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

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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 shall comply with applicable requirements of state and federal law regarding provision of special education services (EC 56000 et seq., Individuals with Disabilities Education Act 20 U.S.C. Chapter 33). A charter school shall not discriminate against any pupil in its admission criteria, enrollment, or attendance 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, as dictated by the charter.

Charter schools should delineate responsibility for special education in their petition and memorandum of understanding (MOU) with their authorizing entity. This MOU should outline and explain plan for serving charter students, including division and coordination of responsibility for special education services between the authorizing entity and the charter school, any anticipated transfer of special education funds between the granting entity and the charter school and any provisions for sharing deficits in funding. This MOU should affirm, in writing, that the chartering entity and/or charter school are responsible for providing special education services to students that are enrolled in the charter school.

If the IEP team determines placement outside the charter is appropriate the charter may not disenroll the student and the charter shall maintain fiscal responsibility for the student's placement as long as the student is enrolled in the charter. If the parent chooses to disenroll the child from the charter, the charter will notify the DOR in writing.

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 Director 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 and the Local Plan.

> "LEA status may be granted for a period of up to five years congruent with the term of the charter. Upon renewal of the charter by the authorizer, LEA status will automatically be renewed for a term equal to the duration of the charter term. (CCSA)

The petition should provide that no student otherwise eligible to enroll in the charter school will be denied enrollment or disenrolled 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 academic instruction and related 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;
- Disenrollment, suspension and expulsion policies and procedures must ensure that the procedural protections of federal and state law are afforded to special education and 504 eligible students;
- Dispute resolution procedures which apply to any dispute between educational entities, including the SLEPA, regarding the provision of special education services in the charter school; and
- How charter school intends to make full continuance of program options available to its students.

Categories of Charter Schools

For the purposes of provision of special education services, charter schools shall be deemed either a public school of the chartering entity or a Local Education Agency (LEA) that is responsible to provide services independent of the chartering entity. An approved charter school will be deemed a public school of the chartering entity until the charter school has been deemed a LEA pursuant to the charter, the law, policy, and the Local Plan.

A. Public School of the Chartering Entity

Charter schools that are deemed to be public schools of the chartering entity will participate in state and federal funding in the same manner as other schools within the chartering entity, at the discretion of the chartering entity. The chartering entity in cooperation with the charter school will be responsible for ensuring that all children with disabilities enrolled in the charter school receive special education and designated instructional 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 administered by the chartering entity,

and the manner in which special education and related services to charter students is funded and/or provided.

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 providing, procuring and/or 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 agreements (MOUs) whereby the charter school agrees to pay for excess costs associated with providing special education services to THEIR identified students, including the administration of special education programs. When the chartering entity is a district, the charter school may also be held fiscally responsible for a fair share of any encroachment on district general funds for the provision of special education services throughout the district. The chartering entity may not condition granting a charter on a provision that the charter school must become a LEA member of (any) SELPA.

B. Charter School as a LEA member of 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 a LEA member of a SELPA for the purposes of providing special education, may apply to become a member of the SELPA. The petition or other written assurance should state that prior to final approval of a request and any local plan amendments to be deemed a LEA, the charter school is deemed a public school within the chartering entity.

Charter school wishing to become an LEA member of a SELPA shall follow all notification timelines required by the Education Code and CDE, including notifying all SELPAs affected by such change in status. Application must be made to the SELPA by July 1 of the school year proceeding the school year in which the charter school wishes to (operate) as an LEA within the SELPA. If approved as a LEA member of the SELPA, the effective date of membership is July 1 following final approval. The review and approval of the application shall be treated in the same manner as a request from another district to join the SELPA. If the approval of a charter school requires a change in the SELPA's Local Plan and Allocation Plan, such changes shall be adopted pursuant to the policy making process outlined in the Local Plan.

Charter School Policy

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

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

- Provide assurance that the charter LEA will independently comply with applicable requirements of the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), federal regulations relating thereto, and Part 30 of the California Education Code, and state regulations relating thereto.

- Provide assurance that the charter LEA will comply with all SELPA policies, procedures and the Local Plan;

- Provide assurances that all enrolled individuals with exceptional needs have access to appropriate special education programs and services and the full continuum of program options and services;

- Provide assurances that the charter LEA, through employment or contract, can provide appropriately credentialed staff necessary to comply with applicable laws and regulations;

- Use only the Shasta County SELPA-approved forms in an appropriate manner, pursuant to direction by the SELPA, and enter IEP information in the SELPA's database(s);

- Attend SELPA sponsored in-service trainings (as appropriate);

- Place special education students enrolled in the Charter School in special education programs operated by other LEAs within the SELPA only with the expressed consent of the receiving entity and under the conditions that the charter school will be responsible for any excess costs attributable to the placement;

- Accept 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; and

- Provide assurances that the charter LEA will (expend) special education funds consistent with the law.

Once deemed a member LEA, the charter school will be responsible for and entitled to the following:

- Participate in governance of the SELPA in the same manner as other districts within the SELPA.
- Accept all responsibilities of a 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 regionalized services in the same manner as other districts within the SELPA.
- Receive state and federal funding for special education in the same manner as other districts within the SELPA.
- Be responsible for all costs incurred in the provision of special education services. These costs may include, but are not limited to, instruction, 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 may only be used for statutorily allowable costs.
- Return to the SELPA, 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 as federal law permits