

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION

Definitions

Free and appropriate education (FAPE) means special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the California Department of Education including the requirements of 34 CFR 300.1-300.818; include appropriate services for school-aged children K-12; and are provided in conformity with the student's individualized education program (IEP) that meets the requirement of 34 CFR 300.320-300.324. (34 CFR 300.17, 300.101, 300.104)

The right to FAPE extends to students who are suspended or expelled or placed by the Charter LEA in nonpublic school or agency services. (34 CFR 300.101, 300.104)

Full educational opportunities means that students with disabilities have the right to full educational opportunities to meet their unique needs, including access to a variety of educational programs and services available to non-disabled students. (34 CFR 300.504, 300.505; Education Code 56368) “New citing is 300.109 The State must have in effect policies and procedures to demonstrate that the State has established a goal of providing full educational opportunity to all children with disabilities, aged birth through 21, and a detailed timetable for accomplishing that goal.”

Least restrictive environment means that to an appropriate extent, students with disabilities, including children in public or private institutions, shall be educated with children who are not disabled, including in nonacademic and extracurricular services and activities. (34 CFR 300.107, 300.114, 300.117).

Special education means specially designed instruction, at no cost to the parent/guardians, to meet the unique needs of individuals with disabilities, whose educational needs cannot be met with modification of the regular instruction program. It also includes related services, provided at no cost to the parent/guardian that may be needed to assist these individuals to benefit from specially designed instruction. Special education provides a full continuum of program options, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education, to meet the educational and service needs of individuals with exceptional needs in the least restrictive environment. (Education Code 56031)

Specially designed instruction means adapting, as appropriate to the needs of an eligible child, the content, methodology or delivery of instruction to address the unique needs of the student that result from the student's disability and to ensure access of the student to the general curriculum, so that the student can meet the educational standards within the district that apply to all students. (34 CFR 300.39)

Note: Pursuant to Government Code 7579.5, when a student is a ward of the court, the Charter

LEA would appoint a surrogate parent only when the court has limited the right of the parent/guardian to make educational decisions for his/her child and the student has no responsible adult, such as a foster parent, to represent him or her. Since Welfare and Institutions Code 361 and 726 require the juvenile court to appoint a responsible adult when the court limits parental rights, it will rarely be necessary for the Charter LEA to appoint a surrogate because that appointment would be superseded by the court's appointment of a responsible adult or foster parent.

Surrogate parent means an individual assigned to act as a surrogate for the parents/guardians. The surrogate may represent an individual with exceptional needs in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP, and in other matters relating to the provision of FAPE to the individual with disability. (34 CFR 300.519; Education Code 56050)

Elements of the Local Plan

Note: Education Code 56205 details the elements that must be included in the local plan, including a requirement that the plan contain assurances of general compliance with Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the Individuals with Disabilities Education Act (20 USC 1400-1485), and the Americans with Disabilities Act (42 USC 12101-12213).

The special education local plan shall include, but not be limited to the following:

1. Assurances that policies, procedures and programs, consistent with state law, regulation, and policy, are in effect as specified in Education Code 56205(a)(1-22) and in conformity with 20 USC 1412(a) and 20 USC 1413(a)(1). (Education Code 56205)
2. An annual budget plan and annual service plan adopted at a public hearing held by the special education local plan area. (Education Code 56205)
3. A description of the process being utilized to oversee and evaluate placements in nonpublic, nonsectarian schools and the method for ensuring that all requirements of each student's IEP are being met. (Education Code 56205)
4. A description of how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environment. (Education Code 56206)
5. A description of a dispute resolution process. (Education Code 56205)
6. Verification that the plan has been reviewed by the community advisory committee in accordance with Education Code 56205 (Education Code 56205)
7. A description of the process being utilized to refer students for special education instruction pursuant to Education Code 56303. (Education Code 56205)
8. A description of the process being utilized to oversee and evaluate placements in nonpublic, nonsectarian schools and the method for ensuring that all requirements of each student's IEP are being met. (Education Code 56205)

9. A description of how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environment. (Education Code 56206)

The local plan, annual budget plan and annual service plan shall be written in language that is understandable to the general public. (Education Code 56205)

Each special education local plan area shall develop written agreements to be entered into by Charter LEAs participating in the plan. (Education Code 56195.7)

Each entity providing special education shall adopt policies for the programs and services it operates, consistent with agreements adopted pursuant to Education Code 56195.1 and 56195.7. (Education Code 56195.8)