



REGIONAL POLICY BOARD DESCRIPTION OF GOVERNANCE AND ADMINISTRATION GOVERNANCE

**California Education Codes: 56190-56195, 56205
20 United States Code(USC) 1412 (a), 20 USC 1413 (a) (1), 20 USC 1413 (a) (5)**

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Purpose of the Governance and Administration

The Mission Valley Special Education Local Plan Area (SELPA), as authorized and described in EC 56195.19(a)(12)(D), is for the purpose of providing full educational opportunity through coordinated programs and services to disabled students residing within its boundaries. The governing board of education of each of the school districts/local education agencies within the Mission Valley SELPA agree to adhere to the following conditions relative to the governance and administration of the Mission Valley SELPA.

Governance of the Mission Valley Special Education Local Plan Area (SELPA)

The Mission Valley SELPA is composed of Fremont Unified School District, New Haven Unified School District, and Newark Unified School District and will serve all eligible individuals with exceptional needs residing within the boundaries of the school districts/local education agencies (LEA). Included are all eligible individuals with exceptional needs who attend a charter school that has been granted a charter by a local education agency member of the Mission Valley SELPA or has been deemed a local education agency by the Regional Policy Board.

Regional Policy Board

The Regional Policy Board is the governing body of the Mission Valley SELPA. The Regional Policy Board shall meet at least three times during each school year. The Regional Policy Board shall serve as the Administrative Unit/Responsible Local Agency (RLA) for the Mission Valley SELPA.

The Regional Policy Board makes policy, determines priorities, and approves the annual budget and regionalized service plan for the Mission Valley SELPA.

Membership of the Regional Policy Board

The Regional Policy Board is composed of six voting members. Each local education agency governing board of education shall appoint one member to the Regional Policy Board at its annual organizational meeting. Superintendents of the participating local education agencies are members of the Regional Policy Board. The Mission Valley SELPA Director shall be a non-voting member. Each voting member of the Regional Policy Board is given equal weight. The CAC Chairperson and the Special Education Directors attend the Regional Policy meetings and serve in an advisory capacity.

The plan shall be cooperatively governed by a Regional Policy Board of six members composed of one board member from each participating governing board of education

and the superintendent of each local education agency. The Mission Valley Special Education Logan Plan Area Director shall be a non-voting member.

- A quorum would consist of five of the six voting members: Superintendent (or designee) and Board Member (or alternate) from each district.
- Each member has one vote of equal weight.

Responsibilities of the Regional Policy Board

- Approve the Local Plan for Mission Valley SELPA
- Approve Mission Valley SELPA policies
- Approve amendments to the Local Plan for Mission Valley SELPA
- Approve priorities, responsibilities, plans, and budgets for regionalized services
- Approve annual Mission Valley SELPA budget
- Approve or disapprove of petition(s) by charter schools to become local education agency/agencies within the Mission Valley SELPA
- Implement policy decisions about regionalized service
- Review and approve modification of this agreement on behalf of all districts in the Mission Valley SELPA
- Approve other agreements including, but not limited to, interagency agreements
- Approve amendments/modifications that shall become permanent upon subsequent approval by LEA governing boards and the State Board of Education
- Appoint members to the Community Advisory Committee

Responsibilities of the Mission Valley SELPA Director

The Director of Special Education of the Fremont Unified School District is currently serving as the Mission Valley SELPA Director.

- Represent the Mission Valley SELPA at regional and state meetings
- Chair the Special Education Director meetings
- Coordination of the Mission Valley SELPA Local Plan
- Chair the Regional Policy Board meetings and serve as a non-voting member
- Monitor the appropriate use of federal, state, and local funds allocated for special education programs
- Charter schools
- Review of petition(s) of charter schools to become local education agencies within the Mission Valley SELPA and make recommendation to the Regional Policy Board regarding the petition(s)
- Provide written findings to delineate the reason(s) for refusal if a charter school petition is not approved by the Regional Policy Board

- All required evaluations prescribed by the Education Code are coordinated by the Mission Valley SELPA.
- Distribution of information and surveys
- Collection of data
- Report of the information to the California Department of Education.
- Approve contracts for performance of regionalized services, as needed
- Act as a resource to the Regional Policy Board
- Prepare Mission Valley SELPA program and fiscal reports in conjunction with AU Fiscal Analyst

Responsibilities of Each Local Education Agency (LEA) Governing Board of Education

- Adopt revisions of the Local Plan for the Mission Valley SELPA
- Appoint a member of the governing board as a representative to the Regional Policy Board
- Participate in the governance of the Mission Valley SELPA through their representative to the Regional Policy Board
- Approve or disapprove of petitions for charter schools as public schools within the local education agency area

Each local education agency governing board shall have authority over the programs it directly maintains to be consistent with the Local Plan.

Responsibilities of Local Education Agencies (LEA)

- Each local education agency is responsible for the education of each individual with exceptional needs who resides in the local education agency, including students who attend a charter school that has been granted a charter by a local education agency member of the Mission Valley SELPA.
- Each participating local education agency is responsible for implementing those services assigned to it in the Local Plan and the annual budget plan.
- Each local education agency provides a continuum of program options to ensure full educational opportunity through its own staff and facilities. When a local education agency is unable to provide an appropriate program for an individual with disabilities, the local education agency first attempts to arrange placement with another local education agency in the Mission Valley SELPA. If placement is not available in the Mission Valley SELPA, the local education agency Director of Special Education shall assume responsibility for seeking placement in another SELPA. When a nonpublic school placement option is considered, it is recommended by the Director of Special Education and approved by the local education agency governing board of education.

- Each participating local education agency shall administer the Mission Valley SELPA programs as assigned. This includes students attending charter schools where a member local education agency of the Mission Valley SELPA granted the charter.
- Each participating local education agency shall cooperate with the Mission Valley SELPA in the provision of staff development and parent education activities as specified in applicable sections of the Education Code.
- Each local education agency shall provide program, employee, student, and fiscal information as needed to the Mission Valley SELPA to facilitate program coordination, fiscal accountability, budget preparation, staff acquisition and training, and state, federal and local reporting.
- Each local education agency will assist the Mission Valley SELPA with regional planning and preparation of the Mission Valley SELPA Local Plan, annual program planning and services, student and program evaluation, implementation of an accountability mechanism, and fiscal reports as required by state and federal laws and regulations.
- Each local education agency is responsible to provide facilities for special education students, including the coordination of transportation services for individuals with exceptional needs.
- Each local education agency is responsible for approving only its portion of the annual services and budget plans. The development of annual services and budget plans should coincide with the local district budget process.
- Identification, referral and placement of special education students will be done in accordance with Education Code Sections 56300 et. seq., requirements and pertinent CCR Title 5 regulations. Each local education agency will utilize the Special Education Information System (SEIS) forms to record, document and report student referrals, assessments, program planning, parent involvement and notifications, placements, and evaluations.
- Procedural safeguards will be followed by each local education agency, in accordance with State and Federal laws and regulations. Each local education agency is responsible for meeting the legal requirements for procedural safeguards of IDEA and statutes and regulations for students residing within its boundaries including:
 - Equal access to all programs and services in the region. Each local education agency provides a continuum of program options through its own staff and facilities. When a local education agency is unable to provide an appropriate program for an individual with disabilities, that local education agency shall first attempt to arrange placement with another local education agency in the Mission Valley SELPA.
 - Advice to parents on the availability of free or low cost legal service. Upon receipt by the Superintendent of Public Instruction or a request for a due

process hearing, the Superintendent/Designee shall advise the parent of free or low-cost legal services and other relevant services within the geographical area.

- Complaints and the correction of identified problems. Each local education agency shall be responsible for the resolution of complaints regarding any alleged violations of special education statutes and regulations.
 - Each local education agency shall be responsible for meeting the requirements of due process procedures.
 - While each local education agency is responsible for meeting the legal requirements for procedural safeguards for its own programs, all issues regarding procedural safeguards within each local education agency will be addressed by the Special Education Directors.
- Interagency agreements between the State Department of Education and other public agencies and agreements between the Mission Valley SELPA and other public agencies shall be followed by each local education agency. Each local education agency will participate, as necessary, in meetings with other public agencies established to coordinate and/or fund services for disabled students.
 - Each local education agency shall monitor the appropriate use of federal, state, and local funds allocated for special education programs.
 - Each local education agency shall coordinate services for students who reside within the district to medical facilities, licensed children's facilities, and foster family homes.
 - Each local education agency shall be responsible for coordination of career and vocational and transition services within the district.

Responsibilities of Local Education Agency Superintendents

- Implement and monitor all Mission Valley SELPA policies and procedures at the district level
- Direct the allocation and utilization of special education services and resources within their districts in accordance with the Mission Valley SELPA Local Plan
- Ensure compliance with federal and state laws and regulations concerning individuals with disabilities within their districts
- Provide leadership for special education within the local district
- Implement policy decisions about regionalized service
- Superintendents shall participate in the governance of the Mission Valley SELPA through membership on the Regional Policy Board.

Responsibilities of the Special Education Directors

The Special Education Directors are an administrative committee. The Special Education Directors are composed of the Directors of Special Education from each local education agency.

- Collaborate with the governance of the SELPA and make recommendations to the Regional Policy Board
- Review services and policies as well as recommend priorities for local education agency and Mission Valley SELPA services
- Approve special education operational procedures as requested by the Regional Policy Board
- Prepare the Annual Budget and Annual Services Plan for Regional Policy Board
- Determine the impact of special education programs, policies, and procedures on the other programs of each district
- Gather data and prepare reports and recommendations to the Regional Policy Board
- Review charter school petition(s) to become local education agency/agencies within the Mission Valley SELPA and make recommendations to the Regional Policy Board regarding the petition(s)
- Provide fiscal and logistical support of the Community Advisory Committee as appropriate
- Consider changes in the Mission Valley SELPA Local Plan based on community/staff reactions and evaluation of information
- Implement Mission Valley Mission Valley SELPA regionalized services as assigned in the Mission Valley SELPA Local Plan
- Maintain liaison with state special schools and nonpublic schools/agencies
- Determine and adopt district procedures and manuals to assist in the implementation of the special education programs and services provided in each LEA consistent with the Mission Valley SELPA local plan
- Advisory to the Special Education Council and Regional Policy Board

Responsibilities of the Community Advisory Committee

The Community Advisory Committee (CAC) shall serve in an advisory capacity to the Special Education Directors and the Regional Policy Board. Members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the plan, may address questions or concerns to the Community Advisory Committee. Recommendations, advice, and positions are to be communicated to the Special Education Directors by the liaison of the Community Advisory Committee. A representative of the Community Advisory Committee may provide input and advice to the Regional Policy Board at any time.

- The Community Advisory Committee shall meet at least four times a year.
- The Community Advisory Committee shall refer comments about the Local Plan to the Regional Policy Board.
- The Community Advisory Committee shall advise the policy and administrative entity of the Mission Valley SELPA regarding the development, amendment, and review of the Local Plan. The Mission Valley SELPA shall review and consider comments from the Community Advisory Committee. The Community Advisory Committee is to receive a draft of the plan and seek public input during the 30 day period prior to submission of the plan. Comments from the Community Advisory Committee are to be sent to the Special Education Directors in the SELPA and are to be considered in revisions of the plan. Amendments to the plan are to be reviewed by the Community Advisory Committee prior to the submission to the Regional Policy Board, County, and State Department of Education.
- Annual priorities to be addressed by the Local Plan are recommended by the Community Advisory Committee during the period of review. Priorities are to be submitted to the Special Education Council for consideration.
- The Community Advisory Committee shall assist with parent education and in recruitment of parents and other volunteers who may contribute to the implementation of the plan.
- The Community Advisory Committee shall encourage community involvement in the development and review of the Local Plan. The Community Advisory Committee may conduct public hearings or utilize other means to encourage community involvement in the development and review of the plan.
- The Community Advisory Committee shall support activities such as parent education, written information, and support groups on behalf of individuals with exceptional needs.
- The Community Advisory Committee shall assist in parent awareness of the importance of regular school attendance. The Community Advisory Committee will assist in parent education by sponsoring workshops and disseminating information of interest to parents.

Responsibilities of the Fiscal Agent/Administrative Unit (AU)

The Fremont Unified School District Superintendent is designated as the administrative unit and the fiscal agent for the plan and is responsible for receipt and distribution of funds and overall coordination and implementation of the Local Plan, including charter schools designated as a local education agency within Mission Valley SELPA. The responsibilities are addressed in the Mission Valley SELPA Governing Documents.

The Fremont Unified School District has been selected as the Administrative Unit/Responsible Local Agency (RLA) pursuant to the Mission Valley SELPA Governing Documents as approved by the Regional Policy Board and each local Board of Education within the Mission Valley SELPA.

Currently there are no Mission Valley SELPA employed staff. All regionalized services responsibilities have been carried out by appropriate staff from each district.

- Monitor the appropriate use of federal, state, and local funds allocated for special education programs
- Preparation of program and fiscal reports required of the special education Local Plan by the state

General Provisions for MV SELPA

Each party agrees to indemnify and hold the other party harmless from all liability for damage, actual or alleged, to persons or property arising out of or resulting from negligent acts or commission of the indemnifying party.

Each participating agency shall establish and maintain public liability, property damage, workman's compensation and unemployment insurance adequate to protect the agency's operations.

Any deficit in financing as a result of a statewide deficit or a total Mission Valley SELPA deficit resulting from factors out of the control of the Mission Valley SELPA will be borne proportionately by all members of the Mission Valley SELPA as established by state laws and regulations.

The Mission Valley SELPA Director shall propose amendments to the Local Plan to bring it into compliance if a portion or portions of this agreement are determined to be invalid due to:

1. Conflict with existing state or federal laws or regulations
2. Conflict with changes in state or federal laws or regulations
3. Invalidation by an administrative law judge or court of law

Any changes in the delivery system that may affect the provision of services to individuals with disabilities are to be approved by the Special Education Directors and the Regional Policy Board.

Determination of Responsibility of Participating Agencies

A review process is used for adoption of the Local Plan, the annual budget plan, Mission Valley SELPA staff needs, policies, and procedures for the Mission Valley SELPA, including charter schools designated as a local education agency within the Mission Valley SELPA.

Annual Budget Plans and Annual Service Plans

On matters concerning budget policies/procedures, annual budget plans, and Mission Valley SELPA staff needs, the Special Education Directors will make recommendations to the Regional Policy Board for decision. When the annual budget plan is agreed upon by the Special Education Directors, the Administrative Unit Superintendent and the Regional Policy Board will conduct a Public Hearing each year as required by law on the Annual Budget Plan. The Regional Policy Board shall review, may revise, and approve the Annual Budget Plan, the Annual Service Plan, budgets, and Mission Valley SELPA policies. Policies adopted by the Regional Policy Board will be for the operation of the Mission Valley SELPA.

Implementation of Services in the Mission Valley SELPA

Each participating local education agency is responsible for implementing those services assigned to it in the Local Plan and the annual budget plan. Each local education agency is to provide a continuum of program options through its own staff and facilities. When a local education agency is unable to provide an appropriate program for an individual with disabilities, that local education agency first shall attempt to arrange placement with another local education agency in the Mission Valley SELPA. If placement is not available in the Mission Valley SELPA, the local education agency Director of Special Education will assume responsibility to seek placement in another SELPA or a non-public school. The appropriate governing board of education shall approve the non-public school placement.

Responsibility for Procedural Safeguards

Each local education agency is responsible for meeting the legal requirements for procedural safeguards of IDEA and statutes and regulations for students, including those attending a charter school, residing within its boundaries.

[Notice of Procedural Safeguards](#) (Parent Rights)

Legal Requirements for Procedural Safeguards

Equal Access to All Programs and Services

Each local education agency provides a continuum of program options through its own staff and facilities. When a local education agency is unable to provide an appropriate program for an individual with disabilities, that local education agency shall first attempt to arrange placement with another local education agency in the Mission Valley SELPA.

Advice to Parents on the Availability of Legal Service

Upon receipt by the Superintendent of Public Instruction or a request for a due process hearing, the Superintendent/Designee shall advise the parent of free or low-cost legal services and other relevant services within the geographic area.

Complaints and the Correction of Identified Problems

Each local education agency shall be responsible for the resolution of complaints regarding any alleged violations of special education statutes and regulations.

Due Process

Each local education agency shall be responsible for meeting the requirements of due process procedures. While each local education agency is responsible for meeting the legal requirements for procedural safeguards for its own programs, all issues regarding procedural safeguards within each local education agency will be addressed by the Special Education Directors.

Procedure for Annual Evaluation

All required evaluation activities prescribed by the Education Code are coordinated by the Director of the Mission Valley SELPA.

Amendments and Review

This agreement may be amended by the Regional Policy Board upon approval by local education agencies governing boards of education and upon subsequent approval of the State Board of Education. Nothing in this section shall modify the requirements of Education Code 56836 requiring an annual budget and service plan.

The governance structure of the Mission Valley SELPA can be changed by request of one or more of the original parties. Changes are made upon approval of the Special Education Directors and the Regional Policy Board and adopted by each local education agency board of education within the Mission Valley SELPA.

This agreement shall be reviewed by the Special Education Directors whenever new legislation, regulations, and/or guidelines, or major changes in funding or services indicate the need for possible modification of the agreement.

Dispute Resolution Process

In the event of a disagreement among either local education agencies, local education agencies and the responsible local agency(RLA)/administrative unit, or local education agencies and or the RLA/administrative unit and the Mission Valley SELPA regarding the distribution of funding, responsibility for service provision, and any other governance activities specified in the Local Plan, it is the intent that issues be resolved at the lowest level possible. Procedures of conflict resolution involving any governance and administration issues and procedures dealing with any excess costs are described in the Mission Valley SELPA Joint Powers Agreement.

Effective Date

This agreement shall become effective upon its approval and adoption by all the governing boards of education of each local education agency within the Mission Valley SELPA following approval of the State Board of Education. **This policy was updated June 11, 2024.**