



San Mateo
County
SELPA

Special Education Local Plan Area

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POLICY

STUDENTS IN LICENSED CHILDREN'S INSTITUTIONS AND FOSTER PLACEMENTS

Students eligible for special education and related services who are placed in a Licensed Children's Institution (LCI) or in a Foster Placement by a non-educational public agency for residential purposes shall be provided the special education and related services that are specified in their IEPs. For purposes of this policy, LCIs include group homes, receiving homes and Foster Placements.

Education Code section 56156.4 authorizes local plan areas to develop local written agreements to identify the public education entities that will provide special education and related services to eligible children in LCIs and Foster Placements. In accordance therewith, the members of the San Mateo County SELPA agree that the San Mateo County Office of Education (SMCOE) shall be the responsible Local Education Agency (LEA) for students

- (1) with educational placements in SMCOE K-12 and/or NPS placements, and
- (2) whose parents reside outside of San Mateo County SELPA, and
- (3) who are placed by a non-educational public agency in an LCI within the County of San Mateo.

For students who are placed in LCIs and whose parents reside within San Mateo County, the LEA of residence of the parent will be the responsible LEA. The LEA of residence may enter into an agreement with the SMCOE or the LEA where the LCI is located for the provision of special education services to such student pursuant to the SELPA Policy, *Student Movement Between Local Educational Agencies*.

In the event of a dispute regarding the residency of a parent, or parents, of a special education student who is placed in an LCI, an LEA may refer the matter for dispute resolution pursuant to the San Mateo County SELPA Local Plan for Special Education. In order to ensure the continuity of special education services pending resolution of any dispute regarding fiscal responsibility for a special education student, the LEA with fiscal responsibility for the student's special education services prior to the dispute having

arisen shall continue to pay for such services until the dispute resolution process has been completed. That local education agency will also retain responsibility for procedural compliance with federal and state special education laws and regulations (such as by, for example, noticing and presiding at required IEP team meetings). An LEA required to continue paying for special education services pending dispute resolution may recover such expenses from the responsible LEA if it is determined, in the course of the dispute resolution process, that that the LEA was not responsible for such expenses.

For students with IEP placement/services other than SMCOE K-12 or NPS placements, whose parents reside outside the SELPA, the LEA where the LCI is located shall be the responsible LEA.

If a student is placed in an LCI operated NPS by an educational public agency, then the LEA that made the placement in the LCI operated NPS, not the SMCOE, will be the responsible LEA for providing special education and related services to that student.

If a student who is placed in a LCI by a non-educational public agency is subsequently placed by the Office of Administrative Hearings in a non-certified private school then the SMCOE shall be the responsible LEA.

When a student who has been identified eligible for special education services is initially placed in a LCI, the contact shall first be made to the LEA administrator where the LCI is located. Upon review of the IEP the LEA Administrator shall determine whether an administrative placement is likely in an SMCOE K-12 or NPS Placement. In such a case the LEA Administrator shall contact the SMCOE Program Coordinator who shall work collaboratively with the Administrator to effect implementation of the student's IEP. If upon review of the IEP, the LEA Administrator determines placement other than SMCOE K-12 or NPS is deemed appropriate, the LEA shall implement the IEP as the responsible LEA. A chart illustrating the process pursuant to this policy is attached as Exhibit A.

For students who are deemed to be the educational responsibility of the SMCOE under this policy, funding for the cost of providing special education and related services for all students SELPA-wide will be projected at the beginning of each school year and such costs will be allocated to the SMCOE from the SELPA funding allocation that is received from state and federal sources for that school year. Any additional funding that is received for these students from state or federal sources or from SELPA pools such as the High Cost pool will also be allocated to the SMCOE to offset the cost of special education and related services under this policy.

At the close of the fiscal year, appropriate adjustments will be made as needed to fully fund the costs of services under this policy and to return any excess funds to each member LEA by 50% prior year P-2 ADA and 50% out-of-home-care December 1 count.

If a student is unilaterally placed in an LCI by his or her parents, this placement will be treated as a private school placement pursuant to the SELPA *Policy Students Enrolled in Private Schools* by their parents.

Approved SELPA Governing Board	May 4, 2004
Approved Revisions SELPA Governing Board	June 14, 2004
Approved Revisions SELPA Governing Board	June 7, 2005
Approved Revisions SELPA Governing Board	June 5, 2007
Approved Revisions SELPA Governing Board	March 2, 2010
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