

Table of Contents

Free and Appropriate Public Education (FAPE)	FAP 1
Free and Appropriate Public Education (FAPE)	FAAR 1
Full Educational Opportunity	FAP 2
Full Educational Opportunity	FAAR 2(a)
Child Find	FAP 3
Child Find	FAAR 3
Individualized Educational Program (IEP)	FAP 4
IEP Forms	FAAR 4
IEP Forms	FAE 4
Least Restrictive Environment	FAP 5
Least Restrictive Environment (LRE)	FAAR 5 (a, b, c)
Procedural Safeguards	FAP 6
Procedural Safeguards Requirements	FAAR 6
Procedural Safeguards Exhibits	LAE 6
Annual/Triennial Reassessment	FAP 7
Annual and Triennial Assessments	FAAR 7
Confidentiality	FAP 8
Confidentiality	FAAR 8
Part C, Transition	FAP 9
See MOU Section 22	
Private Schools	FAP 10
Private Schools	FAAR 10
Individual Service Plan Form	FAE 10
Compliance Assurances	FAP 11
Governance	FAP 12
Governance	SRP 12

Legend:

FAP	Federal Assurance Policy
FAAR	Federal Assurance Administrative Regulation
FAE	Federal Assurance Exhibit
SRP	State Required Policy
SRAR	State Required Administrative Regulation
SRE	State Required Exhibit
LP	Local Policy
LPE	Local Policy Exhibit
LAR	Local Administrative Regulation
LAE	Local Administrative Exhibit

Table of Contents (Continued)

Comprehensive System of Personnel Development (CSPD)	FAP 14
Comprehensive System of Personnel Development (CSPD)	FAAR 14
Personnel Standards	FAP 15
Performance Goals and Indicators	FAP 16
Performance Goals and Indicators	FAAR 16
Participation in Assessments	FAP 17
Assessment	FAAR 17
Supplementation of State/Federal Funds	FAP 18
Maintenance of Effort	FAP 19
Maintenance of Effort (MOE)	FAAR 19
Public Participation	FAP 20
Public Notice	LAP 20
Suspension/Expulsion	FAP 21
Part C - Early Intention Services	FAP 22
MOU - Part C	FAE 22

Legend:

FAP	Federal Assurance Policy
FAAR	Federal Assurance Administrative Regulation
FAE	Federal Assurance Exhibit
SRP	State Required Policy
SRAR	State Required Administrative Regulation
SRE	State Required Exhibit
LP	Local Policy
LPE	Local Policy Exhibit
LAR	Local Administrative Regulation
LAE	Local Administrative Exhibit

Yuba County

SELPA

Local Plan For Special Education

May 2005

Revised June, 2007

SECTION 1

FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

Federal Assurance Policy

Special Education Local Plan

FAP 1

FREE AND APPROPRIATE PUBLIC EDUCATION (FAPE)

It shall be the policy of this LEA that a free appropriate public education is available to all children residing in the LEA between the ages of three through 21 inclusive, including students with disabilities who have been suspended or expelled from school.

Legal References:

EDUCATION CODE

56205(a)

5 CCR Chapter 3, Article 1, Section 3001(b)

FEDERAL REFERENCES

20 USC Section 1412

CFR 300.24, 300.300(a)(3), 300.340 - 300.351 of Part B Regulations

Federal Assurance Administrative Regulation

Special Education Local Plan

FAAR 1

FREE AND APPROPRIATE PUBLIC EDUCATION

56205(a), 5 CCR Chapter 3, Article 1, Section 3001(b)

DEFINITIONS

The term Free and Appropriate Public Education (FAPE) means special education and related services that:

- (A) have been provided at public expense, under public supervision and direction, and without charge;
- (B) meet the standards of the California Department of Education and the Code of Federal Regulations:
- (C) include an appropriate preschool, elementary, or secondary school education; and
- (D) are provided in conformity with the student's individualized education program (IEP).

The term Related Services means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

The term Special Education means specially designed instruction, at no cost to parents, to meet the unique needs of the child with a disability, including -

- (A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other setting; and
- (B) instruction in physical education.

In order to ensure that a free, appropriate public education is available to all children with disabilities in the SELPA, the LEAs of the SELPA shall provide:

- for a combination of educational and related services determined through each child's individual education program (IEP) development and review;
- that the unique needs of the individual are met so that the individual benefits from access to educational opportunities; and
- that the individual is prepared for employment and independent living.

FAPE shall be reasonably calculated to confer educational benefit to the student. It shall be the responsibility of each LEA to monitor such benefit for each child with a disability, through both individual review and agency-wide process reviews. Evidence may include passing grades, advancement from grade to grade or academic progress, provision of services designed for the student to benefit from instruction, and meaningful progress.

To determine whether an IEP is reasonably calculated to provide educational benefit, LEAs should ask:

1. Is the student's IEP individualized to meet the unique needs of the child?
2. Has the student been educated in the least restrictive environment (LRE)?
3. Have the student's educational services been provided in a collaborative and coordinated manner?
4. Has the student demonstrated positive academic and non-academic benefits?

Training on Educational Benefit Review may be requested through Yuba County SELPA.

Out of geographic area charter LEAs provide FAPE through a continuum of site-based and contract services based on student needs as identified in IEPs. The out of geographic charter LEAs provide local coordination and monitoring of site-based and contract special education services. The SELPA in coordination with the out of geographic area LEAs identifies local and regional providers and assists with contract process.

SECTION 2

FULL EDUCATIONAL OPPORTUNITY

Federal Assurance Policy

Special Education Local Plan

FAP 2

FULL EDUCATIONAL OPPORTUNITY

It shall be the policy of this LEA that all pupils with disabilities have access to educational programs, non-academic programs and services available to non-disabled pupils.

Legal References:

EDUCATION CODE

48926

56205(a)

56205(c)

56345(b)(3)

56368(b)(5)

FEDERAL REFERENCES

20 USC 1412 (a)(2)

LEA Board approval 5/20/03

Revised 6/17/07

Federal Assurance Administrative Regulation

Special Education Local Plan

FAAR 2(a)

FULL EDUCATIONAL OPPORTUNITY

In order to ensure that all students with disabilities have equal access to the variety of educational programs and services available to non-disabled students, including non-academic and extracurricular services and activities, each LEA shall implement non-discriminatory universal access opportunities to all such services and activities available to students who are not disabled. Access may include, but is not limited to: physical (transportation, structural); communicative (sign-language or other than English interpreters); information (outreach, notices), or other as determined by the IEP team. Such provisions apply whether or not students are enrolled on a general education campus and are equally applicable to academic, non-academic, and social activities.

Each LEA through the IEP process shall review the special education services provided to students to ensure adequate yearly progress is occurring. Adequate yearly progress can be addressed through a variety of data collection activities including but not limited to: STAR/CAPA testing, standards-based goals and objectives, curriculum assessments and portfolios.

Yuba County SELPA ensures that pupils have full educational opportunity, regardless of district of residence, through local agreements and coordination within the SELPA., and/or regional programs in coordination with other SELPAs.

Each district of residence shall be responsible for providing access to special education programs and services to each individual with exceptional needs residing within district boundaries.

In accordance with the Local Plan agreement, the SELPA staff provides assistance to the district of residence in the provision of free and appropriate public education. The IEP team determines the appropriate placement for each student.

For students in out of geographic area charter school LEA, the administrative unit of the LEA and the SELPA administrative unit are responsible for providing access to special education programs. This obligation can be met by:

1. Hiring appropriately credentialed special education staff to provide services.
2. Contract with geographically contiguous SELPAs, County Offices or districts to provide services.
3. Contract with non-public agency to provide personnel or services to appropriately implement IEPs.

SECTION 3

CHILD FIND

Federal Assurance Policy

Special Education Local Plan

FAP 3

CHILD FIND

It shall be the policy of this LEA that all children with disabilities residing in the state, including children with disabilities who are homeless or are wards of the State and children attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located and evaluated. A practical method is developed and implemented to determine which students with disabilities are currently receiving needed special education and related services.

Legal References:

EDUCATION CODE

56205(a)

56301

FEDERAL REFERENCES

20 USC Section 1412(a)(3)(A-B)

34 CFR Section 300.125

Federal Assurance Administrative Regulation

Special Education Local Plan

FAAR 3

CHILD FIND

A continuous child-find system includes identification, screening, referral and assessment, and a system for utilizing referrals from teachers, parents, agencies, professional persons, and members of the public. The system is coordinated with each school site's procedures for the referral of pupils with needs that cannot be met with modification of the regular instructional program. Parental notice and procedural safeguards are provided as part of the referral process. Parents are informed of reasons for referral, which assessment procedures will be followed, the possibility of special education services, how those decisions will be made, and the parent's right to refuse referral. All referrals are documented in writing, and staff offers assistance to the individual in making a written referral.

The California Education Code requires each district, special education local plan area, county office, public education agency, and other state agencies providing instruction and services actively and systematically seek out all individuals with exceptional needs, from birth through 21 years of age, including children not enrolled in the public schools, who reside in the district or are under the jurisdiction of the agency.

Charter schools participating in Yuba County SELPA must agree to participate in activities which identify, locate and assess students with disabilities attending their schools. Charter schools identified as serving K-8 are responsible for serving students in that age range.

All LEAs, including charter school LEAs serving K-12, 9-12, or 6-12, must continue to offer FAPE to students between 19-21 years of age who are enrolled or eligible for special education program prior to age 19, who do not graduate with a diploma or completed his/her course of study. LEAs must continue to offer FAPE until the student graduates with a high school diploma or reaches the age of 22.

CHILD-FIND ACTIVITIES

Yuba County SELPA coordinates services with LEAs to ensure child-find services for those individuals with exceptional needs, ages 0 through 21 years.

An active child-find effort is utilized in Yuba County SELPA. Public awareness activities include dissemination of brochures, participation in public outreach, through local media coverage, and workshops. Districts provide notice to parents annually.

The Yuba County SELPA locates exceptional students through these contacts:

1. Student Study Teams, school referrals
2. Health professionals, including mental health
3. Alta California Regional Center and Area Board III
4. Private schools
5. Family Resource Center
6. ABC Resource Center, children's collaborative
7. Regional infant program
8. Head Start
9. State, district, and private preschools
10. Charter schools
11. LEA liaisons for homeless
12. Social services agencies, including probation

Annually, private school representatives and local education agency administrators meet to discuss provision of special education consultation and services to private school students. Information on the referral process is also shared.

Quarterly, charter school roundtable and foster youth advisory groups bring stakeholders and local education agency representatives together to discuss provision of services to students, including students with disabilities.

All LEAs will follow the SELPA identification and referral guidelines.

SECTION 4

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Federal Assurance Policy

Special Education Local Plan

FAP 4

INDIVIDUALIZED EDUCATIONAL PROGRAM (IEP)

It shall be the policy of this LEA that an Individualized Educational Program (IEP) or an Individualized Family Service Plan (IFSP) is developed, reviewed and revised for each child with a disability who requires special education and related services in order to benefit from his/her individualized education program. It shall be the policy of this LEA that a review of an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions.

Legal References:

EDUCATION CODE

56205(a)

56195.7(a)

56195.8(a)(3)

FEDERAL REFERENCES

20 USC Section 1412(a)(4), 1414(d), 1436(d)

CFR 300.344(c)(1)(ii), 300.345(a)

Federal Assurance Administrative Regulation

Special Education Local Plan

FAAR 4

IEP FORMS

The LEAs within the Yuba County SELPA will use adopted SELPA-wide IEP forms.

The SELPA office will develop and distribute an annual IEP Instruction Manual. The Yuba County SELPA will print first run copies of all forms to participating LEAs

LEAs, including charter school LEAs, will use the Yuba County SELPA forms and will follow the SELPA IEP Instructional Manual.

Legal References:

EDUCATION CODE

56195.7(a)

SECTION 5

LEAST RESTRICTIVE ENVIRONMENT (LRE)

Federal Assurance Policy

Special Education Local Plan

FAP 5

LEAST RESTRICTIVE ENVIRONMENT

It shall be the policy of this LEA that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment, occurs only when the nature or severity of the disability of the child is such that education in regular classes with the use of supplemental aids and services cannot be achieved satisfactorily.

Legal References:

EDUCATION CODE

56205(a)

56031

56201

56206

56303

State Board Policy (10/10/1986)

FEDERAL REFERENCES

20 USC Section 1412(a)(5)(A)

Federal Assurance Administrative Regulation

Special Education Local Plan

FAAR 5(a)

LEAST RESTRICTIVE ENVIRONMENT (LRE)

Special education is an integral part of the total public education system and provides education in a manner that promotes maximum interaction between students with disabilities and students without disabilities, in a manner appropriate to the needs of both. To the maximum extent appropriate, students with disabilities will be educated with students who are not disabled. Special classes, separate schooling, or other removal of students with disabilities from the general education environment occurs only when the nature or severity of the disability of a child is such that education in general education classes with the use of supplementary aids and services cannot be satisfactorily achieved. To support this at an individual student level, the requirements of legally compliant individualized education program (IEP) meetings will be reviewed, including the responsibility to first consider the general education classroom for each student.

When scarcity of population or other factors prevent a LEA from directly providing a required service for its pupils, the service may be provided by the county office, another school within the LEA of attendance, a school in a nearby LEA, or by a provider LEA by agreement.

For out of geographic charter LEAs, the local special education administrator will identify service needs. In coordination with Yuba County SELPA staff, special education service needs will be met through LEA or contracted services.

LEAST RESTRICTIVE ENVIRONMENT (LRE) (continued) FAAR 5(b)

In determining the appropriate LRE placement for students with disabilities, the IEP team shall:

1. Determine if the student can be served in a general education classroom setting at the student's neighborhood school with supplemental aids and services. The IEP shall specify any needed supplemental aids and services.
2. Determine if the student can be served by the special education services provided at the student's neighborhood school campus. The IEP shall specify the extent to which the student will not be in the general education classroom setting and activities.

For out of geographic charter schools/LEAs, a similar process will be followed:

1. Determine if the student can be served in the general education classroom in school of enrollment with supplementary aids and services. The IEP shall specify any needed supplemental aids and services.
2. Determine if the student can be served by special education services provided at the student's school of enrollment. The IEP shall specify the extent to which the student will not be in the general education classroom setting and activities.

If the IEP team determines the special education services at the student's neighborhood school campus are not appropriate to meet the needs as outlined by the IEP team, the following shall be implemented:

1. Document why a different school site is necessary, including why education at the neighborhood school site with supplemental aids and services is not appropriate to meet the IEP.
2. For students being transitioned to the neighborhood school setting for all or part of the school day, specify the timeline for transition as well as the activities needed to support the transition.

For out of geographic area charter schools/LEAs, if an IEP team determines the special education services at the student's charter school campus are not appropriate to meet the needs as outlined by the IEP team, service agreements shall be made with public or non-public providers.

LEA Superintendents' Council approval 4/26/05

LEAST RESTRICTIVE ENVIRONMENT (LRE) (continued) FAAR 5(c)

SELPA to ensure that the SELPA and each LRE are in compliance with all federal and state requirements applicable to the concept of LRE.

In constructing new facilities, LEAs within the SELPA will follow accessibility provisions provided by law under the Americans with Disabilities Act (ADA). It is the responsibility of the facilities plan committee to review annually the long range facility needs of the SELPA and recommend for approval by the Superintendents' Coordinating Council an updated plan and policy, if necessary, to be implemented throughout the SELPA. Students have access to all general education activities, programs, and facilities and will participate in those activities as appropriate to their needs. The IEP team will determine how the student will participate with non-disabled peers with equal access in general education programs and what accommodations, if any, are needed. All school personnel will facilitate opportunities for social interactions between individuals with disabilities and non-disabled individuals.

The IEP form contains a statement of:

- Supplemental aids and services that the student needs to ensure participation in general education;
- A statement that students will participate in a general education environment with non-disable peers unless the student's full time involvement and progress in general education curriculum is precluded by the nature and severity of the disability.

No student will be referred for special education unless the general education resources have been considered, utilized, and the documented accommodations and/or modifications have been made prior to referral for special education services. (EC 56205)

LEA Superintendents' Council approval 4/26/05
Revised 6/17/2007

SECTION 6

PROCEDURAL SAFEGUARDS

Federal Assurance Policy

Special Education Local Plan

FAP 6

PROCEDURAL SAFEGUARDS

It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards throughout the provision of a free appropriate public education including the identification, evaluation, and placement process.

Legal References:

EDUCATION CODE

56205(a)

56195.7(a)

56195.8(a)(3)

FEDERAL REFERENCES

20 USC Section 1412(a)(6)

Federal Assurance Administrative Regulation

Special Education Local Plan

FAAR 6

PROCEDURAL SAFEGUARDS

The term Procedural Safeguards means the notice provided to parents, legal guardians, and surrogate parents of children with disabilities from three years of age through age 21, which provides an overview of educational rights.

The local education agencies of Yuba County SELPA, including out of geographic area charter LEAs, shall ensure parents receive prior written notification of procedural safeguards.

WRITTEN NOTIFICATION OF PROCEDURAL SAFEGUARDS

A copy of procedural safeguards, including the right to file a complaint or for due process hearing, shall be given to parents

- Upon request
- Upon initial referral for evaluation
- Upon notification of an IEP or transition planning meeting, or, annually
- Upon reevaluation of the child
- Upon request for mediation or due process hearing
- Before a student meets LEA board adopted graduation requirements or reaches maximum age for special education services

NOTICE TO NON-ENGLISH SPEAKING PARENTS

The Notice of Procedural Safeguards shall be available in the primary language of the parents whose primary language is not English, unless to do so is clearly not feasible.

Planning for the needs of non-speaking parents shall include access to interpreters and translators, unless to do so is clearly not feasible.

Each LEA, including out of geographic area charters schools, will develop a list of available interpreters and translators. LEAs are responsible for interpreter services.

Legal References:

EDUCATION CODE

56197.7(c)

56195.7(b)

56300

56195.8(b)(3)

SECTION 7

EVALUATION

Federal Assurance Policy

Special Education Local Plan

FAP 7

EVALUATION

It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards throughout the provision of a free appropriate public education including identification, evaluation, and placement process.

Legal References:

EDUCATION CODE

56205(a)

56320-333

56380(a)

CCR Title 5, 3021-3029

FEDERAL REFERENCES

20 USC Section 1412(a)(7),

34 CFR Section 300.128, 300.220

Federal Assurance Administrative Regulation

Special Education Local Plan

FAAR 7

Evaluation

TRIENNIAL ASSESSMENTS

Each local education agency, including out of geographic area charter schools/LEAs, shall conduct a reassessment of each child with a disability if conditions warrant a reassessment, or if the child's parent or teacher requests a reassessment, but at least once every three years. The determination of whether a child requires a reassessment shall be made in accordance with IDEA.

LEA Superintendents' Council approval 4/26/05
Revised 06/07

SECTION 8

CONFIDENTIALITY

Federal Assurance Policy

Special Education Local Plan

FAP 8

CONFIDENTIALITY

It shall be the policy of this LEA that the confidentiality of personally identifiable data information and records maintained by the LEA relating to children with disabilities and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act (FERPA).

Legal References:

EDUCATION CODE

56205(a)

FEDERAL REFERENCES

20 USC Section 1412(a)(8)

LEA Board approval 5/20/03
Revised 06/07

Federal Assurance Administrative Regulation

Special Education Local Plan

FAAR 8

CONFIDENTIALITY

The terms:

Parent

means a natural parent, an adoptive parent, or legal guardian. If parents are divorced or legally separated, only the parent having legal custody of the pupil may challenge the content of a record, offer a written response to a record, or consent to release records to others provided, however, that either parent may grant consent if both parents have notified the district in writing that such an agreement has been made. Whenever a pupil has attained the age of 18 years or is attending an institution of post-secondary education, the consent required of and the rights accorded to the parents or guardians of the pupil shall thereafter only be required of and accorded to the pupil.

Pupil Record

means any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school district or required to be maintained by an employee in the performance of his/her duties whether recorded by handwriting, print, tapes, film, microfilm or other means. Pupil records include information relating to an individual pupil gathered inside or outside the school system and maintained within the school system, regardless of the physical form in which it is maintained. Any information maintained for the purpose of second party review is considered a pupil record.

Informal Notes

are those documents related to a pupil compiled by a school official or employee which remain in the sole possession of the author and are not accessible or revealed to any other person except a substitute. Substitute means a person who performs the duties of the individual who made the notes on a temporary basis, but does not refer to a person who permanently succeeds the author of notes in his/her position.

Access

means a personal inspection and review of a record or an accurate copy of a record, an oral description or communication of a record or of an accurate copy of a record, or a request to release a copy of any record.

Pupil

means a person who is or was enrolled in a school.

Adult Pupil

means a person who is or was enrolled in school and who is at least 18 years of age.

Eligible Pupil

means a person 16 years or older who has completed Grade 10.

School Officials and Employees

as used in this regulation means district or county employees.

Legitimate Education Interest

of a school official or employee shall be determined according to the following criteria:

- Those school officials, teachers, and other employees who currently have direct education contact with or responsibility for said pupil or program.

CONFIDENTIALITY

The local education agencies of Yuba County SELPA including out of geographic area charter schools/LEAs ensure only parents and other persons authorized by law are permitted to inspect and review official records, files, and data concerning students.

SECTION 9

PART C, TRANSITION EARLY INTERVENTION PROGRAMS

Federal Assurance Policy

Special Education Local Plan

FAP 9

PART C, TRANSITION

It shall be the policy of this LEA that a transition process for a child who is participating in Early Intervention Programs (IDEA, Part C) with an IFSP is begun prior to a toddler's third birthday. The transition process shall be experience smooth, timely and effective for the child and family.

Legal References:

EDUCATION CODE

56205(a)(9)

56429

17 CCR 52140

FEDERAL REFERENCES

20 USC 1412(a)(9)

20 USC 1431

SECTION 10

CHILDREN IN PRIVATE SCHOOLS

Federal Assurance Policy

Special Education Local Plan

FAP 10

PRIVATE SCHOOLS

It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private school shall receive special education and related services in accordance with local 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.

Legal References:

EDUCATION CODE

56205(a)(9)

FEDERAL REFERENCES

20 USC 1412(a)(10)(A-C)

CFR 300.454

Federal Assurance Administrative Regulation

Special Education Local Plan

FAAR 10

PRIVATE SCHOOLS

The identification, referral, assessment and eligibility criteria processes are the same for private school students as for public school students and will be provided by the student's LEA of service.

LEAs in Yuba/Sutter area have developed a cooperative agreement to evaluate and service students with special needs in private schools.

The students enrolled in the private school programs by their parents are afforded the amount expended for the provision of those services by a local agency (LEA) equal to a proportionate amount of federal funds made available under Individuals with Disabilities Education Act (IDEA), Part B.

Legal Reference:

EDUCATION CODE

56205(a)(10)

LEA Superintendents' Council approval 4/26/05
Revised 06/07

SECTION 11

LOCAL COMPLIANCE ASSURANCES

Federal Assurance Policy

Special Education Local Plan

FAP 11

COMPLIANCE ASSURANCES

It shall be the policy of this LEA that the local plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act, the Federal Rehabilitation Act of 1973, Section 504 of Public Law and the provisions of the California Education Code, Part 30.

Legal References:

EDUCATION CODE

56205(a)(11)

FEDERAL REFERENCES

20 USC 1412

SECTIONS 12

INTERAGENCY

Federal Assurance Policy

Special Education Local Plan

FAP 12

INTERAGENCY

It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for FAPE are provided, including the continuation of services during an interagency dispute resolution process.

Approved by LEA 06/07

List of MOUs with agencies and dates

GOVERNANCE

GOVERNANCE

It shall be the policy of this LEA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the Local Plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Educational Agency.

Legal References:

EDUCATION CODE

56205(a)(12)

56001 (f)

56190-4

56195.1(b)(c)

56195.3

56195.9

56205(b)(4)

56205(b)(5)

47640-47647

FEDERAL REFERENCES

20 USC 1412(a) (13)

20 USC 1413(a)(1)

20 USC 1413(a)(5)

Yuba County SELPA

DESCRIPTION OF THE GOVERNANCE AND ADMINISTRATION

Purpose

The Yuba County Special Education Local Plan Area (SELPA) described herein is a joint county/district plan. Yuba County SELPA is composed of five local education agencies (LEAs), the Yuba County Office of Education, and four out of geographic area charter LEAs.

56200 c (1) 5

The function of Yuba County SELPA is to assure provision of a continuum of special education programs, services, and supports to eligible individuals through coordinated efforts of local educational and community agencies.

The function of Yuba County SELPA for out of geographic area charter LEAs is to assure provision of a continuum of special education programs, services and supports to eligible individuals through coordinated efforts of local and regional educational and community agencies.

Governing Boards

Each Board of Education is responsible for approving the participation of their LEA in the local plan for special education. 56205 a (12)

The Boards of Education are responsible for the preparation and approval of budgets, hiring personnel, and setting policy for their districts.

Each LEA designates the superintendent to represent the Board in SELPA policy development. 56205

Responsible Local Agency/Administrative Unit

The Responsible Local Agency (RLA) is the Yuba County Office of Education. The Yuba County Superintendent of Schools is the RLA Superintendent. The Yuba County Office of Education is the Administrative Unit (AU). 56205 (a) (12)

Through agreements developed and approved through SELPA governance, special education funds are received and distributed to local education agencies.

For continuity, the out of geographic area charter LEAs contract with their original chartering LEA within Yuba County SELPA for business services. Fiscal management and oversight is provided by cooperative effort of SELPA, county, contractor LEA, out of geographic area charter school consortium and charter LEAs.

Description of Governance

There are three governance levels and two advisory units in Yuba County SELPA. The governance levels include: Superintendents' Council, Operations Council, and Trustee Council. The advisory units include: Finance Advisory Committee and Community Advisory Committee.

Superintendents' Policy Council

The LEA governing boards agree that they shall participate in the operation of the SELPA for the purposes of ensuring provision of programs and services. The Superintendents' Policy Council facilitates this responsibility. Each superintendent, or administrative designee, participates in the Policy Council meetings as representatives of their district/LEA and one (1) charter school chief officer acts on behalf of all out-of-geographic area local education agencies as representative of the out-of-geographic area charter school consortium.

The Superintendents' Policy Council is responsible for the following areas:

1. Approval of policy for the SELPA regionalized services and program specialists
2. Approval of budget for the SELPA regionalized services and program specialists
3. Review of the annual budget and service delivery plans
4. Approval of regulations and procedures for the operation of the SELPA
5. Review and recommendation to resolve conflicts referred from Operations Council

One representative from each agency shall be appointed to represent the LEA on Superintendents' Policy Council. The representative shall be a voting member and have one vote. The LEAs represented are: Camptonville Union Elementary, Wheatland, Wheatland Union High, Marysville Joint Unified, Plumas Lake School District, Yuba County Office of Education and California Montessori Project Consortium. There is one vote for California Montessori Project as a Consortium.

The Superintendents' Policy Council reviews and adopts SELPA policies, procedures, regulations, agreements and Memoranda of Understanding. The SELPA administrator will draft recommended policies in consultation with LEA representatives. The RLA Superintendent will submit the recommended policies to the Superintendents' Council For review or adoption. LEA Superintendents and out of geographic area charter LEA consortium will review the policies with their boards, and if appropriate, seek adoption.

Local Education Agency Administrators

District and county administrators for special education are responsible for the operation of programs and services to students. They provide for assessment, instructional planning, placement, and review of pupils through the Individualized Education Program teams. LEAs ensure that all eligible pupils have access to special education programs within their areas. 56205 (a) (12) (D) (ii) (III)

LEAs ensure that pupils have access to special education programs based on current needs, contingency planning, and long-range projections, including California Montessori Project Consortium of out of geographic area charter LEAs.

Each Local Education Agency administrator of special education is a member of Operations Council for the purpose of participating in the administration of the SELPA.

The California Montessori Project Consortium of out of geographic area charter schools will be represented by and an administrator of special education programs familiar with the needs and programs of member LEAs.

Operations Council

The governing boards of Yuba County SELPA establish an Operations Council to develop procedures for the operation of programs and services within the SELPA. The Council will be chaired by the SELPA Administrator.

Operations Council Responsibilities

The Operations Council has the following responsibilities:

1. Recommend changes in programs or staffing patterns within the SELPA
2. Coordinate and review timely submission of data for reporting purposes
3. Coordinate and review timely submission of fiscal reports
4. Recommend changes in policy to Superintendents' Policy Council
5. Review and recommend regionalized services and program specialists' budgets to the Superintendents' Council
6. Coordinate the development and implementation of staff development and inservice training
7. Provide agendized opportunity at monthly meetings for public to ask questions or address concerns
8. Adopt policies consistent with existing agreements
9. Review requests from LEAs for low incidence equipment

The members participating in Operations Council include: Marysville Joint Unified, Wheatland, Wheatland High, Yuba County Office of Education, Yuba County Superintendent of Schools, Plumas Lake, and California Montessori Project Consortium of out of geographic area charter LEAs. Camptonville, as a direct service district, is represented by the Yuba County Superintendent of Schools. Each member has one vote in Operations Council.

Trustee Council

The Boards of Education within the Yuba County SELPA each appoint a representative to the Trustee Review Board to encourage and promote communications between the district boards and the RLA.

The out of geographic area Charter LEAs will appoint a California Montessori Project Board member representative to the Trustee Council.

Local Education Agency Participation

Each of the LEAs participates in the operation of the SELPA. Each LEA within Yuba County shall be responsible for providing access to special education programs and services to each individual with exceptional needs residing within district boundaries. The district of residence may utilize any of the following options to develop or to

determine an appropriate public education program for a special education pupil in accordance with least restrictive environment philosophy:

1. Remain in regular education with supportive assistance
2. Placement in a district operated special education program or service
3. Referral and consideration for placement in a County Office of Education program and/or service
4. Referral and consideration for placement in an adjacent district/SELPA operated special education program and/or service
5. Referral and consideration of an interagency team or community agency option
6. Referral and consideration for placement in a non-public nonsectarian school and/or agency for special education program and/or service
7. Referral and consideration for diagnostic services and/or placement in a state school

For the out of geographic area charter LEAs, the least restrictive environment philosophy may be implemented through a network of site, local, county, regional, and agency providers.

Local Education Agency Governing Board Responsibilities

The LEA governing boards, including the governing board of California Montessori Project Consortium of out of geographic area charter LEAs, are responsible for:

1. Administration of LEA special education programs and services
2. Provision of staffing for services
3. Provision of program/services for pupils
4. Provision of Management Information System (MIS) data in the SELPA
5. Representation of the LEA in due process

Each LEA in the SELPA will:

1. Participate or be represented in Operations Council and/or Superintendents' Policy Council
2. Advise Operations Council of any special education placements available in that agency
3. Cooperate in providing services for other LEAs within the area
4. Participate in the implementation of the Local Plan
5. Participate in the development and implementation of policies

Conflict Resolution

When an LEA, or LEA consortium, has a conflict or special education issue that requires resolution, the conflict will be presented either in person or in writing to the Operations Council. If Operations Council cannot resolve the issue, it will refer the matter with recommendations to Superintendents' Policy Council. The highest level of conflict resolution is Trustee Council.

Appeals/Dispute Resolution: Trustee Review Board

In addition to regular once per year meetings, the Trustee Review Board may also be convened to hear appeals from the individual LEAs at the request of the LEA representative to Superintendents' Council. Such hearings are viewed as a mechanism for resolving any possible conflict, including distribution of funding and/or responsibility

for provision of services, arising from the operation of the local plan for special education. At the beginning of this type of meeting, one trustee will be elected to serve as chair for that meeting only. In the event the Trustee Council is unable to reach resolution on the issue, the chair has the authority for decision-making.

Procedure to Change Governance Structure

By February 1st of the year prior to any requested change, any participating governing board may petition to reconsider its participation in the Local Plan area in accordance with Education Code 56171 (b). The Operations Council and Superintendents' Council shall be notified in writing. If the change results in additional Local Plans within the Yuba County area, assurance must be made that the plan is compatible with other local plans in the county. In addition, the State Director of Special Education will be notified after the application or petition by a governing board is made. The change will become effective on July 1st of the year following the final approval by Operations Council/ Superintendents' Council.

Administration of the SELPA

The SELPA performs the following administrative functions pursuant to Education Code 56836:

1. Coordination of the SELPA
2. Coordinated system of identification and assessment
3. Coordinated system of procedural safeguards
4. Coordinated system of personnel development
5. Coordinated system of staff development and parent education
6. Coordinated system of curriculum development and alignment
7. Coordinated system of data collection and management
8. Coordinated system of evaluation of the effectiveness of the Local Plan, including internal program review and accountability
9. Coordination of interagency agreements
10. Coordination of services to medical facilities
11. Coordination of services to licensed children's institutions (LCIs) and foster homes
12. Coordination of services to juvenile court schools and count court community schools
13. Preparation and transmission of required special education local plan area reports
14. Fiscal and logistical support of the Community Advisory Committee
15. Coordination of transportation services for individuals with exceptional needs
16. Coordination of career and vocational education and transition services for individuals with exceptional needs
17. Assurance of full educational opportunity to students served under the local plan
18. Fiscal administration and allocation of state and federal funds pursuant to 56836.01
19. Direct instructional program support through program specialist program in accordance with 56368

Regionalized Services Staff

The RLA Superintendent, or designee, employs and supervises SELPA staff. Staff hired for regional services include: a SELPA administrator, program specialists, and clerical support.

Recommendations for the development of positions and acquisition of personnel are developed by the Operations Council and approved by the Superintendents' Council. Duty assignments are determined by Operations Council. The Yuba County Office of Education employs and utilizes its personnel practices and procedures for employment.

Staff members hired under these provisions will be funded by regionalized services/program specialist funds, except in the case of instructional staff, who would be funded from AB 602 funds. The evaluation of staff is the responsibility of the hiring agency with assistance, as appropriate, of the LEA using the service.

The SELPA Administrator will be evaluated biannually by the RLA Superintendent with participation in the form of oral or written input from Operations and Superintendents' Council members.

The duties of the SELPA Administrator include:

1. Receipt and distribution of funds based on governing council recommendations and approval
2. Administration and coordination of the Local Plan implementation, including:
 - a. Coordinating in-service programs
 - b. Reporting pupil counts
 - c. Conducting child-find and public awareness efforts, as appropriate
3. Provision of administrative support
4. Representation of the SELPA at administrators' meetings
5. Implementation of policies for due process decisions
6. Other responsibilities requested or recommended by Operations Council and approved by Superintendents' Council.

Program Specialist

The Yuba County SELPA employs Program Specialists. The Superintendents' Council assigns this staff to the RLA as the employing agency. Program Specialists are supervised and evaluated by the SELPA Administrator and/or RLA County Office designee. The Program Specialists provide SELPA-wide support to all special education programs.

Program Specialists hold valid special education credentials, clinical services credentials, health services credentials, or a school psychologist authorization and have advanced training and experience in the education of individuals with exceptional needs, including preschool and career and vocational development.

Program Specialists conduct observations, consult with and assist teachers and designated instruction and services instructors. Program Specialists are responsible for program planning, coordination of curriculum, and evaluation of program for individuals with exceptional needs. Program Specialists participate in staff development with LEAs throughout the SELPA. (56368)

The allocation of funding for Program Specialists is determined by Operations Council and approved by Superintendents' Council annually. The determination is made in the following manner:

1. Prior to February 1 of each year, the Operations Council reviews the projected funding allocations for the upcoming year
2. The Operations Council reviews the present services being provided and discusses any recommendations for modification of the present allocation
3. The Operations Council develops a plan for the allocations of the program specialist funds. The plan is presented at the joint meeting of Operations and Superintendents' Council in February.

Regional Services

LEAs in Yuba County SELPA, and the out of geographic area charter LEAs consortium, may contract with another public agency to provide special education or related services to an individual with exceptional needs. Master contract and individual service agreement forms are adopted with approval of Operations Council. Billing procedures are approved by Operations Council. (56369)

Finance Advisory Committee

The Chief Business Officers of the Yuba County SELPA LEAs, and one business representative appointed by the chief administrative officer of the out of geographic area charter LEAs, meet at least twice each year to prepare, compile and review LEA summaries of special education expenditures in the development of SELPA allocation plan. Summaries of federal, state and local fund allocations for special education are presented to Operations Council for monitoring and review. Recommendations of the Finance Advisory Committee are presented to Operations Council, Superintendents' Council or Joint meetings for decision. 56205 (a)(12)(D)(ii)(IV)

Community Advisory Committee

The Community Advisory Committee (CAC) represents parents, special and general education teachers and special education administrators within the SELPA. The CAC plays a communication and advisory role for the SELPA. The Yuba County CAC has developed bylaws to describe purpose, operation and procedures. 56205 (a)(12)(E)

Each LEA, including charter LEAs, will select a parent to participate in the Yuba County SELPA Community Advisory Committee.

Because of the geographic diversity within Yuba County SELPA, CAC meetings may be conducted using video conferencing. Additional parents may participate in CAC, as guests.

CAC Responsibilities

1. Advising in the development, amendment and review of the Local Plan. The CAC shall have thirty (30) days to review the Local Plan prior to submission to the State Department of Education.
2. Recommending annual priorities to be addressed by the plan and the CAC.

3. Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the Local Plan.
4. Encouraging community involvement in the development and review of the Local Plan and encouraging community involvement in scheduled trainings and workshops regarding individuals with disabilities.
5. Supporting activities on behalf of individuals with exceptional needs.
6. Promoting regular school attendance.
7. Establishing bylaws and guidelines to govern committee operations.

SECTIONS 14

PERSONNEL QUALIFICATIONS

Federal Assurance Policy

Special Education Local Plan

FAP 14

PERSONNEL QUALIFICATIONS

It shall be the policy of this LEA to ensure that personnel providing special education related services meet the highly qualified requirements as defined under federal law, including that those personnel have the content knowledge and skills to serve children with disabilities.

This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the CDE about staff qualifications.

Legal References:

EDUCATION CODE

56205(a)

State Board Policy 6/11/98

FEDERAL REFERENCES

20 USC 1412(a)(14)

1413(a)(3)

Federal Assurance Administrative Regulation

Special Education Local Plan

FAAR 14

PERSONNEL QUALIFICATIONS

The Local Education Agencies in Yuba County SELPA make an ongoing, good faith effort to recruit and hire appropriately and adequately trained personnel, as defined by state standards to provide special education and related services to children with disabilities.

Yuba County SELPA will comply with requirements of personnel standards by collecting and reviewing data collected from LEAs for the annual Special Education Personnel Report. Data is submitted annually to California Department of Education Management Information System by due dates.

LEAs, including out of geographic area charter consortium LEAs, ensure that personnel providing special education related services meet the highly qualified requirements as defined under federal law.

Legal References:

EDUCATION CODE

56205(a)

State Board Policy 6/11/98

FEDERAL REFERENCES

20 USC 1412(a)(14-15)

1413(a)(3)

SECTION 15

PERFORMANCE GOALS AND INDICATORS

Federal Assurance Policy 15

It shall be the policy of this LEA to comply with the requirement of the performance goals and indicators developed by the CDE and provide data as required by the CDE.

20 USC 1412 (a)(15)

Federal Assurance Administrative Regulation

Special Education Local Plan

FAAR 15

Yuba County SELPA will comply with requirements of performance goals and indicators by collecting data from LEAs and submitting to California Department of Education Management Information System by due dates.

Key performance and state performance indicators for each LEA are reviewed annually in Operations Council.

MIS meetings are coordinated through YCOE for LEA staff collecting and processing information locally. MIS users are encouraged to participate in vendor support meetings and state CASEMIS meetings.

SECTION 16

PARTICIPATION IN ASSESSMENTS

Federal Assurance Policy

Special Education Local Plan

FAP 17

PARTICIPATION IN ASSESSMENTS

It shall be the policy of this LEA that students with disabilities are included in general State and district-wide assessment programs. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments, consistent with state standards governing such determinations.

Legal References:

EDUCATION CODE

56205(a)

FEDERAL REFERENCES

20 USC 1412(a)(16)

Federal Assurance Administrative Regulation

Special Education Local Plan

FAAR 17

ASSESSMENT

The LEAs of Yuba County SELPA are committed to all students having access to state and/or LEA assessments.

The SELPA will provide guidance in the IEP Manual for team decision-making using the accommodation matrix.

A student shall be permitted to take exams or assessments with the accommodations and/or modifications as identified in the IEP or 504 plan. School personnel have a responsibility for ensuring special education students have appropriate accommodations and/or modifications to meet the individual needs of the students and allow access to all State and LEA assessments.

Legal Reference:

EDUCATION CODE

56205(a)

LEA Superintendents' Council approval 06/07

SECTION 17

SUPPLEMENTATION OF STATE, LOCAL AND OTHER FEDERAL FUNDS

Federal Assurance Policy

Special Education Local Plan

FAP 18

SUPPLEMENTATION OF STATE/FEDERAL FUNDS

It shall be the policy of this LEA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable Provisions of the IDEA; will be used to supplement and not to supplant state, local and other Federal funds.

Legal References:

EDUCATION CODE

56205(a)(18)

FEDERAL REFERENCE

20 USC 1412(a)(18)

State Required Policy

Special Education Local Plan

SRP 25

SUPPLEMENTATION OF STATE AND FEDERAL FUNDS

Allocation Plan: Revenue and Expenses

State and federal revenues received by Yuba County SELPA are equitably allocated to LEAs based on student and program needs, historical averaging, and funding formulas. The Yuba County SELPA funding allocation plan ensures that cost effective services are available for all students within the SELPA. The plan does not create an incentive to place students in special education programs. The plan accommodates growth and decline by individual LEAs and the addition of other special education program providers such as charter schools.

LEAs acknowledge that state and federal revenues shall not cover the total costs of special education services. The prior year use of services and the estimate current year funding is the basis for budgeting.

The Yuba County Office of Education business office prepares reports and distributes state and federal funds according to local agreements and approval of governance councils.

Legal References:

EDUCATION CODE

56205(a)(12)(D)(ii)(II), 56195, 56195.7(h)(4)(i)

SECTION 18

MAINTENANCE OF FINANCIAL EFFORT

Federal Assurance Policy

Special Education Local Plan

FAP 19

MAINTENANCE OF EFFORT

It shall be the policy of this LEA that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in Federal law and regulations.

Legal References:

EDUCATION CODE

56205(a)(19)

FEDERAL REFERENCES

20 USC 1412(a)(19)

CFR 30.231-2

LEA Board approval 5/20/03

SECTION 20

PUBLIC PARTICIPATION

Federal Assurance Policy

Special Education Local Plan

FAP 20

PUBLIC PARTICIPATION

It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA.

Legal References:

EDUCATION CODE

56205(a)

FEDERAL REFERENCE

20 USC 1412(a)(20)

SECTIONS 20/21

Rule of Construction State Advisory Panel

Federal Assurance Policy

**20. Rule of Construction
20 USC 1412 (a) (20)**

**21. State Advisory Board
20 USC 1412 (a) (21)**

**These are federal requirements for State
Education Agency only.**

Section 22

SUSPENSION AND EXPULSION RATES

Federal Assurance Policy

Special Education Local Plan SUSPENSION/EXPULSION

FAP 22

The LEA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies, procedures and practices related to the development and implementation of the IEPs will be revised.

Legal References:

EDUCATION CODE

56205(a)

FEDERAL REFERENCE

20 USC 1412(a)(22)

SECTION 23

ACCESS TO INSTRUCTIONAL MATERIALS

Federal Assurance Policy

Special Education Local Plan

FAP 23

Access to Instructional Materials

It shall be the policy of this LEA to provide instructional materials to blind and other students with print disabilities in a timely manner according to the state adopted National Materials Accessibility Standard.

20 USC 1412 (a) (23)

Overidentification and disproportionality

It shall be the policy of this LEA to prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities.

20 USC 1412 (a) (24)

Prohibition on Mandatory Medicine

It shall be the policy of this LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services.

20 USC 1412 (a) (25)

Distribution of Funds

Federal requirement for state Education Agency only

20 USC 1411 (e) (F) (1-3)

Data

It shall be the policy of this LEA to provide data or information to the California Department of Education that may be required by regulations.

20 USC 1418 a-d

Reading Literacy

It shall be the policy of this LEA that in order to improve the educational results for students with disabilities, SELPA Local Plans shall include specific information to ensure that all students who require special education will participate in the California Reading Initiative.

(State Board requirement, 2/99)

Charter Schools

It shall be the policy of this LEA that a request by a charter school to participate as an local educational agency in a special education local plan area may not be treated differently from a similar request made by a school district.

EC 56207.5 (a-c)

PROVISION OF SPECIAL EDUCATION SERVICES TO STUDENTS VOLUNTARILY ENROLLED IN CHARTER SCHOOLS

Introduction

This policy applies to all charter schools that are authorized by a member LEA of Yuba County SELPA or granted LEA status in the Yuba County SELPA.

Students enrolled in charter schools are entitled to special education services provided in a like manner to students enrolled in other public schools. Charter schools within the SELPA shall comply with all applicable requirements of state and federal law regarding provision of special education services (Education Code section 56000 et seq., Individuals with Disabilities Education Improvement Act 20 U.S.C. Chapter 33). A charter school shall not discriminate against any pupil in its admission criteria on the basis of disability. Funding for special education services, participation in the governance structure and responsibility for provision of services shall be based on the categorization of the individual charter school.

Charter schools should delineate in their petition or a memorandum of understanding (MOU) the entity responsible for providing special education instruction and services. This document should reference any anticipated transfer of special education funds between the granting entity and the charter school and any provisions for sharing deficits in funding. This document should affirm, in writing, that the district where the student resides, if different than the chartering entity, is not responsible for providing special education services to students that are enrolled in the charter school.

SELPA Involvement with Approval and Renewal of Charters

Prior to approval or renewal of a charter, the superintendent or designee of the chartering entity should consult with the SELPA Administrator regarding the sufficiency of assurances in the petition related to the provision of special education services. The petition presented should include assurances that all eligible students enrolled in the charter school will receive appropriate special education services in accordance with applicable state and federal laws and regulations as well as the Local Plan. The petition must provide that no student otherwise eligible to enroll in the charter school will be denied enrollment due to a disability or to the charter school's inability to provide necessary services. In compliance with Education Code section 47605, each charter petition must contain a reasonably comprehensive description of the charter school's educational program. These descriptions should include descriptions of special education services, including the following:

- The specialized instruction and services available at the charter school;
- The procedures for ensuring that students are referred, assessed and served in a timely manner;
- Assurances that staff members providing special education services are appropriately credentialed;

- Assurances that the facility used by the charter school does not present physical barriers that would limit an eligible student's full participation in the educational and extracurricular program;
- Assurances that disenrollment, suspension and expulsion policies and procedures must ensure that the aff ord the protections of federal and state law are afforded to special education and 504 eligible students; and
- Dispute resolution procedures that will apply to any disputes between educational entities, including the SELPA and its member LEAs, regarding the provision of special education services in the charter school.

Categories of Charter Schools

For the purposes of provision of special education services; charter schools shall be deemed either a public school within the chartering district or an LEA that receives funds and provides services independent of the chartering entity. All approved charter schools will be deemed public schools within the chartering entity until the charter school has been deemed an LEA following this policy and the Local Plan for Special Education (Local Plan).

A. Public School Within a School District or County Office

Charter schools that are deemed to be public schools within the chartering entity will participate in state and federal funding in the same manner as other schools or programs within the chartering entity. The chartering entity will be responsible for ensuring that all children with disabilities enrolled in the charter school receive special education and designated instruction and services in a manner that is consistent with all applicable provisions of state and federal law, no matter where the student may reside. The chartering entity will determine the policies and procedures necessary to ensure that the protections of special education law extend to students in the charter school in the same manner as students enrolled in other schools or programs administered by the chartering entity.

The chartering entity will:

- Receive all applicable special education funds. Funds will be allocated in the manner specified by the SELPA allocation plan;
- Represent the needs of the charter school in the SELPA governance structure;
- Be responsible for ensuring that all eligible students enrolled in the charter school are appropriately referred, assessed and served in a timely manner, no matter where the child may live;
- Be responsible for procuring and funding appropriate special education services; and
- Provide necessary special education services or contract for these services with public or private educational agencies.

The chartering entity and the charter school may enter into business agreements or contracts whereby the charter school agrees to pay for the excess costs associated with providing special education services to identified students, including the administration of special education programs. When the chartering entity is a district, the charter school should be held fiscally responsible for a fair share of any encroachment on district general funds that is created by the provision of special education services throughout the district¹. The chartering entity may not condition granting a charter on a provision that the charter school must become an LEA.

B. Charter School As An LEA Within The SELPA

A charter school that includes in its petition for establishment or renewal, or that otherwise provides verifiable written assurances that the charter school will participate as an LEA for the purposes of providing special education, may apply to become a member of the Yuba County SELPA, or another approved SELPA.

Charter schools that wish to become member LEAs in the Yuba County SELPA must submit their application must be made to the SELPA on or before January 1 of the school year proceeding the school year in which the charter school anticipates operating as a member LEA within the SELPA, unless Superintendents' Council approves an expedited process. If approved, the charter school LEA will become a member effective on July 1 of the school year in which final approval was granted. If disapproved, the SELPA administrator will provide the applicant with a written finding that delineates the reason(s) for disapproval.

Once granted membership within the SELPA, the LEA charter school will participate on an equal basis with other members in the governance of the SELPA. A charter school LEA will have equal voting power with non-charter LEAs as described in the governance section of the Local Plan.

The applicant charter school will be deemed a member LEA if the Council of Superintendents determines that the charter school has met all requirements to be included as a member LEA of the SELPA as specified in this policy and the Local Plan. These requirements include:

- Provide assurances that all enrolled individuals with exceptional needs have access to appropriate special education programs and services;
- Provide assurances that the LEA, through employment or contract, can provide the appropriately credentialed staff necessary to meet federal and state special education mandates;
- Provide assurance that the LEA will follow all applicable SELPA policies and procedures, including but not limited to;
 - Identification, referral and placement (Part B, Section 1(A))

¹ EC 47646 requires that the chartering entity, if a district, charge the charter school *its* pro-rata share of district-wide encroachment. However, for consideration, the district may waive this charge. Specifics should be included in an MOU or business agreement.

- Procedural safeguards (Part B, Section 1(B))
- Regionalized services, including excess costs (Part B, Section 1)
- Placement procedures and funding for students placed in Hospitals, Licensed Children’s Institutions, Juvenile Court/Community School programs (Part B, Section 1 (E)(F)(G))
- Costs of programs and services, including transportation (Part B, Section 1 (H))
 - Use SELPA approved forms in an appropriate manner;
 - Attend SELPA sponsored in-service and trainings;
 - Place special education students in inter or intra- SELPA programs only with the expressed consent of the receiving entity and under the condition that the placing entity will be responsible for any excess costs attributable to the placement.
 - Accept inter-intra SELPA placements only with agreement between the educational entities. Under such circumstances, the placing LEA will be responsible for any excess costs, including transportation, in accordance with the Local Plan; and
 - Indemnify and hold harmless the SELPA and each of the member entities.

Once deemed a member LEA, the charter school, like other member LEAs shall:

- Fully participate in governance of the SELPA in the manner outlined in the Local Plan;
- Accept all responsibilities of an LEA in the implementation of the Local Plan;
- Fully comply with policies and procedures outlined in the Local Plan;
- Contribute to, participate in, and receive the benefits of Regionalized Services;
- Receive state and federal funding for special education in accordance with the SELPA funding Allocation Plan;
- Receive any available federal funds one year in arrears and calculated based on applicable special education counts;
- Be responsible for all costs incurred in the provision of special education services, without regard for the location in which the student may reside. These costs may include, but are not limited to, instruction, services, transportation, nonpublic school/agency placements, inter/intra SELPA placements, due process proceedings, complaints and attorney fees;

- Document that all state and federal special education funds apportioned to the charter school are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities. Such funds shall be used to supplement and not supplant other sources of federal, state and local funds apportioned to charter schools; and
- Return any special education apportionment not used solely for the purpose of providing special education instruction and/or services to identified students with disabilities. With the exception that charter schools may retain an agreed upon percentage for the purpose of establishing a restricted reserve account to meet unanticipated special education costs.

If the approval of a charter school requires a change in the SELPA allocation plan, such change shall be adopted pursuant to the policy making process outlined in the Local Plan. A request from a charter school to participate in the SELPA will be treated in the same manner as such a request from a school district.

Legal References:

EDUCATION CODE
47646