

**LOCAL PLAN**  
**Section B: Governance and Administration**  
**SPECIAL EDUCATION LOCAL PLAN AREA**



California Department of Education  
Special Education Division

SELPA

Fiscal Year

## B. Governance and Administration

California *Education Code (EC)* sections 56195 et seq. and 56205

### Participating Local Educational Agencies

Participating local educational agencies (LEAs) included in the Special Education Local Plan Area (SELPA) local plan must be identified in Attachment I.

### Special Education Local Plan Area—Local Plan Requirements

1. Describe the geographic service area covered by the local plan: [EC 56195.1(d); EC 56195.1(a)(1); EC 56211; EC 56212]

#### Participating Local Educational Agencies

The Kern County Consortium Special Education Local Plan Area (SELPA) is a multi-district SELPA comprised of 42 local educational agencies (LEAs), 6 LEA charter schools and the Kern County Superintendent of Schools, joined together to provide for the coordinated delivery of programs and services to special needs students over 8,000 square miles. (There are four other single-district SELPAs in the area as well.) Those districts in our SELPA, are organized into 8 area centers intended to equalize their decision-making by region. These area centers are reviewed by the SELPA's Executive Committee every 3 years.

2. Describe the SELPA regional governance and administrative structure of the local plan. Clearly define the roles and structure of a multi-LEA governing body, or single LEA administration as applicable: [EC 56195.1(b)(1)-(3)(c); EC 56205(a)(12)]

The Kern County Consortium Special Education Local Plan Area (SELPA) is a multi-district SELPA comprised of 42 local educational agencies (LEAs), 6 LEA charter schools and the Kern County Superintendent of Schools, joined together to provide for the coordinated delivery of programs and

services to special needs students. The Kern County Superintendent of Schools is designated as the Administrative Unit (AU) for the Kern County Consortium SELPA. The Kern County Superintendent of Schools is considered an LEA for all purposes of this agreement except where referred to as the AU. In adopting the local plan, each participating LEA agrees to carry out the duties and responsibilities assigned to it within the plan and to ensure equal access to programs and services to eligible persons requiring special education in the service region.

The governance structure of the SELPA is established by agreement among the governing boards of the member LEAs. It consists of the Superintendents' Executive Council, the Special Education Administrators Committee, and the Community Advisory Committee. The SELPA Executive Director may convene additional advisory committees. The SELPA Executive Director is responsible for coordination of the SELPA and implementation of the local plan.

**Superintendents' Executive Council**

The Superintendents' Executive Council (SEC) reviews and approves the local plan, significant changes to the local plan, revisions to the funding allocation model, and other important policy and fiscal matters. The Superintendents' Executive Council (SEC) shall consist of a selected representative from each of the eight Area Centers, and the Superintendent of the RLA/Administrative Unit or his designee, each of whom shall provide a liaison function between the LEA governing boards and the SEC. LEA Superintendents exercise their authority and responsibilities in accordance with policies and procedures of their local governing boards and within the voting procedures of the Superintendents' Executive Council.

Representatives shall be selected by and from the Superintendents of each Area Center through a ballot distributed by the SELPA Executive Director to the Superintendents of the Area Center that will have a vacancy. Terms will begin in July or upon the determination of a vacancy due to resignation or retirement. The Administrative Unit representative will be the County Superintendent of Schools or his/her designee. The term of office will be two years. The Chairperson and Vice-Chairperson will be selected by the representatives serving on the Superintendents' Executive Council and will serve for a two-year term. A quorum will be five representatives and will be required for a meeting.

All council members have one vote and decisions will be made by a majority vote except in circumstances where state or federal mandates require a unanimous vote.

**Special Education Administrators Committee**

The Special Education Administrators Committee shall be an advisory body to the Superintendents' Executive Council and the SELPA Executive Director. The Special Education Administrators are responsible for the operation of local education agency/district programs to ensure that all eligible children with disabilities receive appropriate services.

There will be a minimum of 8 general information and support meetings each year of the general membership of the SEAC. SEAC membership includes the Special Education Administrator from each

LEA in the SELPA and the Administrative Unit.

**Community Advisory Committee (CAC)**

The Kern County Consortium SELPA Community Advisory Committee (CAC) serves in an advisory capacity. CAC membership includes parents of students with disabilities enrolled in public or private schools, parents of other students enrolled in school, students with disabilities, adults with disabilities, general education teachers, special education teachers, other school personnel, representatives of other public and private agencies, and persons concerned with the needs of students with disabilities. At least a majority of the CAC shall be composed of parents of students enrolled in schools participating in the local plan and at least a majority of such parents shall be parents of students with disabilities.

CAC voting members shall be recommended by LEA Special Education Administrators. The SELPA Executive Director or designee serves as an ex-officio member of the CAC and acts as the liaison between the CAC, the Special Education Administrators Committee, and the Superintendents' Executive Council.

**Fiscal Advisory Committee**

The Fiscal Advisory Committee consists of at least two chief business officials, two LEA special education administrators from the Special Education Administrators Committee, and one representative from the Kern County Superintendent of Schools. Additionally, the committee shall include at least one participant who is representing small school districts. Other district personnel, as interested, may participate. The committee is convened as determined necessary by the SELPA Executive Director or at the request of the Superintendents' Executive Council.

**Facilities Advisory Committee**

The Facilities Advisory Committee consists of at least one chief business official, one superintendent from the Superintendents' Executive Council, one special education administrator from the Special Education Administrators Committee, one representative from Kern County Superintendent of Schools Special Education, and the Director of Facilities and Property Management Services from the Kern County Superintendent of Schools. Additionally, the committee shall include at least one participant who is representing small school districts. Other district personnel, as interested, may participate. The committee is convened as determined necessary by the SELPA Executive Director.

**Special Focus Committees**

The SELPA Executive Director may convene informal special focus advisory committees in areas such as program development, Compliance Issues, SELPA adoption of student information systems, development and revision of IEP forms, and interagency agreements. Each committee will meet only as long as necessary to complete a specific purpose.

**SELPA Executive Director**

The SELPA Executive Director assures equal access to all programs and services in the SELPA and provides advice to members of the public, including parents or guardians of students with disabilities

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who are receiving services under the local plan, on the availability of established due process and legal service options and procedures. In cooperation with the California Department of Education, the SELPA Executive Director provides information to ensure that all special education pupils receive due process of law.

3. Describe the SELPA's regional policy making process. Clearly define the roles of a multi-LEA governing body, or single LEA administration as applicable related to the policy making process for coordinating and implementing the local plan: [EC 56195.7(i)(j)(1)(2)]

As noted above in the Governance Structure, each of the following Councils/Committee/Individual has a very specific role in the process.

**The Superintendent's Executive Council**, with direction from the LEA governing boards, shall act to:

- Establish operational procedures and make decisions on any matters regarding implementation, administration and operation of special education programs in accordance with the Local Plan.
- Determine and provide direction on matters pertaining to personnel, Local Plan, program and service requirements, and allocation of special education funds.
- Meet as often as necessary, but no less than four times, during the year to implement the business of the Special Education Local Plan Area and to provide the necessary direction and guidance to the SELPA Executive Director.
- Provide direction, consultation and technical assistance to the local education agencies and the Administrative Unit.
- Participate in the hiring of the SELPA Executive Director using a process jointly agreed upon by the Administrative Unit and the Superintendents' Executive Council.
- Provide input to the Administrative Unit regarding the evaluation of the SELPA Executive Director.
- Develop rules, regulations and procedures to ensure effective management and content of special education programs and services.
- Provide a consistent forum to develop, review and approve policy recommendations which are submitted to the Superintendents' Executive Council for consideration

**Responsibilities of the Special Education Administrators Committee (SEAC) shall include:**

- Advise the SELPA Executive Director and the Superintendents' Executive Council regarding the status, accomplishments and needs of special education programs operated within the local education agencies.
- Provide technical advice and assistance to the Superintendents' Executive Council and the SELPA Executive Director.
- Provide leadership and support through inter-district collaboration in order to implement

the Local Plan, including any regionalized services/programs.

- Act as liaison with parents, community resources, and other local education agencies, the SELPA Executive Director, and the Superintendents' Executive Council.
- Gather, interpret, and report data regarding the implementation, administration and operation of the Local Plan in the local education agencies.
- Coordinate and facilitate the day-to-day participation of local education agency special education personnel and utilize other available district resources to improve special education services in accordance with the provisions of the Local Plan and decisions made by the Superintendents' Executive Council.
- Advise the SELPA Executive Director of the annual program needs of the Local Plan Area to be considered in the development of the annual budget plan and recommend programs and services to be considered for inclusion in the Regionalized Services Program budget.
- Recommend content and assist in the coordination of staff development activities in the SELPA.
- Participate in the development of appropriate special education services, which will ensure that students with disabilities will have access to the same education programs as non-disabled pupils. Programs and services will be equivalent to those of non-disabled pupils at the various age/grade levels.
- Performs functions in accordance with the Kern County Consortium SELPA Local Plan.

**Community Advisory Committee (CAC) responsibilities include:**

- Advising the policy and administrative entity on the development, amendment, and review of the local plan.
- Recommending annual priorities to be addressed by the SELPA.
- Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan.
- Encouraging community involvement in the development of the local plan.
- Supporting activities on behalf of students with disabilities.
- Assisting in parent awareness of the importance of regular school attendance.
- Facilitate communication between schools, parents, and community.
- Establish and review bylaws to govern committee operations.

The CAC shall have regularly scheduled meetings not less than four times per year. All meetings of the committee shall be held according to law and the Brown Act. The SELPA Executive Director/designee will present the CAC's input to the Superintendents' Executive Council for consideration.

Announcements of CAC meetings and activities will be distributed to parents of children with special needs in the SELPA. In addition, information will be posted on the SELPA web page.

**Responsibilities of the Fiscal Advisory Committee:**

The purpose of the Fiscal Advisory Committee is to provide suggestions and recommendations to the SELPA Executive Director regarding financial issues such as the income distribution agreement, the annual

budget plan, the impact of budgets for regional programs on the provision of special education throughout the SELPA, and maintenance of effort requirements. The SELPA Executive Director will bring the recommendations to the Superintendents' Executive Council for discussion and/or approval.

**Responsibilities of the Facilities Advisory Committee:**

The purpose of the Facilities Advisory Committee is to provide suggestions and recommendations to the Superintendents' Executive Council regarding long-range facilities planning for students with disabilities.

**Responsibilities of the SELPA Executive Director:**

- Coordinating implementation of all components of the local plan.
- Preparing and submitting approved annual budget and service plans.
- Developing, implementing, supervising, and evaluating regionalized services.
- Overseeing the recruitment, supervision, and evaluation of SELPA staff.
- Developing and ensuring implementation of policies, procedures, and local agreements that will ensure that all students are provided with a free and appropriate public education.
- Developing and maintaining interagency agreements with appropriate public agencies to ensure a full range of special education programs and services.
- Ensuring appropriate use of federal, state, and local funds allocated for special education.
- Preparing program and fiscal reports required by the LEAs, SELPA, and California Department of Education.
- Overseeing the development and implementation of a plan for personnel development, including training of staff and parents.
- Providing technical assistance and consultation to LEAs in all areas of special education, including complaint and due process procedures.
- Adopting and implementing a management information system.
- Establishing and maintaining a positive relationship with all members of the SELPA.
- Informing the superintendents of the status of the special education programs.
- Serving as an ex-officio member of the Superintendents' Executive Council.
- Coordinating the funds for low incidence services, equipment, and materials in accordance with established procedures.

4. Clearly define the roles of the County Office of Education (COE) as applicable, and/or any other administrative supports necessary to coordinate and implement the local plan: [EC 56195.1(c); EC 56205(a)(12)(D)(i); EC 56195.5]

The Superintendents' Executive Council has designated the Kern County Superintendent of Schools as the Administrative Unit for the SELPA. The AU is the SELPA's fiscal agent and is responsible for implementing the following functions:

- Receipt and distribution of special education funds for the operation of special education programs and services, pursuant to state and federal law.



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- Assisting LEAs in developing and/or reviewing their MOE reports on an annual basis to ensure the meeting of all state and federal requirement for special education funding.
- Administrative support, including establishing and maintaining an office for SELPA staff.
- Employment of SELPA staff to coordinate implementation of the local plan.

The Kern County Superintendent of Schools' Divisions of Special Education and Alternative Education both provide special education services as part of a continuum option for LEAs should they have exhausted all of their resources for a student with disabilities who needs intensive, individualized services to progress in the general education curriculum. The goal of these programs is to support the student to the point that they are able to return to their LEA with the supports available to them in that environment.

Ultimately the role of the Kern County Superintendent of Schools Office (COE) is to certify that the Local Plan submitted by the Kern County Consortium SELPA meets all applicable requirements of state and federal laws; policies and procedures including compliance with the IDEA; and a component of locally coordinated system to ensure all students with disabilities will have access to appropriate special education programs and related services. The COE or Designee assures the Local Plan is posted on the Kern County Consortium's website and that of each LEA.

5. Does the SELPA have policies and procedures that allow for the participation of charter schools in the local plan? [EC 56207.5]

- Yes       No

If No, explain why the SELPA does not have the policy and procedures.

6. Identify and describe the representation and participation of the SELPA community advisory committee (CAC) pursuant to EC Section 56190 in the development of the local plan: [EC 56194(a)(b)(d); EC 56195.9(a)]

The Kern County Consortium SELPA Community Advisory Committee (CAC) serves in an advisory capacity. CAC membership includes parents of students with disabilities enrolled in public or private schools, parents of other students enrolled in school, students with disabilities, adults with disabilities, general education teachers, special education teachers, other school personnel, representatives of other public and private agencies, and persons concerned with the needs of students with disabilities. At least a majority of the CAC shall be composed of parents of students enrolled in schools participating in the local plan and at least a majority of such parents shall be parents of students with disabilities.

CAC voting members shall be recommended by LEA Special Education Administrators. The SELPA Executive Director or designee serves as ex officio member of the CAC and acts as the liaison between



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the CAC, the Special Education Administrators Committee, and the Superintendents' Executive Council.

CAC responsibilities include:

- Advising the policy and administrative entity on the development, amendment, and review of the local plan.
- Recommending annual priorities to be addressed by the SELPA.
- Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan.
- Encouraging community involvement in the development of the local plan.
- Supporting activities on behalf of students with disabilities.
- Assisting in parent awareness of the importance of regular school attendance.
- Facilitate communication between schools, parents, and community.
- Establish and review bylaws to govern committee operations.

The CAC shall have regularly scheduled meetings not less than four times per year. All meetings of the committee shall be held according to law and the Brown Act. The SELPA Executive Director/designee will present the CAC's input to the Superintendents' Executive Council for consideration.

Announcements of CAC meetings and activities will be distributed to parents of children with special needs in the SELPA. In addition, information will be posted on the SELPA web page.

This process is in alignment with the new Requirements of AB 1808:

- Beginning July 1, 2020, a SELPA must review its local plan at least once every three years, and update the plan as needed to ensure information contained in the Governance and Administrative section remains relevant and accurate (California Education Code [EC] Section 56195.9)
- Revisions to the local plan Governance and Administration (Section B) must be reviewed by the CAC, County Office of Education (COE), and must be signed by each by each local education agency's (LEA's) superintendent and the SELPA's AU prior to being submitted to the CDE for approval consideration.

7. Describe the SELPA's process for regular consultations regarding the plan development with representative of special education and regular education teachers, and administrators selected by the groups they represent and parent members of the CAC: [EC 56205(a)(12)(E); EC 56205(b)(7)]

The SELPA Executive Director shall be responsible for the coordination of the development of any proposed non-substantive changes, additions or amendments to the local plan. Non-substantive changes are reviewed with the Special Education Administrators Committee (SEAC) and proposed to the Superintendents' Executive Council (SEC).

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Amendments to the Local Plan are a very succinct and planned process. Amendments to the permanent portion of the local plan may be considered at any time. The Superintendents' Executive Council may adopt changes to the local plan on an interim basis, not to exceed one school year. To formally adopt proposed and interim amendments the following procedure shall be followed:

- A committee comprised of general & special education teachers & administrators shall be convened to provide input and make recommendations regarding the proposed or interim amendments to the local plan.
- The CAC and other advisory groups as determined appropriate by the SELPA Executive Director will review the recommended amendments to the local plan, as presented by the committee, and provide additional input and revision, if needed.
- The Superintendents' Executive Council will review the recommended amendments, propose any final revisions, and submit the final draft to the Superintendents' Executive Council for approval.
- The Superintendents' Executive Council will review and approve the final draft amendments of the local plan and submit to the LEA governing boards for approval.
- LEA governing boards will review and take action on the recommended amendments to the local plan within 60 days of submission from the Superintendents' Executive Council.
- Amendments require the approval of each LEA governing board.
- Following approval by all LEA governing boards, the SELPA will submit the local plan to the California Department of Special Education for submission to the State Board of Education.

8. Identify and describe the responsible local agency (RLA), Administrative Unit (AU), or other agency who is responsible for performing tasks such as the receipt and distribution of funds, provision of administrative support, and coordination and implementation of the plan: [EC 56836.01(a)(b); EC 56205(a)(12)(D)(ii); EC 56195(b)(3); EC 56030]

The Kern County Superintendent of Schools Office (KCSOS) will serve as the Administrative Unit (AU) for the Kern County Consortium SELPA, and is responsible for the receipt and distribution of special education funds to LEA member accounts designated for the operation of special education programs and services and to accounts exclusively designated for the Kern County Consortium SELPA's use. The AU works in collaboration with the Kern County Consortium SELPA to certify distribution of funds pursuant to the Allocation Plan, which has been approved by the Superintendents' Executive Council, and to meet all applicable local, state, and federal requirements and regulations. The AU assists in the employment of SELPA staff.

The Kern County Superintendent of Schools Office is designated as the responsible AU for the administration and implementation of the Local Plan, including the provision of a continuum of program options and services. Kern County Consortium SELPA shares responsibility for fiscal administrative support and for coordination and implementation of the approved Allocation Plan. Kern County Consortium SELPA will have not responsibility to operate any direct educational services, but will help to coordinate available resources across the SELPA membership, within the service area. The Kern County Consortium SELPA is responsible for its membership to be compliant with all applicable laws and

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regulations related to the provision of special education and related services.

9. Describe the contractual agreements and the SELPA’s system for determining the responsibility of participating agency for the education of each student with special needs residing within the geographical area served by the plan: [EC 56195.7. EC 56195.1(b)(c)]

The member LEAs have joined the Kern County Consortium SELPA in a cooperative effort and have agreed to provide for the coordinated delivery of programs and services for students with disabilities who require special education and who are within the region served by the local plan. Each member LEA will provide assurance of equal access to appropriate programs and services for those students who require them and shall comply with all State and Federal laws and regulations. Pursuant to the provisions of California Education Code 30 EC 56220, the Kern County Consortium SELPA shall receive and provide administrative support and coordinate the implementation of the Local Plan.

The local plan provides funding per the Kern County Consortium SELPA Allocation Plan to all member LEAs so that they may appropriately provide for all the students with special education needs attending their schools. This obligation can be met in several ways, which may include:

- Appropriately credentialed staff hired by the LEA
- Fee for services basis or MOU with the Kern County Superintendent of Schools' Special Education Division, or another LEA.
- Contract with an approved Nonpublic School/Agency

These methods of providing necessary services may be used by a single school in the Kern County Consortium SELPA or several schools/LEAs could join together to provide the services.

The LEAs in the Kern County Consortium SELPA shall be responsible for the cost of placement above the AB 602 funding structure for providing special education services to any student placed through the IEP team process in another member LEA program, the KCSOS programs, or a Nonpublic School (NPS) operated program. The member LEA of residence shall not be responsible for the excess costs for students with disabilities enrolled in another LEA through any options available to all students (i.e. inter-district transfers and enrollment in a school/charter of choice).

The Kern County Consortium SELPA shall be responsible for the provision of Educationally Related Mental Health Services (ERMHS) to students within member LEAs whom have an established MOU with SELPA to provide the provision of ERMHS. LEAs who do not have an MOU with the KCC SELPA to provide the provision of ERMHS are responsible for this provision. The KCC SELPA also has the responsibility to provide the provision of ERMHS to students placed in all KCOE-operated programs per established MOUs will all member LEAs within the SELPA. Should a student/students require a Residential Treatment Center (RTC) placement, per established MOU will all member LEAs within the SELPA, a SELPA Special Account dedicated to RTC placements will fund the costs on behalf of the member LEA(s) up to a limit per year determined by the Superintendents' Executive Council. Any cost over that limit will be the responsibility

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of the LEA.

10. For multi-LEA local plans, specify:

- a. The responsibilities of each participating COE and LEA governing board in the policymaking process: [EC 56205(a)(12)(D)(i)]

Each member LEA's governing board is involved in the policy making process through the Superintendents' Executive Council or Designee. Member LEA governing boards have the responsibility to assure that there are program options available to all students with disabilities. The governing board of each LEA/COE shall approve its participation in the Kern County Consortium Local Plan for Special Education.

The local governing board responsibilities include, but are not limited to:

- Approval of the local plan.
- Adoption of policies and procedures for special education programs and services within their districts.
- LEA compliance with all elements of the local plan.
- Input on SELPA policies and procedures through the superintendent of the LEA.

- b. The responsibilities of the superintendents of each participating LEA and COE in the implementation of the local plan: [EC 56205(a)(12)(D)(i)]

Superintendents of each LEA/COE are responsible to their respective governing boards. District superintendents select the representative(s) to the Superintendents' Executive Council from their area centers. In addition, district superintendents:

- Serve as a member of the Superintendents' Executive Council when selected.
- Assist in the identification of special education program and service needs for the Kern County Consortium SELPA through communication with area center representatives.
- Communicate SELPA information to their governing boards and ensure the implementation of policies and procedures adopted by the Kern County Consortium SELPA
- Ensure their LEA/COE budgets appropriately for the special education programs and services needed for a Free and Appropriate Public Education (FAPE) for the students within their LEA's catchment area.
- Works with their special education team to address Least Restrictive Environment (LRE) and to implement the goals for the special education programs into any other initiative developed for their LEA.

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The Kern County Superintendent of Schools (COE) has also taken the responsibility to develop programs and/or services for students with disabilities that are requested by the Superintendents' Executive Council as necessary to support the continuum of LEAs within the SELPA.

c. The responsibilities of district and county administrators of special education in coordinating the administration of the local plan: [EC 56205(a)(12)(D)(i)]

Each member LEA shall continue to be responsible to their governing bodies for the administration of programs located within their LEA and for compliance with this Local Plan. These responsibilities include the following:

- Inform governing bodies of all aspects of the Kern County Consortium SELPA Local Plan for Special Education
- Recommend policies to their governance bodies for adoption addressing legal requirements and issues of concern of the member agencies of the SELPA
- Implement and administer policies recommended by the Superintendents' Executive Council and adopted by the governing body of the member LEA
- Administer all special education programs under the jurisdiction of their governing board
- Submit proposed policies of the Superintendents' Executive Council to their governing boards with appropriate recommendations
- Implement policies and procedures adopted by the Kern County Consortium SELPA
- Collaborative with the SELPA Executive Director and committees necessary to implement the local plan
- Meet quarterly, or as needed, throughout the school year relative to their LEA's school needs, as appropriate.

11. Identify the respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA related to:

a. The hiring, supervision, evaluation, and discipline of the SELPA administrator and staff employed by the AU in support of the local plan: [EC 56205(a)(12)(D)(ii)(I)]

The AU is responsible for the recruitment and hiring of the SELPA Executive Director and any Kern County Consortium SELPA staff members required to implement the Local Plan. The hiring processes for any positions within the Kern County Consortium SELPA shall be open to candidates who meet the qualifications and requirements of the position from the KCSOS, the member LEAs or other qualified candidate pool. For all positions except the SELPA Executive Director, the hiring committee will be convened for any open position(s) and will consist of the members of the Kern County Consortium SELPA, LEA Administrators/Superintendents or their Designee; the same make-up will be both for the screening and selection committees. Following a standard interview process, the committee will make a final recommendation for hire to the SELPA Executive Director/the AU Human Resources Division.

The procedure for the employment of the SELPA Executive Director will be a process jointly agreed upon

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by the AU and the Superintendents' Executive Council. The process is outlined thus:

- The AU consults with the Superintendents' Executive Council on the salary schedule and job responsibilities to be placed in the recruitment package.
- The AU coordinates the screening of potential applicants. The screeners shall include at least one LEA Superintendent/Designee.
- Final interviews are coordinated by the AU. Participants on the interview panel shall be at least one representative of the AU, at least one LEA Superintendent/Designee, a representative of an outside agency that works closely with the SELPA, and/or a representative from the AU's JPA legal group.
- Selection of the Executive Director is then announced at the Superintendents' Executive Council meeting.

The Superintendents' Executive Council provides input to the AU regarding the evaluation of the SELPA Executive Director. Any concerns or complaints regarding the performance of the Executive Director will be made to the AU Designee to be addressed by the AU.

The SELPA Executive Director is ultimately responsible for overseeing the recruitment, supervision, and evaluation, and discipline of SELPA staff.

Overall, any personnel needs of the KC Consortium SELPA will be guided by the Allocation Plan and the current needs of the members of the Local Plan Area. The SELPA Executive Director may recommend to the Superintendents' Executive Council the employment of SELPA staff necessary to implement the local plan. Following approval by the Superintendents' Executive Council, SELPA staff may be employed to support specific functions as directed by the SELPA Executive Director. Staff may be necessary to provide the following which may include, but is not limited to:

- Staff development
- Teacher support
- Program/curriculum development for special education
- Collaboration (i.e. for compliance monitoring, CDE-required participation in LEA functions)
- Processing referrals
- Site level support

b. The local method used to distribute federal and state funds to the SELPA RLA/AU and to LEAs within the SELPA: [EC 56205(a)12(D) (ii)(II); EC 56195.7(i)]

Funds available for distribution are those allocated to the SELPA from the California Department of



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Education, less the funds received for low incidence equipment and services, regionalized operations and services, direct instructional support of program specialists, out-of-home care, specialized accounts, and special education grant funds allocated by the California Department of Education for personnel development. The Superintendents' Executive Council (SEC) may, at its discretion, change funding for SELPA operations for circumstances that warrant a change.

The basic underlying principle of the Kern County Consortium SELPA's funding model is to apportion revenue to each member district any funds received by the SELPA's Administrative Unit (Kern County Superintendent of Schools Office) on the basis of ADA (greater of current or prior year count). Modifying that principle is an "off-the-top" distribution to the SELPA Administrative Unit of \$650,000 apportioned to four special accounts created by the SEC and administered by the SELPA Executive Director. These special accounts are accessed by districts that have extraordinary expenditures during the year as the result of nonpublic school/nonpublic agency services and extraordinary health care costs, by districts that have specified excess legal expenditures resulting from due process hearings and CDE complaints, by the SELPA to fund California Children Services Medical Therapy Unit facilities and equipment, and by the SELPA to fund specialized projects.

The SEC will review the unexpended balances for each of the special accounts in November and determine how the "off-the-top" distribution shall be allocated for the current fiscal year.

Small District Protection

The SEC established a principle for select small districts. (Small districts are defined as having a P2 ADA of 250 or below in the current year or in the previous year according to the P2 count. If a district drops below 250 ADA, the district may make a written request to join the small district protection. The list will be updated each fiscal year by the SELPA Executive Director). These districts receive the services of KCSOS to educate their students and receive a billback for those services. If the revenue apportioned to those districts is greater than the billback, these districts revenue apportionments are capped at the billback amount. "Recaptured" revenues are redistributed back through the apportionment.

In addition, these districts are guaranteed revenue to equal, at a minimum, 60% of the amount of the billback. In other words, if the final billback amount for the district is \$100,000, the district is guaranteed a minimum of \$60,000 in revenue.

Districts may opt out of the small-district protection.

- If a district has opted out, it may request to return to the protection program:
  - A written request to return must be submitted to the SEC by February 15<sup>th</sup> for the upcoming fiscal year.
  - An incentive plan will apply for a three year period (See example below):
    - The district will carry an additional fiscal responsibility of 20% above the district portion of the bill back cost in the first year.



- 10% in the second year, and
  - 5% in the third year.
- Once a district opts out of the plan, they will remain out for a minimum of two years.
- If a district was removed from Small District Protection due to an ADA above 250, and in subsequent years they drop below 250 ADA, they may request re-admittance in writing to the SEC. In this case, the additional fiscal responsibilities would not apply.

**Cost of Living Adjustment**

All districts and LEA charter schools will receive COLA, if available, based on the prior year's K-12 ADA at P-2.

**Special Education Property Taxes**

The SELPA receives Local Special Education Property Taxes as part of its AB 602 apportionment. In order to ease the accounting burden, all of the property tax revenues are retained at KCSOS, with the appropriate offset made through state revenues. This allocation of property taxes does not adversely impact the total revenue apportioned to any SELPA member district.

**Funds to Support Students with Low Incidence Disabilities**

Funds received through the AB 602 allocation to support special education and related services as required in each IEP for students with low incidence disabilities shall be retained by the SELPA and used to approve purchased items for these students

**Infant Entitlement**

The SELPA receives Infant Entitlement Grants that support programs for children from birth through 3 years and are generated through J-50 reporting. These grants are distributed to the KCSOS Special Education Division to provide IDEA Part C, Early Start Programs.

**Preschool Grant Distribution**

The SELPA receives two preschool grants that are used to provide services and supports to students with disabilities, aged three through five: the Federal Preschool Grant and Preschool Local Entitlement. All funds are allocated based on district of residence.

The grants are distributed to member districts using the procedure outlined below:

- 1) Preschool students (by district of residence) will be identified using the December unduplicated count.
- 2) The SELPA will determine the number of preschool students receiving specialized academic instruction in a special day class (SDC) setting and the count of related services provided, regardless of setting.

3) Each SDC student will receive a weighting factor of 1.0 and each related service will receive a weighting factor of .25.

The weighting factor totals will be determined for all districts and summed. The SELPA sum of weighting factors will be used as the denominator for the allocation of both preschool grants.

**Mental Health Services Grants**

**Federal IDEA Allocation**

These funds are restricted for the provision of educationally related mental health services as required by student IEPs. The grant is allocated directly to LEAs.

**State Proposition 98 Allocation**

These funds are allocated directly to LEAs. For students served in COE-operated programs, the SEC has determined those services will be provided by KCC SELPA ERMHS staff; each service will be billed to the DSEA. The cost per service will be approved by SEC on an annual basis. SEC will determine the amount of funds each LEA will contribute to a Residential Treatment Center (RTC) SELPA special account for LEAs to have access to (See the *Residential Placement* section in Chapter 9 of Part I in the KC Consortium SELPA procedural manual for further information).

**Out-of-Home Care Funding Distribution**

The Out-of-Home Care Funding is allocated to each special education local plan area (SELPA) for foster youth, pupils placed in the short-term residential therapeutic program and three other types of facilities located within a SELPA’s geographic boundaries. The SEC will review the current balance and determine the method of distribution to LEAs in November.

**What is CCR?**

A comprehensive approach to improving the experience and outcomes of children and youth in foster care. The vision is that:

- All children live with a committed, permanent and nurturing family with strong community connections;
- Services and supports should be individualized and coordinated across systems and children shouldn't need to change placement to get services;
- When needed, congregate care is a short-term, high quality, intensive intervention that is just one part of a continuum of care available for children and non-minor dependents;
- Effective accountability and transparency drives continuous quality improvement for state, county, and providers.

To accomplish this overall vision, Group homes, as placements, go away and Short Term Residential Therapeutic Programs (STRTP), as interventions, are created. Foster Families, pre-adoptive and kin care families with separate and duplicative licensing and certification processes, go away and Resource Families are created using a single RFA approval process. Theoretically, then, needed individualized Social Services & Support and Behavioral Health Treatment and Therapies are available to all foster children and

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youth independent of where and with whom they live.

At this point, it is not clear if and/or how the funding to support these students in the educational system will roll out. Currently, the funding process continues as it was previously, however with the limitations of the Foster Family information (locations of residences and/or the number of students in the residences), it has been impossible to disseminate the monies. The previous funding model had been reviewed in the spring of 2017; until the new funding model is shared, the monies are being held in an effort to be equitable in its distribution.

**Personnel Development for SELPAs**

Beginning in the 2013-14 school year, funds that had been received separately for the operation of personnel development were included in the AB 602 base funding; however, for the 2018-19 school year, they are being allocated by the state again. During the intervening years, an amount equal to the amount received in 2012-13 for staff development, plus the approved COLA, shall be retained by the SELPA from the AB 602 allocation for the provision of a personnel development program. In each subsequent year, the SELPA shall retain an amount equal to the amount retained for personnel development from the previous year, adjusted for COLA.

In analyzing this formula, it was found that the number of years Special Education received COLA and funding were not pro-rated, were very limited, thus revenues were not keeping up with the budgetary needs of SELPA. Beginning in the 2018-19 school year, SELPA budgetary deficits will be allocated to Districts by reducing their ADA revenue allocation; this process will be accomplished for three years, with a review in the second year to ensure that it is appropriately managing the issue. After the third year, the revenues/allocation will be reviewed and the Allocation Plan further defined.

**Regionalized Services and Program Specialists**

Beginning in the 2013-14 school year, funds that had been received separately for the operation of regionalized programs were included in the AB 602 base funding; however, for the 2018-19 school year, they are being allocated by the state again. During the intervening years, an amount equal to the Regionalized Services and Program Specialist funds received in 2012-13, adjusted for COLA, shall be retained by the SELPA from the AB 602 allocation for the operation of the SELPA office. In each subsequent year, the SELPA shall retain an amount equal to the amount retained for regionalized services and program specialists from the previous year, adjusted for COLA.

In analyzing this formula, it was found that the number of years Special Education received COLA and funding were not pro-rated, were very limited, thus revenues were not keeping up with the budgetary needs of SELPA. Beginning in the 2018-19 school year, SELPA budgetary deficits will be allocated to Districts by reducing their ADA revenue allocation; this process will be accomplished for three years, with a review in the second year to ensure that it is appropriately managing the issue. After the third year, the revenues/allocation will be reviewed and the Allocation Plan further defined.

c. The operation of special education programs: [EC 56205(a)(12)(D)(ii)(III)]

Board policy of each LEA member of the Kern County Consortium SELPA Local Plan shall indicate that the LEA is responsible for educating children with disabilities in the least restrictive environment. Placement in special education programs or services occurs only when the nature or severity of the disability is such that the child's education, even with the use of modifications of the general education program or use of supplementary aids or programs, cannot be achieved satisfactorily. Children with disabilities are served in their home districts whenever the needs identified on the individualized education program can be met within the home district. However, it is recognized that some students have unique educational needs that cannot be met in their home districts. Because of such identified unique educational needs, some students receive services from other districts or the Kern County Superintendent of Schools within the SELPA. LEA responsibilities include, but are not limited to:

- Coordinating and conducting child find activities to locate eligible students within the district.
- Developing and providing programs and services for all eligible students residing in the district and for students at private schools located in the district.
- Identifying and serving students in medical, foster or LCI facilities.
- Hiring and supervising special education teachers and specialists for district-operated programs.
- Develop and implement an appropriate budget to support district special education programs
- Provide special education transportation as needed
- Enter into inter-agency agreements with the Kern County Superintendent of Schools Office or other regional special education program as needed.
- Participating in state/district-wide assessments.
- Operating all special education programs and services in accordance with state and federal laws and regulations.
- Responding to compliance and due process complaints and implementing the decisions of compliance investigations or due process hearings.
- Utilizing the same management information system, forms, procedures and guidelines as all other districts within the SELPA.
- Collecting and completing state and federal report requirements; California Longitudinal Pupil Achievement Data System (CALPADS) reports, self-reviews, and verification reviews.
- Provide provision of Educationally Related Mental Health Services (ERMHS) as per Assembly Bill 114.

d. Monitoring the appropriate use of federal, state, and local funds allocated for special education programs: [EC 56205(a)(12)(D)(ii)(IV)]

It is the role of the Kern County Consortium SELPA to monitor the appropriate use of funds allocated for special education programs, including federal, state, and local funds. Per the requirement that SELPAs report expenditures to the CDE, each LEA will annually provide the Kern County Consortium SELPA's Administrative Unit with the independent financial audit report. Each LEA SELPA member agrees to provide the KC Consortium SELPA's Administrative Unit copies of any and all State Controller's Office

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communications received regarding audit corrective actions and a corrected audit report, if applicable.

The LEA Superintendent/CBO/CEO or equivalent administrator of each LEA receiving funds distributed to them by the Kern County Consortium SELPA through the Allocation Plan is responsible for monitoring the appropriate use of federal, state and local funds allocated to the LEA. Each member LEA that receives federal grant “pass-through” allocations from the KC Consortium SELPA, shall complete and accurately report proposed budget expenditure plans and other required information.

The KC Consortium Executive Director, with the Administrative Unit (AU) and the Superintendents' Executive Council, shall be responsible for monitoring the appropriate use of all federal funds to ensure allocation for special education programs and services. In the event that a member LEA fails to meet the local Maintenance of Effort (MOE) requirement, based on the use of State and Local funds, then the LEA failing to meet MOE will bear the risk of losing Federal Funds. The Superintendents' Executive Council will review each LEA's SEMA & SEMB twice a year to determine the possibilities of failure so that the districts can be sent a letter requiring them to review their budget/expenditures.

12. Describe how specialized equipment and services will be distributed within the SELPA in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environments: [EC 56206]

Funds for low incidence equipment, materials, and supplies as well as for low incidence services are restricted to support of students in the following disability categories: hard-of-hearing, deaf, visual disability, severely orthopedically impaired, and deaf-blind. The funds are administered through the Kern County Consortium SELPA and include receipt of funds, expenditure of funds, maintenance of an inventory for items over \$500, development of procedures for exchange of equipment, and reporting to the state. The expenditures shall be delineated as follows:

\$300,000.00 of the funds received through the AB 602 allocation will be used to purchase equipment required to support special education and related services as delineated in each IEP for students with low incidence disabilities. Requests will be made by LEAs in which the student is being served or by a designated employee of the Kern County Superintendent of Schools' Special Education Division who provides a service to the district students.

Funds remaining after the equipment allocation shall be delineated for supporting the Kern County Superintendent of Schools Special Education Itinerant Services Department for students with low incidence disabilities (Itinerant Teachers of the Orthopedically Impaired, Visually Impaired and/or Deaf/HOH or an Audiologist).

The SELPA Executive Director will report out on the funds annually in the Superintendents' Executive Council's November meeting.

**Policies, Procedures, and Programs**

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Pursuant to *EC* sections 56122 and 56205(a), the SELPA ensures conformity with Title 20 *United States Code (USC)* and in accordance with Title 34 *Code of Federal Regulations (CFR)* Section 300.201 and has in effect policies, procedures, and programs. For each of the following 23 areas, identify whether or not, each of the following provisions of law are adopted as stated. If the policy is not adopted as stated, briefly describe the SELPA's policy for the given area. In all cases, provide the SELPA policy and procedure numbers (if applicable. Leave blank if not applicable); the document title; and the physical location where the policy can be found.

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**1. Free Appropriate Public Education: 20 USC Section 1412(a)(1); EC 56205(a)(1)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that a free appropriate public education is available to all children with disabilities residing in the LEA between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school." The policy is adopted by the SELPA as stated:

Yes  No

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**2. Full Educational Opportunity: 20 USC Section 1412(a)(2); EC 56205(a)(2)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that all children with disabilities have access to educational programs, non-academic programs, and services available to non-disabled children." The policy is adopted by the SELPA as stated:

Yes  No

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**3. Child Find: 20 USC Section 1412(a)(3); EC 56205(a)(3)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, who are in need of special education and related services, are identified, located, and evaluated. A practical method has been developed and implemented to determine which children with disabilities are currently receiving needed special education and related services." The policy is adopted by the SELPA as stated:

Yes  No

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**4. Individualized Education Program (IEP) and Individualized Family Service Plan (IFSP): 20 USC Section 1412(a)(4); EC 56205(a)(4)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that an IEP, or an IFSP that meets the requirements of 20 USC Section 1436 (d), is developed, implemented, reviewed, and revised for each child with a disability who requires special education and related services in accordance with 20 USC Section 1414 (d). It shall be the policy of this LEA that an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions." The policy is adopted by the SELPA as stated:

Yes  No

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**5. Least Restrictive Environment: USC Section 1412(a)(5); EC 56205(a)(5)**

Policy/Procedure Number:



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Document Title:

Document Location:

"It shall be the policy of this LEA that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the general educational environment, occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." The policy is adopted by the SELPA as stated:

Yes  No

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**6. Procedural Safeguards: 20 USC Section 1412(a)(6); EC 56205(a)(6)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards according to state and federal laws and regulations." The policy is adopted by the SELPA as stated:

Yes  No

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**7. Evaluation: 20 USC Section 1412(a)(7); EC 56205(a)(7)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that a reassessment of a child with a disability shall be conducted at least once every three years or more frequently, if appropriate." The policy is adopted by the SELPA as stated:

Yes

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No

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**8. Confidentiality: 20 USC Section 1412(a)(8); EC 56205(a)(8)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that the confidentiality of personally identifiable data, information, and records maintained by the LEA relating to children with disabilities and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act, non-academic programs, and services available to non-disabled children." The policy is adopted by the SELPA as stated:

Yes  No

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**9. Part C to Part B Transition: 20 USC Section 1412(a)(9); EC 56205(a)(9)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that children participating in early intervention programs under the Individuals with Disabilities Education Act (IDEA), Part C, and who will participate in preschool programs, experience a smooth and effective transition to preschool programs in a manner consistent with 20 USC Section 1437(a)(9). The transition process shall begin prior to the child's third birthday."The policy is adopted by the SELPA as stated:

Yes  No

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**10. Private Schools: 20 USC Section 1412(a)(10); EC 56205(a)(10)**

Policy/Procedure Number:

Document Title:

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Document Location:

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

Yes  No

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**11. Local Compliance Assurances: 20 USC Section 1412(a)(11); EC 56205(a)(11)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that the local plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs, and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the IDEA; the Federal Rehabilitation Act of 1973, Section 504 of Public Law; and the provisions of the California EC, Part 30." The policy is adopted by the SELPA as stated:

Yes  No

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**12. Interagency: 20 USC Section 1412(a)(12); EC 56205(a)(12)(D)(iii)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for free appropriate public education are provided, including the continuation of services during an interagency dispute resolution process." The policy is adopted by the SELPA as stated:

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Yes  No

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**13. Governance: 20 USC Section 1412(a)(13); EC 56205(a)(12)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the local plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Education Agency." The policy is adopted by the SELPA as stated:

Yes  No

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**14. Personnel Qualifications; EC 56205(a)(13)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to ensure that personnel providing special education related services are appropriately and adequately prepared and trained, and that those personnel have the content knowledge and skills to serve children with disabilities. This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the California Department of Education (CDE) about staff qualifications." The policy is adopted by the SELPA as stated:

Yes  No

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**15. Performance Goals and Indicators: 20 USC Section 1412(a)(15); EC 56205(a)(14)**

Policy/Procedure Number:

Document Title:

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Document Location:

"It shall be the policy of this LEA to comply with the requirements of the performance goals and indicators developed by the CDE and provide data as required by the CDE." The policy is adopted by the SELPA as stated:

Yes  No

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**16. Participation in Assessments: 20 USC Section 1412(a)(16); EC 56205(a)(15)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs described in 20 USC Subsection 6311. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments where necessary and as indicated in their respective Reps.." The policy is adopted by the SELPA as stated:

Yes  No

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**17. Supplementation of State, Local, and Federal Funds: 20 USC Section 1412(a)(17); EC 56205(a)(16)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA, and will be used to supplement and not to supplant state, local, and other federal funds." The policy is adopted by the SELPA as stated:

Yes  No

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**18. Maintenance of Effort: 20 USC Section 1412(a)(18); EC 56205(a)(17)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in federal laws and regulations." The policy is adopted by the SELPA as stated:

Yes  No

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**19. Public Participation: 20 USC Section 1412(a)(19); EC 56205(a)(18)**

Policy/Procedure Number:

Policy/Procedure Title:

Document Location:

"It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity for comments are available to the general public, including individuals with disabilities and parents of children with disabilities, and are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA." The policy is adopted by the SELPA as stated:

Yes  No

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**20. Suspension and Expulsion: 20 USC Section 1412(a)(22); EC 56205(a)(19)**

Policy/Procedure Number:

Document Title:

Document Location:

"The LEA assures that data on suspension and expulsion rates will be provided in a manner

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prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies, procedures, and practices related to the development and implementation of the IEPs will be revised." The policy is adopted by the SELPA as stated:

Yes  No

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**21. Access to Instructional Materials: 20 USC Section 1412(a)(23); EC 56205(a)(20)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state-adopted National Instructional Materials Accessibility Standard." The policy is adopted by the SELPA as stated:

Yes  No

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**22. Over-identification and Disproportionality: 20 USC Section 1412(a)(24); EC 56205(a)(21)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities." The policy is adopted by the SELPA as stated:

Yes  No

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**23. Prohibition on Mandatory Medicine: 20 USC Section 1412(a)(25); EC 56205(a)(22)**

Policy/Procedure Number:

Document Title:

Document Location:



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"It shall be the policy of this LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services." The policy is adopted by the SELPA as stated:

Yes  No

**Administration of Regionalized Operations and Services**

Pursuant to EC sections 56195.7(c), 56205(a)(12)(B), 56368, and 56836.23, describe the regionalized operation and service functions. Descriptions must include an explanation of the respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA. Information provided should include the document title and the location (e.g., SELPA office) for each function."

1. Coordination of the SELPA and the implementation of the local plan:

Document Title:

Document Location:

The regional governance and administrative structure of the Kern County Consortium SELPA Local Plan is composed of the following entities, each of which is described in more detail above:

- Superintendents' Executive Council
- Special Education Administrators Committee (SEAC)
- The Fiscal Advisory Committee
- The Community Advisory Committee
- The Facilities Committee
- Special Projects Committee(s)
- Kern County Consortium SELPA Executive Director
- LEA Members

It is the function of the 48-LEA Kern County Consortium Special Education Local Plan Area (SELPA) regional governance and administrative structure to ensure that all member LEAs provide a quality educational program which is appropriate to the needs of each eligible student with a disability who is

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Description:

served within the member districts; and, that all the programs are operated in a cost-effective manner, consistent with the funding provisions of the California Education Code (EC) § 56700 et seq., the Federal Individuals with Disabilities Education [and Improvement] Act (IDEIA), and all other laws, policies, and procedures of the Kern County Consortium SELPA. Each shall be responsible for the adoption and the implementation of the Local Plan.

Kern County Consortium staff support and implement the policies, procedures and decisions that are enacted by the regional governance and administrative structure of the Kern County Consortium SELPA.

Regionalized services shall include, but not be limited to:

- Coordinating the implementation of all components of the local plan and interagency agreements;
- Preparing and submitting budget and financial information to CDE.
- Evaluation, Program Review for Member LEAs, and Data Collection
- Nonpublic school/agency coordination and Master Contract development & implementation
- Coordinate KC Consortium SELPA's Program Specialist/Coordinator Services

Kern County Superintendent of Schools Office serves as the AU for the Kern County Consortium SELPA.

2. Coordinated system of identification and assessment:

Document Title:

Document Location:

**Referral Procedures**

The Kern County Consortium SELPA works closely with public and private agencies such as Kern Regional Center, Head Start, California Children's Services, Department of Human Services, pediatricians' offices, private preschools and others as appropriate in the identification of individuals with disabilities. Each Local Education Agency (LEA) within the SELPA has established procedures for the identification, location, and evaluation of students who may require special education services. Information regarding

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Description:

Child Find activities is available through the LEAs or through the SELPA office.

**Child Find**

Child Find activities are designed to locate individuals, birth through 21 years of age, including children not enrolled in public school programs as well as children who are homeless or wards of the state and reside in the district and may be eligible for and in need of special education and/or related services. Child Find activities also foster awareness and understanding on the part of educators, parents and other community members of referral procedures for special education, the eligibility criteria, and continuum of special education programs and services available. Child Find activities inform educators, community agencies, and parents/guardians of their right to refer their child for a special education assessment to determine eligibility and the need for special education services.

The Kern County Consortium SELPA coordinates the Child Find requirements for its 48 member LEA's through the services provided by the Search and Serve office of the SELPA. In this capacity, the Search and Serve office will:

- Make contact with state and local agencies that provide services to children
- Distribute early intervention materials to agencies and individuals who provide services to children
- Produce and distribute public service announcements
- Make presentations to local professional groups and organizations established to inform and/or to serve culturally diverse populations

The Search and Serve office will screen each contact and make a referral to the most appropriate source of evaluation and services for the child. The Child Find process includes cooperation with the Kern Regional Center Early Start program. The Search and Serve office communicates with and distributes informational materials to hospitals, doctors' offices, and other pertinent agencies. All individuals with exceptional needs and their parents are guaranteed their procedural safeguards with regard to identification, assessment, and placement in special education programs.

Infants, birth to three years, are referred directly by the district, parent, doctor, or agency to the Early Start Program at the Kern Regional Center or the Search and Serve office at the Kern County Consortium SELPA. Intake information precedes the assignment of staff for assessment and the coordination with other agencies.

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3. Coordinated system of procedural safeguards:

Document Title:

Document Location:

Description: - Initial referral or parental request for evaluation and annually thereafter;
- When sending out an Assessment Plan and/or Prior Written Notice
- The first occurrence of the filing of a due process or compliance complaint;
- When a decision is made to apply disciplinary action that constitutes a change in placement (suspension of more than 10 days or expulsion); and
- Upon request by a parent or adult student.
Native language is summarized and defined under IDEIA; further the procedural safeguards notice must be: Written in a language understandable to the general public; and provided in the native language of the parent or in another mode of communication that is used by the parent, unless it is clearly not feasible to do so as per §300.503(c)."/>

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If the native language or other mode of communication used by the parent(s) is not a written language, then the LEA must take steps to ensure:

- The notice is translated orally or by other means to the parent in his/her native language or other mode of communication;
- The parent understands the content of the notice; and
- There is written evidence that these requirements have been met as per §300.503(c)

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

Document Title: Kern County Consortium SELPA Procedural Manual

Document Location: <https://kern.org/selpa/resources-for-educators/> and 1300 17th St. Bakersfield, CA 93301

Description: 

The Kern County Consortium SELPA and its member LEAs recognize:

- That any teacher assigned to serve students with disabilities shall possess an appropriate credential or other authorization issued by the Commission on Teacher Credentialing (CTC);
- These credentials specifically authorize the teacher to teach students with their primary disability within the program placement recommended in the student's individualized education program;
- That there is high mobility and attrition in the area of teachers of students with disabilities;
- That the percentage of intern/Pre-Intern Credentials is very high in California.

Taking these items into account, the Kern County Consortium SELPA, its LEA members, the Kern County Teacher Development Program, the Kern County Superintendent of Schools Induction Program, the SELPA's Superintendents' Executive Council (SEC), and parents from our member districts via the Community Advisory Committee will continuously work together to develop joint strategies for staff/leadership development and trainings for parents/guardians. Methods of delivery, audiences, and topics will vary widely depending on the current need; however, every effort will be made to reach all LEAs in the 8,000 square-mile county.

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

Document Title:

Document Location:

Description: 

CDE Form Version June 2022

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

Document Title:

Document Location:

Description:



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**The KC Consortium SELPA's Program Specialists and Coordinators:** will provide instructional support/teacher coaching and modeling, and coordination of curricular resources in the areas of academic, social-emotional, and behavior, to assist with educational accountability. Will assist member LEAs in the development of their Special Education Plans, should that be needed.

**The member LEAs:** will employ a Special Education Coordinator/Director/Support to provide leadership in implementing the Local Plan within their own LEA. LEAs leaders will develop, collect data on, and monitor their own program needs for curriculum development, alignment with the core curriculum, and any professional development needs. They will regularly review the SELPA Local Plan and the SELPA's Procedural Manual with their staff to guide service delivery within the scope of the Local Plan.

7. Coordinated system of data collection and management:

Document Title:

Document Location:

Description:

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8. Coordination of interagency agreements:

Document Title: Kern County Consortium SELPA Procedural Manual

Document Location: <https://kern.org/selpa/resources-for-educators/> and 1300 17th St. Bakersfield, CA 93301

Description: 

The Kern County Consortium SELPA advocates for students with disabilities by supporting a comprehensive coordinated service delivery plan for the students that includes SELPA, KCSOS, local education agencies, state agencies, and local community agencies working together to improve outcomes for children.

The SELPA Executive Director will facilitate and negotiate interagency agreements for the provision and coordination of services by other public agencies that are funded to serve children with disabilities. In addition, the SELPA Executive Director is responsible for communicating with state and local agencies on behalf of member LEAs as needed.

The Kern County Consortium SELPA has interagency agreements necessary to support the implementation of the local plan, and as required by legal mandates; they have been developed with the following agencies:

- California Children’s Services – pending agreement at the State level
- Kern County Head Start
- San Luis Obispo County Migrant and Seasonal Head Start
- Kern Regional Center

Other interagency agreements will be developed as needed.

As the LEAs are ultimately responsible for services provided to students with disabilities, if the other agency providing a related service fails to provide the services listed on the IEP, the LEA is responsible and shall provide the service in accordance with an IEP, unless otherwise provided by law, without a disruption in service at no cost to the parent. The LEA would then have the option of seeking reimbursement from the agency through due process.

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9. Coordination of services to medical facilities:

Document Title:

Document Location:

Description:

10. Coordination of services to licensed children's institutions and foster family homes:

Document Title:

Document Location:

Description:

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11. Preparation and transmission of required special education local plan area reports:

Document Title:

Document Location:

Description:

12. Fiscal and logistical support of the CAC:

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Document Title:

Document Location:

Description:

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

Document Title:

Document Location:

The Kern County Consortium SELPA does not operate a transportation program itself, but it ensures that the appropriate transportation services are provided for students with disabilities as outlined in their Individualized Education Program (IEP) or accommodation plan. Each LEA shall:

- Make transportation available, either through their own transportation program or through a contracted agency, for students at no cost to the parent(s)/guardian(s) when a student meets eligibility criteria and it is detailed as a related service in the student's IEP.
- Establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs in their IEP/accommodation plan.

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Description:

- Arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses compared to their general education peers. Arrivals and departures shall not reduce the length of the school day for students with disabilities except as may be determined on an individual basis.
- Establish procedures to ensure compatibility between mobile seating devices and bus securement systems.
- Consider the staffing of the buses to ensure student safety; staff should be trained on safety procedures and on the individual needs of students who may have health concerns needing potential attention during the bus ride.

Further details on the aspects of transportation services for students with disabilities are outlined in the Kern County Consortium SELPA's Procedural Manual.

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

Document Title:

Document Location:

Description:

The Kern County Consortium SELPA is required to coordinate career and vocational education and transition services. The Kern County Consortium SELPA provides coordination by:

- Working with the LEAs responsible for the education of high school students and connecting the with state or local agencies for career and vocational education;
- Sharing grant availability with LEAs for whom the programs, such as Workability-1, may be helpful in this area;
- Supporting LEAs in implementing and monitoring transition services in the IEP, and
- Ensuring appropriate interagency agreements are in place to facilitate connection to agencies, as appropriate.
- Working with the other local SELPAs to develop transition fairs for families/students interested in services available for students in the Kern County area.

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15. Assurance of full educational opportunity:

Document Title:

Document Location:

Description:

16. Fiscal administration and the allocation of state and federal funds pursuant to *EC* Section 56836.01—The SELPA Administrator's responsibility for the fiscal administration of the annual budget plan; the allocation of state and federal funds; and the reporting and accounting of special education funding.

Document Title:

Document Location:

Description:



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The Kern County Consortium SELPA is designated as the responsible local agency (RLA) for the administration and implementation of the Local Plan, including the provision of a continuum of program options and services. Kern County Consortium SELPA shares responsibility for fiscal administrative support and for coordination and implementation of the approved Allocation Plan.

The Kern County Consortium is required to develop an Annual Budget Plan; the SELPA's governing board, the Superintendents' Executive Council, shall conduct the required public hearing for the purpose of providing the public an overview of the resources available as allocated within the SELPA to each LEA.

The Superintendents' Executive Council shall adopt policies to allocate and distribute funds. Any changes to the allocation of federal and state special education funds shall be made by the Superintendents' Executive Council through recommendations by the SELPA's Fiscal Advisory Committee.

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

Document Title:

Document Location:

The goal of the Kern County Consortium SELPA is to build the capacity of educators, service providers, and families to affect positive outcomes for children. Consequently, it is the philosophy of the Kern County Consortium SELPA that technical assistance is provided to LEAs proactively to ensure that student outcomes are maximized. Districts are encouraged to seek consultation and/or assistance as soon as a need is determined at the site or district level.

The SELPA shall take steps to assist member LEAs in ensuring that personnel providing special education and related services meet the highly qualified requirements as defined under federal law. This includes providing such personnel opportunities to develop the content knowledge and skills needed to effectively serve children with disabilities. Such steps shall include collaboration with local colleges and universities pertaining to teacher education program design and supervision of student teachers and interns, as well as provision of ongoing staff development activities for school personnel.

The SELPA shall coordinate the ongoing program of personnel development based upon needs assessments that are completed by special educators in

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the spring of each school year. The SELPA staff develops the needs assessment with input provided by the Special Education Administrators Committee (SEAC).

Based on the input received in the survey, the SELPA Regionalized Service Coordinators and Program Specialists develop an overall plan for staff development for all of the SELPA. This plan shall include opportunities for all school personnel to participate in ongoing development activities. Planned activities will be provided in collaboration and coordination with staff development activities offered by LEAs within the SELPA and community agencies in one or more of the following manners: centralized, whole-SELPA series; regionalized series for a group of LEAs in a more remote location, and/or individually in tailor-designed presentations for a LEA needing specific supports.

An evaluation and modification of the personnel development program will occur on a continuing basis based on responses from LEAs and SELPA staff.

Each program specialist is employed by the SELPA AU for the purpose of supporting the LEAs per the local, state, federal laws and regulations. Each program specialist must possess a valid special education credential, clinical services credential, health services credential, or pupil personnel services credential with school psychology authorization. Program specialists shall have advanced training and related experiences in the education of individuals with disabilities and a specialized in-depth knowledge in one or more areas of disabling condition. A program specialist may do all of the following:

- LEA support - Provision of feedback and assistance in the provision of special education services through site visits and consultations.
- Centralized & Regionalized comprehensive staff develop - Development and provision of comprehensive series emphasizing evidence-based best practices to enhance implementation of special education programs.
- Collaborative workgroups - Leadership in collaborative workgroups that address specific topics of interest in special education.
- Evidence-based practice resources - Research updates made available via the SELPA website.
- Presentations for district use - Provision of professional development resources for LEA use on specific special education topics.
- Continuing education units - Provision of workshops that provide CEUs for Speech and Language Pathologists and Board Certified

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Behavior Analysts.

- Crisis Prevention Institute training - Centrally-based full certification and refresher certification is provided.
- Program transfer support - LEAs receive support in planning and provision of special education services when transferring programs from another entity.

Provide other services as needed.

**Special Education Local Plan Area Services**

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

Document Title: Kern County Consortium SELPA Procedural Manual

Document Location: <https://kern.org/selpa/resources-for-educators/> and 1300 17th St. Bakersfield, CA 93301

Description: 

Early Start services, as outlined in IDEA, Part C, ensure early intervention services to children with disabilities, ages birth through three years, and their families, in a coordinated family- centered manner. Two lead agencies are responsible for these services: the California Department of Education (CDE) and the California Department of Developmental Services (DDS). Other agencies such as County Offices of Education (COE), the Family Resource Network, Public Health, Social Services, and Head Start collaborate with these lead agencies to meet the needs of eligible children and their families.

Within the Kern County Consortium SELPA, Kern County Superintendent of Schools provides some services to eligible children through the Early Start Program. An interagency agreement has been developed between the SELPA, the participating LEAs, and the Kern Regional Center. This agreement outlines the process that is used by the involved agencies for identifying, referring, assessing, and serving eligible children. A copy of this agreement can be obtained by contacting the Kern County Consortium SELPA office. Additionally, other services may be obtained by Regional Center through local providers of occupational, speech/language, and/or physical therapy(ies); the determination of services is based on the individual needs of the child and family.

For students aged three through five years, services are offered within the individual LEAs whenever possible; should further services be needed, districts

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may contract with the Kern County Superintendent of Schools Division of Special Education. (For a listing of programs for early childhood special education programs and services for children aged three through five years of age, please see the SELPA's *Annual Service Plan*.)

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

Document Title:

Document Location:

Description:

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

Document Title:

Document Location:

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Description:

disagreement with the party or parties directly involved. The parties involved will present the issues to their respective superintendents, or designees, who will attempt to resolve the matter. Either party may request the direct assistance of the SELPA Executive Director, or his/her designee.

In the event the initiating or other affected agencies disagree with a decision of the Superintendents' Executive Council, the dispute will be resolved through the following alternative dispute resolution procedure:

- 1) The dissatisfied party shall issue a written request for formal dispute resolution to be considered by an independent review panel. The written request shall include a description of the concerns to be addressed, with sufficient specificity to permit the independent review panel to clearly comprehend the disagreement and to formulate a response to the disagreement. In addition, the dissatisfied party shall detail the potential resolution to the problem. The written request shall be submitted to the SELPA Executive Director.
- 2) The Superintendent of the AU, or his/her designee, shall establish a list of persons from nearby SELPAs, districts or county offices, who are knowledgeable in the area of special education and who would be willing to serve as a member of such panel.
- 3) From the list of available panel members, the LEA or county office that requested the review, and the Superintendent of the LEA/AU, acting for the Superintendents' Executive Council, shall each select a representative for the panel. These representatives will also select one additional neutral member to serve as the chairperson.
- 4) The independent review panel shall meet as often as necessary to consider the facts of the complaint and prepare a written report and recommendations for consideration by the Superintendents' Executive Council.
- 5) At the next scheduled meeting of the Superintendents' Executive Council, after considering the report of the independent review panel, the Council must take one of the following actions. All voting will be in accordance with the voting procedures of the SEC:
  - a) Vote to reaffirm the previous action of the Superintendents' Executive Council
  - b) Vote to rescind the previous action of the Superintendents' Executive Council
  - c) Vote to modify the previous action of the Superintendents' Executive Council to comply or partially comply with the recommendations of

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the independent review panel.  
\*Any costs resulting from this process are to be shared equally by the LEA(s) or county office that requested the review.

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

Document Title:

Document Location:

A student shall be referred for special education and related services only after the resources of the general education program have been considered, and when appropriate, utilized as per current law. If parents and/or general education staff have concerns regarding a student's academic or behavioral performance, the Student Success Team (SST) is the typical venue for ensuring that all appropriate general education resources have been attempted prior to referral. Each LEA within the Kern County Consortium SELPA has a Student Success Team (or a team providing the equivalent service using a different title). The Student Success Team (SST) meeting allows the documentation of concerns and which strategies are being implemented or will be implemented to attempt to address the student's concerns related to their learning. Areas that are important to discuss and document during the SST meeting are:

- 1) Developmental/medical history
- 2) Attendance/school enrollment history
- 3) Review of vision, hearing, speech and language screenings
- 4) Behavior and Academic Performance and results of any intervention

The SST or other appropriate staff will ensure and document that all appropriate general education resources have been exhausted before referring a student to special education.

Examples of general education interventions prior to referral include the following:

- 1) Consultation with specialists and/or other staff;
- 2) Modification of the general program and/or accommodations for the student to facilitate access to core curriculum;

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3) Utilization of general program resources, (e.g. counselors, Multi-Tiered System of Support (MTSS), Title I resource programs; tutorials; English language development programs; migrant programs; reading & math interventions programs; 504 accommodation plans, summer school);

4) Parent/guardian conferences; and

5) Referral to appropriate community agencies.

It is not mandatory, however, for a student to go through the SST process before being referred to special education if pre-referral interventions have been attempted and can be documented. Either way, the SST process or the documentation of pre-referral interventions in the place of the SST are the responsibility of the general education staff.

In the event that a parent makes a written request for a special education evaluation, the member LEA must respond within 15 days. Should the member LEA determine testing is merited, they would respond by developing an assessment plan with the parent and providing a Prior Written Notice (PWN) along with Procedural Safeguards.

5. A description of the process being used to oversee and evaluate placements in nonpublic, nonsectarian schools and the method of ensuring that all requirements of each student's individualized education program are being met. The description shall include a method for evaluating whether the student is making appropriate educational progress:

Document Title: Kern County Consortium SELPA Procedural Manual

Document Location: <https://kern.org/selpa/resources-for-educators/> and 1300 17th St. Bakersfield, CA 93301

The SELPA recognizes certified nonpublic schools (NPS) as one placement option in a full continuum of placement options provided by LEAs and public agencies. Nonpublic school placement will be provided only when all public school programs have been explored and it is determined by an IEP team that no appropriate placement is available in public schools to meet the needs of the individual student in the manner and to the extent required by law.

Before specifying placement in an NPS, the IEP team must document efforts to utilize public schools. The LEA intending to offer placement in the NPS setting shall notify the SELPA Office sufficiently in advance of placement to allow the SELPA Coordinator to review public school options with the LEA. The IEP will list all placement options discussed and considered, and in the event that the IEP team selects a NPS option, the IEP will specify the anticipated date of return to the public school setting.



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Prior to providing services through an NPS, the responsible educational agency must enter into a master contract. The master contract specifies the general administrative and financial agreements between the NPS and the responsible educational agency. The SELPA limits contracts between member LEAs and nonpublic schools to those certified by the California Department of Education. The SELPA and member LEAs will determine their authority to visit, observe, monitor and report on the educational programs provided by any NPS under contract with a member LEA or involved in a potential placement by a member LEA. The LEA representative will visit the nonpublic, nonsectarian school both prior to student placement and at least once annually; both visitations will be reported to the California Department of Education, Special Education Division.

The Kern County Consortium SELPA Executive Director has been authorized to enter into master contracts with NPSs on behalf of the member LEAs. Following execution of a master contract, an *Individual Services Agreement* (ISA) must be developed, executed, and implemented by the responsible LEA that outlines the specific special education and related services that will be provided to the individual student. A copy of the approved ISA will be forwarded to the SELPA Office following each IEP. The SELPA Executive Director will provide guidance and assistance in this process, when requested.

The master contract will include procedures for billing of NPS services, attendance reporting requirements, assurances of appropriately credentialed staff, fingerprinting requirements, a written course of study that provides the appropriate credits necessary for graduation, state testing, progress reports, confidentiality of and access to student records, medication permission and documentation, and other items necessary to assure appropriate educational, health and safety practices for the student.

The LEA will schedule an IEP meeting at least every six (6) months and provide notification to the SELPA Office. Whenever necessary, the SELPA Office will have a representative at the IEP meeting. Necessity will be determined in conversation between the LEA Special Education Administrator and the SELPA Coordinator. The SELPA retains the right to modify the master contract and ISA format without changing the local plan. The most recently approved master contract and ISA are incorporated into the local plan by this reference.

Each LEA that contracts with a nonpublic, nonsectarian school shall evaluate the placement of its pupil(s) in such schools on at least an annual basis as part of the annual IEP review. The LEA representative shall review the master contract, the individual services agreement, and the IEP to ensure that all services agreed upon and specified in the IEP are provided.

Nonpublic, nonsectarian schools are required by the master contract and the

IEP to annually evaluate the pupil to determine if he/she is making appropriate educational progress. The LEA representative shall collaboratively review with the nonpublic, nonsectarian school the evaluations conducted by the nonpublic, nonsectarian school to ensure that they were appropriate and valid for measuring pupil progress. The LEA may choose to administer additional assessments as necessary, with parent consent where required, to determine whether the pupil is making adequate educational progress.

Required Annual Behavioral Training:  
Nonpublic, nonsectarian schools and Nonpublic Agencies are required by California Education Code to provide an annual behavioral training to their staff. Each LEA with students placed at the nonpublic, nonsectarian school must verify that:

- a. The training has been:
  - 1. Conducted by persons licensed or certified in fields related to the evidence-based practices and interventions being taught.
  - 2. Taught in a manner consistent with the development and implementation of individualized education programs is consistent with the requirements of Article 5.2 (commencing with Section 49005) of Chapter 6 of Part 27, relating to pupil discipline.
- b. The content of the training included:
  - 1. Positive behavioral intervention and supports, including collection, analysis, and use of data to inform, plan, and implement behavioral supports.
  - 2. How to understand and address challenging behaviors, including evidence-based strategies for preventing those behaviors.
  - 3. Evidence-based interventions for reducing and replacing challenging behaviors, including deescalation techniques.

Any new staff member, the training will be provided within 30 days of employment.

6. A description of the process by which the SELPA will fulfill the obligations to provide free and appropriate public education (FAPE) to a student age 18 to 21 (or age 22 under the circumstances described in *EC 56026(c)(4)*) who has been incarcerated in a county jail and remains eligible for special education services:

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The obligation to make FAPE available extends to those otherwise-eligible adults in county jail, age 18 to 21, who: (a) had been identified as a child with a disability and had received services in accordance with an IEP, but left school prior to their incarceration; or (b) did not have an IEP in their last educational setting, but had actually been identified as a child with a disability. (EC Section 56040)

It is the responsibility of the district of residence (DOR) to provide special education services and related services to an adult student in county jail who remains eligible for these services and wishes to receive them. The DOR is the district in which the student's parents resided when the student turned 18, unless and until the parents move to a new DOR. For conserved students, the DOR is based on the residence of the conservator. (EC Section 56041)

Document Title: Kern County Consortium SELPA Procedural Manual

Document Location: <https://kern.org/selpa/resources-for-educators/> and 1300 17th St. Bakersfield, CA 93301

Adults (aged 18 to 21 years) incarcerated in California adult jails and prisons are entitled to a free appropriate public education (FAPE) if they meet the following criteria:

- 1) Not a graduated with a high school diploma; and
- 2) At the time they turned 18, were identified as an individual with exceptional needs and had an individualized education program (IEP) under the IDEA.

However, an individual who was not identified as an individual with exceptional needs or did not have an IEP under the IDEA in the educational placement prior to his or her incarceration in an adult correctional facility is not entitled to a FAPE.

In December 2013, the California Supreme Court unanimously ruled in LAUSD v. Garcia that, under EC § 56041, the school district where the pupil's parent resides is responsible for providing special education and related services to a qualifying individual who is incarcerated in a county jail. This decision means that every school district in California can be held responsible to provide, or contract to provide, special education and related services to eligible incarcerated young adults if the youth's parent resides in the district, even if the student is incarcerated outside of the school district's boundaries. This includes obligations for all of the rights afforded by the IDEA and related state law including child find/search and serve, the provision of FAPE in the least restrictive environment (LRE), and the right to due process.

The following special education requirements do not apply to eligible

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individuals who are convicted as adults under State law and incarcerated in adult prisons:

- 1) The requirements relating to participation in general assessments; eligible individuals incarcerated in adult prisons are exempted from participation in state and district-wide assessment programs under the IDEA.
- 2) The requirements relating to transition planning and transition services do not apply with respect to such individuals whose eligibility under the IDEA will end because of their age before he or she will be released from prison.
- 3) The IEP Team may modify the individual's IEP or placement notwithstanding the LRE requirements and the IEP contents requirements if there is a bona fide security or compelling legal interest that cannot otherwise be accommodated.

District of Residence:  
For eligible adults who, prior to reaching the age of majority, resided within the LEA geographic boundaries, the applicable LEA within the Kern County Consortium SELPA shall ensure they have available to them a FAPE. If the parent relocates to a new district of residence, the new district of residence shall become the responsible LEA. If the student is conserved, the residence of his or her conservator shall control placement. LEAs shall provide the services themselves or contract with one of the high school districts in the SELPA to provide them as necessary.