

Board Office Use: Legislative File Info.	
File ID Number	20-1069
Introduction Date	6/24/20
Enactment Number	20-1031
Enactment Date	6/24/2020 os



Memo

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Sondra Aguilera, Chief Academic Officer
Jennifer Blake, Executive Director, Special Education Department

Board Meeting Date June 24, 2020

Subject Resolution - SELPA Local Plan Update - Individualized Education Program (IEP) Placements into Nonpublic School - Special Education Department

Action Requested Approval by the Board of Education of Resolution No. 1920-0235 Adopting and Complying With Requirements for Specific Resolutions that are Necessary for the Special Education Local Plan Area's ("SELPA") Policy Regarding Accountability for Monitoring the Progress of Students Placed at Nonpublic Schools.

Background and Discussion This resolution is required as a provision of the SELPA Local Plan for Oakland Unified School District SELPA. The OUSD SELPA, pursuant to section 56195 of the California Education Code, has the responsibility to adopt a plan (in accordance with California Education Code 56200) to assure that special education and services for all eligible individuals with disabilities residing in the geographic area served by OUSD SELPA are delivered. Specific resolutions are called for as a part of that plan that do not currently exist within OUSD Board Policy. SELPA policy requires that the body governing OUSD SELPA is the Oakland Unified Board of Education, which must adopt SELPA policies when additions or adaptations become necessary.

The District supports the service of all students with disabilities in the Least Restrictive Environment when a student must be served by nonpublic, nonsectarian schools or agencies when entering into agreements with nonpublic, nonsectarian schools or agencies, the SELPA shall consider the needs of the individual student and the recommendations of the individualized education program (IEP) team. The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.



Fiscal Impact

No fiscal impact.

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**RESOLUTION
 OF THE
 BOARD OF EDUCATION
 OF THE
 OAKLAND UNIFIED SCHOOL DISTRICT
 NO. 1920-0235**

Adopting and Complying With Requirements for Specific Resolutions that are Necessary for the Special Education Local Plan Area’s (“SELPA”) Policy Regarding Accountability for Monitoring the Progress of Students Placed at Nonpublic Schools

WHEREAS, Education Code section 56195.5 prescribes that the district governing board shall have authority over the programs it directly maintains, consistent with the local plan submitted pursuant to 56195.1; and

WHEREAS, Oakland Unified School District (“OUSD”) is a single-district Special Education Local Plan Area (“SELPA”); and

WHEREAS, Oakland Unified School District’s Governing Board (“Board”) has authority over the programs provided through the OUSD SELPA; and

WHEREAS, pursuant to Education Code section 56195, the OUSD SELPA has the responsibility to adopt a plan in accordance with Education Code section 56200 to assure that special education and services for all individuals residing in the geographical area served by the OUSD SELPA are delivered; and

WHEREAS, policies governing OUSD SELPA shall be adopted by the Board; and

WHEREAS, pursuant to Education Code section 56122 and 56205(a), OUSD SELPA Local Plan must ensure conformity with Title 20 United States Code (USC) and Title 34 Code of Federal Regulations Section 300.201 and identify whether or not for each of 23 areas the SELPA has a specific written policy or a specific board adopted resolution where the policy can be found,

NOW, THEREFORE, BE IT RESOLVED, that the Board acknowledges the responsibility to serve all students with disabilities in the Least Restrictive Environment but recognizes that the IEP must determine a Free Appropriate Public Education (FAPE) for each student based on their unique needs which may include service by a nonpublic, nonsectarian school or agency;

BE IT FURTHER RESOLVED, that the Board hereby adopts the following SELPA policy: “When entering into agreements with nonpublic, nonsectarian schools or agencies, the Board shall consider the needs of the individual student and the recommendations of the individualized education program (IEP) team.

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The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.”

Passed by the following vote:

PREFERENTIAL AYE: None

PREFERENTIAL NOE: None

PREFERENTIAL ABSTENTION: None

PREFERENTIAL RECUSE: None

AYES: Roseann Torres, Gary Yee, Jumoke Hinton Hodge, Aimee Eng, James Harris, Vice President Shanthi Gonzales, President Jody London

NOES: None

ABSTAINED: None

RECUSED: None

ABSENT: Student Directors Garibo and Smith-Dahl

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CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held on June 24, 2020.

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By:	OS

OAKLAND UNIFIED SCHOOL DISTRICT

Jody London
President, Board of Education

Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education

Approved as to form

Deputy General Counsel