

Local Plan for Special Education

The Solano County Office of Education's (SCOE) provides a free and appropriate public education to individuals with disabilities, ages 3 to 22 years as outlined in the Solano County Special Education Local Area Plan (SELPA).

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 Section 56303)

In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, SCOE established, participates as a member of, and serves as the Administrative Unit (AU) to the SELPA. SCOE follows the policies approved by the Council of Superintendents (COS) and the California Department of Education (CDE) that are contained in the local plan. Solano's local plan is available as a separate document and shall be administered and funds allocated by the COS which consists of superintendents from the SELPA's member agencies.

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. (34 CFR 300.17, 300.101, 300.104)

FAPE applies to students who are suspended or expelled or placed by the SELPA 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. (34 CFR 300.107, 300.114, 300.117; Education Code 56040.1)

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)

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)

Policy 0430 (Continued)

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)

The local plan, annual budget plan, and annual service plan shall be written in language that is understandable to the general public.

The SELPA 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)

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 3 and 5 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
- Title 20, 1400-1482 Individuals with Disabilities Education Act
- Title 29, 794 Rehabilitation Act of 1973, Section 504
- 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

Policy Cross-Reference:

- 3541.2 Transportation for Students with Disabilities
- 5141.21 Administering Medication and Monitoring Health Conditions
- 5141.24 Specialized Health Care Services
- 5144.2 Suspension and Expulsion/Due Process (Students with Disabilities)
- 6146.4 Differential Graduation and Competency Standards for Students with Disabilities
- 6159 Individualized Education Program
- 6159.1 Procedural Safeguards and Complaints for Special Education
- 6159.2 Nonpublic, Nonsectarian School and Agency Services for Special Education
- 6159.3 Appointment of Surrogate Parent for Special Education Students
- 6159.4 Behavioral Interventions for Special Education Students
- 6164.4 Identification and Evaluation of Individuals for Special Education
- 6164.41 Children with Disabilities Enrolled by their Parents in Private School
- 6164.6 Identification and Education Under Section 504