

Mt. Diablo USD

Board Policy

Selpa Charter School Policy

BP 0420.41

Philosophy, Goals, Objectives and Comprehensive Plans

This policy applies to all charter schools that are chartered by the Mt Diablo Unified School District SELPA. This policy also applies to any charter school petition granted by the State Board of Education (SBE) in which oversight responsibilities have been assigned to the Mt. Diablo School District SELPA, (EC4605.5(k)(1)). This policy does not apply to a charter school that was chartered by, or assigned to, an entity that is not a member of the SELPA.

As students enrolled in charter schools are entitled to special education services provided in a similar manner to students enrolled in other public schools, the charter schools will comply with all requirements of state and federal law regarding provision of special education services (EC 56000 et seq., Individuals with Disabilities Education Act (IDEA) [20 U.S.C. Chapter 331] Americans with Disabilities Act). This policy does not apply to a charter school that was chartered by, or assigned to, an entity that is not a member of the SELPA.

As students enrolled in charter schools are entitled to special education services provided in a similar manner to students enrolled in other public schools, charter schools within the SELPA shall not discriminate against any pupil in its admission criteria on the basis of disability.

Charter petitioners must delineate in their petition or in a Memorandum of Understanding (MOU) the entity responsible for providing special education instruction and services. This document must 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 must affirm, in writing, that the district where the students reside, if different from the chartering entity, is not responsible for providing special education services to students who are enrolled in the charter school. The written agreement must also state that prior to final approval of a request to be deemed a Local Education Agency (LEA), the charter school will be deemed a public school within the chartering entity.

Approval and Renewal of Charters

Role of the SELPA Director

Prior to approval of a new charter school, or renewal of an existing charter school, the SELPA Director shall consult with the Governing Board of the District, or designee, to ensure that the charter school responds to District and SELPA guidelines and timelines as they relate to special education. The SELPA Director shall review all proposed charter petitions, including petitions for renewal, and advise the Board on whether the petition contains reasonable assurances that all eligible students enrolled in the charter school will receive appropriate special education services

in accordance with state and federal law and the SELPA Local Plan for Special Education (Local Plan).

Required Contents of Charter Petitions

Petitions 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. Each charter petition must also contain a reasonably comprehensive description of the charter school's educational program, as it relates to the provision of special education services, including the following:

1. The specialized instruction and services available at the charter school
2. The procedure for ensuring that students are referred, assessed, and served in a timely manner
3. Assurances that staff members providing special education services are appropriately credentialed
4. 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 programs and that the school will comply with Section 504 of the Rehabilitation Act of 1973 (34 CFR 104) (hereinafter "504")
5. Assurances that disenrollment, suspension, and expulsion procedures comply with the protections of federal and state law afforded to special education and 504 eligible students; and
6. Dispute resolution procedures that will apply to any disputes between educational entities, including the SELPA, regarding the provision of special education services in the charter school.

Categories of Charter Schools

For the purpose of providing 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 and accepted into a SELPA.

Public School within the School District

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. 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:

1. Receive all applicable special education funds as specified in the SELPA Assembly Bill 602 Funding Allocation Plan. The allocation per ADA in the charter school will be the same as that received by the chartering entity
2. Represent the needs of the charter school in the SELPA governance structure
3. Be responsible for ensuring that all eligible students enrolled in the charter school are appropriately referred, assessed and served in a timely manner
4. Be responsible for procuring and funding appropriate special education services, wherever the student may reside; and
5. Provide necessary special education services or contract for these services with public or nonpublic educational agencies

When the chartering entity is the district, the charter school must 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 district.

The district and the charter school may enter into agreements whereby the charter school is billed for excess costs associated with providing special education services to identified students, including the administration of special education programs.

Charter Schools as Independent LEAs

If a charter school wishes to be an LEA, they must apply to a district in a multi-district SELPA for authorization of their charter. Should a charter school apply to be an LEA, the SELPA will treat applications by charter schools to be independent LEAs in the same manner that the SELPA treats applications by other districts and LEAs and may refer such applications to neighboring multi-district SELPAs.

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT
adopted: December 10, 2002 Concord, California