

# Federal Assurance Policy

Special Education Local Plan

FAP 13

## GOVERNANCE

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.

### *Legal References:*

#### **EDUCATION CODE**

56205 (a) (12)

56001(f)

56190-4

56195.1(b) (c)

56195.3

56195.9

56205(b) (4)

56205(b) (5)

47640-47647

#### **FEDERAL REFERENCES**

20 USC 1412(a)

20 USC 1413(a) (1)

20 USC 1413(a) (5)

# State Required Policy

## Special Education Local Plan

SRP 13

### GOVERNANCE

The Trinity County Special Education Local Plan Area shall include all local education agencies (LEAs) located within jurisdiction of the Trinity County Superintendent of Schools, and will serve all eligible individuals with special needs residing within the boundaries of the school districts and LEAs. The LEAs within Trinity County join together pursuant of Section 56195 and Section 56205 of the California Education Code to assure access to special education and services for all eligible individuals with disabilities residing in the geographic area served by these LEAs, hereafter known as the Trinity County Special Education Local Plan Area (Trinity County SELPA).

It is the intention of the SELPA to provide a full continuum of services to students with disabilities, including students in charter schools, throughout the geographic region of the SELPA. Access to services is through each of the local education agencies. The referral, assessment and IEP process is utilized to identify the needs of each individual student with disabilities. The local education agencies have committed to policies and procedures to assure that students will have rights to appropriate services provided in the least restrictive environment.

In adopting the Local Plan, each participating LEA agrees to carry out the duties and responsibilities assigned to it within the plan. Each LEA shall provide special education services to all eligible students within its boundaries, including students attending charter schools where a LEA of the SELPA has granted the charter. In addition, each agency shall cooperate to the maximum extent possible with other LEAs to serve individuals with disabilities who cannot be served in the program of the LEA of residence. Such cooperation ensures that a range of program options is available throughout Trinity County. Participating agencies may enter into additional contractual arrangements to meet the requirements of applicable federal and state law.

The Local Plan shall be developed and updated cooperatively by a committee of representatives of special and regular teachers and administrators and representatives of charter schools selected by the groups they represent, and with participation by parent members of the Community Advisory Committee, or parents selected by the Community Advisory Committee to ensure adequate and effective participation and communication.

Members of the public, including parents or guardians of students with disabilities, may address questions or concerns to the governing boards of the local education agencies, the SELPA Administrative Team and any subcommittees of the above.

#### *Legal References*

#### **EDUCATION CODE:**

56195.1(b); 56195.1(c); 56195.3(a); 56195.5(b); 56205(a) (12) 56205(b) (4)

# State Requirement Administrative Regulation

Special Education Local Plan

SRAR 13

## GOVERNANCE

### *Administrative Unit*

The Trinity County Office of Education shall serve as the Administrative Unit (AU) for the SELPA.

- The Administrative Unit shall be responsible for the distribution of the funds according to an approved Special Education Funding Allocation Plan. The SELPA Director is responsible to ensure that the funds are distributed in accordance with the funding allocation plan.
- The AU employs staff to support SELPA functions
- The AU provides coordination of the Local Plan.
- The AU provides preparation of program and fiscal reports required of the SELPA by Federal and State.
- The AU will operate special education programs to complete full continuum of services.

### *Legal References*

#### **EDUCATION CODE:**

56195.1(c)(2), 56205(a)(12)(D)(ii)(II), 56195.1(b)(3), 56205(12)(D)(ii)(IV), 56195.10, 56205(a)(12)(D)(ii)(1), 56195(12)(D)(i), 56195(12)(D)(ii)(III), 56195(12)(D)(ii)(V)

### *County Board*

The County Board of Education shall be responsible for the following as related to management and operation of the SELPA.

- Review and adopt the Annual Service and Budget Plan regarding income and expenditures of the SELPA and review the service options provided by the SELPA.
- Ratify appointments of persons recommended for the Community Advisory Committee in accordance with the bylaws of the Community Advisory Committee.
- Review and approve or recommend for further consideration all policies and/or budget revisions in accordance with existing county procedures.
- Be informed of all program provisions of the SELPA Plan through inclusion of relevant information items at regular board meetings.
- Provide for public, including parents or guardians of students with disabilities, to address the board with questions or concerns.

*District Boards*

The governing boards of LEAs in Trinity County shall adopt policies and administrative regulations for special education programs and services provided in the Trinity County Special Education Local Plan Areas.

Responsibilities of the LEA governing boards include, but are not limited to:

- Participating in the governance of the Trinity County SELPA by empowering their superintendent or designee to act as their agent in the approval and amendment of SELPA policies and administrative regulations.
- Reviewing and approving revisions to the Trinity County SELPA Local Plan. By approving the Local Plan the LEA Governing Board enters into an agreement with other local education agencies participating in the plan for the provision of services and programs. The governing board exercises authority over the programs it directly maintains or contracts for, consistent with the Local Plan and individual LEA policies. It shall be fiscally accountable for special education programs operated or contracted for by its LEA.
- Appointing members to the Trinity County Community Advisory Committee.
- Maintaining responsibility for all aspects related to due process, California Department of Education (CDE) complaints, and Office for Civil Rights (OCR) complaints.
- Provide for the public, including parents or guardians of students with disabilities, to address the board with questions or concerns.

In the event of a disagreement among local education agencies, local education agencies and the Administrative Unit, local education agencies and/or the Administrative Unit and the SELPA regarding the distribution of funding, responsibility for service provision and any other governance activities specified in the Local Plan, it is the intent of the SELPA Administrative Team (AT), that issues be resolved at the lowest level possible in the governance structure outlined in the Local Plan. The AT is considered to be the board of last resort. This policy is intended to resolve disagreements within a period of 45 days, but is not intended to undermine local authority.

If a local education agency disagrees with a decision or practice of another agency or the SELPA Office, that local education agency has a responsibility to discuss and attempt resolution of the disagreement with the party, or parties, directly involved. The parties involved will present the issues to their respective superintendents, or designees, who will attempt to resolve the matter. Either party may request the direct assistance of the SELPA Director, County Superintendent or his/her designee, or the services of a neutral mediator from outside the SELPA. In the event the issue has not been resolved, either party may request review by the SELPA Administrative Team.

*Legal References***EDUCATION CODE:**

56205(a) (12) (D) (i); 56195.1(c) (1), 56195.5(a), 56205(b) (4), 56195.8(c), 56205(b) (5)

***Member District's Superintendent or Designee***

Each superintendent or designee will:

- Provide administrative leadership to the local district programs in the following areas: program operations, curriculum, personnel, and budgeting.
- Supervise and be responsible for all special education personnel under their employment.
- Provide a representative to the Individual Education Plan meeting who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities, can interpret the instruction implications of evaluations, is knowledgeable about general curriculum, and is knowledgeable about the LEA's available resources.
- Submit information to AU as required
- Perform other duties necessary to coordinate the administration of the Local Plan as agreed to.
- Assist in the coordination of community resources including implementation of interagency agreements.
- Maintain necessary records.
- Maintain and implement all procedural safeguards as defined by Individuals with Disabilities Education Act.
- Coordinate and conduct state verification reviews of district special education programs and data collection.
- Implement and monitor corrective action rulings of OCR and CDE complaints and the results of CDE verification reviews, as required.
- Submit to the SELPA Director copies of any OCR, CDE, due process and/or complaint findings including verification review which have SELPA-wide implications.
- Recruit and select representatives to the Trinity County SELPA Community Advisory Committee.

*Legal References*

**EDUCATION CODE:**

56205(a) (12) (D) (i)

**FEDERAL REFERENCE**

34 CFR 300.201

*Administrative Team*

There shall be an administrative governing body called the Administrative Team (AT). The AT is composed of a superintendent or designee representing each local education agency (LEA) within Trinity County SELPA. The County Superintendent of Schools shall be the representative for the AU and shall represent the COE Special Education Programs and the Court and Community School Programs. The LEA governing Boards assure that the AT shall identify the need for, and designate positions necessary for, the operations of the SELPA functions.

In cases where the superintendent or principal must appoint a designee, full voting authority shall be allowed. The SELPA Director will serve as the non-voting facilitator of the committee unless designated by the County Superintendent to vote in his/her absence, in which case, the SELPA Director shall have full voting authority for the Trinity County Office of Education.

The AT ensures that all provisions of the Local Plan are implemented within the Local Education Agencies (LEAs) in the SELPA by providing instruction to the SELPA Director regarding the implementation, administration, and operation of the Local Plan. This includes ensuring equal access to programs and service for all individuals with special needs within the SELPA.

The AT shall act to establish operational procedures and make decisions on any matters regarding administration and operation of special education programs in accordance with the intent of the Local Plan. The AT will approve operational decisions for the SELPA such as, but not limited to the following:

- Review and approve needed modification of this agreement on behalf of all districts in the SELPA; adopt amendments to the permanent portion of the Local Plan on an “interim basis,” not to exceed one year. Amendments approved in this manner shall become permanent upon subsequent approval by LEA governing boards during the annual service and budget plan process and upon subsequent approval of the State Board of Education.
- Approve SELPA policies, regulations, and procedures on behalf of their respective LEA Governing Boards to ensure compliance by districts with the Local Plan and state and federal laws and regulations. Each member shall assume the responsibility for communication and presentation to their respective governing boards of the adopted policies, regulations, and procedures.
- Approve the SELPA-wide Annual Service and Budget Plans, and subsequent modifications.
- Establish and promote the Community Advisory Committee. Encourage parental involvement through the members of the CAC, receive and consider requests and recommendations from their CAC representatives and other parent groups.
- Provide direction to the SELPA Director regarding the development, revision, implementation, and review of the Local Plan.

## GOVERNANCE (continued)

SRAR 13(d)

- Approve the Allocation Plan for the distribution of federal, state and local funds received for special education programs.

### *Administrative Team*

- Advise on the number and type of SELPA staff employed by the AU for SELPA-wide services.
- Provide for public, including parents or guardians of students with disabilities, to address the board with questions or concerns.

### **SELPA Executive Committee**

There shall be an administrative advisory body called the Executive Committee (EC). The EC is composed of the SELPA Director and superintendents representing local education agencies (LEAs) within Trinity County SELPA.

The EC shall act to establish operational procedures and make recommendations to the SELPA Administrative Team on the following matters:

- Develop and review policies and procedures for providing Special Circumstances Instructional or Health and Safety Assistance
- Develop and review policies and procedures for districts of residence to apply for shared-cost status for students
- Make recommendations to the AT regarding the SELPA funding model

The EC shall act as the governing body to determine shared-cost status for students using the following procedures:

- The IEP Team shall determine the services required for a student to receive a Free Appropriate Public Education in the Least Restrictive Environment.
- The Superintendent of the District of Residence may elect to request shared-cost funding from the EC; the Superintendent shall be responsible for presenting the request to the EC.
- The EC will consider the request using the criteria outlined in Local Policy 13 B and make every effort to come to consensus
- A superintendent of a district of residence may appeal any decision made by the EC to the AT. The AT decision will be final.

The EC shall meet at least two times per year to review funding requests.

*Legal References*

**EDUCATION CODE:**

56205(a) (12) (A), 56195.1(b) (1), 56205(b) (4)

# Local Policy

## Special Education Local Plan

LP 13 A

### GOVERNANCE

#### Description of Governance and Administration of the Local Plan

##### *Composition of the SELPA*

The Trinity County SELPA is composed of the eleven local education agencies (LEAs) of Trinity County including ten school districts and the Trinity County Office of Education. The Trinity County Office of Education shall be the Responsible Local Agency (RLA), and the Trinity County Superintendent of Schools shall be the Superintendent of the RLA. In adopting the completed Local Plan, each LEA agrees to carry out the duties and responsibilities assigned to each agency within the Plan, or duties which may be delegated at a later date through agreement of the participating agencies.

##### *Function of the SELPA*

The function of the Special Education Local Plan Area and participating agencies is to provide a quality educational program appropriate to the needs of each eligible child with a disability, who resides within the Local Plan Area, and to those eligible individuals who are residents of other SELPAs who may be in need of services, and who in accordance with the provisions of the annual budget plan of the cooperating Local Plan Area attend programs in Trinity County. All such programs are to be operated in a cost effective manner consistent with the funding provisions of Education Code Section 56700 et seq, IDEA, other applicable laws, and the policies and procedures of the Special Education Local Plan Area.

***Governance of the SELPA***

Governance of the Trinity County SELPA is composed of two committees: the Trinity County Administrative Team, and the Community Advisory Committee.

***The Administrative Team***

The Administrative Team consists of the Superintendent or designee of each of the participating LEAs, each of whom provides a liaison function between the LEA governing board and the Administrative Team. LEA Superintendents or designees exercise their authority and responsibilities in accordance with policies and procedures of their local governing boards and within the voting procedures of the Administrative Team.

Method of voting on motions before the SELPA Administrative Team will be as follows:

- Votes per district
 

<u>Burnt Ranch</u>	<u>1</u>
<u>Coffee Creek</u>	<u>1</u>
<u>Cox Bar</u>	<u>1</u>
<u>Douglas City</u>	<u>1</u>
<u>Junction City</u>	<u>1</u>
<u>Lewiston</u>	<u>1</u>
<u>Mountain Valley</u>	<u>2</u>
<u>Southern Trinity</u>	<u>1.5</u>
<u>Trinity Center</u>	<u>1</u>
<u>Trinity Alps USD</u>	<u>4</u>
<u>Trinity COE</u>	<u>1</u>
<u>Total</u>	<u>15.5</u>

- There must be a quorum of two-thirds for a vote to take place – that is at least 8 voting members present
- Two-thirds of votes cast must be in agreement for a vote to count
- The Superintendent may send a designee for voting purposes

***The Administrative Team, 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 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 Administrator.
- Provide direction, consultation and technical assistance to the local education agencies and the Superintendent of the Responsible Local Agency.
- 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 Administrative Team for consideration. The public shall have opportunities for input prior to adoption of policies and procedures.
- Encourage a working relationship with the Community Advisory Committee.
- Recommend to the Superintendent of the Responsible Local Agency a qualified candidate or candidates to be employed as the SELPA Administrator.
- Provide leadership and support through inter-district relationships, to implement the Local Plan, including any regionalized services/programs.

The Superintendent or designee of each Local Education Agency shall be a member of the Administrative Team and shall provide a liaison function between the Local Education Agency governing board and the Administrative Team.

*Responsibilities of the Superintendent or designee include:*

- Provide leadership within the Local Education Agency in support of special education programs.
- Represent the Local Education Agency as a member of the Administrative Team.
- Act as a liaison between the governing board of the Local Education Agency and the Administrative Team, transmitting suggestions for the development and/or changes of policy to the Administrative Team and vote upon such matters in accordance with direction from the Local Education Agency governing boards.
- Advise the Local Education Agency governing boards of policies adopted by the Administrative Team and provide the governing boards with copies of such policies.
- Recommend the adoption of Local Education Agency Special Education policies to the governing boards. The Trinity County SELPA shall consider documents such as regulations, interagency agreements, guidelines, side memos, and procedural handbooks as having the same weight as SELPA policies.
- Annually recommend to the governing board the modifications of Local Education Agency special education programs which are necessary to meet the changing needs of the students, to be included in the required Annual Service and Budget Plans submitted to the SELPA.
- Allow county-operated programs to utilize district transportation when appropriate.
- Serve as the administrator for IEP Team Meetings or, when appropriate, assign an administrative designee.
- Ensure that procedural safeguards and due process provisions are followed by the LEA.
- Ensure that staff members at district sites modify the general education curriculum for diverse learners, provide access to the core curriculum for all students, and implement and consistently utilize the Student Study/Success Team process prior to referring a student for special education services.

## GOVERNANCE (continued)

## LP 13 A (d)

The Trinity County Superintendent of Schools shall be designated as the Superintendent of the Responsible Local Agency. The RLA Superintendent serves as chairperson of the Administrative Team and has the responsibility for the coordination and implementation of the Local Plan in accordance with approved policies and procedures.

### *Responsibilities of the RLA Superintendent include:*

- Serve as or designate someone to serve as Chairperson of the Administrative Team and arrange the schedule, time, and place for meetings of the Team.
- Serve as the employing agency for personnel who have responsibilities throughout the Local Plan Area. Such personnel will include, but not be limited to, the SELPA Administrator for the Local Plan Area and the Program Specialist. Employment of such personnel will be in accordance with personnel policies and practices of the Trinity Office of Education and procedural employment policies approved by the Administrative Team.
- Employ appropriate classified personnel in support of the Local Plan Area certificated staff.
- Provide suitable office space for both certificated and classified employees of the SELPA.
- Provide for the annual evaluation of the SELPA Administrator for the Local Plan Area and the Program Specialist.
- Receive and maintain accountability for the use of Regionalized Service funds appropriated to the Special Education Local Plan Area.
- Establish appropriate record keeping procedures to be followed by each Local Education Agency for purposes of maintaining accurate fiscal and accounting records in accordance with State and Federal requirements and submit required reports to the appropriate authorities.
- Provide technical support for the Management Information System necessary to comply with the requirements of the California Department of Education.
- Recommend to the Administrative Team a plan for the sharing of Regionalized Service funds when Local Education Agencies are required to perform duties related to staff development, fiscal and accounting reports or other data gathering activities associated with required reporting activities.
- Initiate the development of policies and procedures to be followed by all agencies participating in the Local Plan to ensure that the Procedural Safeguards enumerated in E.C. Sections 56500, et. seq., are extended to the student, the parent, and the public education agency in a consistent manner throughout the Local Plan Area.

***Changes in the Governance Structure***

Any changes in the governance structure of the Trinity County Special Education Local Plan Area, including changing the designation of and/or responsibilities of the Responsible Local Agency are subject to specific provisions of Education Code Sections 56140, 56195, et seq., 56195.7 et seq., 56200 et seq., and 56205 et seq.

- Any local agency which is currently designated as a Local Education Agency (LEA) participating in the Trinity County Local Plan for Special Education may elect to pursue an alternative option from those specified in Education Code Section 56195.1 by notifying the Trinity County Superintendent at least one year prior to the date the alternative plan would become effective (E.C. 56195.3(b))
- Any alternative plan of an LEA is subject to the approval of the Trinity County Superintendent of Schools. (E.C. 56195.1)
- Approval of a proposed alternative plan by the Trinity County Superintendent of Schools must be based on the capacity of the district(s) to ensure that special education programs and services are provided to all students with disabilities. (E.C. 56140 (b))
- If an alternative plan is disapproved by the Trinity County Superintendent, the County Office of Education shall return the plan with comments and recommendations to the district(s). The district or districts participating in the alternative plan may appeal the decision to the Superintendent of Public Instruction. (E. C. 56140 (b) (2))
- Any alternative plan to be submitted by a district or a group of districts currently participating in the Trinity County Local Plan must meet the standards established by the State Board of Education and not adversely affect the size and scope status of the current Local Plan geographic area.
- Any changes in the designation of the RLA for the Trinity County Local Plan must conform to the above Education Code provisions and the administrative provisions for approval as specified in the Local Plan.
- Disagreements among the participating agencies of the Trinity County Local Plan which cannot be resolved within the standard operating procedures specified in the Local Plan may be resolved in accordance with the Dispute Resolution Plan (see Item 13 of the Local Plan).

***Legal References*****EDUCATION CODE:**

56368, 56369, 56836.23

56195.1(b); 56195.1(c); 56195.3(a); 56195.5(b); 56205(a) (12) 56205(b) (4, 6)

# Local Policy

## Special Education Local Plan

LP 13 B

### FUNDING MODEL

#### *Description of Funding Model*

##### **Background**

AB 602, the Poochigian and Davis Special Education Reform Act, was signed by the Governor on October 10, 1997 and went into effect on July 1, 1998. The statute repealed the method of computing special education apportionments by allocation of Instructional Personnel Service Units (IPSU) based on special education pupil count, and established a new system of funding special education services as an allocation per pupil in regular average daily attendance (ADA). The intent of the legislation was to ensure greater equity in funding among SELPAs, avoid unnecessary complexity, require fiscal and program accountability, and avoid financial incentives to inappropriately place pupils in special education. AB 602 guaranteed to each SELPA for the 1998-1999 fiscal year, at a minimum, an amount equal to that received in the 1997-1998 fiscal year. Commencing with the 1999-2000 fiscal year and thereafter, the amount of funding computed for each SELPA would be subject to adjustment for changes in ADA.

The Trinity County SELPA Administrative Team is charged with developing a Special Education funding model.

All special education funds flow from the State directly to the SELPA Administrative Unit, which is the Trinity County Office of Education. The SELPA Administration will, in turn, allocate the funds to SELPA member LEAs according to this SELPA Funding Allocation Plan. The funds received from the State are based on a dollar amount per SELPA-wide Average Daily Attendance (ADA).

##### **Eligibility Criteria to Receive Special Education Funds**

In order to receive special education funds under the new funding allocation plan, a Local Education Agency must provide assurances and documentation that it:

- Will comply with all requirements of the SELPA Local Plan
- Serves special education students in accordance with their Individualized Education Programs (IEP)
- Provides direct instruction for a prescribed amount of time to special education students with credentialed special education staff and/or certified Non Public Agency (NPA) personnel

*Description of Funding Model*

**Distribution of Funds from the SELPA to Districts**

**Special Education revenues are allocated as follows:**

- The following revenues shall be held at the SELPA level:
  - AB 602 - \$20 per current year county-wide CBEDS enrollment to fund extraordinary costs (legal fees or NPS placement).
  - Low Incidence Materials and Equipment
- The following revenues shall be held at the SELPA level as a credit against each district's share of excess costs. The district of residence shall receive 10%; the remaining 90% shall be allocated to all districts.
  - Special Day Class ADA Revenue Limit
  - Low Incidence Specialized Service Entitlements
  - Transportation
- The following revenues are allocated to all districts based on a factor of each district's current year CBEDS to the total current year CBEDS. TCOE shall hold these funds at the SELPA level as a credit against each district's share of excess costs for those districts not running their own programs. TCOE shall transfer funds (based on funds received) to districts operating their own programs at least quarterly.
  - AB 602 Funds (-\$20 x CBEDS)
  - Local Taxes
  - Local Assistance Entitlement (Federal Discretionary Grant)
  - Personnel Development for Special Education Local Plan Areas (Federal Discretionary Grant)

*Description of Funding Model*

**Determination of Local Contribution**

**Special Education expenditures are allocated as follows:**

Direct and Direct Support Costs shall be allocated to districts. Indirect Costs shall be based on the current rate as approved by CDE and funded by TCOE as its share of excess costs.

- Direct Costs for non cost-shared students shall be allocated to the district receiving the service. The costs shall be based on actual FTE and on the average salary and benefits of the position. Those services include the cost of:
  - classroom teachers
  - para-educators
  - speech therapists
  - speech aides
  - occupational therapists
  - supplies, materials, travel and conference
  
- Direct Costs for cost-shared students (see criteria below) shall be allocated to the district of residence of the student receiving the service. The costs shall be based on actual fte and on the average salary and benefits of the position. The district of residence shall pay 10%; the remaining 90% shall be allocated to all districts based on the CBEDS factors used to allocate revenues. Those services include the cost of:
  - classroom teachers
  - para-educators
  - occupational therapists
  - transportation
  - supplies, materials, travel and conference
  
- Support Costs shall be allocated to all districts based on the CBEDS factors used to allocate revenues. Those support costs include:
  - nursing services
  - educational psychologists
  - SELPA administration

Revenues and expenditures shall be allocated to each district as outlined above. The excess of expenditures over revenues shall be considered the districts' local contribution and billed in January of the following fiscal year.

For districts not running their own programs: In the event a district's revenues exceed their allocated expenditures, the credit will be distributed to the remaining districts based on the CBEDS factor.

*Description of Funding Model*

**Criteria for Identifying Shared-Cost Students:**  
**(The student must meet ~~both~~ three tests to qualify as cost-shared.)**

**Test 1: The Label**

Student must be identified by disability on the IEP as meeting the definition of “severe” in the following education code.

**30 EC 56030.5 - Definition of "Severely Disabled"**

56030.5. "Severely disabled" means individuals with exceptional needs who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, **severe** mental retardation, and those individuals who would have been eligible for enrollment in a development center for handicapped pupils under Chapter 6 (commencing with Section 56800) of this part, as it read on January 1, 1980.

Students who meet this criterion have one of the following disabilities marked on the first page of the IEP:

Autism, Mental Retardation, Blindness, Deafness, Deaf/Blindness, Orthopedic Impairment, Emotional Disturbance, Traumatic Brain Injury, Multiple Disabilities, Established Medical Disability

**Test 2: The Severity**

The disability must be severe. The student is unable to access a Free and Appropriate Public Education in the Least Restrictive Environment without an adult dedicated specifically to guiding and supervising him/her or providing constant care. The determination of how much support is needed must be decided by the IEP team.

**Test 3: Review and Approval by the EC using the following guidelines:**

- Special Circumstances Instructional or Health and Safety Assistance (SCI) is necessary to provide a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) to the student and/or
- SCI is necessary to provide a safe and healthy learning environment for other students and staff.
- The education program has made accommodations and modifications to encourage independence and participation.
- There is a plan to reduce or fade the need for SCI, when applicable.
- The Special Circumstances Instructional Assistance Rubric (see LE 13 C) will indicate that the student has a significant or severe impairment in at least one category.

Test 3 shall become effective beginning in the 2009-2010 school year and will apply to all new students and current students whose additional needs increase costs by at least 10%.

*Description of Funding Model*

**Rationale for Sharing the Costs for some students:**

- AB 602 was designed to flow funds to the SELPA (rather than straight to districts) in order to address local needs and variances.
- Severely disabled students are not evenly distributed by ADA.
- Districts with a higher percentage of severe-needs students per ADA are at greater risk of having a qualified budget.
- Provides a form of insurance for all districts.