

Board Office Use: <b>Legislative File Info.</b>	
File ID Number	20-1065
Introduction Date	6/24/20
Enactment Number	20-1028
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 - Students with Disabilities Attending Private School - Special Education Department

**Action Requested** Approval by the Board of Education of Resolution No. 1920-0232 Adopting and Complying With Requirements for Specific Resolutions that are Necessary for the Special Education Local Plan Area's ("SELPA") Policy Regarding Reserving Federal Special Education Funds to Serve Oakland Residents Attending Private 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 Individuals with Disabilities Education Act requires that a portion of federal funds for Special Education be reserved to provide support for Oakland residents attending private schools, and assure that children with disabilities voluntarily enrolled by their parents in private schools shall receive appropriate special education and related services pursuant to LEA coordinated procedures. The proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents.



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**Fiscal Impact**

No fiscal impact.

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**RESOLUTION  
 OF THE  
 BOARD OF EDUCATION  
 OF THE  
 OAKLAND UNIFIED SCHOOL DISTRICT  
 NO. 1920-0232**

**Adopting and Complying With Requirements for Specific Resolutions that are Necessary for the Special Education Local Plan Area’s (“SELPA”) Policy Regarding Reserving Federal Special Education Funds to Serve Oakland Residents Attending Private 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 of Education acknowledges that the OUSD SELPA must have a written policy confirming that a portion of Federal funds for Special Education will be reserved to provide support for Oakland residents attending private schools;

**BE IT FURTHER RESOLVED**, that the Board hereby adopts the following SELPA policy: “OUSD SELPA will assure that children with disabilities voluntarily enrolled by their parents in private schools shall receive appropriate special education and related services pursuant to Local Education Agency coordinated procedures. The proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents.”

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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.

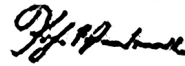
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By:	os

### **OAKLAND UNIFIED SCHOOL DISTRICT**




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Jody London  
President, Board of Education




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Kyla Johnson-Trammell  
Superintendent and Secretary, Board of Education

Approved as to form  
Deputy General Counsel

