

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, nonacademic 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)

Federal Assurance Administrative Regulation

Special Education Local Plan

FAAR 2

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. Per the Rowley Decision (1982), the Supreme Court decision indicated that the law (PL 94-142) generates no additional requirement that the services provided be sufficient to maximize each child's potential commensurate with the opportunity provided other students and that the IEP development is reasonable, and calculated to enable the child to receive educational benefit.

The LEAs within the Trinity County SELPA will consider the four-part, full inclusion test outlined in the 9th Circuit Court of Appeals decision in *Holland v. Sacramento City Unified School District*:

- The educational benefits available to the student in a general education classroom supplemented with appropriate aids and services, as compared with the educational benefits of a special education classroom;
- The non-academic benefits of interaction with students who are not disabled;
- The effect of the student's presence on the teacher and other students in the classroom.
- The cost of mainstreaming the student in a regular (general) education classroom.

Each LEA that contracts with a nonpublic, nonsectarian school shall evaluate the placement of its pupil(s) in such schools on, at least, an annual basis as part of the annual IEP review. The local education agency representative shall review the master contract, the individual services agreement, and the IEP to ensure that all services agreed upon and specified in the IEP are provided. Nonpublic, nonsectarian schools are required by the master contract and the IEP to annually evaluate the students to determine if they are making appropriate educational progress. The LEA representative shall collaboratively review with the nonpublic, nonsectarian school the evaluations conducted by the nonpublic, nonsectarian school to ensure that they were appropriate and valid for measuring pupil progress. The LEA may choose to administer additional assessments as necessary with parent consent, to determine whether the pupil is making appropriate educational progress.