



EL DORADO CHARTER SELPA **Tuesday, February 19, 2019**

Meeting to be held via Zoom
on Tuesday, February 19, 2019 at 10:00 a.m.

Registration for the Zoom teleconference
will be available at least two days prior to the meeting
and the link will be sent out electronically.

AGENDA - EXECUTIVE COMMITTEE MEETING

Charter SELPA:

David M. Toston, Associate Superintendent
Ginese Quann, Charter SELPA Director
Robert Steponovich, SELPA Business Services Director

Vicki L. Barber, Retired EDCOE Supt. of Schools
Kathleen Hall, Administrative Assistant

Executive Committee Members:

Mary Searcy Bixby, Altus Schools
Cindy Petersen, Gateway Community Charters
Pat Hill, Learn4Life
Julie Mattoon, KIPP Bay Area Schools
Tim Wolf, King-Chavez Charter Schools
Debi Gooding, The Learning Center
Dawn Evenson, iLead Schools
Jonathan Dean, The O'Farrell Charter School
J.J. Lewis, Compass Charter Schools
Mark Ryan, North Valley Military Institute
Allegra Johnson, Da Vinci Schools
Michael Martucci, Ingenium Schools

Lynne Alipio, Altus Schools
Paul Keefer, Pacific Charter Institute
Josh Drake, Rocketship Education
Kim Damman, KIPP LA Schools
Melissa Mora, ACE Charter School
Karin Marsolais, Preuss School UCSD
Lisa Freccero, ASPIRE
DiAnne McClenahan, The Bay Group
Patricia Dougherty, Phoenix Charter Academy
Wendy Sanders, Redding School of the Arts
Kapil Mathur, Orange County Academy

1. Membership Report

CEO Executive Committee will be updated on the current status of the Charter SELPA membership and applications for membership in 2019/20. Please see Attachment 1 for this update.

2. SELPA Policies and Administrative Regulations

Charter SELPA recommends revising and updating the following Charter SELPA Policies and Administrative Regulations to align with Ed Code.

- 2a. Charter SELPA Policy 23/AR No. 23 – Behavior Interventions for Special Education Students.
- 2b. Charter SELPA Policy 24/AR No. 24 – Nonpublic, Nonsectarian School and Agency Services for Special Education.

Information and recommendations regarding the revised policies are included in Attachments 2a and 2b.

3. Administrative Fee Reduction

As the Charter SELPA grows and achieves further economies of scale, the administrative fee schedule is revisited. The Charter SELPA has increased to over 170 organizations operating 370 schools and representing approximately 17,000 students with disabilities, and SELPA leadership is proposing to reduce the administrative fee for new partners, as well as existing partners. Please see Attachment 3 for details on the proposed Administrative Fee Reduction.

4. SELPA Leadership Report

5. Next Meeting Date

The March 7, 2019 regularly scheduled meeting of the Charter SELPA Executive Committee has been rescheduled and will take place April 9, 2019 via Zoom.



2019/20 Charter SELPA Membership Report February 2019

Current Members per our Local Plan (as of July 1, 2018)

- 175 Charter Partners
- 381 Charter Schools – Local Plan
- 380 Charter Schools - Operating

Current Active Members

- 380 Charter Schools (Since submitting our Local Plan Revision to the board, RISE High School notified us of their school closure.)

Effective July 1, 2019, the following changes will be made to the Charter SELPA Local Plan

Cohort 1:

- 1 school closed/exited the SELPA (reflecting the above-mentioned RISE High School)
 - Decreasing the partner count by 0
- 19 schools approved.
 - 1 school deferred
 - 18 schools added
 - Increasing the partner count by 9
- Total number of projected schools 398
- Total number of projected partners 184

Cohort 2:

- Opens on April 1, 2019 for new organizations.
- Deadline for new applications and expansions, April 5, 2019 at noon.

Projected Members for 2019-20

- 184 Charter Partners - 398 Charter Schools



Behavioral Interventions for Special Education Students **Charter SELPA Policy 23/AR 23**

Issue

Charter SELPA Policy 23 and Administrative Regulation (AR) 23 addressing behavioral interventions for special education students need to be updated to align with Ed Code. We have included both the redline version of Policy 23 and AR 23 highlighting the suggested revisions, along with the proposed Policy 23 and AR 23 incorporating the suggested revisions. The attachments are as follows:

- 2a.1 – Copy of Charter SELPA Policy 23 with suggested revisions highlighted in red.
- 2a.2 – Copy of recommended Charter SELPA Policy 23.
- 2a.3 – Copy of Charter SELPA AR 23 with suggested revisions highlighted in red.
- 2a.4 – Copy of recommended Charter SELPA AR 23.

Recommendation

Charter SELPA Executive Committee input is sought on bringing the revisions of El Dorado Charter SELPA Policy 23 and Administrative Regulation 23, Behavioral Interventions for Special Education Students, to CEO Council for adoption at the May 2019 meeting.

Behavioral Interventions for Special Education Students

A special education student's minor behavioral problems shall be subject to the disciplinary measures applicable to all students for such infractions.

When a child's behavior impedes the child's learning or that of others, the IEP team must consider strategies and supports, including positive behavioral interventions, to address that behavior consistent with the law and SELPA procedures. (20 U.S.C. § 1414(d)(3)(B)(i); 34 C.F.R. § 300.346(a)(2)(i), (b); Ed. Code § 56341.1, subd. (b)(1).)

~~When a special education student's serious behavioral problem significantly interferes with implementing the goals and objectives of his/her individualized education program, a functional analysis assessment shall be conducted with parental consent and a written behavioral intervention plan may be developed for the student in accordance with law and SELPA procedures.~~

The Charter CEO or designee shall ensure that staff is informed of the El Dorado County Charter SELPA's policy and regulations governing the systematic use of behavioral and emergency interventions.

Legal Reference:

EDUCATION CODE

- 49001 Prohibition of corporal punishment
- 56321 Notice of parental rights; consent of parents
- 56500-56507 Procedural safeguards, including due process rights
- 56520-56524 Behavioral Interventions
- 56341.1

CODE OF REGULATIONS, TITLE 5

- 3001 Definitions
- 3052 Designated positive behavioral interventions

Behavioral Interventions for Special Education Students

A special education student's minor behavioral problems shall be subject to the disciplinary measures applicable to all students for such infractions.

When a child's behavior impedes the child's learning or that of others, the IEP team must consider strategies and supports, including positive behavioral interventions, to address that behavior consistent with the law and SELPA procedures. (20 U.S.C. § 1414(d)(3)(B)(i); 34 C.F.R. § 300.346(a)(2)(i), (b); Ed. Code § 56341.1, subd. (b)(1).)

The Charter CEO or designee shall ensure that staff is informed of the El Dorado County Charter SELPA's policy and regulations governing the systematic use of behavioral and emergency interventions.

Legal Reference:

EDUCATION CODE

49001 Prohibition of corporal punishment

56321 Notice of parental rights; consent of parents

56500-56507 Procedural safeguards, including due process rights

56520-56524 Behavioral Interventions

56341.1

CODE OF REGULATIONS, TITLE 5

3001 Definitions

3052 Designated positive behavioral interventions

Behavioral Interventions for ~~Special Education Students~~ Individuals with Exceptional Needs

~~A special education student's behavior.~~ Behavior of an individual with exceptional needs shall be subject to the disciplinary measures applicable to all students for such infractions unless the behavior is determined to be a manifestation of the student's disability. ~~it is a serious behavior problem as defined below.~~

~~More serious b~~Behavioral problems shall be addressed through the systematic use of behavioral and emergency interventions as provided below.

When a child's behavior impedes the child's learning or that of others, the IEP team must consider strategies and supports, including positive behavioral interventions, to address that behavior. (20 U.S.C. § 1414(d)(3)(B)(i); 34 C.F.R. § 300.346(a)(2)(i), (b); Ed. Code § 56341.1, subd. (b)(1).)

The Charter LEA may employ a Board-Certified Behavior Analyst ("BCBA") to conduct behavior assessments and provide behavioral intervention services, but the law does not require that these services be provided by a BCBA. (Ed. Code, § 56525.)

Note: With the Repeal of the Hughes Bill, (Assembly Bill 86, effective July 1, 2013 ("AB 86")) the law does not contain a specific definition of "behavioral intervention" and does not impose any specific requirements for how to conduct or implement a behavior assessment or behavior intervention plan. LEAs are no longer required to conduct a Functional Analysis Assessment ("FAA") for students with serious behavioral problems. (Ed. Code, § 56523.)

Definitions

~~**Serious behavioral problems** are behaviors which are self-injurious, assaultive or cause property damage, and other severe behavior problems that are pervasive and maladaptive for which instructional/behavioral approaches specified in the student's individualized education program (IEP) are found to be ineffective. (5 CCR 3001)~~

~~**Behavioral intervention** is a systematic implementation of procedures that result in lasting positive changes in the individual's behavior. "Behavioral intervention" means the design, implementation and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in human behavior through skill acquisition and the reduction of problematic behavior. Behavioral interventions are designed to provide the individual greater access to a variety of community settings, social contacts and public events and ensure the individual's right to placement in the least restrictive environment, pursuant to the student's IEP. The use of behavioral interventions shall not cause pain or trauma, shall respect the individual's human dignity and personal privacy, and shall assure his/her physical freedom, social interaction and individual choice. (5 CCR 3001)~~

~~**Behavior intervention plan (BIP)** is a written document which is developed when the student exhibits a serious behavior problem that significantly interferes with the implementation of the student's IEP.~~

~~**Behavioral intervention case manager (BICM)** is a designated certificated Charter LEA staff member or other qualified personnel contracted by the Charter LEA, and trained in behavior analysis with emphasis~~

~~on positive behavioral interventions. (5 CCR 3001)~~

~~Note: 5 CCR 3001 specifies that the behavioral intervention case manager is not intended as a new staffing requirement and does not create new credentialing or degree requirements. Duties of this position may be performed by any appropriately trained, certificated staff member.~~

~~**Behavioral emergency** is the demonstration of a serious behavior problem which has not previously been observed and for which a behavioral intervention plan has not been developed, or for which a previously designed behavioral intervention is not effective. (5 CCR 3001)~~

Functional Analysis Assessment

~~When a special education student's serious behavioral problem significantly interferes with implementing the goals and objectives of his/her IEP, the student's IEP team shall determine whether the instructional/behavioral approaches specified in the student's IEP have proven ineffective. If the IEP team finds that these approaches have been ineffective, a functional analysis assessment shall be conducted. (5 CCR 3052)~~

~~Before a functional analysis assessment begins, parents/guardians shall be notified and consent obtained pursuant to Education Code 56321. No such assessment shall preclude a parent/guardian from requesting a functional analysis assessment on the basis of language and speech disorders or specific learning disabilities. (5 CCR 3052)~~

~~The functional analysis assessment shall be conducted by, or be under the supervision of, a person with documented training in behavior analysis with an emphasis on positive behavioral interventions. This staff shall: (5 CCR 3052)~~

- ~~1. Observe the targeted inappropriate behavior, its frequency, duration and intensity~~
- ~~2. Observe events immediately preceding the behavior~~
- ~~3. Observe the consequences of the behavior to determine the purpose it serves for the student~~
- ~~4. Analyze the environment in which the behavior most frequently occurs~~
- ~~5. Analyze records for medical and health factors which may influence behavior~~
- ~~6. Review the history of the behavior, including the effectiveness of interventions used in the past~~

~~The parent/guardian shall receive a complete written report of the assessment. The report shall include: (5 CCR 3052)~~

- ~~1. A description of the nature and severity of the targeted behavior(s) in objective and measurable terms~~
- ~~2. A description of the targeted behavior that includes baseline data and an analysis of the antecedents and consequences that maintain the behavior and a functional analysis of the behavior across all appropriate settings in which it occurs~~
- ~~3. A description of the rate of alternative behaviors, their antecedents and consequences~~
- ~~4. A proposed behavioral intervention plan for consideration by the IEP team.~~

Behavioral Intervention Plan

~~Note: As amended in Federal Register Vol. 64, No. 48, 34 CFR 300.520 requires that a functional behavioral assessment and behavioral intervention plan be developed no later than 10 business days after a student is suspended for more than 10 school days in a school year or after a change of placement occurs. (34 CFR § 300.530; see SELPA Policy 16, and AR 16)~~

Within 10 business days after removing a student for more than 10 school days in a school year or commencing a removal that constitutes a change in placement, the Charter LEA shall implement a behavioral intervention plan in accordance with 34 CFR 300.520, ~~Board~~ SELPA policy and administrative regulations. (BP/AR 16)

Note re Terminology: BIP and BSP

The IDEA uses the term Behavior Intervention Plan (“BIP”) to refer to a less intensive behavior plan developed by the IEP team. Previously, the Hughes Bill (repealed by AB 86) used the term "BIP" to refer to a more intensive behavior plan required whenever an FAA was performed. California also had previously used the term Behavior Support Plan (“BSP”) to distinguish between the less intensive plan required by the IDEA and the more-intensive “BIP” required by the Hughes Bill. Now, with the repeal of the Hughes Bill by AB 86, it is recommended that member districts use only the term BIP for all types of behavior plans. (Ed. Code, § 56523.)

~~Based on the functional assessment, the IEP team shall meet to determine whether a behavioral intervention plan is needed. If such a plan is needed, the IEP team shall be expanded to include a behavioral intervention case manager, qualified staff knowledgeable of the student's health needs, and others with expertise as deemed necessary by the parent/guardian, Charter LEA or Special Education Local Plan Area (SELPA). This team shall develop a written behavioral intervention plan which includes: (5 CCR 3001)~~

- ~~1. A summary of relevant and determinative information gathered from the functional analysis assessment~~
- ~~2. An objective and measurable description of the targeted maladaptive behavior(s) and replacement positive behavior(s)~~
- ~~3. The student's goals and objectives specific to the behavioral intervention plan~~
- ~~4. A detailed description of interventions to be used and the circumstances for their use~~
- ~~5. Specific schedules for recording the frequency of intervention use and the frequency of the targeted and replacement behaviors, including specific criteria for discontinuing an intervention for lack of effectiveness or replacing it with a specified and identified alternative~~
- ~~6. Criteria by which the procedure will be faded or phased-out, or less intense/restrictive intervention schedules or techniques that will be used~~
- ~~7. Those behavioral interventions which will be used in the home, residential facility, work site or other non-educational settings~~
- ~~8. Specific dates when the IEP team will periodically review the efficacy of the program~~
- ~~— The frequency of the consultation to be provided by the behavioral intervention case manager to the staff and parents/guardians who are responsible for implementing the plan~~

~~Based on the results of the functional analysis assessment, interventions specified in the plan may include: (5 CCR 3052)~~

- ~~_____ Altering the identified antecedent event to prevent the occurrence of the behavior~~
- ~~1. _____ Teaching the student alternative behaviors that produce the same consequences as the inappropriate behavior~~
- ~~1. _____ Teaching the student adaptive behaviors which ameliorate negative conditions that promote the display of inappropriate behaviors~~
- ~~1. _____ Manipulating the consequences for the display of inappropriate behaviors and alternative, acceptable behaviors, so that the alternative behaviors more effectively produce desired outcomes~~

~~Acceptable responses to targeted behavior may include, but are not limited to, one or more of the following: (5 CCR 3052)~~

- ~~0. _____ The behavior is ignored, but not the student.~~
- ~~0. _____ The student is verbally or verbally and physically redirected to an activity.~~
- ~~0. _____ The student is provided with feedback.~~
- ~~0. _____ The message of the behavior is acknowledged.~~
- ~~0. _____ A brief physical prompt is provided to interrupt or prevent aggression, self-abuse or property destruction.~~

~~The behavioral intervention plan shall become a part of the student's IEP and shall be sufficiently detailed so as to direct the plan's implementation. (5 CCR 3052)~~

~~A copy of the behavioral intervention plan shall be provided to the person or agency responsible for implementation in non-educational settings. (5 CCR 3001)~~

~~At intervals scheduled by the IEP team, the behavioral intervention case manager, parent/guardian and others as appropriate shall evaluate the effectiveness of the behavioral intervention plan in accordance with law. This review may be conducted in meetings, by telephone conference, or by other means, as agreed upon by the IEP team. (5 CCR 3052)~~

~~If the IEP team determines that changes in the behavioral intervention plan are necessary, the teacher and behavioral intervention case manager shall conduct additional functional analysis assessments and, based on the outcomes, propose changes to the plan. (5 CCR 3052)~~

~~The parent/guardian and the behavioral intervention case manager or qualified designee may make minor modifications without an IEP team meeting. The parent/guardian shall be notified of the need for modification and shall be able to review the existing program evaluation data prior to implementing the modification. Parents/guardians shall be informed of their right to question any modification to the plan through the IEP procedures. (5 CCR 3052)~~

~~The IEP team also may include in the plan contingency schedules for altering specified procedures, their frequency or their duration, without reconvening the IEP team. (5 CCR 3052)~~

Emergency Interventions

Emergency interventions not specified in a student's behavioral intervention plan shall be used only when necessary to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the ~~student individual with exceptional needs or others and others, and which cannot~~ that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for a systematic behavioral intervention plans. (5 CCR 3052) that is designed to change, replace, modify, or eliminate a targeted behavior. No emergency intervention shall be employed for longer than is necessary to contain the behavior. A situation that requires prolonged use of an emergency intervention shall require staff to seek assistance of the school site administrator or law enforcement agency, as applicable to the situation. (Ed. Code, § 56521.1(a) through (c))

Only emergency interventions approved by the ~~El Dorado County Charter SELPA~~ may be used. ~~No emergency intervention shall be used for longer than is necessary to contain the behavior. Upon prolonged use of an emergency intervention, staff shall seek assistance of the principal or law enforcement agency, as applicable to the situation. (5 CCR 3052) (Ed. Code § 56521.1)~~

The following emergency interventions, included in ~~“Risk Behavior management of assaultive behavior”~~ training, are approved by the El Dorado County Charter SELPA for use by **CPI (Crisis Prevention Institute) trained staff only** and may only be used as a **last resort when a person is an immediate danger to self or others:**

- a.) CPI’s ~~Personal Safety Techniques~~ Disengagement Skills
- b.) Nonviolent Physical Crisis Intervention and Team Intervention:
 - ✓ “Standing Position” utilizing one-two team members
 - ✓ “Seated Position” utilizing two team members
 - ✓ “Team Control Position” utilizing at least two team members
 - ✓ “Cchildren’s Ceontrol Pposition” for students who are considerably smaller than the staff person
 - ✓ ~~“team control position” utilizing at least two team members~~
 - ✓ ~~“transport position” utilizing at least two team members~~
 - ✓ ~~“interim control position”~~

Parents/guardians/~~residential care provider, if -shall appropriate, shall~~ be notified within one school day whenever an emergency intervention is used or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Charter CEO or designee for review. This report shall include: ~~(5 CCR 3052)~~

1. The name and age of the student
 2. The setting and location of the incident
 3. The name of the staff or other persons involved
 4. A description of the incident and the emergency intervention used
 5. A statement of whether the student is currently engaged in a systematic behavioral intervention plan
 6. Details of any injuries sustained by students or others, including staff, as a result of the incident
- (Ed. Code § 56521.1 (e).)

If the behavior emergency report is for a student who does not have a behavioral intervention plan, the Charter CEO or designee shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for a functional ~~analysis-behavioral~~ assessment, and determine the necessity for an interim behavioral ~~intervention~~ plan. ~~When applicable, - t~~The IEP team shall document the reasons for not conducting ~~an assessment-a functional behavioral assessment~~ and/or not developing an interim plan. ~~(5 CCR 3052) (Ed. Code § 56521.1 (g).)~~

If the behavior emergency report is for a student who has a positive behavioral intervention plan, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective shall be referred to the IEP team. The IEP team shall review the incident and determine whether the student's behavioral intervention plan needs to be modified. ~~(5 CCR 3052) (Ed. Code § 56521.1 (h).)~~

All behavioral emergency reports shall immediately be forwarded to, and reviewed by, a designated responsible administrator. (Ed. Code § 56521.1(f).)

~~Note: 5 CCR 3052 requires the El Dorado County Charter SELPA to collect behavior emergency report data and annually report the number of such reports to the CDE and the Advisory Commission on Special Education.~~

Prohibited Interventions

The Charter LEA prohibits any use of the following: ~~(5 CCR 3052)~~

1. Any intervention designed or likely to cause physical pain
2. Releasing noxious, toxic or otherwise unpleasant sprays, mists or substances near the student's face
3. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort or access to the bathroom
4. Any intervention that subjects the student to verbal abuse, ridicule, humiliation or excessive emotional trauma
5. Use of any material or objects which simultaneously immobilize all hands and feet, except that prone containment or similar techniques may be used by trained staff as a limited emergency intervention
6. Locked seclusion, unless in a facility otherwise licensed or permitted by law to use a locked room
7. Any intervention that precludes adequate supervision of the student
8. Any intervention that deprives the student of one or more of his/her senses
9. Force exceeding what is reasonable and necessary under the circumstances

(Ed. Code, § 56521.2.)

Legal Reference:

EDUCATION CODE

49001 Prohibition of corporal punishment

56321 Notice of parental rights; consent of parents

56341.1 Individualized Education Programs

56500-56508 Procedural safeguards, including due process rights
56520-56525 Behavioral Interventions

CODE OF REGULATIONS, TITLE 5

3001 Definitions

~~3052 Designated positive behavioral interventions~~

UNITED STATES CODE, TITLE 20

1412 State eligibility

1414 Individualized Education Programs

1415 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Assistance to states for the education of students with disabilities

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, page 46539-46845

Behavioral Interventions for Individuals with Exceptional Needs

Behavior of an individual with exceptional needs shall be subject to the disciplinary measures applicable to all students for such infractions unless the behavior is determined to be a manifestation of the student's disability.

Behavioral problems shall be addressed through the systematic use of behavioral and emergency interventions as provided below.

When a child's behavior impedes the child's learning or that of others, the IEP team must consider strategies and supports, including positive behavioral interventions, to address that behavior. (20 U.S.C. § 1414(d)(3)(B)(i); 34 C.F.R. § 300.346(a)(2)(i), (b); Ed. Code § 56341.1, subd. (b)(1).)

The Charter LEA *may* employ a Board-Certified Behavior Analyst ("BCBA") to conduct behavior assessments and provide behavioral intervention services, but the law does not require that these services be provided by a BCBA. (Ed. Code, § 56525.)

Note: With the Repeal of the Hughes Bill, (Assembly Bill 86, effective July 1, 2013 ("AB 86")) the law does not contain a specific definition of "behavioral intervention" and does not impose any specific requirements for how to conduct or implement a behavior assessment or behavior intervention plan. LEAs are no longer required to conduct a Functional Analysis Assessment ("FAA") for students with serious behavioral problems. (Ed. Code, § 56523.)

Behavioral Intervention Plan

A functional behavioral assessment and behavioral intervention plan be developed no later than 10 business days after a student is suspended for more than 10 school days in a school year or after a change of placement occurs. (34 CFR § 300.530; see SELPA Policy 16, and AR 16)

Within 10 business days after removing a student for more than 10 school days in a school year or commencing a removal that constitutes a change in placement, the Charter LEA shall implement a behavioral intervention plan in accordance with 34 CFR 300.520, SELPA policy and administrative regulations. (BP/AR 16)

Note re Terminology: BIP and BSP

The IDEA uses the term Behavior Intervention Plan ("BIP") to refer to a less intensive behavior plan developed by the IEP team. Previously, the Hughes Bill (repealed by AB 86) used the term "BIP" to refer to a more intensive behavior plan required whenever an FAA was performed. California also had previously used the term Behavior Support Plan ("BSP") to distinguish between the less intensive plan required by the IDEA and the more-intensive "BIP" required by the Hughes Bill. Now, with the repeal of the Hughes Bill by AB 86, it is recommended that member districts use only the term BIP for all types of behavior plans. (Ed. Code, § 56523.)

Emergency Interventions

Emergency interventions not specified in a student's behavioral intervention plan shall be used only when necessary to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the individual with exceptional needs or others, and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for a systematic behavioral intervention plan that is designed to change, replace, modify, or eliminate a targeted behavior. No emergency intervention shall be employed for longer than is necessary to contain the behavior. A situation that requires prolonged use of an emergency intervention shall require staff to seek assistance of the school site administrator or law enforcement agency, as applicable to the situation. (Ed. Code, § 56521.1(a) through (c))

Only emergency interventions approved by the SELPA may be used. (Ed. Code § 56521.1)

The following emergency interventions, included in "Risk Behavior" training, are approved by the El Dorado County Charter SELPA for use by **CPI (Crisis Prevention Institute) trained staff only** and may only be used as a ***last resort when a person is an immediate danger to self or others:***

- a.) CPI's Disengagement Skills
- b.) Nonviolent Physical Crisis Intervention and Team Intervention:
 - ✓ "Standing Position" utilizing one-two team members
 - ✓ "Seated Position" utilizing two team members
 - ✓ "Team Control Position" utilizing at least two team members
 - ✓ "Children's Control Position" for students who are considerably smaller than the staff person

Parents/guardians/residential care provider, if appropriate, shall be notified within one school day whenever an emergency intervention is used or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Charter CEO or designee for review. This report shall include:

1. The name and age of the student
2. The setting and location of the incident
3. The name of the staff or other persons involved
4. A description of the incident and the emergency intervention used
5. A statement of whether the student is currently engaged in a systematic behavioral intervention plan
6. Details of any injuries sustained by students or others, including staff, as a result of the incident (Ed. Code § 56521.1 (e).)

If the behavior emergency report is for a student who does not have a behavioral intervention plan, the Charter CEO or designee shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for a functional behavioral assessment, and determine the necessity for an interim behavioral plan. When applicable, the IEP team shall document the reasons for not conducting a functional behavioral assessment and/or not developing an interim plan. (Ed. Code § 56521.1 (g).)

If the behavior emergency report is for a student who has a positive behavioral intervention plan, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective shall be referred to the IEP team. The IEP team shall review the incident and determine whether the student's behavioral intervention plan needs to be modified. (Ed. Code § 56521.1 (h).)

All behavioral emergency reports shall immediately be forwarded to, and reviewed by, a designated responsible administrator. (Ed. Code § 56521.1(f).)

Prohibited Interventions

The Charter LEA prohibits any use of the following:

1. Any intervention designed or likely to cause physical pain
2. Releasing noxious, toxic or otherwise unpleasant sprays, mists or substances near the student's face
3. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort or access to the bathroom
4. Any intervention that subjects the student to verbal abuse, ridicule, humiliation or excessive emotional trauma
5. Use of any material or objects which simultaneously immobilize all hands and feet, except that prone containment or similar techniques may be used by trained staff as a limited emergency intervention
6. Locked seclusion, unless in a facility otherwise licensed or permitted by law to use a locked room
7. Any intervention that precludes adequate supervision of the student
8. Any intervention that deprives the student of one or more of his/her senses
9. Force exceeding what is reasonable and necessary under the circumstances

(Ed. Code, § 56521.2.)

Legal Reference:

EDUCATION CODE

- 49001 Prohibition of corporal punishment
- 56321 Notice of parental rights; consent of parents
- 56341.1 Individualized Education Programs
- 56500-56508 Procedural safeguards, including due process rights
- 56520-565254 Behavioral Interventions

CODE OF REGULATIONS, TITLE 5

3001 Definitions

UNITED STATES CODE, TITLE 20

- 1412 State eligibility
- 1414 Individualized Education Programs
- 1415 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Assistance to states for the education of students with disabilities

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, page 46539-46845



Charter SELPA Executive Committee Meeting – 2-19-19
NPA/NPA Services for Special Education – Charter SELPA Policy 24/AR 24
Attachment 2b

Nonpublic, Nonsectarian School and Agency Services for Special Education
Charter SELPA Policy 24/AR 24

Issue

Charter SELPA Policy 24 and Administrative Regulation (AR) 24 addressing nonpublic, nonsectarian school and agency services for special education need to be updated to align with Ed Code. We have included both the redline version of Policy 24 and AR 24 highlighting the suggested revisions, along with the proposed Policy 24 and AR 24 incorporating the suggested revisions. The attachments are as follows:

- 2b.1 – Copy of Charter SELPA Policy 24 with suggested revisions highlighted in red.
- 2b.2 – Copy of recommended Charter SELPA Policy 24.
- 2b.3 – Copy of Charter SELPA AR 24 with suggested revisions highlighted in red.
- 2b.4 – Copy of recommended Charter SELPA AR 24.

Recommendation

Charter SELPA Executive Committee input is sought on bringing the revisions of El Dorado Charter SELPA Policy 24 and Administrative Regulation 24, Nonpublic, Nonsectarian School and Agency Services for Special Education, to CEO Council for adoption at the May 2019 meeting.

Nonpublic, Nonsectarian School and Agency Services for Special Education

Nonpublic, nonsectarian school (NPS) and agency (NPA) services shall be available to pupils in the ~~El Dorado County Charter~~ SELPA. When no appropriate public educational services are available within the El Dorado County Charter SELPA, neighboring counties or SELPAs, or state special schools, a designated member of the IEP team ~~or a the El Dorado County Charter SELPA Administrator Director~~ shall contact the Charter LEA CEO/designee if this type of placement might be considered at an upcoming IEP meeting.

The Charter LEA ~~g~~Governing board may contract with ~~a~~ state-certified ~~nonpublic, nonsectarian schools NPS or NPA or agencies~~ to provide special education services or facilities when an appropriate public education program is not available.

When entering into agreements with ~~nonpublic, nonsectarian schools or agencies~~ an NPS or NPA, the Charter LEA ~~b~~B Board shall consider the needs of the individual student and the recommendations of the individualized education program (IEP) team. The Charter LEA IEP team shall remain accountable for monitoring the progress of any student placed in ~~nonpublic, nonsectarian~~ an NPS toward his/her IEP goals, programs towards the goals identified in each student's IEP.

Legal Reference:

EDUCATION CODE

56034-56035 Definitions of nonpublic, nonsectarian school and agency
 56042 Placement not to be recommended by attorney with conflict of interest
 56101 Waivers
 56163 Certification
 56168 Responsibility for education of student in hospital or health facility school
 56195.8 Adoption of policies
 56360-56369 Implementation of special education
 56711 Computation of state aid
 56740-56743 Apportionments and reports
 56760 Annual budget plan; services proportions
 56775.5 Reimbursement of assessment and identification costs

GOVERNMENT CODE

757-7588 Interagency responsibilities for providing services to children with disabilities, especially:
 7572.55 Seriously emotionally disturbed child; out-of-state placement

FAMILY CODE

7911-7912 Interstate compact on placement of children

WELFARE AND INSTITUTIONS CODE

362.2 Out-of-home placement for IEP

727.1 Out-of-state placement of wards of court

CODE OF REGULATIONS, TITLE 5

3001 Definitions

3061-3069 Nonpublic, nonsectarian school and agency services

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.129-300.148 Children with disabilities in private schools

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

Management Resources:

CDE LEGAL ADVISORIES

0317.99 Nonpublic School/Agency Waivers and Reimbursement to parents

FEDERAL REGISTER

Rules and Regulations, August 114, 2006, Vol. 71, Number 156, page 46539-46845

WEB SITES

CDE: <http://www.cde.ca.gov>

Us Department of Education, Office of Special Education and Rehabilitative Services: <http://www.Ed.gov/offices/OSERS>

Nonpublic, Nonsectarian School and Agency Services for Special Education

Nonpublic, nonsectarian school (NPS) and agency (NPA) services shall be available to pupils in the SELPA. When no appropriate public educational services are available within the El Dorado County Charter SELPA, neighboring counties or SELPAs, or state special schools, a designated member of the IEP team shall contact the Charter LEA CEO/designee if this type of placement might be considered at an upcoming IEP meeting.

The Charter LEA governing board may contract with a state-certified NPS or NPA to provide special education services or facilities when an appropriate public education program is not available.

When entering into agreements with an NPS or NPA the Charter LEA board shall consider the needs of the individual student and the recommendations of the individualized education program (IEP) team. The Charter LEA IEP team shall remain accountable for monitoring the progress of any student placed in an NPS toward his/her IEP goals.

Legal Reference:

EDUCATION CODE

- 56034-56035 Definitions of nonpublic, nonsectarian school and agency
- 56042 Placement not to be recommended by attorney with conflict of interest
- 56101 Waivers
- 56163 Certification
- 56168 Responsibility for education of student in hospital or health facility school
- 56195.8 Adoption of policies
- 56360-56369 Implementation of special education
- 56711 Computation of state aid
- 56740-56743 Apportionments and reports
- 56760 Annual budget plan; services proportions
- 56775.5 Reimbursement of assessment and identification costs

GOVERNMENT CODE

- 757-7588 Interagency responsibilities for providing services to children with disabilities, especially:
- 7572.55 Seriously emotionally disturbed child; out-of-state placement

FAMILY CODE

- 7911-7912 Interstate compact on placement of children

WELFARE AND INSTITUTIONS CODE

- 362.2 Out-of-home placement for IEP

- 727.1 Out-of-state placement of wards of court

CODE OF REGULATIONS, TITLE 5

- 3001 Definitions
- 3061-3069 Nonpublic, nonsectarian school and agency services

UNITED STATES CODE, TITLE 20

- 1400-1482 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

- 300.129-300.148 Children with disabilities in private schools

COURT DECISIONS

- Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

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[Ed.gov/offices/OSERS](http://www.Ed.gov/offices/OSERS)

Nonpublic, Nonsectarian School and Agency Services for Special Education

Placement and Services

~~Note: As amended in Register 99, No. 13, 5 CCR 3060 and 3061 specify new requirements regarding special education classes offered in non-public, nonsectarian schools and agencies. These requirements detail the staffing requirements for instructors, including the credentials that instructors must hold; the eligibility requirements for such credentials; and the number of instructors required per school or agency. Pursuant to 5 CCR 30664, the California Department of Education may issue conditional certifications to allow agencies and schools time to comply with the new requirements.~~

~~Procedures specified in law shall govern the selection of appropriate nonpublic school or agency services.~~

~~Note: Additional requirements related to contracts and personnel with nonpublic schools or agencies are specified in Education Code 56366 and 56366.3~~

Contracts with an NPS or NPA nonpublic school or agency shall include an individual services agreement (“ISA”) negotiated for each student. ~~Individual services agreements-ISAs~~ shall be for the length of time for which NPS and/or NPA services nonpublic, nonsectarian school services are specified in the student’s individualized education program (“IEP”), but not to exceed one year. Changes in educational instruction, services or placement shall be made only on the basis of revisions to the student’s IEP. (~~Education Code-Ed. Code § 56366.~~)

The master contract shall specify the general administrative and financial agreements between the nonpublic, nonsectarian school or agency-NPS or NPA and the Charter LEA to provide the special education and designated instruction and services, as well as transportation specified in the student’s IEP. The administrative provisions of the master contract shall also include procedures for record keeping and documentation, and the maintenance of school records by the contracting charter LEA to ensure that the NPS provides appropriate high school graduation credit to is received by the student. The contract may allow for partial or full-time attendance at the nonpublic nonsectarian school. (~~Education Code-Ed. Code § 56366.~~)

~~Note: The nonpublic school or agency-In order for a Charter LEA to contract with an NPS or NPA, the NPS and NPA must be certified as meeting state standards, pursuant to (Education Code § -56366.) A master contract may be terminated for cause with 20-days’ notice. 20 days’ notice; however, However, the availability of a public education program initiate during the period of the master contract cannot give cause for termination unless the parent/guardian agrees to transfer the student to the public program.~~

The master contract shall include a description of the process being utilized by the Charter LEA to oversee and evaluate placements in the NPS. nonpublic, nonsectarian schools. This description shall include a method for evaluating whether the student is making appropriate educational progress. (~~Ed. ucation~~ Code 56366)

The Charter CEO or designee of an elementary Charter LEA shall notify a high school district of all students placed in NPS or NPA nonpublic school or agency programs prior to the annual review of the

IEP for each student who may transfer to the high school district. ~~(5 CCR 3068)~~(5 CCR § 3069.)

When a special education student meets the district requirements for completion of prescribed course of study as designated in the student's IEP, the district which developed the IEP shall award the diploma. ~~(5 CCR 3069)~~(5 CCR § 3070.)

Out-of-State Placements

~~Note: Government Code 7572.55 and Welfare and Institutions Code 362.2 and 727.i, as amended by SB 933 (Ch. 311, Statutes of 1998) relate to the o~~Out-of-state placement of children who are seriously emotionally disturbed and/or wards of the court. Such placements may be made only be made after in-state alternatives have been considered and found not to meet the child's needs. (Gov. Code § 7572.55; Welf. & Inst. Code §§ 362.2 and 727.1.)

Before contracting with ~~a nonpublic, nonsectarian school or agency~~ an NPS or NPA outside California, the Charter CEO or designee shall document the ~~LEAs district's~~ efforts to find an appropriate program offered by a nonpublic, nonsectarian school or agency within California. ~~(Education Code 56365)~~ (Ed. Code § 56365.)

Within 15 days of ~~any decision for a~~ decision to place a student in an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the related costs, and the district's efforts to locate an appropriate public school or nonpublic, nonsectarian school or agency within California ~~(Education Code 56365)~~ (Ed. Code § 56365.)

If the Charter LEA decides to place a student with an ~~NPS or NPA nonpublic, nonsectarian school or agency~~ outside the state, the Charter LEA shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California. ~~(Education Code 56365)~~ (Ed. Code § 56365.)

LEAs Shall Ensure that the NPS has a Written Seclusion and Restraint Policy

Prior to executing a Master Contract with an NPS, the LEA shall ensure that the NPS has a written policy governing the use of seclusions and restraints by NPS personnel. The NPS's written seclusion and restraint policy shall include, at minimum, the following:

1. Require all staff working with students receive comprehensive training in the safe and appropriate use of seclusion and restraint. Comprehensive training includes, but is not limited to Non-Violent Crisis Intervention or a course of comparable scope and depth;
2. Prohibits untrained staff from restraining students;
3. Authorizes the use of seclusion or restraint only when there is an emergency involving the immediate risk of physical harm to student or others;

4. Requires staff members to end the restraint and/or seclusion when the emergency justifying the restrain and/or seclusion has ended;
5. Requires the NPS to contact the responsible LEA and/or law enforcement, as appropriate, whenever a restraint exceeds 30 minutes in length;
6. Requires direct continuous observation of all students placed in seclusion;
7. Prohibits the use of chemical restraints or any restraint technique, such as prone restraints^[01], that obstructs breathing or is otherwise harmful to the student based on the individual needs of the student including any medical or health related conditions; ^[02]
8. Prohibits NPS staff members from using seclusion or restraint to discipline students; and
9. Requires the NPS staff to notify the responsible LEA within one school day whenever an LEA's student has been secluded or restrained.

The master contract shall not be executed until an LEA administrator or designee has reviewed the policy and determined that it complies with the requirements of this section.

Placement Procedures

The Charter LEA administrator or designee shall review all documented efforts to utilize any ~~all~~ public school options prior to utilizing an NPS or NPA. The Charter LEA will process referrals and locate an appropriate ~~NPS nonpublic school~~ to meet the student's needs. The ~~El Dorado County Charter~~ SELPA may assist and/or collaborate with the Charter LEA to locate an appropriate NPS.

Each Charter LEA agrees to use the Master Contract and ISA adopted by the ~~El Dorado County Charter~~ SELPA. The SELPA office will ensure that the Master Contract has been approved by ~~the El Dorado County Charter~~ SELPA's legal counsel and is updated per federal or state requirements. The NPS is required by the Master Contract and the IEP to annually evaluate the pupils (formally and informally) to determine if the student is making appropriate educational progress. As part of the IEP review process, each Charter LEA that contracts with an NPS shall evaluate the placement of its pupil(s) ~~in such a school~~ on at least an annual basis. The Charter LEA representative shall collaboratively review the NPS evaluation data to ensure that the results are appropriate, reliable, and valid for measuring pupil progress. The Charter LEA may ~~elect determine~~ to conduct the annual evaluation(s) and/or ~~choose to~~ administer additional assessments with parent consent.

Legal References:
EDUCATION CODE
56205(c)
56198(b)(1)

Nonpublic, Nonsectarian School and Agency Services for Special Education

Placement and Services

Contracts with an NPS or NPA shall include an individual services agreement (“ISA”) negotiated for each student. ISAs shall be for the length of time for which NPS and/or NPA services are specified in the student’s individualized education program (“IEP”), but not to exceed one year. Changes in educational instruction, services or placement shall be made only on the basis of revisions to the student’s IEP. (Ed. Code § 56366.)

The master contract shall specify the general administrative and financial agreements between the NPS or NPA and the Charter LEA to provide the special education and designated instruction and services, as well as transportation specified in the student’s IEP. The administrative provisions of the master contract shall also include procedures for record keeping and documentation, and the maintenance of school records by the contracting charter LEA to ensure that the NPS provides appropriate high school graduation credit to the student. The contract may allow for partial or full-time attendance at the nonpublic nonsectarian school. (Ed. Code § 56366.)

In order for a Charter LEA to contract with an NPS or NPA, the NPS and NPA must be certified as meeting state standards. (Ed Code § 56366.) A master contract may be terminated for cause with 20-days’ notice. However, the availability of a public education program initiate during the period of the master contract cannot give cause for termination unless the parent/guardian agrees to transfer the student to the public program.

The master contract shall include a description of the process being utilized by the Charter LEA to oversee and evaluate placements in the NPS. This description shall include a method for evaluating whether the student is making appropriate educational progress. (Ed. Code 56366)

The Charter CEO or designee of an elementary Charter LEA shall notify a high school district of all students placed in NPS or NPA programs prior to the annual review of the IEP for each student who may transfer to the high school district. (5 CCR § 3069.)

When a special education student meets the district requirements for completion of prescribed course of study as designated in the student’s IEP, the district which developed the IEP shall award the diploma. (5 CCR § 3070.)

Out-of-State Placements

Out-of-state placement of children who are seriously emotionally disturbed and/or wards of the court may only be made after in-state alternatives have been considered and found not to meet the child’s needs. (Gov. Code § 7572.55; Welf. & Inst. Code §§ 362.2 and 727.1.)

Before contracting with an NPS or NPA outside California, the Charter CEO or designee shall document the LEAs efforts to find an appropriate program offered by a nonpublic, nonsectarian school or agency within California. (Ed. Code § 56365.)

Within 15 days of a decision to place a student in an out-of-state placement, the student’s IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the related costs, and the district’s efforts to locate an appropriate public school or nonpublic, nonsectarian

school or agency within California (Ed. Code § 56365.)

If the Charter LEA decides to place a student with an NPS or NPA outside the state, the Charter LEA shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California. (Ed. Code § 56365.)

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1. Require all staff working with students receive comprehensive training in the safe and appropriate use of seclusion and restraint. Comprehensive training includes, but is not limited to Non-Violent Crisis Intervention or a course of comparable scope and depth;
2. Prohibits untrained staff from restraining students;
3. Authorizes the use of seclusion or restraint only when there is an emergency involving the immediate risk of physical harm to student or others;
4. Requires staff members to end the restraint and/or seclusion when the emergency justifying the restraint and/or seclusion has ended;
5. Requires the NPS to contact the responsible LEA and/or law enforcement, as appropriate, whenever a restraint exceeds 30 minutes in length;
6. Requires direct continuous observation of all students placed in seclusion;
7. Prohibits the use of chemical restraints or any restraint technique, such as prone restraints, that obstructs breathing or is otherwise harmful to the student based on the individual needs of the student including any medical or health related conditions;
8. Prohibits NPS staff members from using seclusion or restraint to discipline students; and
9. Requires the NPS staff to notify the responsible LEA within one school day whenever an LEA's student has been secluded or restrained.

The master contract shall not be executed until an LEA administrator or designee has reviewed the policy and determined that it complies with the requirements of this section.

Placement Procedures

The Charter LEA administrator or designee shall review all documented efforts to utilize any public school options prior to utilizing an NPS or NPA. The Charter LEA will process referrals and locate an appropriate NPS to meet the

student's needs. The SELPA may assist and/or collaborate with the Charter LEA to locate an appropriate NPS.

Each Charter LEA agrees to use the Master Contract and ISA adopted by the SELPA. The SELPA office will ensure that the Master Contract has been approved by SELPA's legal counsel and is updated per federal or state requirements. The NPS is required by the Master Contract and the IEP to annually evaluate the pupils (formally and informally) to determine if the student is making appropriate educational progress. As part of the IEP review process, each Charter LEA that contracts with an NPS shall evaluate the placement of its pupil(s) on at least an annual basis. The Charter LEA representative shall collaboratively review the NPS evaluation data to ensure that the results are appropriate, reliable, and valid for measuring pupil progress. The Charter LEA may elect to conduct the annual evaluation(s) and/or administer additional assessments with parent consent.

Legal References:
EDUCATION CODE
56205(c)
56198(b)(1)



Proposed Administrative Fee Reduction

Issue

As the Charter SELPA grows and achieves further economies of scale, the administrative fee schedule is revisited.

Background

In 2006-07, the allocation formula provided for an administrative fee of 10% with the intent that it would reduce over time as the Charter SELPA membership expanded. The formula was substantially revised in 2010-11 to provide for a first-year differential rate. It was revised again in 2011-12 to provide for a first-year rate of 6%, reducing to 5% in year 2, and the possibility of reducing to 4% in year 3 and beyond if specified criteria were met. The formula was revised again in 2013-14, allowing all charters to be eligible for consideration of the 4% rate in year 5.

Current Administrative Fee Schedule

- 6% Year One Partner
- 5% Year Two Partner
- 4% Year Three Partner - meeting criteria as specified below, primarily demonstrated special education administrative expertise.
- 4% Year Five Partner – meeting alternate criteria.
Alternate Criteria: If the Single Charter Partner or Organization Partner is actively engaged in building special education institutional capacity as measured by participation in meetings and professional development, compliance, pupil count, and other, they will be eligible for the 4% administrative fee.

As the Charter SELPA has increased to over 170 organizations operating 370 schools and representing approximately 17,000 students with disabilities, SELPA leadership is proposing to reduce the administrative fee for New Partners, as well as Existing Partners.

Recommendation

Revise the administrative fee structure effective 2019-20 as follows:

- 5.5% Year 1 Partner
- 4.5% Year 2 Partner
- 3.5% Year 3 Partner, successfully completing the first 2 years with the Charter SELPA and a SELPA member in good standing
- 3.0% Year 5 Partner, successfully completing the first 4 years with the Charter SELPA and a SELPA member in good standing

The full Allocation Plan language, with proposed updates, is provided at the end of this attachment but a summary is shown below.

Current Full Allocation Plan Language with Proposed Edits

Intent

In 2006-07, the allocation formula provided for an administrative fee of 10% with the intent that it would reduce over time as the Charter SELPA membership expanded. The formula was substantially revised in 2010-11 to provide for a first-year differential rate. It was revised again in 2011-12 to provide for a first-year rate of 6%, reducing to 5% in year 2, and the possibility of reducing to 4% in year 3 and beyond if specified criteria were met. The formula was revised again in 2013-14, allowing all charters to be eligible for consideration of the 4% rate in year 5. The formula is again being recommended to be revised for 2019-20 with reductions to the administrative fee rate for all current and new Charter SELPA Partners. These funds, along with the \$15.59 per ADA of SELPA state funding, are used for the operational cost to provide the wide range of SELPA services offered to members, including professional development.

Charter SELPA Formula

Prior to distribution of state and federal funding, the applicable administrative fee % is applied. The fee is calculated based on both state and federal funding sources, but only state dollars will be transferred.

Date of entry for purposes of the administrative fee is based on the date of the **Organization Partner**.

For example, if the Organization Partner qualifies for a 3% fee based on five years of membership, the expansion charter would be treated the same and receive the 3% fee.

The fee does not apply to other grant dollars received by the SELPA, however the SELPA may charge an appropriate indirect rate for specific grants that are administered by the SELPA.

Administrative Fee Schedule

5.5%	Year One Partner
4.5%	Year Two Partner
3.5%	Year Three Partner -. successfully completing the first 2 years with the Charter SELPA and a SELPA member in good standing
3.0%	Year Five Partner – successfully completing the first 4 years with the Charter SELPA and a SELPA member in good standing

Specified Criteria for Administrative Fee in Year 3 and Year 5:

Member in good standing

- Meets minimum CEO Council and Steering Committee participation requirements
- Timely submission of program reporting: e.g. IEP reporting, Pupil Count
- Timely submission of financial reports
- Meets Maintenance of Effort requirements
- No significant outstanding program compliance issues



Notification of fee eligibility

By March 1, prior to the start of a fiscal year, Charter SELPA shall notify partners entering their 3rd year or 5th year, if they are deemed to be eligible for the reduced administrative fee for the following fiscal year. Once a partner receives approval for the administrative fee in accordance with the schedule noted above, the fee continues unless changed by a failure to maintain good standing. Despite subsequent actions, e.g. failure to meet MOE in September, the lower fee will be honored for the entire fiscal year for which it was granted.

Failure to retain membership in good standing for lower administrative fee

By March 1 (if possible), but no later than June 1, prior to the start of a fiscal year, Charter SELPA shall notify partners if they are no longer in good standing or no longer eligible for the administrative fee rate previously established for the following fiscal year.

Failure to retain membership in good standing - termination from Charter SELPA membership

The Charter SELPA Participation Agreement, Local Plan, Allocation Plan, and Policies outline the responsibilities of Charter SELPA members. As noted above, failure to meet responsibilities can create ineligibility for the lower administrative fee. It should also be noted that failure to meet those responsibilities can result in termination of membership with the Charter SELPA.

