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# Description of Changes to the Renewal Petition Necessary to Reflect the SBE as the Chartering Entity



April 22, 2015

Cindy Chan, Interim Director  
Charter Schools Division  
California Department of Education  
1430 N Street, Ste. 5401  
Sacramento, CA 95814-5901

Re: Description of Changes to the New City Public Schools' Petition on Appeal  
Necessary to Reflect the State Board of Education as the Authorizing Entity

Dear Ms. Chan:

In accordance with California Code of Regulations, title 5, section 11966.6, subdivision (b)(4), the following changes are necessary to the New City Public Charter School's ("New City School") charter petition to reflect the State Board of Education ("SBE") as the authorizing entity.

### **1. Chartering Authority**

Any text referring to the Long Beach Unified School District, LBUSD, or the District as the chartering authority would be revised to read "State Board of Education" or "SBE," or the "California Department of Education" or "CDE," as appropriate, as the charter authorizing entity and agency providing oversight of New City School. These changes would be reflected throughout the document wherever appropriate.

### **2. Special Education – Element 1**

Element 1, Section J—Plan for Special Education—of New City School's charter petition reflects language from our 15-year arrangement with the Long Beach Unified School District for the provision of special education services and funding. To reflect the SBE as the charter authorizing entity, substantive changes are required. Thus, Section J of Element 1 would be amended to read as follows:

#### **J. Plan for Special Education**

##### *Overview*

The Charter School shall comply 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 will participate as its own local educational agency ("LEA") and will apply directly for membership in a Special Education Local Plan Area ("SELPA") approved by the SBE, and shall be deemed a LEA for the purposes of compliance with federal law (IDEIA) and for eligibility for federal and state special education funds. The Charter School will seek membership in the Los Angeles County Charter SELPA, Southwest SELPA, the El Dorado County Charter SELPA, or other appropriate SELPA.

In the event the Charter School seeks future membership in a different state-approved SELPA, the Charter School will provide notice to the SELPA, the SBE, and the California Department of Education before June 30th of the year before services are to commence.

The Charter School shall comply with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures, and shall utilize appropriate SELPA forms.

The Charter School may request related services (e.g. Speech, Occupational Therapy, Adapted P.E., Nursing, and Transportation) from the SELPA, subject to SELPA approval and availability. The Charter School may also provide related services by hiring credentialed or licensed providers through private agencies or independent contractors.

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

### ***Section 504 of the Rehabilitation Act***

The Charter School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of such disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Charter School. Any student who has an objectively identified disability which substantially limits a major life activity, including but not limited to learning, is eligible for accommodation by the Charter School.

A 504 team will be assembled by the Principal and shall include the parent/guardian, the student (where appropriate), and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and accommodations. The 504 team will review the student's existing records, including academic, social, and behavioral records, and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEIA but found ineligible for special education instruction or related services, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team, which will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational

program and/or activities. The 504 team may also consider the following information in its evaluation:

- Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.
- Tests and other evaluation materials including those tailored to assess specific areas of educational need, and not merely those which are designed to provide a single general intelligence quotient.

Tests are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level, or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills.

The final determination of whether the student will or will not be identified as a person with a disability is made by the 504 team in writing. Notice will be given in writing to the parent or guardian of the student in their primary language, along with other procedural safeguards required by law. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEIA, a referral for assessment under the IDEIA will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives a free and appropriate public education. In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the Charter School's professional staff.

The 504 Plan shall describe the Section 504 disability and any program accommodations, modifications, or services that may be necessary.

All 504 team participants, parents, guardians, teachers and any other participants in the student's education, including substitutes and tutors, must have a copy of each student's 504 Plan. The site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes. The site administrator will also review the 504 Plan with any long-term substitutes. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed at least once per year to determine whether the Plan is still appropriate, whether modifications are necessary, and whether the student remains eligible.

### ***Services for Students under the IDEIA***

The Charter School shall provide special education instruction and related services in accordance with the IDEIA, California Education Code requirements, and applicable policies and practices of the SELPA.

The Charter School will provide services for special education students enrolled in the Charter School. The Charter School shall maintain the confidentiality of pupil records. The Charter

School agrees to promptly respond to all SBE or SELPA inquiries, to comply with reasonable SBE or SELPA directives, and to allow the SBE access to Charter School students, staff, facilities, equipment, and records as required to fulfill all SBE obligations under this Charter or imposed by law.

### Staffing

All special education services at the Charter School will be delivered by individuals or agencies qualified to provide special education services as required by the California Education Code and the IDEIA. Charter School staff shall participate in SBE or SELPA in-service training relating to special education.

The Charter School will be responsible for the hiring, training, and employment of onsite staff necessary to provide special education services to its students, including without limitation, special education teachers, paraprofessionals, and resource specialists. The Charter School shall ensure that all special education staff hired or contracted by the Charter School is qualified pursuant to SELPA policies, as well as all applicable legal requirements. The Charter School shall be responsible for the hiring, training, and employment of itinerant staff necessary to provide special education services to Charter School students, including without limitation, speech therapists, occupational therapists, behavioral therapists, and psychologists.

### Notification and Coordination

The Charter School shall follow SELPA policies as they apply to all SELPA schools for responding to implementation of special education services. The Charter School will adopt and implement policies relating to all special education issues and referrals.

### Identification and Referral

The Charter School shall have the responsibility to identify, refer, and work cooperatively in locating Charter School students who have or may have exceptional needs that qualify them to receive special education services. The Charter School will implement SELPA policies and procedures to ensure timely identification and referral of students who have, or may have, such exceptional needs. A pupil shall be referred for special education only after the resources of the regular education program have been considered, and where appropriate, utilized.

The Charter School will follow SELPA child-find procedures to identify all students who may require assessment to consider special education eligibility and special education and related services in the case that general education interventions do not provide a free appropriate public education to the student in question.

### Assessments

The term "assessments" shall have the same meaning as the term "evaluation" in the IDEIA, as provided in Section 1414, Title 20 of the United States Code. The Charter School will determine what assessments, if any, are necessary and arrange for such assessments for referred or eligible students in accordance with applicable law. The Charter School shall obtain parent/guardian consent to assess Charter School students.

### IEP Meetings

The Charter School shall arrange and notice the necessary Individualized Education Program (“IEP”) meetings. IEP team membership shall be in compliance with applicable state and federal law. The Charter School shall be responsible for having the following individuals in attendance at the IEP meetings: the Principal and/or the Charter School designated representative with appropriate administrative authority as required by the IDEIA; the student's special education teacher; the student's general education teacher if the student is or may be in a regular education classroom; the student, if appropriate; and other Charter School representatives who are knowledgeable about the regular education program at the Charter School and/or about the student. The Charter School shall arrange for the attendance or participation of all other necessary staff that may include, but are not limited to, an appropriate administrator to comply with the requirements of the IDEIA, a speech therapist, psychologist, resource specialist, or behavior specialist. The Charter School shall document the IEP meeting and provide notice of parental rights.

### IEP Development

The Charter School understands that the decisions regarding eligibility, goals/objectives, programs, services, placement, and exit from special education shall be the decision of the IEP team, pursuant to the IEP process. Programs, services, and placements shall be provided to all eligible Charter School students in accordance with the policies, procedures, and requirements of the SELPA and applicable state and federal law.

### IEP Implementation

The Charter School shall be responsible for all school site implementation of the IEP. As part of this responsibility, the Charter School shall provide parents with timely reports on the student's progress as provided in the student's IEP. Such reports shall be provided at least quarterly, or as frequently as progress reports are provided for the Charter School's non-special education students, whichever is more frequent. The Charter School shall provide all home-school coordination and information exchange. The Charter School shall also be responsible for providing all curriculum, classroom materials, classroom modifications, and assistive technology necessary to implement the IEP.

### Interim and Initial Placements of New Charter School Students

The Charter School shall comply with Education Code Section 56325 with regard to students transferring into the Charter School within the academic school year. In accordance with Education Code Section 56325(a)(1), in the case of an individual with exceptional needs who has an IEP and transfers into the Charter School from another school district within the State but outside of the SELPA within the same academic year, the Charter School shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP, in consultation with the parent, for a period not to exceed thirty (30) days, by which time Charter School shall adopt the previously approved IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law.

In accordance with Education Code Section 56325(a)(2), in the case of an individual with exceptional needs who has an IEP and transfers into the Charter School from a district-operated program under the same SELPA of the Charter School within the same academic year, the Charter School shall continue, without delay, to provide services comparable to those described in the existing approved IEP, unless the parent and the Charter School agree to develop, adopt, and implement a new IEP that is consistent with state and federal law.

For students transferring to the Charter School with an IEP from outside of California during the same academic year, the Charter School shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP in consultation with the parents, until the Charter School conducts an assessment pursuant to paragraph (1) of subsection (a) of Section 1414 of Title 20 of the United States Code, if determined to be necessary by the Charter School, and develops a new IEP, if appropriate that is consistent with state and federal law.

#### Non-Public Placements/Non-Public Agencies

The Charter School shall be solely responsible for selecting, contracting with, and overseeing all non-public schools and non-public agencies used to serve special education students.

#### Non-discrimination

It is understood and agreed that all children will have access to the Charter School and no student shall be denied admission nor counseled out of the Charter School due to the nature, extent, or severity of his/her disability or due to the student's request for, or actual need for, special education services.

#### Parent/Guardian Concerns and Complaints

The Charter School shall adopt policies for responding to parental concerns or complaints related to special education services. The Charter School shall receive any concerns raised by parents/guardians regarding related services and rights.

The Charter School's designated representative shall investigate as necessary, respond to, and address the parent/guardian concern or complaint.

#### Due Process Hearings

The Charter School may initiate a due process hearing or request for mediation with respect to a student enrolled in the Charter School if it determines such action is legally necessary or advisable. In the event that the parents/guardians file for a due process hearing or request mediation, the Charter School shall defend the case.

#### SELPA Representation

The Charter School understands that it shall represent itself at all SELPA meetings.

#### Funding

The Charter School understands that it will be subject to the allocation plan of the SELPA.

**3. Dispute Resolution – Element 14**

The Dispute Resolution language on page 96 in the charter petition will be revised to meet SBE and CDE requirements.

**4. Closure Procedures – Element 16**

In the event New City School is authorized by the SBE, the Closure Procedures in Element 16 of the charter would be amended to provide that the SBE and CDE are the sole oversight authorities.

**5. Financial Reporting – Miscellaneous Terms**

Fiscal Reporting procedures on page 100 will be revised to reflect the SBE and CDE as the entities to which New City School will directly submit all fiscal and attendance reporting documents.

**6. Insurance – Miscellaneous Terms**

The last paragraph on page 100 will be revised to reflect the SBE and CDE as additionally insured parties on all insurance policies of New City School.

**7. Technical Amendments**

The Charter School will comply with additional technical amendments to its charter as required by the SBE and CDE.

We look forward to working with the SBE to finalize any additional and necessary changes to New City School's charter petition to reflect the SBE as the authorizing entity.

Very truly yours,



John Vargas, Executive Director  
New City Public Schools