

LASSEN COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)
OPERATING GUIDE (SOG)

1. BASE PROGRAMS AND CONTINUUM OF SERVICES

The following plan allocates all funds pursuant to applicable state and federal regulations. Member Local Educational Agencies (LEA) recognize that Students With Disabilities (SWD) are general education students first and generate Local Control Funding Formula (LCFF) dollars which must be spent prior to the use of state and federal special education dollars. State and Federal special education dollars are supplemental and are not expected to cover the full cost of special education.

The SELPA will maintain a continuum of program and services consistent with the requirements of the Individuals with Disabilities Act. LEAs are responsible for staffing and delivering special education programs to students with disabilities in regular classes, regular classes with additional services and supports, and in special classes providing specialized academic instruction as required by each child's Individualized Education Plan (IEP). SWDs whose needs are best met in a restrictive specialized setting will be served in regionalized programs as described later in this document.

LEAs acknowledge the obligation to maintain the level of General Fund contribution towards the provision of special education services at a level equal to or greater than the prior year, noting the limited exceptions to maintenance of effort provided for in state and federal law.

2. ADMINISTRATION

- A. The SELPA Administrative Unit (AU) will continue to be funded by state, federal, and local sources and will charge an 8% indirect cost beginning the 22/23 school year.
- B. The Lassen County Office of Education (LCOE) will continue to operate as the AU. Starting in December 2008, and every four years following, the SELPA Board will take action to confirm the continuance or change to the AU, following the voting structure described in Article 5.4 of the SELPA Board By-laws.
- C. LEAs are responsible to provide adequate and appropriate classroom/office space for regionalized providers to engage LEA students and direct services.
- D. Special education buildings located on LEA sites will continue to house special education regional programs. All utilities, phone, internet, equipment, custodial, maintenance, etc. are the responsibility of the SELPA AU and included in the Master Agreement.
- E. Administrative Support on LEA Sites - On-site administrators will be responsible for contacting County Office administration with any concerns regarding County Office staff or programs at their site.
- F. The Administrative Unit (AU) will be responsible for evaluating county employees as set forth in the bargaining unit contracts. Site Administrators may be asked to contribute to County Office staff evaluations. If a site administrator is concerned about the performance of regionalized program staff, they should contact the AU and a joint plan will be made to address the concern.
- G. Regionalized program staff expectations on LEA Sites:
 - Punctuality – Regionalized program staff calendar days and start and end times are consistent with the school where assigned. Regionalized itinerant staff schedules are based on the schedule set with Lassen County Office of Education at the beginning of the school year.

- Regionalized program staff are encouraged to engage in the school community to the greatest extent possible. Staff is further encouraged to communicate with the site administrator to gain awareness of the campus expectations.
- H. A plan will be presented each spring by the SELPA Board for staff development for both certificated and classified staff.
- I. Substitutes for regionalized program staff shall be requested, authorized, and arranged for by the Administrative Unit.

3. PLANNING

- A. The SELPA Board shall consider the following in establishing the SELPA staffing plan:
- SELPA Board members' recommendations
 - SELPA Director/Special Education Director's recommendations
 - Pupil Count History for Regional Programs
 - Ability to maintain or attract qualified staff

4. STAFFING

- A. The SELPA Director will provide monthly updates to the SELPA Board for any changes to services and staffing.
- B. Based upon the proposed Staffing Plan, the SELPA Director and LCOE Business Services shall prepare a proposed personnel cost (with estimated revenues and expenditures) for the SELPA Board to consider. The SELPA Board will take action on the final Staffing Plan, considering personnel costs, at its February meeting.

The SELPA Board will consider District Superintendents, Charter School Directors, SELPA Director recommendations, and the guidelines listed below.

Regional Programs Severely Handicapped/Life Skills Staffing:

- Lassen High School: 1 FTE Teacher
 Minimum two 5.9 Paraeducators
 Additional Staff per IEPs
- Johnstonville (TK-8): 1 FTE Teacher
 Minimum two 5.9 Paraeducators
 Additional Staff per IEPs
- Rainbow Learning Center and Westwood Preschool Programs:
 1 FTE Teacher
 Minimum one 5.9 Paraeducator at each location
 Additional Staff per IEPs
- Infant Toddler Program:
 1 FTE Teacher
 One 3.9 Paraeducator

5. FINANCIAL – State and Federal Funds

Federal Local Assistance Grant Funds, Federal Preschool Grants, and Out-of-Home Care dollars support the regionalized programs. State AB 602 dollars are utilized to cover the remaining costs for regionalized programs, for which the Federal dollars are not sufficient, and are distributed on a per-ADA basis based upon prior-year Second Principal Apportionment (P-2) attendance, after the following “off-the-top” expenditures have been funded.

SELPA Staff/Administrative Unit

The SELPA will be staffed as follows:

- 1.0 full-time equivalent (FTE) SELPA Director/Administrator of Special Education
- 1.0 FTE Administrative Assistant

Regionalized Programs

The following regionalized programs and related services are available to all students within the SELPA and are funded “off-the-top”:

- Adaptive Physical Education
- Assistive Technology
- Deaf/Hard-of-Hearing
- Extended School Year (ESY) SELPA provided Regional Programs for Severely Handicapped/Life Skills, located at Johnstonville and Lassen High School
- Infant and preschool programs for SWDs
- Low Incidence Programs
- Occupational and Physical Therapy
- Orientation and Mobility
- Psychological Services
- School Nursing Services
- Specialized classes for students, TK/kindergarten through post-secondary with the most significant disabilities - SELPA provided Regional Programs for Severely Handicapped/Life Skills, located at Johnstonville and Lassen High School
- Speech and Language
- Transportation

The LCOE is the operator of the above listed regionalized programs and employs staff supporting the Special Education programs and related services identified above. Job descriptions are available through the Administrative Unit.

Low incidence equipment funds are allocated pursuant to applicable state and federal laws, on a case-by-case basis, as determined by the SELPA. Low incidence funds are allocated based on requests from participating LEAs. If the requests exceed the funding available, the requests are granted on a prorated basis to the maximum extent possible with existing funds.

Extraordinary Cost Reserve

Maintained at a minimum balance of \$1 million and used to fund the following:

Nonpublic School/Residential Placement

Costs for a SELPA approved Nonpublic School (NPS), Residential placement shall be paid by the LEA with a \$50,000 maximum per student per year with any additional costs incurred paid by the Extraordinary Cost Reserve.

State reimbursements for each placement will first replenish the extraordinary cost reserve. Once replenished, reimbursement will be to the LEA.

Prior to consideration to placing a student in a Nonpublic/Residential School, the LEA must be working with the SELPA Director and complete the “Residential Placement Process” document, (See attachment A in the SOG).

Once the process is complete, the document will be submitted as an action item for review and consideration for approval of the expenditures by the SELPA board.

If the LEA chooses to place the student without following the SELPA’s Residential Placement Process, the LEA will be liable for all costs.

Allocation of AB 602 Funding

After all “off-the-top” expenditures have been funded and minimum extraordinary cost reserves met, AB 602 dollars will be distributed on a per-ADA basis based upon prior-year P-2 attendance.

Revenue estimates will be given to the LEAs for budgeting purposes each spring.

Allocation of funds will be transferred quarterly to the LEAs based upon the percentage of cash received by the AU.

Allocation of Mental Health Funding

Effective July 1, 2023 Mental Health Funding will go directly to the LEAs in the monthly apportionment. SELPA will no longer be allocating those funds.

6. SELPA MEMBERSHIP

- A. In the event a participating member of the SELPA intends to withdraw from the SELPA in order to join another SELPA pursuant to EC Section 56195.3, the member shall notify the SELPA of its intent at least one year prior to the proposed effective date for implementation of the change.
- B. LEAs shall provide program and fiscal reports as required by the SELPA. LEAs shall assume responsibility for any unfunded deficits associated with the operation of special education programs subject to SELPA funding policies.

7. SELPA Operating Guide Review

The SELPA Board may review the SELPA allocation plan annually. No later than February 1 of each year, the SELPA Director will present to the SELPA Board any proposed changes to the SELPA allocation plan for the succeeding two years. The SELPA Board will take action to amend the plan no later than the end of February.

HISTORICAL INFORMATION

Historically, the majority of the school LEAs in Lassen County have utilized Special Education Staff provided by LCOE. Three districts- Lassen Union High School District, Janesville Union School District and Susanville School District- provided their own staffing for the majority of the needs on their respective campuses. With the adoption of the Single-Program Operator (SPO) in 2004, an attempt was made to bring all LEAs together under one common Program Operator, the Special Education Local Plan Area (SELPA). The LCOE acts as the Administrative Unit (AU) for the SELPA. A fundamental belief existed that the three districts operating their own programs would (through attrition) turn their special education positions over to the SELPA and eventually all Special Education positions would belong to their SELPA as the one, Single Program Operator. The adopted SPO Guidelines provided clarification as to vacated positions, bumping rights and reimbursements to the three districts until such times as they turned their positions over to the SELPA. Additionally, the guidelines dictated how the districts would communicate with the SELPA regarding positions (whether vacant or filled) that were to be turned over to the SELPA.

It was recognized in the SPO guidelines that it may take several years before all positions that belonged to the three districts, would be turned over to the SELPA. As time went by and budgets became strained, some of the LEAs found that their collective bargaining units were resistant to losing the membership of their RSP teachers to the SELPA. As this unit work is a negotiable item, it became understandable that some of the positions might not be shifted as previously anticipated.

The newly adopted 2004 SPO Guidelines were a complete re-write of the original plan; the formatting has been modified as well as contents. The newly adopted guidelines featured a new name as well: The **SELPA Operating Guide** (SOG). The new plan featured six sections (History; Administration; Planning; Staffing; Financial; and Program Transfers) that delineated specific program parameters for the SELPA as a Program Operator.

In August 2018, SELPA appointed a committee to review the special education allocation plan. The SELPA board invited Student Services to guide the review. Once a plan was developed, the SELPA board moved from SPO to an allocation model. The revised plan was unanimously approved by the SELPA Board on February 5, 2019. The program transfer as identified by Ed Code sections: 44903.7 and 45120.2, took effect beginning with the 2019-20 school year. SELPA Funding Allocation Plan Committee to develop a new funding allocation plan. The plan took effect in 2019-20 school year. In addition, certificated and classified positions transferred to the LEAs.

The current special education funding structure, commonly referred to as Assembly Bill (AB) 602 (AB 602 was the legislation that enacted the funding formula) replaced an 18-year-old formula. The old funding model was referred to as the J-50 funding model and was based upon unit rates and support rations. This model encouraged identification of SWDs; essentially, the more SWDs receiving special education services, the more the local educational agency (LEA) would receive in state funding. The authors of AB 602 had an interest in eliminating this incentive as well creating a less complicated funding model. AB 602 was introduced and signed into law in 1997 and took effect for the 1998-99 school year.

Under AB 602, funding is based on average daily attendance (ADA), not the number of students being served in special education. AB 602 assumes that the percentage of SWDs will be similar across all LEAs. To convert to the new formula, the state aggregated most of the special education funding and then divided by the 1997-98 ADA for each Special Education Local Plan Area (SELPA). The funding is allocated through the SELPA rather than directly to the LEAs.

A statewide target became common vernacular based upon the 1997-98 statewide average rate per ADA. Each year, the cost-of-living adjustment is based upon the percent increase to the statewide target and converted to a uniform dollar amount per SELPA.

Base funding for special education included in AB 602 is as follows:

- Is based on the countywide average daily attendance not the number of students being served in special education
- State aid (after deficit) for Special Education for ages 4-22 and 3-4 year-old preschoolers
- Longer Day/Longer Year
- Nonpublic School (NPS) Pilot (for those LEA that participated in the program)
- Funded Phase I Equity Revenue
- Public Law (PL) 94-142 funds for ages 4-22
- Federal funds for county office continuous year and juvenile court schools
- Property tax for special education
- Extended School Year
- NPS/Nonpublic Agency (NPA) funding

Special education funding sources excluded from AB 602 formula are as follows:

- State aid for Infant Units
- Property Tax for Infant Programs
- State aid for SELPA Administrative Units (including Regional Services/Program Specialists)
- State Aid for NPS/NPA and Licensed Children's Institutions
- All Federal Aid for preschoolers (PL 94-142 and 99-457)
- Federal aid for low incidence, staff development, and workability

In the adoption of the new AB 602 funding formula, there was a movement to provide equity among all SELPAs. The equity process became known as Implementation Phases. Attempts at equity are now known as the following four phases:

- Phase I – Low-funded LEAs received equity funding in 1997-98
- Phase II – The conversion to the per-ADA model became known as Phase II
- Phase III – Further funding to SELPAs with below-average funding per ADA
- Phase IIIA – Additional funding for high-need SELPAs (considered a level up)

Currently, there is still no equity in funding rates among all SELPAs. SELPA funding ranges from approximately \$488.48 per ADA up to \$935.72 per ADA as of the 2017-18 Second Principal Apportionment certification. As of 2017-18, most SELPAs were in the midrange with the statewide target average of \$540.99. The Lassen County SELPA funding rate as of 2017-18 was \$740.03 per ADA, indicating that the SELPA is funded above the statewide average. The Lassen County SELPA has benefited from one of the highest funding levels in the state for more than two decades.

The following LEAs are voting members of the Lassen County SELPA:

- Big Valley Joint Unified School District
- Fort Sage Unified School LEA/Mt. Lassen Charter
- Janesville Union Elementary School District
- Johnstonville Elementary School District
- Lassen Union High School District
- Thompson Peak Charter
- Long Valley School
- Ravendale-Termo Elementary School District
- Richmond Elementary School District
- Shaffer Elementary School District
- Susanville Elementary School District
- Westwood Unified School District
- Lassen County Office of Education

The funding formula that AB 602 provides is better than the old system but is still not providing uniform and consistent rates to all SELPAs. Equity in Special Education funding cannot be achieved as each SELPA and each participating member of the SELPA will have unique needs and the state cannot predict those needs. In addressing those unique needs, each SELPA is required to develop a funding allocation plan for distributing the funding received for the Special Education-related needs of the SELPA and its member LEAs.

Because the Lassen County SELPA has received one of the highest funding levels in the state for nearly two decades, state and federal funding has, until recently, covered the full cost of providing special education programs and services across the SELPA. Since the implementation of AB 602 in 1998-99, the SELPA funding allocation plan has been largely a reimbursement model. Funding of the SELPA, and programs/ related services provided by the AU were available to all students within the SELPA regardless of district of residence or district of service. State and federal funds were used to reimburse LEAs for any costs incurred locally for providing direct services to students with disabilities. The SELPA has experienced a number of changes since it was formed in 1977.

EDUCATIONALLY RELATED MENTAL HEALTH SERVICES

Mental Health Services – Education Code Section 56836.07

Federal law requires that SWDs be provided with mental health services if required. In the past, there has been a state mandate in place requiring county mental health agencies to provide any required services.² The state has provided funding in multiple forms to support such services, including a special allocation to county mental health in addition to Medi-Cal reimbursements for eligible students.

The Legislature was concerned that continuing the mandate for county mental health to provide services to SWDs placed a costly burden on the State Budget. Furthermore, there were additional concerns that the current structure for services was inefficient and may be making unnecessary claims to Medi-Cal. In a major shift of policy (AB114), responsibility and funding for educationally related mental health services for Special Education students was transferred from county mental health agencies to school agencies. As part of the Budget, the state provided funding from three state and federal funding sources.

All historical changes will continue to be preserved in previous versions of the Single Program Operator & Allocation Formula Descriptions in files at the Lassen County Office of Education.

²AB 3632 (Chapter 1747/1984) Final Approved: March 21, 2023