within the Local Plan, the parties agree to submit the dispute to mediation. The parties will make a good faith effort to mutually agree to a mediator with expertise related to the dispute. If the parties cannot agree on a mediator, the parties will submit the dispute to mediation administered by the American Arbitration Association under its Commercial Mediation Rules.

Any dispute unresolved in mediation, arising from a dispute that relates to the distribution of funding, the responsibility for service provision or other governance activities specified within the Local Plan, shall be settled by arbitration administered by the American Arbitration Association in accordance with its Commercial Arbitration Rules, and judgment on the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. If the parties agree, a mediator involved in the parties' mediation may be asked to serve as the arbitrator. Each party shall bear its own costs and expenses and an equal share of the mediator's and/or arbitrator's and administrative fees of arbitration.

4. A description of the process being used to ensure a student is referred for special education instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized:



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Reference Number:

Document Title:

Document Location:

Description:

Identification, referral and placement of special education students will be done in accordance with Education Code Sections 56300 et. seq., requirements and pertinent CCR Title 5 regulations. Member LEAs will record, document and report student referrals, assessments, program planning, parent involvement and notifications, placements and evaluations. The Marin County SELPA has policies that drive assessments of students with disabilities as indicated below.

The Marin County SELPA is responsible for coordinating the identification, assessment and IEP process for LCI or foster family home special education students who require non-public school services. Students receiving special education services and residing in LCI or foster family homes who do not require nonpublic school services are the responsibility of the district in which the LCI or foster family home is located, and will be referred, identified, assessed, and placed in special education programs utilizing the processes developed by the Marin County SELPA.

Assessment & Identification of English Learners for Special Education  
MS-04-2020.3

Adults in Correctional Facilities  
MCS-04-2020.1

Policy and Procedures Independent Educational Evaluations  
MCS-04-2020.11

Policy and Procedures for Serving Pupils with Disabilities Enrolled by their Parents in Private Schools  
MCS-04-2020.21

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:

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Reference Number:

Document Title:

Document Location:

Description:

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:

Document Title:

Document Location:

Description:

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Disabilities Education Act (IDEA) and state special education laws, shall have access to that instruction and those services at no cost, as appropriate, to him or her. FAPE shall be available to individuals with disabilities in accordance with Section 1412(a) (1) of Title 20 of the United States Code and Section 300.101 of Title 34 of the Code of Regulations.

Individuals in the federal correctional system fall under the jurisdiction of the Federal Bureau of Prisons within the Department of Justice. IDEA makes no specific provision for funding services for individuals with disabilities through the Bureau of Prisons. Individuals in the state correctional facilities fall under the jurisdiction of the State Department of Corrections. This Policy is to address adult students who are incarcerated in the County Jail within the County of Marin. Adults who are aged 18 to 21 years, who have not graduated with a high school diploma, who, at the time they turned 18 were identified as an individual with disabilities and had an individualized educational program (IEP) under the IDEA, are also entitled to a FAPE (hereinafter referred to as "eligible adults"). (See 20 U.S.C. 1400 (d)(I)(A), (B), (C); 20 U.S.C. 1412 (a)(I)(A); California Education Code (EC) 56000, 56026(c)(4)). This applies to adults incarcerated in California adult jails and prisons. However, individuals aged 18 through 21, who in the educational placement prior to his or her incarceration in an adult correctional facility was not identified as an individual with disabilities or did not have an IEP under the IDEA, is not entitled to a FAPE (20 U.S.C. 1412(a)(I)(B); California Education Code (EC) 56040(b)).

For eligible adults the District of Special Education Accountability shall be the last district of special education accountability in effect prior to the pupil's attaining the age of majority shall become and remain as the responsible educational agency, as long as and until the parent or parents relocate to a new district of special education accountability. (See California Education Code (EC) 56041 (a)).

Description:

Marin County Office of Education (MCOE) shall, on behalf of the DSEA, be the provider of services identified in the FAPE offer as described above. If an eligible adult consents to receive services, MCOE will work with the DSEA and the correctional facility staff to offer services to the eligible adult student with disabilities consistent with the services currently offered through MCOE in the adult correctional facilities. Once MCOE is informed that an eligible adult is incarcerated in an adult correctional facility, they will determine whether the eligible adult requests to receive FAPE. Once the request has been made, MCOE will contact the DSEA, who shall review and revise the IEP as necessary,

subject to the cooperation of the correctional facility where the eligible adult is located. The eligible adult must consent to the receipt of such services in order to receive said services while incarcerated. The DSEA shall provide MCOE staff with instructional materials that will provide FAPE.

Should MCOE cease to provide educational services at the County Jail, the Advisory Steering Committee would reconvene to review this policy and make changes as appropriate. The following special education requirements do not apply to eligible individuals who are convicted as adults under State law and incarcerated in adult prisons:

1. The requirements set out in 20 U.S.C. 1412(a)(16) and 20 U.S.C. 1414(d)(1)(A)(i)(VI) (relating to participation in general assessments) do not apply. Eligible individuals convicted as adults under State law and incarcerated in adult prisons are exempted from participation in State and district-wide assessment programs under the IDEA
2. The requirements of items (aa) and (bb) of 20 U.S.C. 1414(d)(1)(A)(i)(VIII) (relating to transition planning and transition services), do not apply with respect to such individuals whose eligibility under the IDEA will end, because of their age, before such individuals will be released from prison.
3. In an individual with a disability is convicted as an adult under state law and incarcerated in an adult prison, the individual's IEP Team may modify the individual's IEP or placement notwithstanding the least restrictive environment ("LRE") requirements of the 20 U.S.C. 1412(a)(5)(A) and the IEP contents requirements of 20 U.S.C. 1414( d)(1)(A) if there is a bona fide security or compelling penological interest that cannot otherwise be accommodated.