



5. Plan for Students with Disabilities

a) Overview

The Charter School complies with all applicable state and federal laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act (Section 504), the Americans with Disabilities Act (ADA) and the Individuals with Disabilities in Education Improvement Act (IDEIA).

The Charter School complies with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures; and utilizes appropriate SELPA forms.

The Charter School is solely responsible for its compliance with Section 504 and the ADA. The facilities to be utilized by the Charter School are accessible for all students with disabilities.

b) Services for Students under the IDEIA

YES CHARTER ACADEMY has a relationship with Yuba County Office of Education (YCOE) in regards to Special Education as described below.

i. Special Education

Definition

1. The Charter School is categorized as a public school within the YCOE in conformity with Education Code section 47641, subdivision (b) for purposes of Special Education, and has entered into a “pass-through” agreement YCOE, where YCOE passes through YES’s special education allocation, and the Charter School provides or provides for Special Education services.
2. It is understood that all children have access to the Charter School and no student is denied admission due to a disability.

Compliance

1. The Charter School complies with all applicable federal, state and local laws.
2. The Charter School obtains from the Yuba County SELPA the Policies, Procedures and Forms regarding Special Education. At least annually, and as further required by YCOE, the Charter School reviews pertinent information with pertinent Charter School staff at a staff meeting. The



YCOE may request additional information and review staff meetings as it deems necessary. The Charter School collaborates with YCOE and SELPA representatives as needed and may request their attendance at the staff meeting. YCOE representatives may attend the information review staff meeting even if the Charter School does not request YCOE attendance. The Charter School, however, is solely responsible for the preparation of materials and for conducting the information review meeting.

3. The Charter School complies with Yuba County SELPA Policies, Procedures and other requirements including correct documentation on all IEP forms and adherence to procedures for submission of CASEMIS data.
4. The Charter School utilizes Yuba County SELPA Forms.
5. The Charter School obtains from the YCOE, the YCOE Superintendent Policies and Administrative Regulations relating to Special Education. At least annually, and as further required by YCOE, the Charter School is responsible for reviewing pertinent information with pertinent Charter School staff at a staff meeting. The Charter School collaborates with YCOE representatives as needed and may request their attendance at the staff meeting. YCOE representatives may attend the information review staff meeting even if the Charter School does not request YCOE attendance. The Charter School, however, is solely responsible for the preparation of materials and for conducting the information review meeting.
6. The Charter School adheres to all applicable YCOE Superintendent Policies and Administrative Regulations relating to Special Education.
7. The Charter School provides the YCOE Assistant Superintendent of Special Education copies of sign-in sheets from staff meetings where Yuba County SELPA and Superintendent Policies, Administrative Regulations and forms are reviewed.

Student Study Team Process

The Charter School implements a Student Study Team Process (SST), a regular education function, to monitor and guide referrals for Special Education services. The Charter School agrees that the SST and any interventions prior to referrals for Special Education services are the sole responsibility of the Charter School. A copy of all referrals are forwarded to YCOE within a reasonable time. The Charter School maintains ongoing consultation with YCOE s representative regarding referrals, placements, and potential eligibility for special education services.

Assessments

YES Charter Academy Staff determine what assessments, if any, are appropriate and develop a proposed assessment plan within the applicable timelines for any



assessment of referred students, annual or triennial assessments. YES conducts such assessments in accordance with applicable procedures and protocols and within the applicable timelines.

Responsibility for Special Education Services

1. The Charter School assumes responsibility for selecting and hiring its own Special Education teachers and paraprofessionals, and assumes all costs related to the hiring, supervision and employment of Special Education teachers and paraprofessionals. The YCOE agrees to provide support and resources to staff related to best practices and classroom strategies.
2. The Charter School assumes responsibility for hiring and/or contracting appropriate Special Education support staff and assumes all costs related to those positions. The YCOE assists with determination of support staff needs and contractor options.
3. Special Education teachers and paraprofessionals hired by the Charter School is treated as employees of the Charter School, not the YCOE.

Related Services

The Charter School arranges to provide designated related services based on identified student needs in accordance with students' IEPs. The Charter School may arrange contracts for services including contracts with YCOE staff if available.

These services include:

1. Speech and language services for students with qualifying IEPs.
2. Occupational Therapy services for students with qualifying IEPs.
3. Special education assessments, including psycho-educational completed by a school psychologist, academic, speech and language, and occupational therapy, for students referred through appropriate procedures.
4. Adaptive Physical Education services. Transportation - The Charter School is responsible for any and all transportation costs associated with students enrolled in Special Education services at the Charter School. The Charter School pays for such costs directly.

Exceptional Cost Services



1. Any Special Education services provided by the YCOE to the Charter School in addition to the basic services described above are considered Exceptional Cost Services. The Charter School incurs any of the costs associated with the Exceptional Cost Services. For students with a low incidence disability, materials and equipment may be requested through the SELPA low incidence process.
2. Exceptional Cost Services include, by way of illustration and not limitation, the following:
 - Services listed in Education Code section 56363;
 - Placement in service specific classes, i.e., moderate-severe SDC, counseling enriched special day classes(CEC) as well as non-public school (NPS) and residential placements;
 - Special Circumstance paraprofessionals;
 - Behavior Specialists;
 - Vision Specialist services;
 - Orientation and Mobility training;
 - Services for the Deaf/Hard of Hearing;
 - Low Incidence or specialized equipment purchases; and
 - Assistive Technology Assessment/evaluation.
3. Prior to providing Exceptional Cost Services, the YCOE and the Charter School collaborates to determine specific student service needs.
 - Exceptional Cost Services to be provided and the additional costs incurred by providing those services are the responsibility of the Charter School.

Identification and Referral

1. The Charter School has the responsibility to work cooperatively with the YCOE in following procedures to identify and refer students who have, or may have, exceptional needs that qualify them to receive Special Education services in accordance with YCOE and SELPA policy.
2. The Charter School is solely responsible for obtaining the cumulative files, prior and/or current IEPs and other Special Education information on any student enrolling in their program.
3. The Charter School includes a notice at the beginning of each school year and at the semester in a publication to parents of the Charter School students notifying them of the YCOE's responsibility to search and serve students who need or are believed to need special education services. A Charter School representative is named, including contact information, and is the contact person for parents of charter school students inquiring about special education evaluation, eligibility, and/or services. Each



semester, the Charter School notifies YCOE's representative of all regular education students that either required interventions beyond the Charter School's regular programming or were placed on modified curriculum at the Charter School.

IEP Meetings

1. The Charter School arranges necessary IEP meetings in accordance with YCOE and SELPA Policies and Administrative Regulations and applicable law. The Charter School is responsible for having a designated Charter School administrator, Special Education teacher, and Charter School general education teacher(s) who are knowledgeable about the student's regular education program at the Charter School in attendance at all IEP meetings.
2. The Charter School is responsible for providing all IEPs to the YCOE in a timely manner for the purpose of pupil count tracking through CASEMIS. The YCOE agrees to provide CASEMIS support to the Charter School. The Charter School staff participate in training for completion of IEPs electronically (SELPA Manager/SEIS).

IEP Team

1. The Charter School establishes an IEP team. Team membership is in compliance with any applicable federal, state and local law and includes the designated representative of the Charter School (or designee) and the designated representative of the YCOE as needed.
2. Decisions regarding eligibility, goals/objectives, program, placement, and exit from Special Education is the decision of the IEP team.
3. Special Education services and placements are provided to all eligible Charter School students in accordance with Policies, Administrative Regulations and requirements of YCOE, Yuba County SELPA, and state and federal law.
4. The Charter School ensures each student's IEP is made available to, understood and fully implemented by staff who work with the student, including, where applicable, all accommodations, modifications, supports for instruction, goals and objectives, data collection and progress reporting.

Restrictions on Designation of Disability

The Charter School acknowledges that under the IDEIA, a child is not determined to be a child with a disability eligible for Special Education if the determinant factor for such determination is:



1. Lack of appropriate instruction in reading, including in the essential components of reading instruction as referenced in the IDEIA; Lack of instruction in math; or
2. Limited English proficiency. (20 U.S.C., § 1414, subd.(b)(5)(A-C).)

Students with Current IEP

1. For students who enroll in the Charter School with a current IEP, the Charter School completes an interim placement form and conducts a follow-up IEP meeting in accordance with applicable law.
2. The Charter School requests YCOE review of new students with IEPs prior to their enrollment in the Charter School.

Complaints

1. The Charter School addresses, investigates, and responds to informal complaints in a timely manner.
2. Upon receipt of a Uniform Complaint, the Charter School consults with the YCOE in order to address/respond to/investigate all complaints received under the Uniform Complaint Procedure involving Special Education.

Due Process Hearings

1. The Charter School may initiate a due process hearing on behalf of a student enrolled in the Charter School if legally necessary to meet responsibilities under state and federal law.
2. The YCOE may, but has no obligation to assist the Charter School to prepare, file and prosecute the case.
3. Costs of legal representation are borne by YES.
4. The Charter School cooperates in the pursuit or defense of due process hearings as needed.

Actions Filed Against the Charter School and/or YCOE

1. The Charter School prepares and defends any case filed against the Charter School and/or YCOE regarding Special Education eligibility, placement or services provided to a student by the Charter School.
2. In the event that the YCOE determines that representation from legal counsel is needed, the YCOE and Charter School are jointly represented



by the YCOE's legal counsel unless there is a conflict of interest, or the parties agree otherwise. Costs of legal representation are borne by YES.

3. Charter School staff and administrators cooperate in the defense as needed.
4. The Agreement between YCOE and YES details the parties' liability.

SELPA

1. The YCOE Assistant Superintendent or designee represents the Charter School at all Yuba County SELPA meetings.
2. Reports to the Charter School regarding Yuba County SELPA decisions, policies and other relevant information is communicated to the Charter School by the YCOE.
3. To the extent that the YCOE and/or Yuba County SELPA provide training opportunities and/or information regarding Special Education to site staff, such opportunities/information are made available to Charter School staff.
4. To the extent that YCOE site staff has the opportunity to participate in committee meetings of the Yuba County SELPA as representatives of their school, such opportunities are made available to Charter School staff.

Special Education Apportionment Directly to the Charter School

1. The parties agree that, pursuant to the division of responsibilities set forth in their agreement, the Charter School has elected the status of a public school in the county for the purposes of Special Education services and funding, and the Charter School has the responsibility of arranging services.
2. All funds apportioned to the Charter School through Yuba County SELPA are passed through to the Charter School by YCOE, according to the SELPA Allocation Plan for the purpose of supporting Special Education costs.
3. The Charter School provides the YCOE with ten percent (10%) of the Special Education apportionment for support and services outlined in their Agreement. The Charter School recognizes the SELPA Special Education allocation does not cover all Special Education expenses and agrees to cover the excess costs through general education allocations.

Correspondence Regarding Special Education



Within 24 hours of the time any correspondence related in any way to Special Education service issues or parental concerns is sent or received by the Charter School, the Charter School provides the YCOE Assistant Superintendent of Special Education copies of such correspondence.

Special Education Services Based on IEP

Special Education services are offered at the Charter School or elsewhere in the YCOE or Yuba County SELPA based upon each student's IEP.

Training

The Charter School administrative staff attends appropriate administrative trainings and appropriate Charter School staff attends YCOE Special Education training sessions.