

Fresno County Charter

Special Education Local Plan

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Jim A. Yovino, Superintendent of Schools
Fresno County Superintendent of Schools

Trina Frazier, SELPA Administrator

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PURPOSE

The Fresno County Charter Special Education Local Plan Area (“Charter SELPA”) is composed of Local Educational Agency Charter Members (“Charter LEAs”) located in California. The Charter SELPA has designated the Fresno County Superintendent of Schools (“FCSS”) as the Responsible Local Agency (“RLA”).

As members of the Charter SELPA, each charter, as identified by the County or District, School (“CDS”) code issued by the State Board of Education, is considered an LEA for purposes of special education.

The Charter SELPA recognizes its members as Single Charter Members or Organization Members. A Single Charter Member is defined as an entity with one Charter CDS code. An Organization Member is an entity with multiple Charters (multiple CDS codes). The title of CEO may differ by organization, but the intent is that the final decision making of each member is vested in a single leadership position.

The function of the Charter SELPA and participating agencies is to ensure that each eligible child with a disability served by the Charter LEAs is provided with a quality educational program appropriate to their needs.

All such programs are operated in a cost effective manner consistent with the funding provisions of California Education Code (“EC”), sections 56700 et seq., the Federal Individuals with Disabilities Education Act (“IDEA”), all other applicable laws and policies, and the procedures of the Charter SELPA.

CHARTER SCHOOL ADMISSION CRITERIA

It is the intent of the Charter SELPA to provide charter schools with an alternative to membership in their local or geographic SELPA. Although a charter school may participate with its geographic SELPA, the Charter SELPA has been developed to allow for a viable alternative for SELPA membership for Charter LEAs located in California. Therefore, there are specific criteria which must be met in order for a charter school to be considered for membership in the Charter SELPA.

GOVERNANCE AND ADMINISTRATION

GOVERNANCE STRUCTURE OF THE CHARTER LOCAL PLAN

In accordance with Ed. Code, section 56200 (c)(2), the Charter SELPA governance structure, and process for developing and approving Charter SELPA are described in this section.

AMENDING THE FRESNO COUNTY CHARTER SELPA LOCAL PLAN

The Charter SELPA and its member LEAs may amend the Local Plan any time a change is deemed necessary due to local changes, new legislative requirement, a new interpretation

by the courts, or an official finding of noncompliance with Federal law, State law or regulations determined by the California Department of Education (CDE). The Charter SELPA Chief Executive Officers' (CEO) Council may adopt amendments to the permanent portion of the Local Plan on an "interim" basis, not to exceed 12 months. Amendments approved in this manner would become permanent upon subsequent approval by all LEA governing boards submitted to the CDE. If this process is followed, the Charter SELPA will operate conditionally under amendments approved by the CEO Council until each local board has approved the amendments and they are forwarded to the SBE and officially approved. A proposal to amend the Charter Local Plan must be approved by a majority of CEO Council members.

RESPONSIBILITIES OF EACH GOVERNING BOARD

Upon entry into the Charter SELPA, the governing board for each Charter LEA shall approve the Agreement for Participation, Representations and Warranties, and the Charter Local Plan for Special Education, including any policies and administrative regulations. The Charter SELPA Local Plan ("Local Plan") is initially approved by the Fresno County Board of Education, and any subsequent approvals shall be approved by the Charter SELPA CEO Council ("CEO Council"). Amendments to the Local Plan to add or remove a Charter LEA from the Charter SELPA shall be approved by the CEO Council. However, before the amended Local Plan is submitted for county board approval, the addition of any new LEA members and/or the termination of any existing LEA members shall be approved through procedures set forth in the Charter SELPA policies.

Material changes to the Charter Local Plan, other than membership changes, shall be approved by the Charter SELPA CEO Council and each Charter LEA's Governing Board.

The CEO Council will hold the required public hearings and approve the Annual Service Plan and the Annual Budget Plan. The Annual Budget and Service Plan shall be sent to all Charter LEAs. Notice of the public hearings shall be written in language that is understandable to the general public and shall be posted in each charter school at least 15 days prior to the hearing, as required by law.

As described within the Local Plan and policies of the Charter SELPA, the governing boards for each Charter LEA shall delegate the authority for the ongoing policy-making process, the Funding Allocation Plan process, and administrative procedures for carrying out that responsibility, to the governance structure of the Charter SELPA.

RESPONSIBILITIES OF CHARTER SELPA CHIEF EXECUTIVE OFFICERS' COUNCIL

The Charter CEO Council membership consists of the CEO/Designee of each Charter LEA. Each Charter LEA has one vote. Organization Members that operate more than one Charter LEA may have a single representative for all Charter LEAs, but such representative shall have a number of votes equal to the number of Charter LEAs represented.

Charter SELPA CEO Council meetings are subject to the Brown Act (Gov. Code §§ 54950 to 54963) which requires that CEO Council business be conducted at public meetings in accordance with the law's notice and agenda requirements. A majority of the Charter LEAs present at a regularly scheduled and noticed CEO Council meeting shall constitute a quorum.

The CEO Council will meet regularly with the County Superintendent/Designee to direct and supervise the implementation of the Local Plan. Agendas and minutes will be developed by the Charter SELPA Administrator/Designee and will be distributed prior to meetings. CEO Council members shall attend all meetings and participate in discussions pertaining to special education issues. The CEO Council will meet at least twice per year, typically in September and May.

The CEO Council shall approve all Charter SELPA policies and administrative regulations.

The CEO Council shall approve the Charter SELPA Funding Allocation Plan, which is the framework for distribution of funds within the Charter SELPA.

The CEO Council shall approve the Annual Service and Budget Plans.

Charter SELPA Selection Committee

Any charter school within California may apply to the Selection Committee to become a Charter LEA. The Charter SELPA will establish an annual timeline for submission of applications. Once granted membership, the Charter LEA will participate in the governance of the Charter SELPA in the same manner as all other Charter LEAs in the Charter SELPA. The timeline for submission may be amended by the SELPA Administrator/Designee for unique circumstances, including State Board of Education charter approvals.

As outlined in Charter SELPA policies, the role of the Charter SELPA Selection Committee ("Selection Committee") is to determine whether to approve the admission of new charters to the Charter SELPA. The Selection Committee is comprised of the following:

- The SELPA Administrator/Designee;
- One Charter CEO member;
- The SELPA Special Education Financial Services Supervisor/Designee

The Selection Committee will meet, review all documents, and approve or reject membership applications. In order to ensure a timely and efficient review process, when the Charter SELPA receives a high volume of applications, the Selection Committee may be expanded to include more than one member of the CEO Council selected by the SELPA Administrator/Designee. Meetings may take place through teleconference. For the purposes of this section, "teleconference" means a meeting where the members are in different locations, connected by electronic means, through either audio or video, or both.

The Selection Committee will inform the CEO Council regarding its decision to approve or deny the application of a charter school. The SELPA Administrator/Designee shall inform the applicant charter school of the decision.

The Charter Applicant will be deemed a member of the Charter SELPA upon approval of the Selection Committee and a subsequent Charter Local Plan Membership amendment approved by the CEO Council and the California Department of Education (“CDE”). The applicant Charter LEA’s Governing Board must also take action to approve membership.

Charter SELPA Membership Appeals Committee

The Charter SELPA Membership Appeals Committee (“Appeals Committee”) meets on an “as needed basis” to hear any appeals regarding membership decisions (e.g.; rejected applications, terminations, etc.). The SELPA Administrator/Designee shall serve as an ex officio member of the Appeals Committee. The Appeals Committee will be comprised of not less than two members of the CEO Council. An invitation to participate in the Appeals Committee shall be issued annually at the first CEO Council meeting of the fiscal year. Appeals Committee members must recuse themselves from the appeals process should they have a vested interest in the outcome.

Appeals Committee meetings are subject to the Brown Act (Gov. Code §§ 54950 - 54963), which requires that the Appeals Committee business be conducted at public meetings in accordance with the law’s notice and agenda requirements.

The Appeals Committee will inform the CEO Council regarding its decision to approve or deny an appeal. The SELPA Administrator/Designee shall inform the appealing charter school of the decision within 60 days of receiving the appeal.

Charter Executive Committee

Responsibilities of the Charter SELPA Executive Committee

The Charter SELPA Executive Committee (“Executive Committee”) shall serve as an informal advisory body to the Charter SELPA. The Executive Committee shall be comprised of Charter SELPA CEO Council members who have an interest in participating as a committee member. Executive Committee membership will be determined at the first CEO meeting of each fiscal year. If Executive Committee membership would constitute a quorum of CEO Council members, the Committee will be selected through a lottery process. The Executive Committee will not convene until there are at least 5 Charter LEAs in the Charter SELPA. At no time shall an Executive Committee meeting be conducted with a majority of Charter SELPA members. The SELPA Administrator/Designee shall serve as an ex-officio member of the Executive Committee.

Executive Committee meetings shall occur from time to time on an informal basis as determined by the SELPA Administrator/Designee. The Executive Committee shall have no continuing subject matter jurisdiction. However, it is contemplated that the Executive Committee shall advise the Charter SELPA on administrative matters including, but not limited to, program operations, strategic planning, procedural matters, and fiscal considerations.

Summaries of the Executive Committee meetings shall be transmitted to the full membership of the CEO Council.

Special Education Community Advisory Committee

Each Charter LEA shall select a parent representative to participate in the Special Education Community Advisory Committee (“CAC”). Each Charter LEA will notify the Charter SELPA Administrator/Designee of their CAC appointment by October 1st of each school year. The Charter LEAs shall select parent representatives who are a parent of a child with a disability or other individuals as set forth in Ed. Code 56192.

The parent representatives shall serve staggered terms for a period of at least two years. (Ed. Code § 56191.) This group will advise the Charter SELPA on the implementation of the Local Plan as well as provide local parent training options in accordance with the statutory duties, responsibilities and requirements of the CAC. (See Ed. Code §§ 56190 - 56194.)

Meetings will be held at least 4 times per year and each Charter LEA will be responsible for providing notice of the meetings to parents of all children with disabilities enrolled in their Charter Schools.

Because of the geographic diversity anticipated within the Charter SELPA, meetings may take place through teleconference. For purposes of this section, “teleconference” means a meeting where the members are in different locations, connected by electronic means, through either audio or video, or both.

Charter SELPA Special Education Operations Committee

The Charter SELPA Special Education Operations Committee (“Operations Committee”) serves in an advisory capacity to the Charter SELPA. Each Charter LEA is entitled to select its special education director or a special education program lead to represent the Charter LEA on this committee. The Operations Committee meets regularly for the purpose of advising the Charter SELPA and receiving and disseminating direct program/instructional information.

Charter SELPA Special Education Fiscal Committee

The Charter SELPA Special Education Fiscal Committee (“Fiscal Committee”) meets twice per year. The designated fiscal representative for each Charter LEA shall be notified and invited to attend. Charter CEOs and Special Education Administrative contacts are invited to attend as well. Meetings may take place through teleconference. For the purposes of this section, “teleconference” means a meeting where the members are in different locations, connected by electronic means, through either audio or video, or both. The meeting serves as a communication tool to inform fiscal contacts of actions taken by Charter SELPA CEO Council that may have budgeting and financial reporting considerations.

Charter SELPA Administrator

The Charter SELPA Administrator shall coordinate the development and implementation of the Local Plan in cooperation with the CEO Council. The SELPA Administrator has a responsibility to assure access to a full continuum of program options for all students with disabilities, which may include the coordination of services provided by district of residence,

charter school LEAs, Fresno County Superintendent of Schools, nonpublic schools, interagency agreements and memorandums of understanding as necessary. The SELPA Administrator is the direct liaison with the local agencies, other SELPAs and the CDE. The SELPA Administrator assures the development of necessary functions and activities to implement and manage the Local Plan such as providing SELPA staff for technical assistance and special education administrative support for the numerous requirements of Federal and State laws and regulations. The SELPA Administrator is responsible for presenting the CEO Council with issues to the RLA Superintendent for monitoring and review.

The SELPA Administrator shall perform the following:

1. Prepare agendas, minutes and backup documentation for all SELPA meetings;
2. Maintain a list of CEOs and equivalent administrators and appointment dates for all SELPA committees;
3. Share the list of CEOs and equivalent administrators and their appointment dates annually with the CEO Committee;
4. Monitor all activities relevant to approval and implementation of the plan.

In accordance with Ed. Code 56836.23, the SELPA Administrator shall ensure the required regionalized services functions are met.

The Fresno County Charter SELPA Administrator shall serve on behalf of the member Charter Local Educational Agencies (LEAs) to implement the Local Plan, which includes regionalized services. Regionalized services are provided to assure access to special education services for all individuals with exceptional needs. The Fresno County Charter SELPA has a responsibility to assure access to a full continuum of program options for these students that may include the coordination of services provided by district of responsibility, County Superintendent of Schools, charter school LEAs, interagency agreements and memorandums of understanding as necessary.

CHANGES TO THE GOVERNANCE STRUCTURE

Any changes to the governance structure of the Charter SELPA, including the dividing of the Charter SELPA into more than one operating entity, changing the designation of and/or responsibilities of the RLA, will comply with the requirements of the Education Code. (Ed. Code §§ 56140, 56195 et seq., 56205 et seq.)

1. Any charter school which is currently designated as an LEA participating in the Fresno County Special Education Local Plan Area may elect to pursue an alternative option from those specified in Ed. Code, section 56195.1 by notifying the FCSS at least one year prior to the date the alternative plan would become effective. (Ed. Code § 56195.3(b).)
2. Any alternative plan of an LEA is subject to the approval of the county superintendent of the county or counties which would have school districts as participating agencies in the alternative plan. (Ed. Code § 56195.1.)

3. Approval of a proposed alternative plan by the FCSS may be based on the capacity of the Charter LEA(s) to ensure that special education programs and services are provided to all children with disabilities. (Ed. Code § 56140(b).)
4. If an alternative plan is disapproved by a county superintendent, the county office shall return the local plan with comments and recommendations to the Charter LEA(s). The charter or charters participating in the alternative plan may appeal the decision to the Superintendent of Public Instruction. (Ed. Code § 56140 (b) (2).)
5. Any alternative plan to be submitted by a charter or a group of charters currently participating in the Charter SELPA must meet the standards established by the State Board of Education and not adversely affect the size and scope of the current local plan's geographic area.
6. Any changes in the designation of the RLA for the Charter SELPA must conform to the above code provisions and the administrative provisions for approval specified in the Charter Local Plan.

When a disagreement arises among and between participating agencies of the Charter SELPA, the affected agencies will utilize the Charter SELPA's dispute resolution procedures.

FULL CONTINUUM OF SERVICES

Both State and Federal law provide that students with exceptional needs are entitled to a Free, Appropriate Public Education ("FAPE"). (20 USC § 1400(d)(1); Ed. Code, § 56000 (a).) FAPE is defined as special education and related services designed to meet each student's unique needs in the least restrictive environment ("LRE"). Each Charter LEA must ensure that all students with disabilities enrolled in its charter program, regardless of the severity of their disability, are properly identified, located, evaluated and served. In order to address the needs of students with disabilities enrolled in Charter LEAs, a full continuum of services are available within the Charter SELPA.

The Charter SELPA funds the special education programs of the Charter LEAs in accordance with the Charter SELPA Local Plan. Charter LEAs, working with each student's IEP team, shall make available a range of placement options including, but not limited to the following:

- Hiring appropriately credentialed special education staff.
- Contracting with the Fresno County Superintendent of Schools.
- Contracting with another LEA.
- Contracting with Nonpublic Schools/Agencies.

The continuum of special education programs and services may be used by a single Charter LEA, or several Charter LEAs may join together with or without SELPA assistance to provide the services. Additionally, at the discretion of the SELPA Administrator, the Charter SELPA may use available reserves in excess of any established thresholds to provide necessary services within the Fresno County area. Such services could include, but

not be limited to, Resource Specialists, Speech Language Pathologists, Adaptive Physical Education, and Physical and Occupational Therapy.

ONGOING EVALUATION OF CHARTER SELPA PROGRAMS

The Charter SELPA will provide for ongoing comprehensive evaluation of special education programs in order to continually refine and improve programs, policies, regulations, guidelines, and procedures, and to assess the overall merits of these efforts.

The Charter SELPA shall submit all information required by the Special Education Division of CDE, including statistical data, program information, and fiscal information related to the Charter SELPA's special education programs and services. The Charter SELPA Administration shall collect and report any data related to special education budgets and services that is required by CDE.

In order to serve students in the Least Restrictive Environment, the Charter SELPA Administration supports all Charter LEAs in the collection of data related to compliance, due process procedures, availability of services, performance indicators and other data as needed.

DATA COLLECTION AND DEVELOPMENT OF MANAGEMENT INFORMATION SYSTEMS

CDE requires that each SELPA collect specified data in a manner that allows CDE's data collection system to capture and maintain that data.

The Charter SELPA will implement a data collection and storage system that provides for the management and reporting of required data for State and Federal systems. The Charter SELPA shall work with the State's data collection system to collect and report all required data related to special education fiscal and program services, and to provide other pertinent information necessary for the operation of the Charter SELPA.

The Charter SELPA Administration supports all Charter LEAs in the Charter SELPA in their collection and reporting of any required data.

The Charter SELPA Administration shall strive to develop a system which is responsive to the data needs of Charter LEAs.

PROVISION FOR ONGOING REVIEW OF PROGRAMS

CDE has a system for reviewing the special education programs in the Charter LEAs. The Charter SELPA shall support the delivery of effective programs and services in the Charter LEAs, ensure a continuum of appropriate service options, and seek to improve the quality of the programs offered. In addition, the Charter SELPA shall monitor all programs and participate in any review processes, including those related to the Key Performance Indicators, annual performance reports, Procedural Safeguards, complaint processes, mediation and due process procedures, and other required State proceedings.

The Charter SELPA endeavors to provide sufficient information, resources, and support to all its Charter LEAs so that they may deliver compliant and quality special education services. In addition, the Charter SELPA Administration, under the direction of the CEO Council and with input from both the CAC and the Executive Committee once convened, shall participate in all State and local review processes. The Charter SELPA shall ensure that appropriate and necessary services are offered for all children with disabilities and shall support the continuous improvement of those services.

The Charter SELPA shall ensure that sufficient information related to all areas of compliance is available to all Charter LEAs.

Every Charter Member LEA ensures the availability of a full continuum of options, supplemental aids and services, and regionalized programs for all children with disabilities.

PROCESS FOR ALLOCATING PROGRAM SPECIALIST SERVICES THROUGHOUT THE CHARTER SELPA

The RLA employs Program Specialist(s) who are supervised by the SELPA Administrator/Designee. In addition, and in accordance with Ed. Code, section 56780, all coordination responsibilities for program specialist services are supported through the governance structure of the Charter SELPA. Coordination and implementation of these services are supported by administrative staff, program specialist services, the Operations Committee, the Executive Committee once convened, and the CEO Council. Openings for Program Specialist positions are advertised, and the selection process shall be consistent with FCSS hiring practices.

Charter SELPA Program Specialists may be asked to perform any of the following duties which are specified in Ed. Code, section 56368, and the Charter Local Plan:

- A. Assisting special education service providers, educational specialists, and designated instruction and service instructors in the planning and implementation of Individual Education Programs (IEPs) for students with disabilities;
- B. Coordinating curricular resources in a manner that make them available and effective for personnel who are in need of these resources;
- C. In conjunction with the SELPA Administrator/Designee, assess program effectiveness to continually update and improve programs for individuals with exceptional needs;
- D. Participate in school staff development, research, program development, and innovation of special methods and approaches;
- E. Provide coordination, consultation, and program development in any areas to which the program specialist is assigned;
- F. Under the direction of the SELPA Administrator/Designee, assure that pupils, regardless of their district of residence, have access to the full continuum of educational opportunities within the Charter SELPA;

G. Participate in IEPs at the request of the Charter LEA or the parent; and

H. Assist Charter LEAs with non-public non-sectarian and state school placements.

Safeguards for the assurance of appropriate use of regionalized funds are the responsibility of the SELPA Administrator pursuant to the governance structure.

SPECIALIZED EQUIPMENT AND SERVICES

Specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve pupils in isolated sites and maximizes the opportunities to serve pupils in the Least Restrictive Environment (LRE). The Charter LEA will be responsible for providing for the acquisition and distribution of supplies and equipment for programs operated by the LEA.

PUBLIC PARTICIPATION

It is the policy of the Charter SELPA that public hearings, adequate notice of the hearings, and an opportunity for comment are available to the general public, including individuals with disabilities and parents of children with disabilities, are held prior to the adoption of any policies and/or regulations needed to comply with Part B of IDEA.

Per the Charter Local Plan, policies are adopted by the Charter CEO Council. The CEO Council may request input from the Executive Committee, once convened, as policies are developed.

Appropriate notice shall be provided prior to adoption of policies by the SELPA CEO Council. Proposed policies will be posted to the Fresno County Charter SELPA website. This will allow for review and comment by the public, parents of children with disabilities, or individuals with disabilities,

On matters of policy and budget development, all interested parties are welcome to provide input to the Charter SELPA Administrator/Designee and to the respective standing committees of the CEO Council for consideration and review.

Charter CEO Council typically meets twice per year and meetings may take place through teleconference. For the purposes of this section, "teleconference" means a meeting where the members are in different locations, connected by electronic means, through either audio or video, or both.

UTILIZATION OF GENERAL EDUCATION RESOURCES

Each Charter LEA shall ensure that a student is referred for special education instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized. Such resources may include, but not be limited

to, response to intervention models, student success teams, early literacy programs, and remedial programs.

OVERSIGHT FOR NONPUBLIC SCHOOL PLACEMENTS

Each charter LEA that contracts with a nonpublic, nonsectarian school shall evaluate the placement of its student(s) in such schools on at least an annual basis as part of the annual IEP review. The charter LEA 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 a master contract and the IEP to annually evaluate the student to determine if they are making appropriate educational progress. The Charter 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 student progress. The Charter LEA may choose to administer assessments as necessary, with parent consent where required, to determine whether the student is making adequate educational progress.

DISPUTE RESOLUTION PROCESS

A. Rationale

In order to ensure the continual delivery of quality services to children with disabilities, the Charter SELPA developed a process for resolving any disputes regarding the provision of services, governance actions, program transfers, and the distribution of funding.

B. Policy Statement

If a dispute arises over which agency is responsible for providing services, governance activities, program transfers, or the distribution of funding or if a Charter LEA, group of Charter LEAs, or FCSS believes that an action taken by the CEO Council will create an undue hardship on the member(s) or FCSS, or that the action taken exceeds the authority granted the CEO Council, the aggrieved Charter LEA(s) or FCSS may request a review of the action at each level of the committee structure.

The following committees may review and provide recommendations to the CEO Council:

1. Operations Committee (limited to issues relating to service provisions); and
2. Executive Committee, once convened.

The Alternative Dispute Resolution process and techniques are available in the Charter SELPA, and the Solutions Panel model could and would be utilized upon request of any party (ies).

Upon exhaustion of the review procedure as provided for herein, any Charter LEA may appeal to an Ad Hoc Committee made up of the following:

1. County Superintendent/Designee;
2. Charter SELPA Administrator/Designee

3. One CEO of a Charter School selected by the County Superintendent and the Charter SELPA Administrator. The CEO of a charter school does not have to be a member of the Charter SELPA.

The Ad Hoc Committee shall have the discretion to decide the matter by a majority vote of Ad Hoc Committee members present. Any decision of the Ad Hoc committee is final. No written record, findings of fact, nor conclusions of law shall be required of the Ad Hoc Committee. The decision of the Ad Hoc Committee shall be communicated to the parties involved and to the CEO Council at the next regularly scheduled meeting.

Fresno County Charter SELPA Flowchart

