

GBP 3 Charter School Policy

Policy Statement

This policy applies to all charter schools that are chartered by any of the Butte County SELPA member districts or the Butte County Office of Education (BCOE) or are granted a charter on appeal by the State Board of Education in which oversight responsibilities have been assigned to a district within the SELPA. This policy does not extend to a charter school that was chartered by, or assigned to, an entity that is not a member of the Butte County SELPA.

The purpose of this policy is to clarify the relationship between charter schools, member school agencies and the SELPA. This policy has the further purpose of assisting applicable charter schools and chartering districts that are members of this SELPA with their individual and mutual responsibilities under the law. In addition this policy has the purpose of assisting applicable charter schools and chartering agencies to meet the special education needs of all eligible students enrolled in applicable charter schools.

Pursuant to legal provisions of both federal and state law, eligible students in charter schools are entitled to special education services provided in the same manner as such services are provided in other public schools and charter schools within the SELPA. All chartering entities within the Butte County SELPA sponsoring school charters are responsible to assure that their sponsored school charters comply with all applicable requirements of state and federal law regarding provision of special education services (Education Code 56000 et seq., Individuals With Disabilities Education Act 20 S.U.S.C. Chapter 33).

In order to assist the sponsoring entities and their sponsored charter schools the following assurances and considerations should be addressed:

- The administration of the sponsoring entity and the charter school may consult with the SELPA Director at any time regarding compliance with state and federal law and regulations.
- The chartering entity should require a comprehensive description of the charter school's provision of special education and related services as part of the proposed charter.
- An assurance that the charter school will comply with SELPA policies.
- An assurance that all charter school teachers are properly credentialed.
- Assurance that the charter school will provide all required CALPADS data within timelines.
- An assurance that no student otherwise eligible to enroll in the charter school will be denied nor discouraged from enrollment due to disability or due to the charter school's concerns about its ability to provide appropriate services.
- An assurance that the charter shall fully inform parents of students with disabilities seeking enrollment in the school of their rights and educational options available.
- Provide an assurance that a student with disabilities attending the charter school will have access to special education services in the same manner as a student with a disability who attends another public school in the district and;
- Provide an assurance that the charter school and its employees will work under the direction of the district with regard to the delivery of special education services.

Charter School as an LEA Within the SELPA

A charter school that is chartered by or assigned to a Butte County member district, Butte County Office of Education or a charter granted on appeal to the Butte County Board of Education or the State Board of Education may apply to the SELPA Governing Board to become an LEA for the provision of special education services. Charter schools applying for LEA status will be considered for approval as an individual charter and not on the merits of an existing LEA charter Joint Powers Agreement (JPA). Application must be made to the SELPA and approved by the Governing Board on or before November 1 of the school year, one year prior to the school year in which the charter school anticipates operating as an LEA within the SELPA. LEA status will become effective as of July 1 of the year following the SELPA Governing Board's approval of the request for LEA status (for example if a charter application is approved by the Governing Board on or before November 1 of 2005, they will become an active charter LEA on July 1 of 2006. This delay allows the sponsoring LEA time to determine if they need to lay off staff and meet the required staff layoff notifications). Once granted LEA status the charter school will participate in the governance of the SELPA in the same manner as all other LEAs within the SELPA, including voting on issues brought before the governing body. For voting purposes, in accordance with Section VII of the Butte County Local Plan, the LEA charter will be assigned to the voting region of the chartering district consistent with Section VII, Part II (pages 2 and 3) of the Butte County SELPA Local Plan.

Charter applicants should anticipate three to six months for the review and approval process to be completed.

The applicant charter school will be deemed an LEA if the SELPA Governing Board determines that the charter school has met all requirements to be included as a member LEA of the SELPA as specified in this policy and the SELPA Local Plan. These requirements include the following:

- Provide assurances that all eligible individuals with disabilities (ages birth to 22) shall have access to appropriate special education programs and services;
- Provide assurances of an understanding and knowledge of applicable special education laws and regulations;
- Provide assurances that each certificated employee is appropriately credentialed to serve in his/her assignment;
- Provide necessary staff required to meet state and federal mandates;
- Follow all requirements of the SELPA Local Plan;
- Utilize SELPA forms;
- Provide all required CALPADS and other SELPA required information/data/reports required by the state and federal Government;
- Provide transportation as indicated in student's IEPs and;
- Provide assurances that the charter school has the sole legal and financial responsibility to provide appropriate services to eligible students and will provide search and serve to identify students who may qualify for and require special education and related services.

Once Deemed an LEA the Charter School Shall

- Participate in the governance of the SELPA in the same manner as all other LEAs in the SELPA including participation in voting on issues before the governing body. LEA charters shall be assigned to the voting region of the chartering district;
- Contribute to, participate in and receive the reimbursement from all SELPA fiscal pools and participate in any charge backs in the same manner as other members. Receive state and federal funding for special education in accordance with the SELPA Special Education Funding Allocation Plan. For the purpose of AB 602 funding LEA charter schools will receive the average of the rate of the 9 largest districts within the SELPA or the chartering entity rate whichever is less;
- Comply with all requirements of Elementary and Secondary Education Act;
- Be responsible for all costs incurred in the provision of special education services to students enrolled in the charter school. These costs may include but are not limited to, instruction, related services, transportation, nonpublic school/agency placements, inter/intra SELPA placements, due process proceedings, complaints and attorney fees and;
- 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 related services for students with IEPs.

Renewed LEA status will be granted consistent with when the charter's next five year renewal cycle is due with its chartering entity. If the entity and charter agreement indicates the charter shall continue as a LEA member of the Governance, the LEA status shall continue until the next renewal occurs. If there is a disagreement between the charter and the district whether the charter should continue in LEA status, the district or the charter can request dispute resolution of the matter per SELPA policy.

If LEA status is discontinued, the charter shall have up to one year to transition from LEA status to services from the chartering entity unless an earlier date is agreed upon.

REVOCAION OF LEA STATUS

LEA status may be revoked by the SELPA Governing Board for any of the following actions:

1. Committed a material violation of any of the conditions, standards, policies or procedures in this policy or the Local Plan.
2. Failed to meet generally accepted accounting principles or engaged in mismanagement of special education funds.
3. Violated any provision of state or federal law applicable to the charter school relating to special education.

When considering the revocation of LEA status of a charter school the SELPA Governing Board shall examine the conduct of the charter school in their implementation of special education laws. The decision to revoke may be based on the ability of the charter school to cure and correct

violations and/or the charter school's ability to ensure future consistent compliance with all applicable special education laws.

Prior to revocation the SELPA Governing Board shall notify the charter school of any violation of this policy and give the charter school a reasonable opportunity to cure the violation unless the SELPA Governing Board determines, with written notice that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

Throughout this process the SELPA Director shall work closely with the sponsoring district.

Charter School Affiliated With an LEA Outside the SELPA

When a charter school has no affiliation with an LEA within the SELPA, neither the SELPA nor the local district where the charter school is physically located within the SELPA has an obligation to reach agreement on the provision of special education services. If the charter school is granted a charter by an entity outside the SELPA the charter school is responsible to work out provision of special education services with the sponsoring district and related SELPA in order to meet the requirements to provide special education and related services.

LEA Charter Schools Exiting Butte County SELPA

A member LEA charter in Butte County SELPA has the option of applying for membership in a charter only SELPA, sometimes referred to as a CHELPA. It is highly recommended that such LEA charters considering leaving contact the SELPA Director to explore the reasons for the charter exiting to determine if the concern(s) underlying the exit could be resolved. If the matter(s) cannot be resolved, the LEA charter needs to officially notify the SELPA of their intent to exit by November 1st the year prior to the exit effect July 1st of the next school year. For example, if a LEA charter wished to exit the SELPA on July 1, 2019, it is required to notify the SELPA on November 1st, 2018 or before. If an LEA charter exits without meeting this timeline could be subject to a penalty withholding any final SELPA revenue distribution to the LEA charter.

Butte SELPA also has no obligation to provide services to any LEA charter who is accepted as a member of a charter SELPA even if they are physically located within the geographical boundaries of Butte SELPA. In these cases, the SELPA and/or its LEA members may choose to utilize a Memorandum of Understanding and contract for services with such charters.

LEA charters who join another SELPA and wish to return to Butte SELPA can be considered for re-admission on a case by case basis. These LEA charters must complete the application process applied to newly applying LEA charters and re-submit this application for consideration. The same timelines shall apply to re-entering LEA charters as do with newly applying charters. The Governance board reserves the ability to charge a re-admission fee to the re-entry LEA charter for the costs associated with the application process.

Application For LEA Status

Date:

Name of Applicant Charter School:

Address:

Telephone:

FAX:

E-mail address:

Name of Director:

Name of Chartering School District:

Please fill out this application and provide all requested information, data and documents.

Describe the applicant's process to modify the general education curriculum and instruction prior to a student's referral for special education services including the use of a school site team or another process that may be used.

Describe the applicant's plan to provide a continuum of special education services including child find, referral, assessment, Individualized Education Program (IEP) process and delivery of services.

Include a description of how the charter school will find children who may be in need of special education and related services:

Describe the charter school's process to refer a student for assessment if there may be a need for special education services

- Include a description of who will conduct assessments in all areas of suspected disability
- If the applicant will conduct assessments, list the appropriate credentials of staff that authorizes them to conduct assessments.
- If the applicant will contract for assessments, specify the district and/or agency that have agreed to conduct assessments. Include a letter of commitment to provide assessment services from the superintendent and/or agency director.

Describe how applicant will provide a continuum of special education and related services listed below:

- Resource Specialist Program (RSP) services
- Designated Instruction and Services (DIS) (e.g. Speech and Language therapy, Adaptive P.E., Occupational therapy, Counseling, etc.)

- Non-severe Special Day Class (e.g. SDC for students with learning and communication disabilities)
- Severe Special Day Class (e.g. SDC for students with severe physical, medical, emotional disturbance and/or significant developmental delays requiring intensive services)
- Full Inclusion (e.g. Full time placement in regular education classes for students with severe physical, medical, emotional disturbance and/or significant developmental delays requiring intensive services)
- Include a description of who will provide the instruction for each of the categories listed above and describe how each certificated employee is appropriately credentialed to serve in his/her assignment.
- If the applicant will contract for instructional services, specify the district and/or agency that have agreed to provide the services. Include a letter of commitment to provide the instructional services from the superintendent and/or agency director.
- Describe how the applicant will provide transportation for students if required by the IEP.
- Describe how the applicant will comply with all federal and state laws regarding discipline and change of placement of special education students.
- Include a copy of applicant's policies and procedures regarding the discipline of special education students.

Provide a budget plan including anticipated income to establish that the applicant receives adequate revenue to provide all the special education programs and services listed above.

This application requires the attachment of the following documents:

- A list of services to be provided directly by the LEA Charter and services to be provided through agreement or contract with another LEA, if any or another qualified special education provider.
- Qualifications of service providers, including credentials and/or certificates.
- A list of students currently enrolled in the charter school in the most recent reporting period. Please specify reporting period.
- Number of students in the Charter School receiving special education and related services.
- Number of students anticipated to need special education and related services if the charter school is not yet open.

Describe the level of knowledge of Charter school administration and/or staff in the legal and policy requirements of special education. If the charter school administration and staff are not experienced or knowledgeable in the legal and policy requirements of special education describe how the charter school will gain access to such knowledge.

Certification of Assurances

I certify and assure that the Applicant INSERT NAME will carry out the following:

- Will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act (IDEA, 20 USC 1400 et seq.), Section 504 of Public Law 93-112, 20 USC 8065 (a) and the provisions of the California Education Code, Part 30;
- Will ensure that all individuals with exceptional needs (ages birth to 22) shall have access to appropriate special education programs and services;
- Will assure that no child eligible for special education and related services seeking to enroll in the charter school will be denied nor discouraged from enrollment due to disability or due to the charter school's concern about its ability to provide appropriate services;
- Will assure that the charter school will fully inform parents of students with disabilities seeking enrollment in the charter school of their rights and educational options available;
- Will deliver special education and related services to any eligible child enrolled in the charter school;
- Will expend all state and federal special education funds for the sole purpose of providing special education instruction and/or services to eligible students with disabilities;
- Will provide assurance that the charter school will adhere to all policies, procedures and requirements of the SELPA Local Plan For Special Education
- Will utilize SELPA approved forms and documents and will follow all SELPA agreements, policies, and procedures;
- Will ensure that students will be instructed in a safe environment with no physical barriers to the mobility of the child;
- Have provided the SELPA with a copy of the charter school's original petition, as approved by the chartering entity and any subsequently approved amendments to the charter
- Will follow all federal and state laws regarding discipline and change of placement of special education students;
- Understands its legal and financial responsibilities to provide appropriate special education services to eligible students. Financial responsibilities may include, but are not limited to, instruction, related services, transportation, non public school/agency placements, inter/intra SELPA placements, due process hearing proceedings and attorney fees and;
- Will not seek defense or indemnification from the SELPA or SELPA members unless liability is the result of acts or omissions of other agencies, their agents or employees, while performing services under an agreement.

Date of Governing Board Approval of Application for LEA Status

Date of Approval _____

Signature of Applicant Director or Superintendent

Director: _____

Approved 4/26/00; Revised 10/17/18