**Duties & Responsibilities of BOCES Assurances**

**Relating to the Education of Children with Disabilities**

The San Luis Valley Board of Cooperative Educational Services is committed to the basic premise that the purpose of a public school education is to help each child, including those with disabilities, develop to the limit of his/her own capacity. Our goal is to provide full educational opportunities to all children with disabilities. Each child with a disability shall be offered an individual education program to meet his/her needs.

It shall be the philosophy of the SLV BOCES to provide a free and appropriate public education to all eligible students from 3 to 21 years of age. The free educational concept shall encompass direct and related services as stipulated by state and federal statutes. Students receiving special education will have these services provided in the least restrictive educational environment, which will be as close to their home as possible.

**Special Education Services**

Services for children and youth with disabilities in the SLV BOCES undergo continual refinement as greater understanding is achieved, as research provides better direction, and as legal mandates change. The Director of Exceptional Student Service ensures that the process is reviewed and updated as needed on a yearly basis. The Director of Exceptional Student Services also ensures that BOCES and local special education staff comply with both state and federal regulations regarding provision of services to students with disabilities.

Each district determines the support staff needed to implement its individual district's special education program. The program is then implemented through the efforts of BOCES support staff, instructional and itinerant staff members, as well as district instructional staff members who serve students with specific handicapping conditions.

Support services are delivered from the central administrative unit to participating school districts, instructional staff and disabled students. Special Education providers are assigned to districts based upon the number of students served.

**San Luis Valley BOCES Vision and Mission**

Slogan:

“Culture of Excellence”

Vision:

“By maximizing resources through collaboration and being on the leading edge of educational systems we will be recognized, valued and respected as a great BOCES.”

Mission:

“Through collaboration with member districts, the SLV BOCES brings a culture of excellence to education. The SLV BOCES empowers schools, families, and communities of the SLV by providing services, support, and leadership to promote student achievement and success in life for all.”

Our core values will be governed by the BOCES overall importance to become a “Culture of Excellence”

1. We recognize that children are the cornerstone of building the future.
2. Building relationships with integrity.
3. Teamwork and communication promote opportunities to maximize student progress and success.

**SAN LUIS VALLEY BOARD OF COOPERATIVE EDUCATIONAL SERVICES**

**OPERATING AGREEMENT CONCERNING SPECIAL-EDUCATION PROGRAMS AND PROCESSES**

THIS OPERATING AGREEMENT (“agreement”) is entered into with an effective date of November 2008, and is by and between the San Luis Valley Board of Cooperative Educational Services (“BOCES”), and each of the BOCES member school districts including the undersigned. This operating agreement may be amended or repealed by a majority vote of a quorum of the Board of Directors of the SLV BOCES at any regular or special meeting, provided that such change shall not violate provisions of the Board of Cooperative Services Act or the SLV BOCES Constitution.

IN CONSIDERATION OF the mutual covenants and agreements set forth. The parties agree as follows:

1. **INTRODUCTION AND PARTIES**

* The following school districts are members of the BOCES: Alamosa RE 11 J; Centennial R1; Center 26 JT; Creede 1; Del Norte C7; Moffat 2; Monte Vista C8; Mountain Valley Re1; North Conejos Re1J; Sanford Re6J; Sangre de Cristo Re22J; Sargent Re33J; Sierra Grande, R30; South Conejos Re10. The listed member school districts are collectively designated herein as the “Districts” and the provisions hereof apply to all equally.
* For the geographical areas served by the Districts the BOCES is designated as the Administrative Unit (AU) responsible for implementation of the Individuals with Disabilities Education Improvement Act, also referred to as IDEA of 2004 (“IDEA”), and the Colorado Exceptional Children’s Education Act (“ECEA”), and that the BOCES Director of Exceptional Student Services is legally responsible for and has legal authority for the Special Education functions within the Districts.
* Best practice calls for mutualagreements describing the financial commitments of the Districts and agreements concerning special education programs and services.

1. **District’s responsibilities**

* First and foremost, districts are responsible for the general education placements of students ages 3-21.
* Districts will have a building level process for ages 3-21 to consider all pertinent information, unique needs of the child and to generate alternative strategies.
* For students in the Districts, who are eligible for special education under the IDEA, each of the Districts will provide special education and related services without using BOCES staff or resources, except as herein expressly provided.
* The Districts will comply with all BOCES policies and regulations, the BOCES Exceptional Student Services Procedures Manual, the Process for Paraprofessional Support, the BOCES Comprehensive Plan, and the requirements of federal and state law and regulations concerning the education of children with disabilities. To help ensure compliance, each of the Districts will do the following:
  1. Provide the BOCES true, complete, and up to date copies of each Individual Educational Program (“IEP”) pertaining to each eligible student enrolled in the respective Districts and to use all forms as instructed by the SLV BOCES Director of Exceptional Student Services.
  2. Hire supervision and evaluate qualified special education resource room teachers and paraprofessionals.
  3. Work with Director of Exceptional Student Services for supervision, administration and leadership for all special education programs.
  4. Follow protocols established by the Exceptional Student Services Director.
  5. Provide access to all programs.
  6. Monitor adherence to confidentiality.
  7. Work collaboratively with BOCES to have access to needed data to help guide instructional decisions.
  8. Ensure regular education teacher participation in IEP meetings.
* It is acknowledged that, in addition to services provided pursuant to IDEA, students who have physical or psychological impairments that substantially limit learning may be entitled to special accommodations under Section 504 of the Rehabilitation Act of 1973 (504) and the Americans with disabilities act (ADA). The Districts are solely responsible for such accommodations, and for all compliance with 504 and ADA, including but not limited to the development and implementation of a formal 504 Plan for any student who needs such a plan, and the BOCES shall have no direct responsibility therefore, but may provide information, advice and assistance in ADA and 504 matters upon request.

1. **The BOCES Responsibilities and Authority**

The BOCES is the Administrative Unit (AU) and as such is responsible for ensuring that requirements of the federal and state special education law and regulations are met in all the Districts. Accordingly, the Exceptional Student Services Director for the BOCES will:

* Monitor referral processes, evaluations, re-evaluations, eligibility determinations, placement decisions, prior written notice and development and implementation of IEP’s for students with disabilities in the Districts.
* Provide professional development opportunities to classified staff, certified staff and administration.
* Hire, supervise, and evaluate qualified extended services classroom teachers, paraprofessionals and other related staff.
* The BOCES may also provide paraprofessional support to the district resource rooms based on the “Process for Paraprofessional Support” procedure.

In the event of a disagreement as to the correct interpretation of the particular statute or regulation concerning the education of students with disabilities, representatives of the BOCES and particular district will meet and try to come to an agreement. If the disagreement persists, the BOCES interpretation will control. For further explanation see BOCES Policy BDG.

**D. Continuum of Special-Education Services**

It is recognized that it is not feasible to offer the full “continuum of services” in each of the Districts, or to expect that each of the Districts will serve students in every disability category, and across a wide spectrum of severity ratings, from mild/moderate to severe/profound. The following provisions describe the manner in which the full continuum of services will be provided within the BOCES:

* The administrative unit is responsible for child find ages birth to 21 years.
* BOCES completes child find referrals from birth through age 5.
* Child find referrals for school age children are completed in collaboration with the districts through the problem solving process.
* Each of the Districts is responsible for providing, at its own sole cost and expense, at least one licensed and endorsed special education teacher (“Resource Teacher”) assigned to serve students in each building in the respective District. Each District shall ensure that the Resource Teacher understands that he/she is subject to directives and authority of the BOCES Exceptional Student Services Director or designee, in respect to all matters concerning compliance with IDEA and ECEA, and that the Resource Teacher cooperates fully with the BOCES staff in all such matters.
* The BOCES is responsible for providing the following “itinerant” services to students in the Districts in accordance with their needs as identified on each student’s IEP:

1. Early Childhood Special Education Teachers
2. Speech/Language Pathologist
3. Occupational Therapist
4. Physical Therapist
5. School Psychologist
6. Vision Specialist
7. Orientation And Mobility
8. Teacher Of The Deaf And Hard Of Hearing
9. Educational Interpreters

Additionally, the BOCES will provide outside consultation services in special situations, such as when a student presents unusual behavioral or sensory challenges.

* It is recognized that the Districts and BOCES may from time to time encounter students who cannot receive an appropriate education in a public school setting of any kind. Examples include students with severe mental or emotional disorders, students such as deaf-and-blind students who may require highly specialized services not provided by any of the Districts or the BOCES, or students for who are dangerous or exceptionally disruptive in the school setting. For such students, outside placements, such as day treatment centers and other specialized facilities may be appropriate, and the BOCES will provide consultation and assistance in accessing such services. The Special Education (Excess cost) of any out of district placements will be borne by the BOCES through the regular assessment process.

**E. COST REIMBURSEMENT**

Each District shall be responsible for its share of the cost of special education services in accordance with BOCES financial policies, as the same may be adopted and amended from time to time. As constituted on the day hereof, such financial policies required each District to pay a proportionate share of BOCES Administrative and Special Education costs based upon student populations, both Special Education and Regular Education. Additionally the BOCES receives all special-education federal and state funding for eligible students within the Districts.

**F. RESPONSIBILITY TO DEFEND**

In the event of the due process hearing or state-level federal complaint, the BOCES will handle the defense of such claims and reasonable costs. The payment of any claims, awards, or damages, including parents’ and attorneys’ fees, resulting from a finding of violation of any applicable law or regulation pertaining to the education of students with disabilities who are enrolled in a District, shall be allocated pursuant to BOCES financial policy under the shared legal expense section with the following exceptions:

* If the BOCES determines that the award or damages resulted from a decision made by the BOCES or the act or directive of a BOCES employee, then the BOCES will pay the full amount of such costs; and
* If the BOCES determines that the award or damages resulted from a decision made by a particular District or the act or directive of the District employee, which is contrary to BOCES staff direction, then the District will pay the full amount of such costs.

\*\*See SLV BOCES Policy BDG\*\*

In the event of such legal proceeding, the District shall give its full cooperation to and follow the advice and instructions of the BOCES and assigned defense counsel in the course of such proceeding.