

# MODESTO CITY SCHOOLS

## Board Policy

BP 0430

### PHILOSOPHY,-GOALS,-OBJECTIVES AND COMPREHENSIVE PLANS

#### Comprehensive Local Plan for Special Education

- The Governing Board **recognizes its obligation** ~~desires~~ to provide a free 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, nonsectarian school.**

*(cf. 3541.2 - Transportation for Students with Disabilities)*

*(cf. 4112.23 - Special Education Staff)*

*(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)*

*(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) (N/A)*

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*

*(cf. 6164.6 - Identification and Education Under Section 504)*

- ~~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)~~

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

- ~~In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the district shall serve as a SELPA. Special Education Local Plan Area (SELPA) pursuant to Education Code 56195.1.~~

The Superintendent or designee shall develop a local plan for the education of individuals with disabilities residing in the district. The plan shall be approved by the Board **and submitted to the county office of education and the Superintendent of Public Instruction. (Education Code 56195.1, 56195.3)**

**Bold Black Underline = MCS Language**

**Bold Red = CSBA Language**

Regular Black = Common Language

→ Denotes changes being suggested

**PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS****Comprehensive Local Plan for Special Education***(cf. 0400 - Comprehensive Plans)*

In order to meet the needs of individuals with disabilities, the district shall participate as a member of a multi-district Special Education Local Plan Area (SELPA) pursuant to Education Code 56195.1.

The district shall enter into agreements with other members of the SELPA in accordance with Education Code 56195.1 and 56195.7. Consistent with these agreements, the district shall adopt policies governing the programs and services it operates. (Education Code 56195.8)

The Superintendent or designee shall work with the other members of the SELPA to develop a local plan for the education of individuals with disabilities. The plan shall be approved by the Board and the other members of the SELPA, and shall be submitted to the county office of education and the Superintendent of Public Instruction. (Education Code 56195.1, 56195.3)

The local plan shall be reviewed at least once every three years and updated as needed to ensure the information contained in the plan remains relevant and accurate. The local plan shall be updated cooperatively by a committee of representatives of special and regular education teachers and administrators selected by the groups they represent and with participation by parent/guardian members of the community advisory committee, or parents/guardians selected by the community advisory committee, to ensure adequate and effective participation and communication. (Education Code 56195.9)

Special education programs and services shall be reviewed on an ongoing basis. The results of such evaluations shall be used to identify and correct any program deficiencies.

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**PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS**

**Comprehensive Local Plan for Special Education**

**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*

*56300-56385 Identification and referral, assessment, instructional planning*

*56440-56447.1 Programs for individuals between the ages of three and five years*

**EDUCATION CODE**

*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*

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**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/osep>*

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**ADOPTED: June 25, 2018**

**REVIEWED:**

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