

# Federal Assurance Policy

Special Education Local Plan

FAP 29

## CHARTER SCHOOLS

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

*Legal References*

**EDUCATION CODE:**

56207.5(a-c)

# Federal Assurance Administrative Regulations

## Special Education Local Plan

FAAR 29(a)

### CHARTER SCHOOLS

#### *Provision of Special Education Services to Students Voluntarily Enrolled in Charter Schools*

This policy applies to all charter schools that are chartered by educational entities located within the member districts of the Trinity County 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 a district within the SELPA. As students enrolled in charter schools are entitled to special education services provided by State and Federal funding, the charter schools will comply with all requirements of state and federal law regarding provision of special education services.

#### *Policy Statement*

Special education and related services shall be provided to all eligible individuals within the jurisdiction of the Trinity County SELPA in accordance with this Local Plan. Students enrolled in charter schools chartered by member districts shall receive special education and designated instructional services in the same manner as other students. No governing board shall grant a charter unless the charter contains assurances that special education instruction and/ or services are made available to all eligible disabled students, enrolled in the charter school, in accordance with the Individual Education Program and the Trinity County SELPA Local Plan.

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. A charter school that is deemed a Local Education Agency (LEA) will receive direct funding. Charter schools which do not meet the requirements as an LEA in the SELPA will be deemed a public school of the LEA that granted the charter and funded accordingly.

If approval of a new charter requires a change to the SELPA allocation plan, such change will be adopted pursuant to the policy making process of the SELPA.

#### *SELPA Involvement with Approval and Renewal*

Prior to the approval of a new charter, or renewal of an existing charter, the superintendent or designee of the chartering entity shall consult with the SELPA Director regarding the provision of special education services to students enrolled by the charter school. The petition presented must provide adequate assurances that all eligible students enrolled in the charter school will be offered appropriate special education services in accordance with the Trinity County SELPA Special Education Local Plan. The charter must provide assurances that no student will be denied enrollment in the charter school due to a disability. The SELPA will assist the chartering entity in calculating the potential fiscal risks that may be associated with granting the requested charter.

An approved charter must identify the entity responsible for providing special education instruction and services, any anticipated transfer of special education funds between the granting entity and the charter school and any provisions for sharing deficits in funding. These provisions may be included in a Memorandum of Understanding.

***Types of Charter Schools***

For the purpose of provision of special education services, charter schools may be deemed either a Local Education Agency (LEA) or a public school within the chartering district.

***a. Public School within a District***

Charter schools that are deemed to be public schools within a district will participate in state and federal funding in the same manner as other schools within the chartering district. The chartering district will be responsible for ensuring that all children with disabilities enrolled in the charter school shall be offered special education and designated instructional services in a manner that is consistent with all applicable provisions of state and federal law. The district 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 in the regular program.

The chartering district will receive all applicable special education funds, as outlined in the SELPA allocation plan. The chartering district will represent the needs of charter school, like other schools within the district, in the SELPA governance structure. The chartering district will be responsible for ensuring that all eligible students are offered appropriate services. The district will be responsible for procuring and funding appropriate special education services, even though the student may not reside within the boundaries of the chartering district. The district may contract for these services with public or private educational entities.

The district and the charter school shall 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. The charter school shall 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.

***b. Charter School as an LEA within the SELPA***

Prior to approval of the petition to become a charter school, the charter school shall notify and consult with the SELPA no later than January 1, of the school year preceding the school year in which the charter school anticipates operating as an LEA within the SELPA. The Steering Committee will make final determination whether the charter school has the capacity and intent to meet all the requirements of an LEA. These requirements include:

- Execute and sign the Agreement to Maintain the Trinity County SELPA Local Plan Area and establish its duties and obligations with regard to various school districts in Trinity County indicating intent to comply with all terms and conditions of the agreement.
- Provide assurances that students and staff will be instructed in a safe environment.
- Provide a copy of the original petition and minutes of the LEA Board documenting approval of the Charter.
- Be responsible for any legal fees as it relates to the application and assurances process in becoming an LEA.
- Provide a current operating budget in order to assure fiscal responsibility.

## CHARTER SCHOOLS (continued)

FAAR 29(c)

- Once deemed an LEA the charter school will be responsible for and entitled to the following:
  - Participation in governance of the SELPA 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
  - Participate in and receive regionalized services 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.

### *Legal References*

#### **EDUCATION CODE:**

42130, 42131, 47645, 47605, 47605.5, 47646(a), 47641, 47643