

Local Plan For Special Education

The Governing Board desires to provide a ~~high-quality free appropriate public~~ education for all ~~students~~ 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. , including those with disabilities. The Board recognizes that all individuals with disabilities have the right to receive a free and appropriate public education.

The district shall provide special education instruction and services for individuals with disabilities in accordance with the federal Individuals with Disabilities Education Act. 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).

(20 USC 1400)

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

Accommodations, modifications and/or special services and aids shall also be provided as needed for students who are eligible for services under Section 504 of the federal Rehabilitation Act of 1973, the Americans with Disabilities Act and related federal regulations.

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

Single-district Special Education Local Plan Area (SELPA)

Special education programs are to be provided under an approved local plan that sets forth the elements of those programs in accordance with the requirements of Chapter 3 of the Education Code (commencing with section 56205, Education Code 56027). As a single-district SELPA, the board shall approve the district's local plan to meet the needs of individuals with disabilities residing in the district. (Education Code 56195,56195.1(a))

Duties of District

The district develops the local plan with input from the Community Advisory Committee. (Education Code 56001(f)) The district shall cooperate and collaborate with the county office in developing the plan and shall submit the plan to the county office for review once complete. (Education Code 56195.3) The final plan shall be submitted to the Superintendent of Public Instruction. (Education Code 56205)

Each SELPA submitting a local plan must assure that it has in effect policies, procedures, and programs that are consistent with federal and state law governing the provision of special education and related services. (Education Code 56040, 56041, 56205) This includes provision of appropriate staff development programs.

(Education Code 56240)

The district shall also adopt policies for the programs it operates under the local plan, including: nonpublic services, review of placement of students with disabilities and their IEPs, when necessary,

procedural safeguards, resource specialists, transportation, information on the number of individuals with exceptional needs who are being provided special education and related services, and caseloads. (Education Code 56195.8) This information may be included as part of the local plan. The district must cooperatively develop and continue to update the plan with the following requirements. (Education Code 56195.9)

Requirements of the Local Plan

The local plan shall establish a Community Advisory Committee, which will act in an advisory capacity to the Board. (Education Code 56190) The committee is to be formed with members appointed by, and responsible to, the Board. The local plan shall describe procedures by which the Board shall establish a SELPA Community Advisory Committee and its membership. (Education Code 56191) The committee must be composed of parents of individuals with exceptional needs and other students, students and adults with disabilities, regular and special education teachers, administrators, and representatives from other public and private agencies. (Education Code 56192) Both the teachers and parents who are involved in development of the local plan are to be selected by their peers. (Education Code 56195.3)

The local plan vests the Committee with authority to fulfill the responsibilities defined for it in the local plan. This committee shall advise the Board in the development, amendment and review of the local plan, recommend annual priorities to be addressed by the plan, promote parent/guardian and community involvement, assist in parent/guardian education and support activities on behalf of individuals with exceptional needs. (Education Code 56190 - 56194).

The local plan shall also contain: an annual budget plan, an annual service plan, including the nature and location of services to be provided so as to provide access to all individuals with disabilities, a description of programs for early childhood special education (ages birth through five years old), a description of a method through which the questions and concerns of parents of children receiving services under the plan will be addressed and answered, a description of a dispute resolution process, including mediation and binding arbitration, to resolve disputes over local plan administration, verification that the Community Advisory Committee was given at least thirty days to review the local plan prior to submission to the Superintendent, a description of the general education process to be used prior to referral for special education, and a description of the process used to supervise and evaluate placements and provision of services at nonpublic schools. (Education Code 56205) The plan shall also include a description of how specialized equipment and services will be distributed so as to maximize opportunities to serve students with exceptional needs in the least restrictive environments. (Education Code 56206)

(cf. 1220 - Citizen Advisory Committees)

(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 (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~~)

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

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>

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

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