

MODESTO CITY SCHOOLS

Administrative Regulation

AR 0430

PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS

Comprehensive Local Plan for Special Education

Definitions

Free appropriate public 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 individuals between the ages of 3 and 21; and are provided in conformity with an individualized education program (IEP) that meets the requirements of 34 CFR 300.320-300.324. (Education Code 56040; 34 CFR 300.17, 300.101, 300.104)

FAPE applies to students who are suspended or expelled or placed by the district in a nonpublic, nonsectarian school. (34 CFR 300.17, 300.101, 300.104)

Least restrictive environment means that, to the maximum extent appropriate, students with disabilities, including individuals in public or private institutions or other care facilities, be educated with individuals who are nondisabled, including the provision of nonacademic and extracurricular services and activities. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Special education means specially designed instruction, provided at no cost to the parent/guardian, to meet the unique needs of individuals with disabilities including a full continuum of program options including instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education to meet the educational and service needs in the least restrictive environment. (Education Code 56300, 56031)

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→ Special education may include each of the following if the services otherwise meet the definition in the above paragraph: (Education Code 56031)

1. Speech language pathology services, or any other designated instruction and service or related service, pursuant to Education Code 56363, if the service is considered special education rather than designated instruction and service or related service under state standards

2. Travel training

3. Career technical education

4. Transition services for students with disabilities in accordance with 34 CFR 300.43 if provided as specially designed instruction, or a related service, if required to assist a student with disabilities to benefit from special education

Specially designed instruction means adapting 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 that apply to all students in the district. (34 CFR 300.39)

Surrogate parent means an individual assigned to act as a surrogate for the parent/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)

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→ The local plan developed by the **Special Education Local Plan Area** (SELPA) shall include, but not be limited to: ~~the following~~ (Education Code **56122**, 56205, 56206)

→ 1. **Assurances that** policies, procedures, and programs, ~~that are~~ consistent with state laws, regulations, and policies ~~are in effect as specified in Education Code 56205(a)(1-22) and in conformity with~~ 20 USC 1412(a), 20 USC 1413(a)(1), and 34 CFR 300.201 **governing the following:**

- a. **Free appropriate public education**
- b. **Full educational opportunity**
- c. **Child find and referral**
- d. **Individualized education programs, including development, implementation, review, and revision**
- e. **Least restrictive environment**
- f. **Procedural safeguards**
- g. **Annual and triennial assessments**
- h. **Confidentiality**
- i. **Transition from the Infants and Toddlers with Disabilities programs pursuant to 20 USC 1431 to the preschool program**
- j. **Children in private schools**
- k. **Compliance assurances, including general compliance with the federal Individuals with Disabilities Education Act (20 USC 1400-1482), Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794), the federal Americans with Disabilities Act of 1990 (42 USC 12101-12213), related federal regulations, and Education Code 56000-56865**

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- l. A description of the governance and administration of the local plan in accordance with Education Code 56205(a)(12)**
- m. Personnel qualification to ensure that personnel, including special education teachers and personnel and paraprofessionals are appropriately and adequately prepared and trained in accordance with Education Code 56058 and 56070 and 20 USC 1412(a)(14) and 1413(a)(3)**
- n. Performance goals and indicators**
- o. Participation in state and districtwide assessments, including assessments described in 20 USC 6301 et seq. and alternate assessments in accordance with 20 USC 1412(a)(16), and reports relating to assessments**
- p. Supplementation of state, local, and other federal funds, including nonsupplantation of funds**
- q. Maintenance of financial effort**
- r. Opportunities for public participation before adoption of policies and procedures**
- s. Suspension and expulsion rates**
- t. Access to instructional materials by blind individuals with exceptional needs and others with print disabilities in accordance with 20 USC 1412(a)(23)**
- u. Overidentification and disproportionate representation by race and ethnicity of children as individuals with exceptional needs, including children with disabilities with a particular impairment described in 20 USC 1401 and 1412(a)(24)**
- v. Prohibition of mandatory medication use pursuant to Education Code 56040.5 and 20 USC 1412(a)(25)**

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2. An annual budget plan **and annual service plan adopted at a public hearing held by the SELPA, including descriptions of the SELPA's allocation plan in accordance with Education Code 56836-56845, all revenues by revenue source received by the SELPA specifically for the purpose of special education, a breakdown of the distribution of funds to each local educational agency (LEA) within the SELPA, projected total special education expenditures by each LEA, projected total expenditures by the SELPA and the LEAs within the SELPA, projected funding to be received specifically for regionalized operations, and a breakdown of projected SELPA operating expenditures**

3. An annual service plan, describing the services to be provided by each LEA, regardless of whether the LEA participates in the local plan, including the nature of the services and the physical location at which the services will be provided. This description shall demonstrate that all individuals with exceptional needs shall have access to services and instruction appropriate to meet their needs as specified in their individualized education programs.

4. Beginning July 1, 2023, an annual assurances support plan to demonstrate how the SELPA and its participating agencies are coordinating for purposes of assuring effective outcomes for students with disabilities, including a description of:

a. How the governing board of the SELPA will support participating agencies in achieving the goals, actions, and services identified in their local control and accountability plans

b. How the governing board of the SELPA will connect participating agencies in need of technical assistance to the statewide system of support

c. The services, technical assistance, and support the governing board of the SELPA will provide to meet the required policies, procedures, and programs specified in Education Code 56205

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5. 3. A description of programs for early childhood special education from birth through five years of age
6. 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
7. 5. A description of a dispute resolution process, **including mediation and arbitration to resolve disputes over the distribution of funding, the responsibility for service provision, and the other governance activities specified within the local plan**
8. 6. Verification that the plan has been reviewed by the community advisory committee in accordance with Education Code 56205 **and that the committee had at least 30 days to conduct this review before submission of the local plan to CDE**
9. 7. A description of the process being utilized to refer students for special education instruction pursuant to Education Code 56303
10. 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, **and a method for evaluating whether the student is making appropriate educational progress**
11. 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

→ The local plan, annual budget plan, **and** annual service plan, **and annual assurances support plan** shall be written in language that is understandable to the general public. **They shall be adopted at a public hearing of the SELPA, for which notice of the hearing shall be posted in each school in the SELPA at least 15 days before the hearing.** (Education Code 56205)

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Availability of the Plan

The Superintendent or designee shall post on the district's web site the approved local plan, annual budget plan, annual service plan, and annual assurances support plan and any updates or revisions to the plans. A complete copy of the local plan, annual budget plan, annual service plan, annual assurances support plan, and policies and procedures shall be held on file in the district office and shall be accessible to any interested party. (Education Code 56205.5)

→ ~~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)~~

ADOPTED: May 14, 2018

REVIEWED:

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