

# LODI UNIFIED SCHOOL DISTRICT

## Policy 6159.9

### Instruction

#### Provision of Special Education Services to Students Voluntarily Enrolled in Charter Schools

This policy applies to all charter schools that are chartered by educational entities located within the member districts of the Lodi Area SELPA. This policy also applies to any charter school petition granted by the State Board of Education (SBE) in which oversight responsibilities have been assigned to a district within the SELPA (EC47605.5(k)(1). As students enrolled in charter schools are entitled to special education services provided by state and federal funding, the charter schools will comply with all requirements of state and federal law regarding provision of special education services. Children with disabilities and their parents shall retain all rights under the IDEA.

Special education and related services shall be provided to all eligible individuals within the jurisdiction of the Lodi Area SELPA in accordance with this Local Plan. Students enrolled in charter schools chartered by member districts shall receive services in a manner similar to other students. No governing board shall grant a charter unless the charter includes assurances that special education instruction and/or services shall be provided to all eligible disabled students, enrolled in the charter school, in accordance with the SELPA local plan. A charter school shall not discriminate against any pupil in its admission criteria on the basis of disability.

Funding for special education services, participation in the governance structure and responsibility for provision of services shall be based on the categorization of the individual charter school. Education Code section 47613.5, added in 1999, allows a charter school to be deemed a Local Education Agency (LEA) and receive direct funding, or continue to be categorized as a Public School within a district. All approved charter schools will be deemed public schools within a district unless the charter school selects to be its own LEA. If a charter school chooses to be its own LEA, the SELPA Council of Superintendents will determine whether or not that charter may become a member of the Lodi Area SELPA.

Legal References: — EDUCATION CODE  
56000 et seq., Individuals with Disabilities Education Act  
56203 — Elements of the Local Plan  
56205 — State Requirements  
56207.5 — Charter School Participation in Special Education Local Plan  
56836.11 — Computation of Apportionments

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~~UNITED STATES CODE, TITLE 20~~

~~20 U.S.C. Chapter 33~~

~~1400 et seq. Individuals with Disabilities Education Act, 1997~~

~~CODE OF FEDERAL REGULATIONS, TITLE 34~~

~~300.312—Children with Disabilities in Public Charter Schools~~

~~300.241—Treatment of Charter Schools and their Students~~

Policy

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