**SELPA Service Delivery**

The participating members of the Tehama County SELPA agree that all identified special education students have the right to a free appropriate public education in the least restrictive environment, and that to the maximum extent possible, students with disabilities shall be educated at their neighborhood school or at another school site within their district of residence. It is the responsibility of the SELPA to ensure that a full continuum of services is available in order to meet the needs of all identified students within its boundaries. It is the responsibility of the district of residence to provide or arrange for the provision of services to all identified students within district boundaries.

**Purpose**

The purpose of this agreement is to clarify roles and responsibilities regarding the provision of special education services within the SELPA, establish procedures for accessing those services and establish methods for determining excess costs that may be charged for the provision of special education services.

**Definitions**

Program Operator – An LEA that receives special education funding for the purpose of providing special education services is considered a program operator. The TCDE and SELPA Office are also program operators.

Direct Service Districts *-* School districts that do not receive any special education funds and do not operate any special education programs are considered direct servicedistricts. Direct service districts are provided special education services by the TCDE.

Regional Service Providers– A program operator that provides services to identified students from other districts within the SELPA is considered a regional service provider.

District of Residence – The district where a student resides is considered the district of residence.

**Program Operators**

The role of local program operators is described below:

Local School Districts – Local school districts that can demonstrate financial capability may become program operators pursuant to the Local Plan.

Program operators are allocated special education funds according to the SELPA special education allocation formula. Program Operators, *at a minimum*, are responsible for providing the followingservices to all identified students within its attendance area:

* Psychological services
* Speech and language therapy
* Specialized academic instruction for up to and including the full school day for students with mild-moderate disabilities

The following school districts are **currently** designated as program operators

* Antelope Elementary School District
* Corning Union Elementary School District
* Corning High School District
* Evergreen School District
* Los Molinos Unified School District
* Red Bluff High School District
* Red Bluff Union Elementary School District

Tehama County Department of Education (TCDE) – The TCDE makes available programs and services as designated by the SELPA governing body. The TCDE currently provides the following programs and services:

*Psycho-educational Evaluations*

* *For all direct service districts*

Related Services (offered to all within the SELPA)

* Visually Impaired (VI) and braille services
* Orientation and Mobility (O&M)
* Adapted Physical Education (APE)
* Occupational Therapy (OT)
* Specialized services for Low Incidence (LI) disabilities (OI)
* Itinerant Pre-school services
* Itinerant Deaf & Hard of Hearing (DHH)

Regional Classrooms -

* Deaf and Hard of Hearing(DHH)
* Classes for the severely disabled/multiple disabilities
* Pre-school for the moderate/severe disabled/multiple disabilities

Instructional services for students with Mild-moderate disabilities – to be provided to all direct service districts

* Specialized Academic Instruction (Base Instructional Service)

*Note: amount of service is dependent on actual FTE allocation*

Speech and Language Services – to be provided as described below

* For TCDE operated pre-school programs
* For all direct servicedistricts

SELPA Office – The SELPA Office makes available programs and services as designated by the SELPA governing body. The SELPA Office currently provides the following programs and services:

* Program Specialist services
* Behavior intervention services *(including individualized behavior interventionists, IBI’s)*
* Educationally Related Mental Health Services (ERMHS)

**Direct Service Districts**

Direct service districts are provided special education services primarily by the TCDE. Direct service districts that are assigned less than 1.0 FTE mild-moderate teacher from the TCDE are entitled to place students in programs operated by any other district within the SELPA.

The following districts are currently considered direct service districts:

* Elkins
* Flournoy
* Gerber
* Kirkwood
* Lassen View
* Reeds Creek
* Richfield

Note: Gerber School is the only direct service district that is allocated more than 1.0 FTE mil-moderate teacher by the TCDE and therefore is not entitled to place students with other program operators per this policy.

(*If any direct service providers could meet the requirements of this agreement and obtain approval from the Tehama County SELPA Administrators’ Council they would be taken off this list and moved to program operator)*

**Regional Service Providers**

Specialized Academic Instruction for Elementary Aged Students with Mild-Moderate Disabilities -

The TCDE is the regional provider of specialized academic instructional services for all students with mild/moderate disabilities in direct servicedistricts. The level of service provided is dependent on the size of the school district and the total amount of service authorized by the SELPA governing board.

All district program operators are considered regional service providers for the purpose of providing specialized academic instructional services to students with mild-moderate disabilities from direct service districts. Direct servicedistricts that lack adequate services to meet IEP requirements for students with mild/moderate disabilities requiring extensive specialized academic instruction are eligible to refer students for placement with aregional service provider.

 RegionalClasses for Students with Moderate-Severe and/or Multiple

 Disabilities -

Red Bluff Union High School and Corning Union High School are theregional service providers for students from Los Molinos High School that require placement in a regionalclass for students with moderate-severe disabilities.

The TCDE is the regional service provider for all elementary age and adult *(18-22 year olds)* students from throughout the SELPA that require placement in a regional classroom for students with moderate/severe and/or multiple disabilities.

Pre-school Services, Low Incidence Services, Related Services -

The TCDE is the regional service provider for pre-school, low incidence and all other related services for all students throughout the SELPA.

Program Specialist, Behavior Intervention and Educationally Related Mental Health Services –

The SELPA is the regional service provider for program specialist, behavior intervention and educationally related mental health services for all students throughout the SELPA.

**Access to Regional Services**

Specialized Academic Instruction for Elementary Aged Students with Mild-Moderate Disabilities

Before a direct service district requestsplacement in a program operated by a regional service provider, it will comply with all requirements regarding least restrictive environment. If it is determined by the DOR that the services available within the district do not meet the needs of a particular special education student, the responsible district special education representative will contact the SELPA Administrator. The SELPA Administrator or designee will facilitate placement of the student in a program operated by a regional service provideras per SELPA procedures. If an appropriate placement is not available, the SELPA Administrator will forward the matter to the SELPA governing board for a decision regarding the provision of services. If the SELPA is unable to agree on how to serve these students, the TCDE will initiate services for the student.

*Note: These procedures are not intended to prevent individual districts from entering into agreements with one another regarding the provision of services.*

RegionalClasses for Students with Moderate-Severe and/or Multiple Disabilities

Whenever Los Molinos High School requires a special class placement for a student with moderate-severe disabilities, the responsible district administrator will contact the responsible special education representative at either Corning or Red Bluff High School and that person will facilitate the placement.

Whenever an elementary school district requires a regional class placement for a student with moderate-severe and/or multipledisabilities the responsible school administrator will contact the SELPA Office and the matter will be forwarded to the appropriate SELPA Program Specialist for processing. Adult students (18-22) should be referred directly to the SELPA Office for placement in an appropriate program.

All TCDE Services –

Whenever a district requires pre-school, low incidence or related services for a student, the responsible school administrator will contact the SELPA office and the matter will be forwarded to the appropriate Program Specialist for processing.

All SELPA Office Services –

Whenever a district requires services from a program or behavior specialist, an individualized behavior interventionist, or educationally related mental health services, the responsible school administrator will contact the SELPA office and the matter will be referred to the appropriate person and procedure.

**Intra-SELPA Movement**

When students move from one district to another within the SELPA it is the responsibility of the receiving district to provide a FAPE and implement the current IEP. If the IEP requires related services and the receiving district is unable to provide those services TCDE will become the provider.

If the student is enrolled in a placement operated by TCDE, a regional provider, the student may maintain enrollment in that placement until the IEP team determines otherwise.

In the event that a student enrolled in a mild-moderate placement operated by a regional provider program operator district moves to a direct service district and the receiving district is unable to provide those services the student will maintain enrollment in that placement until the IEP team determines otherwise. It is the responsibility of the SELPA as a whole to provide a continuum of services.

**Fiscal Responsibilities**

School districts that provide special education services to students from outside their attendance boundaries at the request of the DORmay charge the DOR the excess cost associated with providing services for individual students. A district that arranges for services from another district is responsible for its pro-rata share of the excess costs associated with that service. School districts that receive special education funding from the SELPA, over and above their normal AB 602 allocation, in order to provide regional services, may not charge another district for excess costs unless so stipulated in the agreement to provide such regional services.

*Note: This section does not apply to students who enroll in school districts other than their DOR through the inter-district transfer process.*

Excess Cost Determination:

In order to provide consistency throughout the SELPA, a uniform base cost per student/ADA was established during the 2015-16 school year. This amount will be adjusted annually based on annual COLA and re-established every five years, or sooner if deemed necessary, by the SELPA governing body. The process for establishing the cost per student follows:

* Year 1 – During the 2015-16 school year each program provider completed the excess cost formula worksheets contained in Appendix A and B of this agreement. The results from those completed worksheets were reviewed and one uniform base cost per student/ADA was established by the Administrative Council. This amount will serve as the base cost for the following five year period, unless updated sooner during that time period.
* Year’s 2, 3 and 4 – The cost per student will be automatically adjusted according to the COLA for that year.
* Year 5 - The cost per student for year 5 will also be automatically adjusted according to the COLA for year five.

The base cost per student for the next five years shall be established during year five. Program providers will re-calculate their excess costs, pursuant to Appendix A and B, and submit their results to the SELPA in time for the March meeting of the Executive Committee.

Extraordinary Costs:

In addition to the excess cost per student, program providers may also charge placing districts for certain additional expenses associated with the placement of a particular student. Examples of costs that may be billed separately include transportation, related services such as speech provided by the program provider (see appendix B), additional instructional aide support, contracted services required by the student, and attorney fees. Costs resulting from due process filings, state compliance complaints or other judicial proceedings are the responsibility of the district of residence, unless agreed to otherwise by the involved districts or if the claim which precipitated the charge was due to the actions of the program provider. This includes costs associated with any type of settlement agreement. Program providers shall, therefor, include the district of residence in all IEP or other meetings where extraordinary costs to the district of residence are being considered.

Memorandum of Understanding

The agreement between the Program Provider and the District of Residence regarding the provision of services and related excess costs shall be clearly documented in an MOU (see Appendix C).

# Transportation

The District of Residence is responsible for providing transportation services as required in the student’s IEP. *For more information regarding specialized transportation see SELPA Agreement SA 4.*

Districts that receive services from the TCDE are responsible for the excess costs associated with those services. The formula for determining these costs is determined by the SELPA Governing body and contained in the SELPA Billback Calculation formula.