



# MARIN SELPA FACILITIES PLAN

**Approved OSC  
February 2009**

**Marin County SELPA**

## **MARIN SELPA FACILITIES PLAN**

### **Guiding Principles:**

#### **THE MARIN SELPA FACILITIES PLAN IS BASED ON THE CONCEPT THAT SPECIAL DAY CLASSES SHOULD BE LOCATED TO:**

1. Maximize opportunities for special education students to be educated in the Least Restrictive Environment (LRE) on regular education sites nearer to their homes and:
  - a. Complies with Section 504 of Public Law 93-112 and the Individuals with Disabilities Education Act, 34 CFR Parts 300 and 303.
  - b. Enhances special education students' ability to participate with age appropriate peers.
  - c. Enhances special education students' opportunities to form friendships that can continue after school hours.
  - d. Provides opportunities for special education students to participate in school and community activities (scouting, sports, clubs, etc.)
  - e. Provides opportunities for parents of special education students to become an integral part of a neighborhood school community (PTA, room mother, volunteer, etc.)
  - f. Minimizes change in school sites for students to the extent possible.
  - g. Facilitates provision of space for ancillary related services needed to support students.
2. Minimize the amount of time special education students spend in travel to and from the special day class.
3. Minimize the special education transportation costs by reducing the:
  - a. number of miles driven.
  - b. number of routes.
4. Reduces the expense of moving and remodeling classes.
5. Provide isolated sites only when it is determined that it is not educationally appropriate for special education students to be on a regular school campus.

**SPECIAL DAY CLASSES:**

1. Each district is responsible for providing to the Marin County Office of Education (MCOE), classroom space for students who reside in the district and require placement in a Marin County Office of Education operated special day class. The number of classes to be provided is as follows:

<u>Number SDC Students</u>	<u>Number Class Rooms Required</u>
0 - 4	0
5 - 14	1
15 - 24	2
25 - 34	3
35 - 44	4
45 - 54	5
55 - 64	6
65 - 74	7
75 - 84	8
85 - 94	9
95 -104	10
105-114	11
115-124	12
125-134	13
135-144	14
145-154	15
155-164	16
165-174	17
175-184	18
185-194	19
195-204	20

2. The formula in #1 above will also be used to determine if a class should be located on a preschool, elementary, middle or high school campus. Classroom space must meet state and federal minimum standards.
  - a. A preschool class can be placed on an elementary site or on a site with other preschool programs.
  - b. If the number of students in pre-school, elementary, middle, high school or post secondary grouping does not meet the standards specified in the formula in #1 above the location of the class(es) will be based on the needs of the MCOE.
  - c. After the formula is applied, a district may offer space on an alternative age level campus. The acceptance of this alternative space will be determined by the needs of the MCOE.
3. The following procedure will be used to determine space required of each district:
  - a. Commencing on March 1, 1997 and every three years after, the SELPA Director will provide each district with:

(1) a list of students placed in Marin County Office of Education special day classes as of December 1<sup>st</sup> of that year.

(2) a count of the special day class students separated into the number of special day class students in preschool, elementary, middle, high and post secondary schools.

a. If an LEA has an approved Program Transfer for the subsequent year, students affected by such transfer will not be included in the count as students being served by MCOE in a district-owned facility.

b. If the Marin County Office of Education notifies the SELPA that it will not be renewing a lease or not occupying an owned facility, the students in those classes will be included in the count as students being served on sites other than one owned or leased by MCOE.

(3) the number of special day classrooms each district is required to provide based on the formula specified in #1 and #2 above.

b. No later than April 1 each District will notify the SELPA Director and the Marin County Office of Education of the sites where special education special day classes can be located in August of the three year cycle.

c. No later than May 15 the Marin County Office of Education will realign students on class lists and indicate which class will be located on which site.

d. No later than April 1 the District will notify the SELPA Director and the Marin County Office of Education of those MCOE occupied sites that will not be available to MCOE the following year.

4. If a district does not have space available to meet the number of classes required by the formula specified in #1 above, it must:

a. bear all costs for locating a portable classroom(s) on its site(s), or

b. find another suitable classroom space in another location within the school district,  
or

c. reach agreement with another school district to provide the appropriate classroom space for MCOE's use. The agreement must meet all conditions outlined in this plan and provide for the transfer of the allocation requirement at no cost to the SELPA.

The agreement will meet the obligation of the district to provide space.

The agreement must specify that it is at no cost to the SELPA or MCOE.

- d. If unable to reach an agreement or find suitable space, the district must follow the procedures as outlined in the Facilities Use Fee (Section 5).

5. Facilities Use Fee

When a district is unable to provide classroom space as identified through this plan, a Facilities Use Fee shall be assessed according to the following guidelines:

- a. If the district is able to provide the classroom but it is deemed unusable by MCOE (see section 6) the district shall not be required to pay a Facilities Use Fee.
- b. If a district is unable to provide the classroom, it shall pay a Facilities Use Fee of 100% of the OSC approved Facilities Set Aside reimbursement. Acceptable reasons for not providing space under this policy are restricted to limited availability of classrooms, and must be reviewed by the SELPA prior to concurrence.
- c. If a district is able to provide the classroom and it is used by MCOE, no Facilities Use Fee is assessed.

All funds collected through the Facilities Use Fee are to be held by the SELPA and used to pay for costs incurred by MCOE resulting from the relocation or moving costs of classrooms provided under the policy. This would also include costs incurred when a district must move an MCOE classroom to another campus within the district.

If the Facilities Use Fee pool is insufficient to cover costs, additional funds will be allocated through the Fiscal Allocation Plan at the direction of the Operational Steering Committee.

6. Special Day Classes will be located:
  - a. in or as close to the students' district of residence as possible.
  - b. on a site central to the students' residences.
  - c. to minimize transportation as much as possible.
  - d. to facilitate interaction of disabled students with their age-appropriate peers.
  - e. to facilitate interaction and access to all the different subject matter classes.
  - f. to acknowledge and accommodate the physical needs of students (e.g., rest rooms, playground facilities).
  - g. Meets minimum Education Code requirements for square footage.
  - h. Is ADA complaint, and meets the health and safety needs of the students.
7. If a class is placed on a site in a building owned or rented by the Marin County Office of Education, the number of students in the class will be deducted from the district of residence's student count (see 3.a.(1-3) above). For leased classes, all costs will be charged to the special education program.
8. Special Day Class spaces must be available for the regular and extended year.

9. The Districts and the Marin County Office of Education will enter into a three-(3) year facility agreement, unless both parties mutually agree to a shorter or longer facility agreement. Facility agreements will start on August 1<sup>st</sup> and end on July 30<sup>th</sup>. SH special day classes whose extended year program is 8 weeks long and ends the third week in August will be allowed to remain on the site until the end of the extended session without a revision of the facility agreement.
  
10. Maintenance and Operations/District Responsibilities
  - a. The district providing the classroom space is responsible for preparing and maintaining the classroom(s) for occupancy (i.e., cleaning, painting, carpeting and general repairs). As districts rewire their classrooms for telecommunications, the classrooms for special education shall also be included.
  - b. The district providing the classroom space shall be responsible for general repairs and maintenance. Modernization, upgrades and restructuring related to anything that is part of the permanent structure, including anything attached to the structure (bathrooms, lights, windows, heating/AC, window blinds, doors, carpet, plumbing, sinks, electrical, cabinetry, etc.) is the responsibility of the district, and shall be completed on the same schedule as district-occupied classrooms.
  - c. The district providing the classroom space will provide custodial services on district-owned sites during the regular and extended year in the same proportion as provided to regular education classes.
  - d. Classrooms must be ready for occupancy at least two (2) weeks prior to the first day of school. This policy does not prohibit districts from notifying MCOE when exigent circumstances will not allow the district from meeting the timeline or requesting an extension to the timeline.
  
11. Maintenance and Operations/MCOE Responsibilities
  - a. The Marin County Office of Education shall be responsible for any maintenance and support on MCOE owned furniture, computers or other items that are moved into the classroom.
  - b. The Marin County Office of Education will provide custodial services on sites the Marin County Office of Education owns.
  - c. The Marin County Office of Education is responsible for required ~~the~~ remodeling and restoration of facilities upon occupying or vacating occupied classrooms for severely handicapped students and will charge all such costs to the SDC special education program (i.e., ramps, handrails, bathroom facilities). Remodeling shall be done only in consultation and collaboration with the district.
  
12. Relocation of Classes
  - a. If at the end of the 3 year facility agreement:
    1. The Marin County Office of Education will be responsible for moving the class to the new location and will charge all such costs to the special education program.
  - b. If during the 3 year facility agreement:

1. The MCOE need for classrooms change (i.e. reduction of program, expansion of program whether funded or unfunded) or program needs change (e.g., shift of age of students, need for new or fewer SH classes at a certain level, etc.) the Marin County Office of Education will be responsible for moving the class to the new location and will charge all such costs to the special education program. Costs will be reimbursed through the Facilities Use Fee pool.
2. The district which initiates the move will be responsible for moving the class and will be responsible for all costs of relocation, including utilities, site preparation or modification, installation of a facility (such as a relocatable) and required hookups. The district may request reimbursement through the Facilities Use Fee pool.

Unanticipated emergency circumstances arise; any district may call for a meeting to review the plan to consider changes, with prior notification to all districts.

13. **Appeal/Dispute Resolution**

A district may request waiver of any part of the Facilities Plan by submitting a written request to the Operational Steering Committee. The request will outline the specific portions of the plan to be waived, the reason(s) for the request and suggested options for meeting the requirements of the plan. The SELPA Director will meet with the District Superintendent or Designee to review the request prior to submission to OSC to assess the options and make recommendations to the district.