

**CLASSIFICATION: Philosophy-Goals-Comprehensive  
Plans****ADOPTED: 7/11/03****REVISED:****SUBJECT: Special Education  
County Board-Approved Charter Schools****PAGE: 1 of 3**

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This administrative regulation applies to all charter schools that are approved by the County Board of Education subsequent to the date of adoption of this administrative regulation or that are assigned for oversight to the Board by the State Board of Education.

For the purpose of provision of special education services, a charter school shall be deemed either a public school within the San Diego County Office of Education (SDCOE) or a Local Educational Agency (LEA) for special education that receives special education funds and provides services independent of the County Office of Education. All County Board approved charter schools will be deemed public schools within the SDCOE until the charter school has been deemed an LEA for special education in accordance with this administrative regulation and accepted into a SELPA as an LEA for special education purposes.

#### Charter School as a Public School within the San Diego County Office of Education

Charter schools that are deemed to be public schools within the San Diego County Office of Education (SDCOE) will participate in state and federal funding following the Funding Allocation Plan, or similar funding agreement, of the Special Education Local Plan Area (SELPA) that will provide funding.

The SDCOE shall:

1. Receive all applicable special education funding from the SELPA funding the charter school ("funding SELPA").
2. Represent the charter school in the funding SELPA's governance structure as a non-voting representative, as necessary.
3. Be responsible for ensuring that all eligible students enrolled in the charter school are appropriately referred, assessed, and served in a timely manner.
4. Be responsible for accessing funds for appropriate special education services.
5. Ensure the provision of special education services or contracts for these services with public or private educational agencies.

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6. Determine that the charter establishes and maintains policies and procedures necessary to ensure that the protections of special education law extend to students enrolled in the charter school in the same manner as students enrolled in other schools or programs administered by the SDCOE and the SELPA funding the charter school.

The charter school shall:

1. Adopt an annual budget that provides sufficient financial resources to meet the needs of the school's special education program for the entire school year, regardless of enrollment.
2. Provide assurances for all costs incurred in the provision of special education services and develop agreements for purchase of such services. These costs may include, but are not limited to:
  - a. Attorney fees
  - b. County Mental Health (AB 2726) placements
  - c. Designated instruction and services
  - d. Due process proceedings
  - e. Inter- and intra-SELPA placement
  - f. Juvenile Court and Community School placements
  - g. Nonpublic school and agency placements
  - h. Program specialist services
  - i. Special education and instructional services

The SDCOE and the charter school shall:

1. Execute agreements or contracts whereby the charter school agrees to pay for the excess costs associated with providing special education services to identified students, including the administration of special education programs.

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2. Indemnify and hold harmless the funding SELPA and all Local Educational Agencies (LEAs) in the funding SELPA for direct and indirect special education costs incurred by the charter school, including any due process or legal fees incurred by the charter school.
3. Ensure that all children with disabilities enrolled in the charter school receive special education instruction and designated instruction and services in a manner that is consistent with all applicable provisions of state and federal law, no matter where the student may reside.

#### Charter School as an LEA for Special Education

A charter school may apply to any SELPA for approval as an LEA. A charter school must include in its petition for establishment or renewal, or in other verifiable written assurance that the charter school shall participate in a SELPA as an LEA for the purposes or providing special education. The charter school shall be funded through the SELPA that accepts the charter school as an LEA. The charter school shall be deemed a public school within the SDCOE until the time that the charter school's petition to become an LEA has been approved.

**Derivation:** Adopted 7/11/03, Technical Revision 1/15/07, 3/28/08.

**Administrative Regulation:** 0310

**Legal Reference:** Education Code  
56145, 56195.1(f), 56207.5(a-c)  
Government Code  
7576  
United States Code, Title 20  
Individuals with Disabilities Education Act, section 1400 et seq.  
Code of Federal Regulations, Title 34  
300.209, 300.312, 300.241  
Rehabilitation Act of 1973, section 504