

SANTA BARBARA COUNTY SELPA LOCAL PLAN

SECTION 9

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS BUDGET PLANNING PROCESS

Budget Planning Process Policies
3201 - 3218

(Revised 6-3-24)

SANTA BARBARA COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA

- 3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS
- 3200 BUDGET PLANNING PROCESS
- 3201 SELPA Budget

The SBCSELPA Executive Director is responsible for the Santa Barbara County SELPA's budget planning process.

The SBCSELPA Executive Director may consult with special education administrators and business officials from local education agencies (LEAs) in SBCSELPA as needed, to seek input regarding the budget planning process. The SBCSELPA Executive Director shall report his/her recommendations to include those provided from districts and/or the community to the JPA Board.

DATE APPROVED: January 9, 1987
DATE REVISED: December 12, 1997
DATE REVISED: December 14, 2009

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3202 Procedures for Making Changes in Budgeting

The SBCSELPA Executive Director shall be responsible for making changes in budgetary allocations.

The SBCSELPA Executive Director may recommend budgetary allocation changes to the JPA Board for approval as deemed necessary. The SBCSELPA Executive Director may consult with special education administrators and business officials from local education agencies (LEAs) in SBCSELPA to seek input regarding such changes.

DATE APPROVED: January 9, 1987
DATE REVISED: December 12, 1997
DATE REVISED: December 9, 2002
DATE REVISED: December 14, 2009

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3203 Review of Annual Budget Plan for Subsequent Year

By June 30th of each year, the SBCSELPA Executive Director shall review the proposed Annual Budget Plan and shall submit recommendations to the JPA Board. The SBCSELPA Executive Director may consult with special education administrators and business officials from local education agencies (LEAs) in SBCSELPA as needed, to seek input regarding such recommendations.

DATE APPROVED: January 3, 1984
DATE REVISED: December 9, 2002
DATE REVISED: December 14, 2009

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3204 AB 602 Special Education Fiscal Allocation Plan

I. GUIDING PRINCIPLES

The Long-Term AB 602 Special Education Fiscal Allocation Plan has been designed to address the following objectives:

1. Provide an incentive for operating cost-effective programs for students in public school programs.
2. Provide no incentive for districts to over-identify students for special education services.
3. Facilitates transfers of funding for regional programs.
4. Ensure that special education funding is distributed proportionately to LEAs.
5. Acknowledge that the AB 602 Funding Allocation Model will not cover the total costs of special education services. Districts will need general fund contributions to cover unfunded special education costs.
6. Keep program requirements in mind as well as the Maintenance of Effort requirement in Federal law (Title 20 U.S.C. §1413(a)(2)(C)(i) and Title 34 CFR §300.205) that there are restrictions when an LEA may reduce the level of special education expenditures “from local funds below the level of those expenditures for the preceding fiscal year.”

II. ALLOCATION OF AB 602 INCOME

The total SELPA special education block grant will be received at the SELPA level for distribution to the special education program operators as described in this section (3204). The JPA Board authorized the SBCSELPA Administrative Unit to act as the fiscal agent for the SBCSELPA. Funds for SBCSELPA-funded services and Sparsity Adjustment (Part IV) shall be taken off-the-top prior to distribution of the remainder of the AB 602 block grant.

The remaining AB 602 funds will be distributed to districts based upon their AB602 P-2 Funded ADA. At year-end, the ADA will be adjusted and aligned to current year certified AB602 P-2 Funded ADA. In the event of a declared emergency or approved J-13 waiver, the revised P-2 Funded ADA will be used.

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III. SUMMARY OF FUNDING MODEL COMPONENTS

As per the State AB 602 funding model, special education revenues will be received by the SBCSELPA in the form of a block grant.

The following funding sources will be outside and in addition to the block grant shall be distributed to districts as indicated below.

- Federal Part B Local Assistance (PL-142) Funds (Resource 3310)

As determined by the JPA board, in addition to AB602 Base funding, an off-the-top allocation may be set aside for the SBCSELPA budget, including Mental Health services and Non-Public School Placement Cost Pool. The remainder shall be allocated to districts based on the current year AB602 P-2 Funded ADA, after a reduction as specified in section XIX. These funds are reimbursements and will be only distributed based on district usage and reporting of expenditures.

- Federal Preschool Grant (Resource 3315)

2.882% for Regional Services is allocated to SBCSELPA. The remainder shall be allocated based on the current year AB602 P-2 Funded ADA for non-charter Grades K-6. These funds are reimbursements and will only be distributed based on district usage and reporting of expenditures.

- Low Incidence Funds

Refer to part XV. of this section (3404).

- Preschool Staff Development (Resource 3345)

Shall be allocated to districts responsible for providing Preschool services based on their prior year SELPA Baseline K-6 ADA. These funds are reimbursements and will be only distributed based on district usage. Districts may apply allocation for SELPA Professional Development fees or submit an invoice for reimbursement. Funds not utilized by an LEA by June 30th of the first fiscal year of the grant will be used to offset the cost of providing Preschool Staff Development Services by SBCSELPA or other LEAs at the discretion of SBCSELPA.

- Infant Program Income (both IPS Unit and supplemental grant funding)

Allocated to SBCEO as the sole operator of Infant Programs for SBCSELPA

- Out of Home Care Funding

Refer to Part XVII. Of this section (3404)

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- County Property Taxes
Shall be distributed in the same manor of AB602 funds.

The funding sources listed below are available at the State level and may be accessed through special application only:

- LCI Emergency Impaction Funds
- Excess Cost Pool

IV. SPARSITY/SMALL SCHOOL DISTRICT FUNDING

Funding will be provided to the County Education Office for the direct service districts with a hold harmless adjustment equivalent to the current sparsity factor funding. The equalization process will phase out the sparsity factor over time.

Sparsity Adjustment

The Cuyama Joint Unified School District meets the criteria to be considered a sparsely populated district as that term was defined in Education Code Section 56728.6(d)(1) prior to the enactment of the AB 602 special education funding model (see Appendix E). In recognition of the additional costs of serving students in special education who attend school in Cuyama, and in order to apportion special education block grant funding allocations within the SBCSELPA to recognize the impact of these additional costs, adjustments were made to the SBCSELPA AB 602 allocation plan beginning in 2003-04.

The funded COLA rate will be applied to the prior year calculated sparsity factor to determine the sparsity augmentation for the current funding model.

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Small School District Funding

Small districts shall be required to provide own special education services after the second year their enrollment exceeds the direct service district cut off size as specified in the Education Code Section 1730, et al (i.e., for elementary districts – less than 901 ADA during the preceding fiscal year, for high school districts - less than 301 ADA during the preceding fiscal year, and for unified districts - less than 1501 ADA during the preceding fiscal year). Districts have the choice to remain as a direct service district and receive special education services from the County Education Office for two years after their enrollment exceeds the size limit for being considered a direct service district.

If, during this two-year transition period, a former direct service district decides to become a non-direct service district, it will receive its per ADA special education funding directly and then may either operate its own special education programs or contract with the County Education Office or another LEA for these services. Districts transitioning from direct to non-direct service status will continue to receive the same level of funding during the two-year transition period that they would have received as a direct service district.

After a district remains above the direct service district size cut off for two years, it will henceforth be considered a non-direct service district.

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V. FUNDING FOR REGIONAL PROGRAMS OR SERVICES

All regional program costs will be charged to district/LEA of residence (DOR) on a per student basis as follows:

- Per student costs will be calculated on days of enrollment not days of attendance and shall be calculated by regional program operators for the moderate-severe programs.
- Regional program operators shall report regional program cost estimates three times annually, October 15th, January 15th* and year end close (July 15th); and April 15th for Adopted Budget.
 - *January 15th report is optional for district operators, but should be submitted if there will be a substantial change that would impact the cost of another district.
- Per student costs for July 1st through October 31st of the given school year will be calculated based on Adopted Budget Projections. Following November 1st and February 1st of a given school year the per student costs will be updated using current year estimates for regional program costs and enrollment. Reconciliation of actual regional program costs and enrollment will take place at year end close.
- At year end the per student actual daily costs will be calculated using regional program costs divided by total day of enrollment.
- The per student costs for Extended School Year will be based on actual regional program costs and enrollment. Enrollment will be based on the number of students who attend at least three days of ESY; and,

In addition, regional itinerant services shall be charged to LEAs as follows:

- Only itinerant special education services specified on the services line of the individual education plan (IEP) and listed in CALPADS shall be billable to LEAs.
- The itinerant regional program cost per student shall be calculated by the percentage the student is enrolled compared to the total minutes of all students by program/category.
- The 80% FTE regional audiologist shall be utilized to serve the needs of students with IEPs designated as deaf or hard of hearing (DHH) and shall be funded off the top of the AB 602 funding or low incidence funding as determined by JPA board.

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DHH Services:

If, based on assessment data and an IEP Team recommendation, it is determined that a DHH student requires exposure to a community of learners for purposes of FAPE, a referral shall be made to a regional DHH program.

If it is determined that the regional DHH program can offer a community of learners and that the program placement is appropriate for the student, the placement shall take place with the student being placed on the DHH SDC regional providers caseload and with support in the general education classroom for more than 50% of the day.

Regional program costs for these students will be calculated using the following:

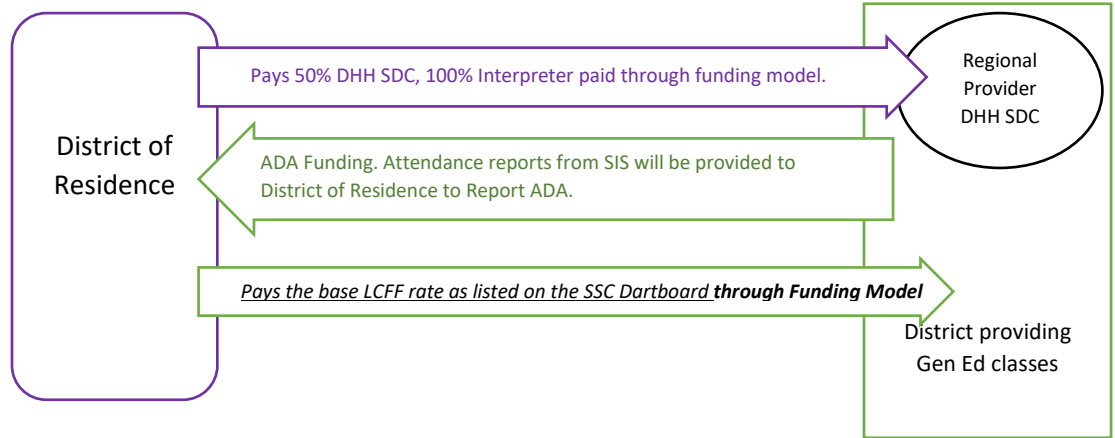
- Students on the regional DHH SDC caseload will be separated into two groups, those who are SDC students and those who are itinerant students with special education support for more than 50% of their day.
 - Costs for students on the regional DHH SDC caseload who are SDC will be calculated by using the SDC formula with all components, dividing by the total number of enrolled days to arrive at a per enrollment day cost.
 - For itinerant students with special education support for more than 50% of their day. Enrollment days for regional cost allocation shall be calculated as 50% of their number of days of enrollment in the program.
- The district of residence/accountability shall be responsible for the cost of the interpreter assigned to the student and the regional DHH SDC program based on 50% of the students' number of days of enrollment.
- For itinerant students with special education support for more than 50% of their day. The district of residence will pay the district of general ed attendance the base LCFF rate as listed on the School Services Dartboard. The district of residence will receive the ADA the student, to generate ADA revenue. This is meant to offset the cost of the itinerant student's enrollment in general education classes, while special ed funding. (Refer to figure on next page).

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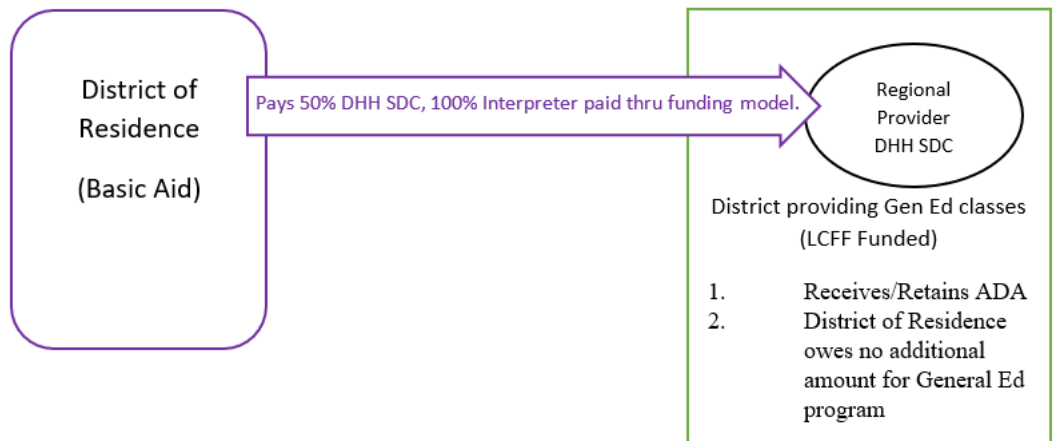
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- Exception: If the District of Residence is Basic Aid AND the district of general ed attendance is NOT Basic Aid, then the district of general ed attendance will receive the ADA funding and the district of residence will not owe the district of general ed attendance any additional amounts for the general education program.



- For the students in the regional program in general education for more than 50% of the day, the district where the program is located would maintain the primary enrollment for CALPADS and SIRAS. This will allow the general education teacher of record to take attendance and administer the SBAC. Attendance reports from SIS will be provided to the proper reporting entity based on who receives ADA above. If money is owed from District of Residence to District of Attendance, the District of Attendance will provide the District of Residence with the ADA for reporting.

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See example below:

CalPADS Student Enrollment
Reporting LEA: Orcutt Union ([AERIES](#))
School of Attendance: Ralph Dunlap
District of Residence: Lompoc

CalPADS Special Education Services ([SIRAS](#))
Reporting LEA: Orcutt Union
School of Attendance: Ralph Dunlap
District of Special Ed Accountability: Lompoc
Special Education Service Provider: County Education Office (for Itinerant services)

VI. FUNDING FOR REGIONAL PROGRAM EXPANSION AND ADDITIONAL INSTRUCTIONAL AIDES OR OTHER SUPPORT STAFF FOR REGIONAL PROGRAMS

The SBCSELPA Executive Director shall review all funding requests for expansion of regional programs or additional instructional aides or other support staff for Regional programs prior to going to the JPA Board for final approval. Requests for program expansion may include projected costs for materials required to open new classrooms such as furniture, curriculum or technology needs. Prior to purchasing new items, the regional operator will work with the district where the program is located to determine if items are currently available for use in the new program. Such consideration of funding requests ~~may~~ will be discussed with the special education administrators and business officials from districts in SBCSELPA in order to determine if there are alternative ways the staffing or material needs can be met without increasing the current number of staff members serving in the program or materials' cost to the program. An ad hoc committee review team will be designated by the SBCSELPA Executive Director on an as needed basis to advise them regarding if the funding request is appropriate and/or needs modified. Regional Program operators shall use existing funds to add instructional aides or other support staff time on an emergency, temporary basis pending approval by the JPA Board of additional instructional aides or other support staff requests.

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The SBCSELPA Executive Director may discuss the need for continued funding for regional program expansions/increased support staff with the special education administrators and business officials from districts in SBCSELPA in order to determine if there is a continued need for program increases prior to making final recommendations to the JPA Board.

The above policy is not applicable to districts operating regional programs when the majority of students (majority defined as 80% or more of the students) enrolled in the program belong to the district operating the program. If a district operating a regional program where the majority of students belong to the district feels there is a need for additional supplemental instructional assistant time to address behavior issues, they shall contact the district of residence (DOR) special education administrator of any students attending the program to consult regarding the need for supplemental instructional assistant staffing.

Factors which may necessitate additional aide or other support staff time for Regional programs include:

- Staffing ratios in individual classrooms
- The need for aides for students with low incidence disabilities
- The need for aides to assist students with severe behavior problems
- The need for aides associated with legal issues.

In deciding whether to recommend approval of funding for additional instructional aides or other support staff time to the JPA Board, the SBCSELPA Executive Director shall review the steps taken by the Regional Program operator to alleviate the problem or concern and review the supporting data required for the request prior to requesting additional instructional aides or other support staff time. Where appropriate, the criteria for fading the use of an instructional aide shall be included in the student's Behavior Intervention Plan.

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VII. REGIONAL PROGRAM COST ACCOUNTING

Local Education Agencies that operate Regional programs may claim the following costs for operation of such programs:

1. The actual cost of special education personnel (including salaries and benefits) as per the program caps reflected in Appendix B who serve the students enrolled in the Regional program(s).
2. The actual cost for support personnel as per the program caps reflected in Appendix B (including salaries and benefits) who are employed to serve the students enrolled in the program(s). Such support personnel shall include instructional aides and related service providers.
3. The costs of non-salary expenses including supplies, fieldtrips, food, fees, staff development, and instructional materials, etc., associated with operation of the program. The annual costs charged per FTE category shall not exceed the following amounts:

• SH Teacher	\$1,500.00
• SH Teacher / Community Based	\$4,200.00
• TLP SDC Teacher	\$1,500.00
• DHH SDC Teacher	\$1,250.00
• Preschool SDC Teacher	\$1,500.00
• Preschool Itinerant SDC	\$1,000.00
• Itinerant DHH Teacher	\$ 500.00
• OT	\$1,000.00
• Vision/ O & M Specialist	\$1,000.00
• Preschool Specialist	\$1,100.00
• School Nurse	\$ 750.00
• APE Teacher	\$ 750.00
• Speech Specialist	\$ 750.00
• Psychologist	\$ 750.00

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Regional Program operators shall submit annually to the SBCSELPA Executive Director and LEA Special Education Administrators a proposal of costs for testing supplies and equipment for the year going forward by April 1 of the preceding year. The SBCSELPA Executive Director and LEA Special Education Administrators will review proposed needs to determine if costs are appropriate and reasonable.

For costs associated with technology and equipment, the regional program operators shall submit a proposed technology cost plan to the SBCSELPA Executive Director for the year going forward by April 1 of the preceding year. The JPA Board shall approve all proposed costs associated with technology that will exceed the non-salary budget costs caps.

4. Indirect costs for operation of Regional programs shall be based on the current year CDE allowable rate for the operator.
5. Classified clerical support costs for regional programs shall be calculated as an average percentage of all total program costs by regional program operator as follows: (see Appendix B)
6. Administrative support costs for regional programs shall be calculated as a percentage of total program costs as follows: (see Appendix B)

VIII. HOUSING FOR REGIONAL PROGRAMS

Housing costs for regional programs shall be charged to the regional program they house. Districts providing regional housing will receive revenue for the classrooms they house through the regional funding model. Refer to Section 13 – Facilities.

IX. EXTENDED SCHOOL YEAR (ESY)

Regional program operators shall be responsible for the operation of ESY programs for all regional program students. Regional program operators shall hire classified and certificated personnel for regional ESY programs unless other mutually agreed upon arrangements are made between the regional program operator and LEAs. Regional program operators shall be responsible for the annual set-up, planning and implementation of ESY for regional program students.

Districts in the North SBCSELPA region shall annually alternate to provide housing for Pre-K ESY programs (with the exception of Guadalupe Union School District in the North).

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**X. SELPA FUNDING OF COSTS ASSOCIATED WITH DUE PROCESS /
LEGAL FEES**

Annually, at their September meeting, the JPA Board will determine how much funding, if any, will be set aside for the payment of legal fees associated with dispute resolution and costs associated with due process and how such fees will be allocated. LEAs may utilize their proportionate share of set-aside legal fee funding to pay premiums for Special Education Voluntary Coverage Program (SEVCP) through SISC or any other similar insurance program to fund costs associated with due process or legal fees related to special education.

If LEA's do not spend their allocated set aside funds, those funds shall not be carried forward.

The LEA/district shall be responsible for contracting with the SBCSELPA approved attorneys for dispute resolution/legal fees and services associated with due process or other legal fees. All payments for services shall be made by the LEA and submitted to the SBCSELPA office for reimbursement as per policy guidelines.

In cases where the LEA is requesting to access their proportionate share of SBCSELPA set aside funding to pay for costs associated with a due process case or other legal fees, they shall submit the following documentation with a written request to the SBCSELPA Executive Director:

1. A detailed copy of the expenditures (invoices, fully executed settlement agreement, etc.)
2. A brief case summary that provides a chronology of the history in the case for the past three years

In cases where the parent files for due process, the LEA must submit the following documentation prior to seeking authorization from the SBCSELPA Executive Director to access funds from their proportional share of SELPA set-aside funding for costs associated with due process:

1. Attach a copy of the OAH complaint.

The SBCSELPA Executive Director shall determine if the documentation submitted by the LEA meets the criteria for the LEA to access their proportionate share of set-aside SBCSELPA funds to pay for costs associated with due process or other legal fees within

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fifteen (15) calendar days. SBCSELPA funding shall be authorized at 100% of the request not to exceed the amount of funds the LEA has available in their proportionate share of set-aside SBCSELPA funding if the LEA has submitted all required documentation.

In circumstances where the LEA is requesting to access their proportionate share of SBCSELPA set aside funding to pay for general legal consultation related to special education, no case specific documentation shall be required. All legal consultations the LEA requests to be funded out of the LEA's proportionate share of SBCSELPA legal fees funding shall be for special education matters only.

An additional reserve of three hundred twenty-five thousand dollars (\$325,000.00) shall be set aside to fund dispute resolution legal consultation fees and costs associated with due process designated by the JPA Board when an LEA exceeds their annual allocation of SBCSELPA set-aside funding for due process legal consultation fees and costs associated with due process up to \$50,000.00 per student, per school year.

For students being served in regional programs (excluding preschool students defined as being Preschool Specialist students with mild to moderate disabilities and students served in a regional program operated by their district of residence), dispute resolution legal consultation fees and costs associated with due process shall be funded up to \$50,000.00 per student, per school year out of the \$325,000.00 reserve funding. Any remaining costs associated with due process/dispute resolution shall be funded by the district of residence. For Pre-K students being served in SBCEO Pre K Specialist program costs associated with due process shall be the sole responsibility of the student's district of residence (DOR).

The SBCSELPA Executive Director may solicit consultation from other experts as deemed necessary. No committee member shall serve when a case is presented that directly involves their LEA.

The SBCSELPA Executive Director shall be responsible for compilation of data related to the request and presentation of the case to the JPA Board.

In circumstances where a LEA has exceeded their proportionate share of set-aside funds and determines that funding of dispute resolution legal fees or costs associated with due process would result in a catastrophic financial situation, they may make a request to the JPA Board that the costs be funded out of SBCSELPA legal fee/due process reserve funding up to \$50,000.00. The request shall include a copy of financial records that reflect the status of all district funding sources and a written statement summarizing the financial impact the

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payment of the legal fees or costs associated with due process would have on the district financial situation over a three (3) year period.

Prior to the JPA Board considering requests from LEAs to access legal fee/due process reserve funding (for students enrolled in a regional program or in LEA catastrophic financial situations), the following documents shall be submitted to the SBCSELPA Executive Director:

1. A written case summary that provides a chronology of the history of the case for the past three years.
2. Most recent assessment results.
3. Documentation of educational progress/benefit from year to year for past three years.
4. IEP paperwork for the past three years.
5. Important correspondence between the parent/guardian and the LEA.
6. Evidence the district has shown due diligence in attempting to resolve the dispute prior to due process or attorney involvement.

In instances where an LEA is requesting access to reserve funding to pay for legal consultation fees and costs associated with due process due to a catastrophic financial situation, an ad hoc Dispute Resolution/Due Process Funding Committee may be designated by the SBCSELPA Executive Director on an as needed basis to advise her or him regarding if the merits in the case warrant that the case should not go forward to due process and/or be funded out of SBCSELPA legal fee/due process reserve funding.

The SBCSELPA Executive Director shall make final recommendations to the JPA Board about the merits in the case related to whether or not the case should go forward to due process and/or be funded out of SBCSELPA legal fee/due process reserve funding.

The JPA Board shall review the recommendations made by the SBCSELPA Executive Director and make the final decision about whether or not to fund a request from an LEA in part or whole up to \$50,000 out of legal fee/due process reserve funding annually. The following six areas shall be considered for funding:

1. Legal fees associated with dispute resolution prior to filing for due process

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2. Expert witness fees, to include travel costs
3. Independent assessments conducted in preparation for a hearing pursuant to recommendation from legal counsel
4. Due process resolution session, mediation, or due process order settlement costs (compensatory or reimbursement)
5. Legal defense fees
6. Parent attorney fees

The decision of the JPA Board to fund the due process case in part or in whole shall be determined based on the following criteria:

1. Merits of the case; likelihood of the LEA prevailing at 50% or more
2. Precedence setting value of the case
3. Financial reserve funds available at the time of the request

The SBCSELPA Executive Director shall consult with the LEA as needed during the dispute resolution and/or due process.

If the LEA disagrees with the decision of the JPA Board, and there is no new information in the case, the LEA may appeal the decision to not fund dispute resolution legal fees or costs associated with due process directly to the JPA Board. If the LEA disagrees with the decision of the JPA Board (based on the recommendations of the Dispute Resolution/Due Process Funding Panel), and there is new evidence and/or circumstances in the case, they may re-fer the case to the SBCSELPA Executive Director, who may designate an ad hoc Dispute Resolution/Due Process Funding Committee to advise him or her regarding the case.

In circumstances where funding of dispute resolution legal fees or the costs associated with due process exceed \$50,000 and the funding of such costs would be catastrophic to the LEA, the LEA may make an appeal to the JPA Board to exceed the \$50,000 limit from reserve funding.

The JPA Board shall annually take into consideration the past history of usage of funds allocated to districts to fund costs associated with due process to determine if certain districts

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should be assessed a higher per student rate of funds to be taken off the top of their AB 602 funding and set aside for future due process related costs.

If a case that initially involves special education matters but subsequently concerns only Section 504 issues or in all due process matters involving 504 matters, the financial responsibility of all legal fees is the responsibility of the local education agency (LEA)

XI. NONPUBLIC SCHOOL AND AGENCY COSTS

~~Federal and state funding provided for mental health IEP services and~~ AB 602 Block Grant and/or Federal funding will be set aside in the Santa Barbara County SELPA (SBCSELPA) Budget shared cost to pay the costs of LEA nonpublic school placements (NPS) made via an IEP decision as specified below For students found eligible for special education as emotionally disturbed (ED) who are placed in a nonpublic school (NPS) placement due to mental health related concerns shall be funded as follows:

- Only the residential treatment and mental health costs will be eligible for payment through SBCSELPA shared mental health funding as per the funding formula specified in this policy
- SBCSELPA to fund one slot for LEAs with ADA of 5,000 or less at 100% of one placement for the first year/12 months, 50% for the second year/12 months, and 30% for the third year/12 month.
- SBCSELPA to fund a second slot for LEAs with ADA of 5,001-7,000 at 100% of one placement for the first year/12 months, 50% for the second year/12 months, and 30% for the third year/12 months.
- SBCSELPA to fund a third slot for LEAs with ADA of 7000 or more, not to exceed a total of 3 SBCSELPA funded slots in any given year for LEAs who serve students in grades K-8 at 100% for the first year/12 months, 50% for the second year/12 months, and 30% for the third year/12 months.
- LEAs who serve students in grades 9th-12th shall receive one additional SBCSELPA funded NPS slot per year at 100% of one placement for the first year/12 months, 50% for the second year/12 months, and 30% for the third year/12 month.
- Santa Ynez Valley Special Education Consortium LEAs and SBCEO Direct Service LEAs shall each be treated as one LEA for purposes of this policy.

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- Once the NPS (residential or non-residential) placement costs exceed the set aside SBCSELPA mental health funding in a given school year, any ongoing future excess costs incurred at the SBCSELPA level will be billed back to districts proportionately by total days each district had a student in a NPS placement throughout the school year. These excess costs will be calculated at the current fiscal year end and will be billed back to the districts.

Placements will be funded as stipulated above in the order the students are placed and shall not be based on the cost of placement.

SBCSELPA will not have oversight for but shall be required to be involved in the IEP decision making placement process of mental health related NPS student placements that exceed the above stipulated caps and are funded 100% by the LEA in order for the placement to be considered for potential future payment out of SBCSELPA shared funding. The funding of costs associated with LEA NPS placements will be reviewed annually concurrent with the Second Interim Report.

All other LEA NPS placements made via an IEP decision shall be funded by SBCSELPA shared costs as follows:

- SBCSELPA fund 70% and LEA/district of residence 30% of a non-mental health NPS placement that meets the criteria to be paid for out of SBCSELPA shared funding the first year of placement or first 12 months.
- SBCSELPA fund 50% and LEA/district of residence 50% of a non-mental health NPS placement that meets the criteria to be paid for out of SBCSELPA shared funding the second year of placement or second 12 months.
- SBCSELPA fund 30% and LEA/district of residence 70% of a non-mental health NPS placement that meets the criteria to be paid for out of SBCSELPA shared funding the third year of placement or third 12 months.

Any NPS placement that continues beyond three years is to be funded 100% by the LEA/district.

For students, that transition from one LEA/district of residence within the SBCSELPA to another, SBCSELPA shall begin funding the placement at 50% and LEA/district of residence 50% for a non-mental health NPS placement that meets the criteria to be paid for

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out of SBCSELPA shared funding the first year the student is enrolled in the new district unless the student is in the first year of their placement. If the student is in their first 12 months of placement, 70% shall be funded by SBCSELPA shared funding and 30% by the LEA/district of residence for non-mental health NPS placements and 100% for mental health NPS placements.

A year of placement is defined by the initial start date of the NPS services to subsequent year one year later.

All nonpublic school and agency placements require the involvement of the SBCSELPA Executive Director or designee in the IEP process, as well as final approval from the JPA Board, in order for SBCSELPA shared cost funding for these services to be provided. The SBCSELPA Executive Director must agree that the placement meets the criteria for the NPS placement to be funded out of SBCSELPA shared funding. Placement of a student in a NPS with or without a residential treatment center placement (RTC) that is funded in whole or in part by SBCSELPA shall be reviewed via an IEP team meeting a minimum of every six months to determine if the placement continues to be the most appropriate placement for the student and to plan for transition to less restrictive environment as appropriate. A placement shall continue to meet criteria for SBCSELPA share funding as per the allocation formula if the IEP continues to recommend the NPS or NPS/RTC as a Free and Appropriate Public Education (FAPE).

Approval for funding of NPS placements out of SBCSELPA shared funding will not be granted if the LEA has not practiced due diligence and exhausted the continuum of least restrictive placements available within the LEA or SBCSELPA prior to the IEP team recommending a NPS placement as FAPE. The JPA Board may approve exceptions to this requirement if it is deemed that an “urgent” situation exists, and it is not appropriate for the IEP team to place a student in a least restrictive placement option prior to recommending an NPS placement. Final approval from the JPA Board is required in order for any NPS placement to be funded out of SBCSELPA shared funding. The following must occur prior to an LEA making a referral for consideration of an NPS placement to be funded out of SBCSELPA shared funding at an IEP meeting:

1. A Request to SBCSELPA to Access nonpublic school (NPS) Funding form must be submitted to the SBCSELPA Executive Director.

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2. A three-year case history must be submitted by the LEA special education administrator to the SBCSELPA Executive Director with attached IEP's and assessments prior to the request and IEP to determine if a referral to an NPS should be considered as an offer of FAPE (except in situations deemed "urgent" as specified above).
3. Within 50 days of a signed Assessment Plan that designates an assessment of need for NPS placement, the LEA shall schedule a meeting to include the SBCSELPA Executive Director, the LEA Special Education Administrator, and the SBCSELPA Mental Health Specialist (if deemed needed) to discuss the case.
4. For non-mental health eligible students, a conference between the SBCSELPA Executive Director, LEA administrator, and Regional program operator (if applicable) shall occur prior to the IEP to go over the case where their LEA is requesting SBCSELPA consideration for payment.

In order for ongoing SBCSELPA shared funding to be provided for an NPS student placement, the LEA must commit to do the following:

1. Submit a Referral for Consideration of SBCSELPA Funding for NPS Placement to SBCSELPA.
2. Draft an assessment plan for assessment of need for NPS out of home placement. Forward a copy of the assessment plan to SBCSELPA in order for SBCSELPA Mental Health Specialist to participate with the LEA in the assessment process. Complete assessment prior to making referral for NPS placement at an IEP.
3. Ensure that the student has access to any state mandated assessment, to include alternate assessments when appropriate.
4. Actively participate in IEPs and provide appropriate IEP paperwork for each six-month IEP or other reviews as mandated by the IEP team. It is required that a LEA SPED administrator, psychologist, special education teacher, and regular education teacher (when transition back to a district or regional program is being considered) attend NPS IEP meetings. For high school age students, it is also required that a school counselor attend IEP meetings in order to speak to graduation requirements, etc.

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5. Work collaboratively with SBCSELPA Executive Director to transition the student back to a placement within the continuum of options available in the SBCSELPA.

The SBCSELPA shall fund a total of four round-trip nonpublic school visits per school year (i.e., parent/guardian trip to visit student or student travel to visit home, etc.). Any visits above and beyond this limit shall be an IEP team decision and are the fiscal responsibility of the district of residence (DOR). All student travel for a home visit must be recommended by the IEP team as part of the transition process for the student to return to a less restrictive environment (LRE) in their home community. SBCSELPA shall fund the costs associated with required supervision or transport to bring the student home. The costs of travel required for students placed in nonpublic schools shall be paid by SBCSELPA at the same proportional rate as the NPS placement.

The parent/guardian must be a resident of Santa Barbara County at the time of the requested travel and must adhere to the SBCSELPA NPS travel guidelines.

In the event that it is determined there will be a funding shortfall for payment of a mental health or non-mental health NPS placements at the SBCSELPA level as set forth in this policy in any given school year, any future placements shall be funded by the placing LEA/district of residence. If there is a SBCSELPA ending balance at the end of the year, or a student transitions back and funding becomes available, the LEA may submit a request for reimbursement to the SBCSELPA. Payment will be made in the order the student was placed.

In the event that a LEA/district depletes all of their mental health funding and determines the cost of the NPS placement will create a financial hardship, at the end of the school year, the LEA/district may request that JPA Board review the case and to determine if there is potentially other SBCSELPA level shared funding sources to assist the LEA/district with the cost of the placement. Documentation of the financial hardship shall be provided to the JPA Board.

XII. SELPA BUDGET

Allocations to the SBCSELPA Budget from the block grant to cover the cost of SBCSELPA services will include:

- Fixed allocations as authorized by the JPA Board in an amount sufficient to fully fund anticipated SBCSELPA-level expenditures for the upcoming school year. This amount is subject to the annual COLA.

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The SBCSELPA Budget will also include the following additional income sources:

- Regionalized Services Income amount from AB602 block grant
- 2.569% of IDEA Section 619 Preschool Grant Resource 3315 K-12
- Federal and State funding for IEP Mental Health services as designated by the Board
- Out of Home Care Foster Youth and Reallocated savings will be used to fund Mental Health services and the Non-public school excess cost pool.

In the event that the above allocations for the SBCSELPA budget are insufficient to cover all anticipated expenditures, the JPA Board may take action to increase the fixed allocation to be provided to the SBCSELPA and/or utilize funding set aside for district costs associated with due process.

If the SBCSELPA budget reserves reach levels that exceed what is determined to be necessary for prudent budget planning, the JPA Board may authorize a rebate to the SBCSELPA local education agencies that operate special education programs based on each LEA's share of the total SBCSELPA ADA, excluding regional SDC students.

XIII. PAYMENT FOR INTRA-SELPA PLACEMENTS IN NON-REGIONAL PROGRAMS

It is recommended that districts that enroll special education students in non-regional SDC classes from other districts within the SBCSELPA be allowed to bill the district of residence for the student's placement in such programs.

The charge to the district of residence will be based upon the actual cost of operation of the non-regional SDC class utilizing the same cost accounting methodology as is employed for determining the cost of operating regional programs

The charge to the district of residence will be calculated based upon the actual number of days of enrollment for the school year.

XIV. TREATMENT OF CHARTER SCHOOLS

Charter Schools that are deemed their own LEA for purposes of special education shall receive their special education funding in the same manner as these funds are distributed to non-direct service districts.

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XV. LOW INCIDENCE MATERIALS AND EQUIPMENT FUNDS

Low Incidence (LI) Funding will be retained at SBCSELPA for Off-the-Top expenditures and to reimburse districts for expenditures based on their allocated amounts.

Off-the-Top amounts will be approved by the SBCSELPA JPA Board in the Annual SBCSELPA Adopted Budget. LEAs may request access to funds from the set aside pool based on extraordinary circumstances, such as new LI students. Requests must be approved by the JPA board.

Every Small LEA with LI students, defined as LEAs with less than 5,000 ADA, will be allocated \$5,000 after off-the-top expenses. The remaining LI funds will be distributed to all LEAs in proportion to current year CALPADS Fall 1 LI student counts.

By September first of each fiscal school year, SBCSELPA will review LI expenditures. Ending balances from SBCSELPA's LI prior year allocation shall go into a shared pool. Any LEA that can demonstrate they have a shortage of LI funding in a given year to cover LI student may submit a request with documentation to the SBCSELPA by June first of the current school year in order to access shared pool LI funding that may become available. Requests must be approved by the JPA Board. If there is SBCSELPA level shared pool LI funding remaining after all prior year LEA expenses are funded, it will be allocated out to SBCSELPA member LEAs by based on numbers/percentages of students identified as low incidence (LI) in the current year.

If a student with a low incidence disability, receives services from an LEA other than the district of residence (DOR), the non-district of residence LEA that provides the service shall collaborate with the special education administrator of the DOR in order to access low incidence funding to purchase needed equipment, materials, or services. The special education administrator of the DOR shall consent in writing all requests to purchases or to seek reimbursement for low incidence equipment, materials, or services. The purchasing district may submit for reimbursement from SBCSELPA utilizing the Low Incidence allocation of the DOR.

The non-district of residence providing low incidence service to a student shall be responsible for assisting the DOR with purchasing any IEP designated incidence equipment, materials, or services and maintaining the inventory of any low incidence equipment purchased on behalf of a student.

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The Annual Budget Plan asks for estimated expenditures for:

- 1) Supplemental Aides and Services in a regular classroom (SACS Function 1130)
- 2) Low Incidence Expenditures

LEAs will report their estimated expenditures for the following fiscal year. LEAs should consider utilizing codes to specify Low Incidence expenditures for services or personnel in order to have estimates for the Annual Budget Plan. There is no specific SACS code for Low Incidence, so it would need to be LEA defined

XVI. INFANT PROGRAM FUNDING

Infant program funding will be received separately from other AB602 special education revenues. Funds received for the operation of programs for infants with disabilities (including both State and Federal funds) will be allocated to the program operators serving infants.

XVII. OUT-OF-HOME CARE FUNDING

The SBCSELPA receives Out-of-Home Care Funding as part of the AB602 allocation. This funding is based on

- 1) the sum of cumulative enrollment for foster youth reported through California Longitudinal Student Achievement Data System
- 2) Average Daily Population at Short Term Residential Therapeutic Programs (STRTP) collected and managed by the Department of Social Services
- 3) Student Count as of April 1st of current year for Community Care (CC), Intermediate Care (IC), and Skilled Nursing Facilities (SNF) collected by the Department of Developmental Services

The funding will be distributed as follows. For funds generated by:

- a) Foster Youth and Reallocated savings – will be used to fund Mental Health services and the Non-public school excess cost pool.
- b) STRTP – distributed to districts based on proportion of days students with IEPs were enrolled in a STRTP and/or Group Homes in their district/total SELPA enrollment days of students with IEPs in STRTP programs and/or Group Homes.

Districts will report days of attendance in STRTPs and/or Group Homes in their district from June 1st – May 31st. The overlap in school years will allow LEAs to submit their final billing each year by June 30th of the current year. Adjustments for Annual recertifications the following February will be applied proportionately.

c) CC,IC,SNF – distributed to the geographic district of the facility

Funding will be adjusted during the Annual Certification (February of the following year). Recertifying adjustments will be distributed in accordance with above.

XIX. PRESCHOOL EQUALIZATION

Beginning in 2018-2019, Federal Preschool Local Entitlement (3320) will be rolled into the Federal Local Assistance Entitlement (3310). In order to continue to provide preschool funds to districts that provide services to preschool age student (through contracts or district provided), the equivalent value provided in the Preschool Grant 3320 in the 2017-18 school year will be deducted from Federal Local Assistance Entitlement and distributed to non-charter elementary districts by grades K-6 ADA. Federal COLA increases will be added each year.

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DATE APPROVED: <u>January 8, 1999</u>	DATE REVISED: <u>June 6, 2011</u>
DATE REVISED: <u>February 5, 1999</u>	DATE REVISED: <u>October 3, 2011</u>
DATE REVISED: <u>June 4, 1999</u>	DATE REVISED: <u>December 5, 2011</u>
DATE REVISED: <u>October 4, 1999</u>	DATE REVISED: <u>February 6, 2012</u>
DATE REVISED: <u>December 21, 1999</u>	DATE REVISED: <u>October 1, 2012</u>
DATE REVISED: <u>January 11, 2000</u>	DATE REVISED: <u>December 10, 2012</u>
DATE REVISED: <u>February 8, 2000</u>	DATE REVISED: <u>May 6, 2013</u>
DATE REVISED: <u>March 6, 2000</u>	DATE REVISED: <u>September 9, 2013</u>
DATE REVISED: <u>October 9, 2001</u>	DATE REVISED: <u>October 7, 2013</u>
DATE REVISED: <u>December 10, 2001</u>	DATE REVISED: <u>December 6, 2013</u>
DATE REVISED: <u>April 24, 2002</u>	DATE REVISED: <u>May 5, 2014</u>
DATE REVISED: <u>June 3, 2002</u>	DATE REVISED: <u>June 2, 2014</u>
DATE REVISED: <u>January 6, 2003</u>	DATE REVISED: <u>December 1, 2014</u>
DATE REVISED: <u>March 20, 2003</u>	DATE REVISED: <u>January 12, 2015</u>
DATE REVISED: <u>May 5, 2003</u>	DATE REVISED: <u>June 15, 2015</u>
DATE REVISED: <u>December 1, 2003</u>	DATE REVISED: <u>October 5, 2015</u>
DATE REVISED: <u>September 13, 2004</u>	DATE REVISED: <u>December 7, 2015</u>
DATE REVISED: <u>November 3, 2004</u>	DATE REVISED: <u>January 11, 2016</u>
DATE REVISED: <u>December 6, 2004</u>	DATE REVISED: <u>June 6, 2016</u>
DATE REVISED: <u>March 7, 2005</u>	DATE REVISED: <u>September 12, 2016</u>
DATE REVISED: <u>October 3, 2005</u>	DATE REVISED: <u>October 3, 2016</u>
DATE REVISED: <u>December 5, 2005</u>	DATE REVISED: <u>December 5, 2016</u>
DATE REVISED: <u>March 7, 2005</u>	DATE REVISED: <u>June 5, 2017</u>
DATE REVISED: <u>May 1, 2006</u>	DATE REVISED: <u>October 2, 2017</u>
DATE REVISED: <u>July 3, 2008</u>	DATE REVISED: <u>November 6, 2017</u>
DATE REVISED: <u>November 3, 2008</u>	DATE REVISED: <u>June 4, 2018</u>
DATE REVISED: <u>February 2, 2009</u>	DATE REVISED: <u>October 1, 2018</u>
DATE REVISED: <u>May 4, 2009</u>	DATE REVISED: <u>November 1, 2021</u>
DATE REVISED: <u>September 14, 2009</u>	DATE REVISED: <u>August 29, 2022</u>
DATE REVISED: <u>November 2, 2009</u>	DATE REVISED: <u>February 6, 2023</u>
DATE REVISED: <u>December 14, 2009</u>	DATE REVISED: <u>May 1, 2023</u>
DATE REVISED: <u>May 3, 2010</u>	DATE REVISED: <u>June 5, 2023</u>
DATE REVISED: <u>October 4, 2010</u>	DATE REVISED: <u>December 4, 2023</u>
DATE REVISED: <u>January 10, 2011</u>	DATE REVISED: <u>June 3, 2024</u>

APPENDIX A
Santa Barbara County SELPA Funding Plan
Annual Event Schedule

Event		First Quarter		Second Quarter		Third Quarter		Fourth Quarter	
		SELPA provides Enrollment Searches	Data due to SELPA by:	SELPA provides Enrollment Searches	Data due to SELPA by:	SELPA provides Enrollment Searches	Data due to SELPA by:	SELPA provides Enrollment Searches	4 th Quarter data due to SELPA by:
Regional Itinerant VH, O&M, DHH, OT, Pre-K Specialist	Enrollment	3rd Friday of October	October 31st	3rd Friday of January	January 30th	4th Friday of March	April 15 th Adopted Budget	June 30 th	July 6th
Regional SDC Mod-Severe Elem, Mod-severe Second., DHH, Preschool, Court and Comm. TLP Level 1, TLP Level 2	Enrollment		October 31st	Operators provide enrollment data July 1 st – December 31 st	January 15th	Operators provide year to date enrollment	April 15 th Adopted Budget	Operators provide year to date enrollment	July 15th
Program Cost updates	Expenses		October 15th	January 15th (Optional for District Operators; Submit if significant financial changes that would affect another district)			April 15 th Adopted Budget		July 15th
ESY Actual data	Enrollment & Expenses		September 1st						
Prior Year Adjustments	Expenses		September 30th						
AB602 CDE Exhibits						Feb			Late June- Mid July
Funding Model Updates				Nov Calculated with prior year P-2 Funded ADA		Feb Calculated with prior year Funded P-2 ADA	April		Aug Calculated with current year AB602 Funded P-2 ADA

DATE REVISED: October 1, 2012

DATE REVISED: November 6, 2017

9-29

DATE REVISED: June 5, 2023

APPENDIX B

Regional Class Program Operational Guidelines

1. It shall be the responsibility of the SBCSELPA Executive Director to recommend to the JPA Board the establishment of additional regional classes if new regional classes are needed.
2. It is recommended that regional operators adhere to the established related services support staffing levels specified in this policy.
3. It is recommended that regional operators adhere to established class size and instructional aide guidelines as is necessary to effectively implement IEPs. If a program drops to sixty percent (60%) or below the established class size and the Board determines the program shall remain open, the regional operator shall meet with the SBCSELPA Executive Director and special education administrators to discuss if it is feasible to potentially reduce instructional assistant time in the program. The SBCSELPA Executive Director may designate a committee comprised of persons that do not have a conflict of interest to go observe a regional program to make recommendations regarding potential staffing reductions if deemed needed. Any decisions to reduce staffing shall occur within 60 days after the Board determines the program shall remain open (see Attachment 2).
4. Nursing costs for itinerant regional students are not part of regional costs (i.e., vision and hearing screenings).
5. Costs for regional class operations will be determined by grade level and program type including:
 - aide support
 - class size
 - related services support
 - support costs
6. Indirect costs for operation of regional programs the current year CDE allowable rate for the operator.
7. Districts proposing to take over operation of regional programs or to take back programs for only their students who are currently served in a regional program must give notice of such intention to the SBCSELPA and regional program provider prior to July 1 of the fiscal year preceding the school year of the requested program transfer unless otherwise agreed upon by the current regional program operator and district proposing to take back services as specified in education code.
8. If new instructional aides or other support staff are deemed needed in regional programs due to increased enrollment above recommended staffing levels, regional operators shall submit to the SBCSELPA Executive Director a request for increased staffing. Regional operators shall also request the assistance of the SBCSELPA Executive Director, and a committee comprised of the special education administrators and business officials from districts in SBCSELPA in brainstorming other solutions to unique staffing needs. The SBCSELPA Executive Director shall make final recommendations to the JPA Board.

9. Necessary related services for students who receive regional itinerant deaf and hard of hearing (DHH) or visual handicapped (VH) support but who are not enrolled in a regional SDC program shall be provided by the student's district or residence.
10. Funding for sign language interpreters to facilitate participation of students with hearing impairments in school-sponsored extracurricular activities (including those taking place during periods of school vacation) shall not be considered an acceptable regional program expense and the district of residence (DOR) shall be responsible for all costs.
11. Funding for regional sign language interpreters that serve student(s) enrolled in a special day class deaf and hard of hearing (DHH) program shall be billed as part of the regional class expense. Interpreters for students on SDC Caseloads who are in a general ed classroom for more than 50% of the day will be billed to the DOR and not included in the Regional DHH SDC program expenses.
12. Funding for regional itinerant sign language interpreters that serve a LEA/district student(s) at their DOR and are not enrolled in a special day class DHH program shall be the fiscal responsibility of the DOR of each student served and be cost neutral to the regional operator. The regional program operator shall calculate the costs associated with regional itinerant sign language interpreters as a separate line item in the regional DHH program billing. The billing shall list the student name, dates served, daily time of service, and location of services. The total costs shall be for the duration of the interpreter's annual contract in order to ensure that regional program operators do not incur costs for which they are not reimbursed.

DATE REVISED: October 4, 2010
DATE REVISED: June 6, 2011
DATE REVISED: October 5, 2015
DATE REVISED: December 7, 2015
DATE REVISED: December 5, 2016
DATE REVISED: November 1, 2023

Recommended Related Services FTE Support for Regional Programs by Program Type

PROGRAM TYPE	Mod/Severe Elementary	Mod/Severe Secondary	Preschool SDC	TLP	DHH SDC	Itinerant HH/VH	Preschool Specialist	JCCS RSP/SDC
Psychological / Behavioral Services	.20	.10 - .25	.30	.70 (Psych/MH /BCBA combined)	.30	.05	.15	.375
Related Services Nurse	.05	.05	.05	.025	.015	.015	.02	.025
Speech/Language	.10 - .20	.10	.20 - .40	.05	*.20	0	0	.025
Vocational Education	0	.15	0	.10	0 (pre k – 8 th) .10 (9 th up)	0	0	0 (pre k – 8 th) .10 (9 th & up)
Adaptive P.E.	.10	.05	.20	.05	.10	0	.025	0
TOTAL	.325 - .435	.335 - .555	.75 - .95	.925	.40 - .50	0	.075	.21 - .31

- 1.00 = Full time per class
- .50 = 2½ days per week per class
- .20 = 1 day per week per class
- .10 = ½ day per week per class
- .05 = ¼ day per week per class

Note: Regional Program operators shall be allowed line-item discretion (by staff type) when planning for the allocation of funding to cover costs of related services support staff and submitting expenditure reports to SBCSELPA

- REVISED: January 9, 2012
- REVISED: May 6, 2013
- REVISED: October 7, 2013
- REVISED: October 5, 2015
- REVISED: December 7, 2015
- REVISED: October 2, 2017
- REVISED: March 4, 2019
- REVISED: August 31, 2020

Recommended Staffing Levels for Regional Programs

Regional Programs	Recommended Average Class Size/Caseload Per 1 FTE	Recommended Daily/Weekly Classroom Support Provider Hours
TLP		
K-6	8-12	Daily: <ul style="list-style-type: none"> • 12 hrs. behavior aide support (two 6 hr. behavior aides) Weekly: <ul style="list-style-type: none"> • 20 hours of Mental Health therapist support • 6 hours BCBA support • 8 hours of school psychologist support
7 – 8	* 10-12	Daily: <ul style="list-style-type: none"> • 12 hrs. behavior aide support (two 6 hr. behavior aides) Weekly: <ul style="list-style-type: none"> • 20 hours of Mental Health therapist support; • 6 hours BCBA support; • 8 hours of school psychologist support
9 - 12	* 10-12	Daily: <ul style="list-style-type: none"> • 12 hrs. behavior aide support (two 6 hr. behavior aides) Weekly: <ul style="list-style-type: none"> • 20 hours of Mental Health therapist support or .50 FTE • 6 hours BCBA support; • 8 hours of school psychologist support or .20 FTE
Pre. Specialist Inclusion	32	6 hrs. per teacher
Severe/Profound		
Pre. SDC	8-9 ½ day class size	12 hrs. (2 aides per 3 hr ½ day session)
Pre-K Autism	8 5 hr. day	15 hrs. (3 aides)
K-3	8-9	18 hrs.
4-6	8-10	18 hrs.
7-8	8-10	18 hrs.
9-12	8-10	18 hrs.
18-22	8-10	18 hrs.

VH Itinerant	15-18	8 hrs. Brailist
O & M	15-18	Shared 6 hour aide w/VH Itinerant
Occupational Therapy	**20-30 (Direct service consults count toward caseload numbers: 2 direct service consults = 1 direct service)	N/A

Regional Programs	Recommended Average Class Size/Caseload Per 1 FTE	Recommended Daily Classified Support Provider Hours Total (aide, aide interpreter, interpreter)
DHH		
Pre. Itinerant	6-8 ½ day caseload	0 hrs.
Pre. SDC	6-8 ½ day class size	6 hrs (2 aides per 3 hr. ½ day session)
Prim. SDC	6-9	9 hr. (1:3 hr. aide + 1:6 hr. aide)
(3) 4-6	9-12	12 hr.
7-8	9-12	12 hr.
9-12	9-12	6 hr.
***Pre K-12 Itinerant and Full Inclusion	12-18	Classified staff hours to be determined by student population and location and reported to SBCSELPA

*These recommended staffing levels are for regional TLP students who are in the TLP classroom for 50% or more of their day, unless the IEP team developed a transition plan in order to transition the student back into general education.

**Mileage in excess of 300 miles monthly is to be considered.

***LEA must report the name of DHH classified staff, position, hours and student name when submitting regional program expenditure report to SBCSELPA.

All recommended staffing levels are “recommendations only”; if regional program enrollment exceeds the recommended levels, regional program operators shall request assistance of the SBCSELPA Executive Director to seek advisement regarding solutions from LEA special education administrators and business officials. The SBCSELPA Executive Director shall make recommendations to the JPA Board for staffing or program increases as deemed appropriate.

10/3/2011

DATE REVISED: May 7, 2012

DATE REVISED: May 6, 2013

DATE REVISED: May 4, 2015

DATE REVISED: October 2, 2017

DATE REVISED: September 10, 2018

Appendix B – Attachment 3
Allowable Regional Program Administrative & Classified Clerical
Support Charges (percentage to total program cost)

PROGRAM	COUNTY OFFICE SBCEO	DISTRICT
Severely Handicapped (SH)		
Administrative	4.7%	4.2%
Classified Clerical	2.9%	1.9%
GROW		
Administrative	0.0%	20% of On-Site Administrator
Clerical	0.0%	1.9%
Deaf and Hard of Hearing (DHH) SDC		
Administrative	4.3%	3.5%
Clerical	2.9%	1.9%
Pre-K		
Administrative	5.1%	3.8%
Clerical	2.9%	1.9%
Deaf and Hard of Hearing (DHH) Itinerant		
Administrative	5.2%	3.9%
Clerical	2.9%	1.9%
Occupational Therapy (OT)		
Administrative	5.8%	4.5%
Clerical	3.4%	1.9%
VH O&M		
Administrative	4.7%	3.9%
Clerical	2.9%	1.9%
Pre-K Specialist		
Administrative	4.6%	3.3%
Clerical	2.9%	1.9%
Court & Community		
Administrative	3.1%	NA
Clerical	2.9%	NA

APPROVED: June 6, 2011
 REVISIED: March 5, 2012
 REVISIED: February 2, 2015

REVISIED: June 5, 2017
 REVISIED: May 5, 2023

APPENDIX C

Fiscal Allocation Plan Calculation Detail for Extended School Year

LEAs shall be responsible for the set up and operation of ESY programs for non-regional program students enrolled in their LEA.

ESY regional program costs shall be funded by the districts of residence of students served by the program.

Reimbursement to regional program ESY staff members for student related expenses including supplies, food, duplicating/ copying, and transportation for field trips shall not exceed \$100.00 per teacher and \$50.00 per DIS provider.

ESY regional programs shall be housed at the same location they are housed during the regular school year unless other mutually agreed upon arrangements are made between the district providing housing and the regional program operator. The following costs shall not be reimbursed to districts as part of providing housing for ESY regional programs:

- Rental, custodial or utilities fees charged for ESY classroom use
- Indirect costs

DATE REVISED: November 7, 2005

DATE REVISED: May 4, 2009

DATE REVISED: June 1, 2009

DATE REVISED: May 3, 2010

DATE REVISED: December 6, 2014

APPENDIX E

Definition of Sparsely Populated Districts

The following section of the Education Code is taken from the 1997 California Special Education Programs Composite of Laws. It reflects Education Code language describing special education funding under the J-50 funding system, prior to Education Code amendments that resulted in implementation of the AB 602 funding legislation.

E.C. 56728.6 (d) (1)

- (A) Sparsely populated districts are school districts that meet one of the following conditions:
- (i) A school district or combination of contiguous school districts in which the total enrollment is less than 600 students, kindergarten and grades 1 to 12, inclusive, and in which one or more of the school facilities is an isolated school.
 - (ii) A school district or combination of contiguous school districts in which the total student density ratio is less than 15 students, kindergarten and grades 1 to 12, inclusive, per square mile and in which one or more of the school facilities is an isolated school.
- (B) Isolated schools are schools with enrollments of less than 600 students, kindergarten and grades 1 to 12, inclusive, that meet one or more of the following conditions:
- (i) The school is located more than 45 minutes average driving time over commonly used and well-traveled roads from the nearest school, including schools in adjacent special education local plan areas, with an enrollment greater than 60 students, kindergarten and grades 1 to 12, inclusive.
 - (ii) The school is separated, by roads that are impassable for extended periods of time due to inclement weather, from the nearest school, including schools in adjacent special education local plan areas, with an enrollment greater than 600 students, kindergarten and grades 1 to 12, inclusive.
 - (iii) The school is of a size and location that, when its enrollment is combined with the enrollments of the two largest school within an average driving time of not more than 30 minutes over commonly used and well-traveled roads, including school in adjacent special education local plan areas, the combined enrollment is less than 600 students, kindergarten, and grades 1 to 12, inclusive.
 - (iv) The school is the one of normal attendance for a severely disabled individuals, as defined in Section 56303.5, or an individual with a low-incidence disability, as defined in Section 56026.5, who otherwise would be required to be transported more than 75 minutes average one-way driving time over commonly used and well-traveled roads, to the nearest appropriate program.

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3207 Methodology for Counting Students with Low Incidence Disabilities and
Allocating Low Incidence Funds

Refer to Policy 3204 Part XV.

EDUCATION CODE 56206

DATE APPROVED: September 5, 1997

DATE REVISED: December 9, 2002

DATE REVISED: June 6, 2016

DATE REVISED: February 6, 2023

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3208 Closure of Regional Programs or Program and Service Transfers

1. The SBCSELPA Executive Director shall consider closure of a regional class/program by January 15th of the year preceding the potential closure when the number of students drops below sixty percent of the recommended SELPA Plan caseload. Such consideration shall be reviewed by a committee designated by the SBCSELPA Executive Director to include the regional program operator, special education administrator, affected LEA special education administrators (from both LEAs of current students served and sending LEAs in the following school year), and at least one or more parent(s) of a student served in the program. The committee shall consider the following when making recommendations regarding potential closure of a regional class/program:
 - Historical class size data for past two years
 - Projected class size for next two future years
 - Age span of students
 - Purpose and intent of the class/program
 - Other viable options that provide FAPE in LRE and most appropriate setting
 - Parent input
 - Fiscal impact of closing the class/program versus keeping it open

Recommendations from the committee shall be discussed with the special education administrators and business official from districts in SBCSELPA in order to determine it is feasible to close the regional class/program and continue to meet student IEP needs.

The SBCSELPA Executive Director shall make final recommendations for closure of regional classes/programs to the JPA Board.

2. The SBCSELPA Executive Director shall consider an LEA's request for closure of a regional class/program when such request is put in writing and forwarded to the SBCSELPA Executive Director by September 1 of the year preceding the proposed regional class/program closure. Such consideration

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3208 Closure of Regional Programs or Program and Service Transfers (*Continued*)

shall be discussed with the district and a committee comprised of the special education administrators and business official from districts in SBCSELPA in order to determine it is feasible to close the regional class/program and continue to meet student IEP needs. The LEA and SBCSELPA Executive Director shall also ensure that there has been involvement and representation of parents of all affected students and staff (e.g., special and non-special education teachers, itinerant specialists, administrators, and classified) in the planning process. The SBCSELPA Executive Director shall make final recommendations for closure of regional classes/programs to the JPA Board.

3. The SBCSELPA Executive Director shall consider a LEA's request (sending or receiving) to transfer program(s) and service(s) (in whole or in part) when the sending or receiving agency has informed the other agency and the SELPA prior to the first day of the second fiscal year beginning after the date on which the transfer will take place unless both LEA's involved unanimously approve that the transfer take place on the first day of the first fiscal year following that date. The SBCSELPA Executive Director shall make final recommendations regarding program and service transfer requests (in whole or in part) to the JPA Board.
4. If an LEA requests (sending or receiving) to transfer program(s) and service(s) (in part or in whole) less than a year and a day prior to the proposed transfer, a written letter of request shall be made to the administrator of the current program operator and SBCSELPA Executive Director prior to a final recommendation going forth to the JPA Board. The SBCSELPA Executive Director shall receive confirmation in writing from the current program operator that they approve the requested date of transfer in part or in whole.
5. The LEA requesting program and service transfers certifies that the agency will comply with all applicable requirements of federal and state laws and regulations and special education local plan area policies, including compliance with the Individuals with Disabilities Education Act, Section 504 of Public Law, and the provisions of the California Education Code prior to the transfer. Specifically, the receiving LEA/District shall provide

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3208 Closure of Regional Programs or Program and Service Transfers (*Continued*)

the Board a detailed program transfer plan that includes all of the following:

- Evidence student needs within the SBCSELPA can be met
 - Evidence availability of a full continuum of services to affected students has been considered

 - Evidence continuation of current IEPs of affected students has been considered
 - Evidence provision of services and least restrictive environment (LRE) for affected students has been considered
 - Evidence of maintenance of all IEP support services has been considered
 - Assurance statement that there will be compliance with all federal and state laws and regulations and SBCSELPA policies
 - Evidence parents and staff were represented in the planning process for both the sending and receiving LEA
 - Evidence of an agreed upon plan between sending and receiving LEAs for transfer of equipment
 - Proposed plan for facilities
 - Certification of the receiving LEA's governing board
6. When a reorganization (including the closure of a regional class/program or program and service transfer) of special education programs under the Local Plan results in the termination, reassignment, or transfer of an employee, certificated and classified employee rights shall be determined in accordance with applicable statutes. (See Ed. Code § 44903.7, 45120.2.)

An ad hoc committee review team may be designated by the SBCSELPA Executive Director on an as needed basis to advise her or him regarding potential regional class/program closures or program and service transfers.

This team may at the discretion and direction of the SBCSELPA Executive Director, review significant data regarding the regional class/program and/or

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3200 BUDGET PLANNING PROCESS

3208 Closure of Regional Programs or Program and Service Transfers (*Continued*)

make an on-site study prior to making a written recommendation to the SBCSELPA Executive Director as to its findings:

1. Projected class size based on the CALPADS Fall 1 of the past 3 years and current enrollment shall be considered in the case of a recommendation for a regional class/program closure or program and service transfers
2. Student needs
3. Exceptional circumstances such as population, sparsity and low incidence disabilities shall also be considered in order to assure the availability of the full continuum of service to affected students
4. The functional continuation of the current individualized education programs of all affected students. The team must assure that the affected students' IEPs, to include appropriate support services, can be appropriately implemented in another setting in the case of a regional class/program closure or program and service transfer
5. The provision of services in the LRE from which the affected students can benefit
6. The assurance that there will be compliance with all federal and state laws and regulations and special education local plan area policies
7. The means through which parents and staff will be represented in the planning processes
8. If it is a request to close a regional class/program or to transfer program(s) and service(s), consideration shall be given to whether

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3208 Closure of Regional Programs or Program and Service Transfers (*Continued*)

another program operator is willing and able to assume responsibility for the program in order to assure a full continuum of service.

9. How certificated and classified personnel will be affected by the transfer.

10. Fiscal impact of regional class/program closure or program and service transfer.

Closure of a regional class/program or program and service transfers shall occur at the beginning of the next fiscal year unless the program operator(s) unanimously agree that the closure take place at a different time.

The LEA requesting program and service transfers shall notify the SBCSELPA and JPA Board by January 15th of the year prior to the closure/transfer of a program or service if they plan to rescind the request.

California Education Code Part 30, Section 56207; 45120.2; 56822; 44903.7

DATE APPROVED: June 12, 1987
DATE REVISED: November 8, 1991
DATE REVISED: March 3, 1995
DATE REVISED: December 9, 2002
DATE REVISED: April 7, 2008
DATE REVISED: November 2, 2009
DATE REVISED: October 7, 2013
DATE REVISED: September 8, 2014
DATE REVISED: June 15, 2015
DATE REVISED: January 9, 2017

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3200 BUDGET PLANNING PROCESS

3209 Criteria for Funding and Fading Additional Instructional Assistant Time Assigned to Regional Programs to Address Behavior Issues

In an effort to promote maximum independence, interaction with peers, and group participation and substitute positive replacement behaviors for maladaptive behaviors, additional instructional assistant support will be assigned to the classroom of individual students exhibiting serious behavior problems in conformance with the following guidelines:

1. Whenever a regional program operator requests additional instructional assistant time is requested for behavioral support in Regional classrooms, the expectation is that the additional instructional assistant time will be assigned to the class as a whole rather than to an individual student.
2. In all cases where additional instructional assistant time is assigned to a Regional class, the student for whom the additional behavioral support is needed must have a behavior support plan or a Hughes Bill plan that includes specific criteria for fading the additional instructional assistant time.
3. All requests for funding for additional instructional assistant time for Regional programs to address behavior issues must be accompanied by the following information:
 - a. A description of and data documenting the frequency and intensity and antecedents related to the maladaptive behaviors prompting the request for additional instructional assistant time.
 - b. A description of the prior interventions that have been attempted to address the behavior and the results of these interventions.
 - c. A description of the goal/anticipated outcome to be achieved by adding the additional instructional aide assistance.
 - d. A summary of the portion of the behavior plan that describes the criteria for fading the additional instructional assistant time.
4. The behavior plans developed to address the maladaptive behavior requiring the addition of instructional assistant time shall include the following components:

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3209 Criteria for Funding and Fading Additional Instructional Assistant Time Assigned to Regional Programs to Address Behavior Issues (*Continued*)

- a. A statement that the instructional assistant is assigned to the class rather than to an individual student in order to achieve the following objectives:
 - the classroom teacher will have flexibility to work directly with the student exhibiting specific maladaptive behaviors
 - the instructional assistant will be seen as an intervention and not as a permanent component of the placement
 - the student will not become aide dependent.
- b. The criteria for fading the additional instructional assistant intervention built into the target behaviors and tied directly to the decreasing frequency of the target behaviors.
- c. A description of the ongoing support that will be available to the student and the class should the target behaviors recur to some degree after the additional instructional assistant time is discontinued (i.e., other assistant support for another class on campus, a floating assistant, etc.).

The above policy is not applicable to districts operating regional programs when the majority of students (majority defined as 80% or more of the students) enrolled in the program belong to the district operating the program. If a district operating a regional program where the majority of students belong to the district feels there is a need for additional supplemental instructional assistant time to address behavior issues, they shall contact the district of residence (DOR) special education administrator of any students attending the program to consult regarding the need for supplemental instructional assistant staffing.

DATE APPROVED: December 4, 2000

DATE REVISED: December 9, 2002

DATE REVISED: January 11, 2016

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3200 BUDGET PLANNING PROCESS

3210 Use of and Approval for Nonpublic Agency Services for Regional Programs

Regional Operators may contract with a Nonpublic Agency to provide personnel/services in the event that the provider is unable to hire personnel to provide the services.

Nonpublic agency services provided to students enrolled in regional programs shall be a shared SBCSELPA expense through the regional program funding mechanism.

All other nonpublic agency service costs shall be the responsibility of the contracting local education agency pursuant to SBCSELPA Policy 3217.

When the operator of a regional program concludes that:

1. Additional services are required to support the program, and
2. These additional services should be provided by contracting with a non-public agency

The Regional operator will present its request to the JPA Board for discussion and subsequent action.

No contract with a non-public agency for the purpose of augmenting services to a regional program shall be developed without prior approval of the JPA Board and review by the SBCSELPA Executive Director.

The SBCSELPA Executive Director may consult with special education administrators and business officials from local education agencies (LEAs) in SBCSELPA as needed, to seek input regarding such requests.

DATE APPROVED: June 3, 1992

DATE REVISED: March 4, 1994

DATE REVISED: March 3, 1995

DATE REVISED: December 9, 2002

DATE REVISED: December 14, 2009

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3200 BUDGET PLANNING PROCESS

3212 State Residential School

The SELPA and its member local education agencies shall be financially responsible for the placement of individuals with disabilities in nonpublic/state residential schools and for nonpublic agency services as outlined below:

1. The Santa Barbara County SELPA (SBCSELPA) shall be responsible for the costs associated with placement of SBCSELPA-resident students in the state residential schools.
2. The funding of SRS placements shall exclude those provided via settlement agreement and/or as compensatory education. Such costs shall be the sole responsibility of the district of residence, pursuant to SBCSELPA Local Plan Policy 3217.
3. The SBCSELPA shall be responsible for the costs associated for audiological services pursuant to an IEP, as follows:
 - One annual audiological assessment and two hearing aide checks annually per student with an IEP ages 3-12.
 - Plus, audiological assessment every three years and two hearing aid checks annually per student with an IEP ages 13-21.

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- 3200 BUDGET PLANNING PROCESS
- 3212 State Residential School (*Continued*)

The SBCSELPA and its member local education agencies shall pay to the nonpublic, nonsectarian school or agency the full amount of the tuition and other related services for individuals with disabilities enrolled in such programs pursuant to the provision of the current master contract. Districts shall invoice SELPA for the amount that is deducted from their principal apportionment for state residential placements.

(EDUCATION CODE. 56365(d))

DATE APPROVED: January 9, 1987
DATE REVISED: November 10, 1988
DATE REVISED: November 8, 1991
DATE REVISED: December 9, 2002
DATE REVISED: November 7, 2005
DATE REVISED: June 4, 2007
DATE REVISED: September 14, 2009
DATE REVISED: June 4, 2012

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- 3200 BUDGET PLANNING PROCESS
- 3213 Chargebacks for LCI Nonpublic School Costs

In the event that the state budget for LCI nonpublic school and agency funding is exceeded and additional state funding is not provided, the resulting deficit in funding for LCI nonpublic school and agency services shall be considered part of the SBCSELPA's total regional program expenses to be shared by all districts within the SBCSELPA.

DATE APPROVED: April 15, 1994
DATE REVISED: December 9, 2002

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3200 BUDGET PLANNING PROCESS

3214 Payment for Independent Educational Evaluations (IEE)

1. For non-regional programs, the district of residence of the student (which shall include the County Education Office for student residing in direct service districts who receive special education services from County Education Office staff), shall be responsible for payment of the costs of independent educational evaluations.
2. For regional programs, the costs of independent educational evaluations shall be included in the total costs for operation of the Regional Program under the following circumstances:
 - a. The parent requests an IEE and the regional program operator, with the agreement of the SBCSELPA Executive Director, determines that the IEE should be provided at public expense in lieu of requesting a due process hearing to show that its assessment was appropriate.
 - b. The parent requests reimbursement for an IEE obtained privately and the regional program operator, with the agreement of the SBCSELPA Executive Director, determines that the IEE should be funded in lieu of requesting a due process hearing to show that its assessment was appropriate.
 - c. The parent files a complaint with either the California Department of Education or the Office for Civil Rights and the corrective action requires payment of the costs of an IEE.
3. For student enrolled in regional programs, the cost of an IEE included as part of a mediation settlement agreement or due process hearing decision shall be included in the total costs for operation of the Regional Program.

DATE APPROVED: January 10, 2000

DATE APPROVED: February 4, 2002

DATE REVISED: December 14, 2009

DATE REVISED: February 1, 2016

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3200 BUDGET PLANNING PROCESS

3215 Provision of Special Education Services to Parentally Enrolled Private School Students

Local education agency (LEA) members of the Santa Barbara County SELPA shall annually spend a proportionate share of IDEA Part B local assistance subgrant federal funds to provide special education and related services to student with disabilities enrolled by their parents in private school, including religious, schools or facilities that meet the definition of elementary school or secondary school, located in the school district served by the LEA. These funds may not be used for repair, remodeling, or construction of private school facilities.

Annually the SBCSELPA Executive Director shall inform each district of the amount of federal special education dollars to be spent on private school students. The proportionate share of funding to be expended on parentally-placed private school students shall be determined by calculating the LEA's number of students with Plan Type 200/700 for student ages 3-21 in the prior year CALPADS EOY4 report multiplied by the SELPA-wide average share per IDEA eligible student. The SELPA wide average share per IDEA eligible student will be calculated based on the Private Share Proportionate Worksheet required by the grant. Districts will be required to sign a document acknowledging their proportionate share or an assurance if they do not have a proportionate share amount.

If an LEA has not expended its proportionate share of Subgrant Part B Federal funding for parentally placed school services in the fiscal year the money was appropriated, the LEA may carry-over the funds for a period of one additional year.

Prior to December 1 of each school year, the SBCSELPA Executive Director, in collaboration with LEA special education administrators/designees, shall engage in timely and meaningful consultation with private school representatives and representatives of parents of parentally placed private school student with disabilities regarding the following:

1. How parentally placed private school student suspected of having a disability can participate equitably; student find process.

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3200 BUDGET PLANNING PROCESS

3215 Provision of Special Education Services to Parentally Enrolled Private School Students (*Continued*)

2. How parents, teacher and private school officials will be informed of the process.
3. How the proportionate share of Subgrant Part B Federal Funds is to be expended on students parentally placed in private schools is calculated.
4. How the consultation process will occur throughout the school year.
5. Provision of services; types of services including direction and alternate service delivery mechanisms.
6. How special education and related services will be apportioned if funds are insufficient to serve all parentally placed private school student; how and when those decisions will be made.
7. How, if the LEA disagrees with the views of the private school officials on the types of services (whether to be provided directly or through a contract), the LEA will provide the private school officials with a written explanation of the reasons why they chose not to provide services directly or through a contract.

The SELPA/LEAs shall obtain a written affirmation signed by the representatives of participating private schools confirming that timely and meaningful consultation has occurred on an annual basis. After the annual consultation meeting with representatives of participating private schools has occurred, LEAs in the SBCSELPA that have private schools located within their boundaries shall develop follow-up guidelines regarding the special education and related services to be provided to special education eligible students enrolled in private schools in their jurisdiction. These guidelines will include the following:

1. Service location options
2. Service provider options (public school employees or contractors)
3. Types of services to be provided pursuant to service plans

EDUCATION CODE: Title 34 CFR Section 300.130-144; Title 20 USC Section 1412 (a) (A) (i)

DATE APPROVED: January 10, 2000 DATE REVISED: January 5, 2009

DATE REVISED: November 6, 2000

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3200 BUDGET PLANNING PROCESS

3217 Responsibility for Funding Calculations

The SBCSELPA Joint Powers Agency Board acknowledges the importance of provision of timely and accurate data and calculations in the development of spreadsheet information for special education fund allocations in areas including but not necessarily limited to costs associated with housing of regional classes and apportionment of special education funding pursuant to the SBCSELPA's AB 602 Fiscal Allocation Plan.

In conjunction with the above, the SBCSELPA office shall have the responsibility for the following:

- Receipt and allocation of funding to LEAs
- Collecting data for spreadsheet development
- Compiling data in spreadsheet formats, as appropriate
- Providing SBCSELPA LEA business and special education administrative personnel back-up data and methodology used for all calculations.

The SBCSELPA LEAs shall be responsible for the accuracy of the data submitted to the SBCSELPA office to be used for fiscal calculations.

The SBCSELPA LEAs shall share responsibility with the SBCSELPA office for checking the accuracy of the calculations pursuant to allocation policy guidelines.

Any data or calculation errors identified shall be corrected for the current fiscal year and shall not be applied retroactively to prior fiscal years.

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- 3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

- 3201 BUDGET PLANNING PROCESS

- 3217 Responsibility for Funding Calculations

I. DISTRIBUTION OF FUNDING AND REGIONAL PROGRAM EXPENSES

The Administrative Unit will receive all special education revenues, Federal and State, in a Fund 76 as a cash-conduit for the SBCSELPA. The AU, as the Federal Grantee, will record receipt of funds and pass those funds to SBCSELPA's Fund 10.

All SBCSELPA apportionments shall be made through the SBCSELPA's Fund 10.

The SBCSELPA shall transfer funds and expenses to member LEAs based on the SBCSELPA Funding Model.

- Regional Program operators shall be reimbursed for program costs by the district of residence (DOR) member LEA for each student attending the regional program.

- The DOR shall record the regional program cost paid to the Regional Program Operator as a transfer between a district or County as appropriate.

DATE APPROVED: October 6, 2003

DATE REVISED: June 4, 2018

DATE REVISED: May 3, 2021

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3200 BUDGET PLANNING PROCESS

3218 Federal Maintenance of Effort Requirement

Santa Barbara County SELPA (SBCSELPA) member local education agencies recognize that the intent of the federally mandated maintenance of effort (MOE) requirement is to ensure the provision of appropriate services for students with disabilities.

The governing board of each local education agency (LEA) of which the Santa Barbara County SBCSELPA is comprised has adopted an assurance statement regarding the maintenance of local financial effort relative to the receipt of federal special education funds. Pursuant to these locally adopted assurance statements, it is the expectation that all individual sub-grant recipient member agencies (LEAs) of the SBCSELPA shall meet the MOE requirement on a yearly basis. As each school year progresses, it shall be the responsibility of each SBCSELPA LEA to monitor expenditures for special education to assure that the LEA is on track to meeting the MOE.

LEAs shall be deemed to have met the MOE if their expenditure data meets the MOE parameters as set forth in the implementing regulations of the Individuals with Disabilities Education Act (IDEA).

If the expenditure data of an individual sub-grant recipient member LEA indicates that the MOE standard will be met only through application of the criteria outlined in Section 300.232 of the IDEA (Exception to Maintenance of Effort), SBCSELPA Executive Director shall review such data and make a recommendation to the JPA Board regarding whether the criteria for exception to MOE have been met. The JPA Board shall take action to approve or deny the recommendation of the SBCSELPA Executive Director.

The SBCSELPA Executive Director may consult with special education administrators and business officials from local education agencies (LEAs) in SBCSELPA as needed, to seek input regarding such requests.

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3200 BUDGET PLANNING PROCESS

3218 Federal Maintenance of Effort Requirement (*Continued*)

In the event that the JPA Board determines that a member LEA submits a LEA Maintenance of Effort Calculation Worksheet (LMC-B) that fails to meet the IDEA budget to actual eligibility requirement to receive IDEA funds, the SBCSELPA shall document that it has withheld the LEA's allocation of federal funds until the LEA can demonstrate to the SBCSELPA and the California Department of Education (CDE) that it will meet the LMC-B requirements.

In the event that the JPA Board determines that a member LEA submits an LEA Maintenance of Effort Calculation Worksheet (LMC-A) that fails to meet the IDEA actual to actual compliance requirement, the LEA will be invoiced by the CDE directly. The LEA will have to pay back the difference between the prior actual expenditures and the most recent year's actual expenditures directly to the CDE. The LEA must use local and/or state and local funds from the current fiscal year to pay the CDE. If the LEA does not respond to three invoice requests from CDE to pay the invoice, the LEA acknowledges that the CDE will deduct funds from the LEA's next principal apportionment or apportionments until the penalty is met.

DATE APPROVED: April 5, 2004
DATE REVISED: December 14, 2009
DATE REVISED: October 1, 2012
DATE REVISED: September 14, 2015