

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION

The Governing Board desires to provide a free and appropriate public education to all individuals with disabilities, aged 3 to 21 years, who reside in the district, including children who have been suspended or expelled or placed by the district in a nonpublic school or agency services.

Students shall be referred for special education instruction and services only after the resources of the regular education program have been considered, and where appropriate, utilized. (Education Code 56303)

- (cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))
- (cf. 6146.4 – Differential Graduation and Competency Standards for Students with Disabilities)
- (cf. 6159 – Individualized Education Program (IEP))
- (cf. 6159.1 – Procedural Safeguards and Complaints for Special Education)
- (cf. 6159.2 – Nonpublic Nonsectarian School and Agency Services for Special Education)
- (cf. 6159.3 – Appointment of Surrogate Parent for Special Education Students)
- (cf. 6159.4 – Behavioral Interventions for Special Education Students)
- (cf. 6164.4 – Identification of Individuals for Special Education)
- (cf. 6164.6 – Identification and Education Under Section 504)

The special education local plan area shall administer a local plan and administer the allocation of funds. (Education Code 56195)

- (cf. 1220 - Citizen Advisory Committees)
- (cf. 1312.3 - Uniform Complaint Procedures)
- (cf. 3541.2 - Transportation for Students with Disabilities)
- (cf. 4112.23 - Special Education Staff)

In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the district participates as a member of the Special Education Local Plan Area (SELPA).

The Superintendent or designee shall extend the district’s full cooperation to the SELPA. The policies and procedures of the SELPA shall be applied as policies and regulations of this district, with the exception of those that apply to complaints, unless the SELPA plan specifically authorizes the district to operate under its own policies and regulations.

Legal Reference:

- EDUCATION CODE
- 56000-56001 Education for individuals with exceptional needs
- 56020-56035 Definitions
- 56040-56046 General provisions
- 56048-56050 Surrogate parents
- 56055 Foster parents
- 56060-56063 Substitute teachers
- 56170-56177 Children enrolled in private schools
- 56190-56194 Community advisory committees
- 56195-56195.10 Local plans
- 56205-56208 Local plan requirements
- 56213 Special education local plan areas with small or sparse populations
- 56240-56245 Staff development

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION (continued)

56300-56385 Identification and referral, assessment, instructional planning
56440-56447.1 Programs for individuals between the ages of three and five years
56500-56508 Procedural safeguards, including due process rights
56520-56524 Behavioral interventions
56600-56606 Evaluation, audits and information
56836-56836.05 Administration of local plan
GOVERNMENT CODE
7579.5 Surrogate parent, appointment, qualifications, liability
95000-95029 California Early Intervention Services Act
WELFARE AND INSTITUTIONS CODE
361 Limitations on parental control
726 Limitations on parental control
CODE OF REGULATIONS, TITLE 5
3000-3089 Regulations governing special education
UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities Education Act
UNITED STATES CODE, TITLE 29
794 Rehabilitation Act of 1973, Section 504
UNITED STATES CODE, TITLE 42
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 34
99.10-99.22 Inspection, review and procedures for amending education records
104.1-104.39 Section 504 of the Rehabilitation Act of 1973
300.1-300.818 Assistance to states for the education of children with disabilities, including:
300.500-300.520 Due process procedures for parents and children
303.1-303.654 Early intervention program for infants and toddlers with disabilities

Management Resources:

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education Programs:
<http://www.ed.gov/about/offices/list/osers/osep>

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 preschool, elementary school, or secondary school education for children between the ages of 3 and 21; 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 district in nonpublic school or agency services. (34 CFR 300.17, 300.101, 300.104)

(cf. 6159 – Individualized Education Program)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

Least restrictive environment means that, to the maximum extent appropriate, students with disabilities, including children in public or private institutions, or other care facilities, be educated with children who are nondisabled, including the provision of nonacademic and extracurricular services and activities. (34 CFR 300.107, 300.114, 300.117)

Special education means specially designed instruction, provided at no cost to the parent/guardian, 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 disabilities 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)

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION (continued)

Surrogate parent means an individual assigned to act as a surrogate for the parents/guardian. The surrogate may represent an individual with disabilities 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)

(cf. 6159.4 – Appointment of Surrogate Parent for Special Education)

Elements of the Local Plan

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 SELPA. (Education Code 56205)
3. A description of programs for early childhood special education from birth through five years of age (Education Code 56205)
4. A description of the method by which members of the public, including parents/guardians of individuals with disabilities who are receiving services under the plan, may address questions or concerns pursuant to Education Code 56205 (Education Code 56205)
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)

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION (continued)

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 districts 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)

(cf. 6164.4 – Identification of Individuals for Special Education)

(cf. 6164.6 – Identification and Education under Section 504)