

**JENAE HOLTZ, CHIEF EXECUTIVE OFFICER, CAHELP JPA  
DESERT/MOUTAIN CHARTER SPECIAL EDUCATION LOCAL PLAN AREA  
LOCAL EDUCATION AGENCY (LEA)  
ASSURANCE STATEMENT**

**1. FREE APPROPRIATE PUBLIC EDUCATION, 20 U.S.C. § 1412(a)(1)**

It shall be the policy of this LEA that a free appropriate public education is available to all children residing in the LEA including those that are out of geographic boundaries between the ages of three through 21 inclusive, including students with disabilities who have been suspended or expelled from school. The Charter SELPA will have a policy in place that assures compliance for the out of geographic region charter schools.

**2. FULL EDUCATIONAL OPPORTUNITY, 20 U.S.C. § 1412(a)(2)**

It shall be the policy of this LEA that all students with disabilities have access to educational programs, nonacademic programs, and services available to students without disabilities.

**3. CHILD FIND, 20 U.S.C. § 1412(a)(3)**

It shall be the policy of this LEA that all children with disabilities residing in the state, including children with disabilities who are homeless or are wards of the state and children attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. A practical method is developed and implemented to determine which students with disabilities are currently receiving needed special education and related services. The Charter SELPA will assure that there is a process in place for the out of geographic region charter schools to be in compliance with this requirement.

**4. INDIVIDUALIZED EDUCATION PROGRAM (IEP) AND INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP), 20 U.S.C. § 1412(a)(4)**

It shall be the policy of this LEA that an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) is developed, reviewed, and revised for each child with a disability who requires special education and related services in order to benefit from his/her IEP. It shall be the policy of this LEA that a review of an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions. The Charter SELPA will have in place a means of reporting this information for the individual charter schools in the same manner as the other member LEAs.

**5. LEAST RESTRICTIVE ENVIRONMENT, 20 U.S.C. § 1412(a)(5)**

It shall be the policy of this LEA that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special class, separate schooling, or other removal of a student with disabilities from the general educational environment, occurs only when the nature or severity of the disability of the student is such that education in general classes with the use of supplemental aids and services cannot be achieved satisfactorily.

**6. PROCEDURAL SAFEGUARDS, 20 U.S.C. § 1412(a)(6)**

It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards throughout the provision of a free appropriate public education including the identification, evaluation, and placement process. The Charter SELPA will monitor the compliance for the out of geographic region charter schools.

**7. EVALUATION, 20 U.S.C. § 1412(a)(7)**

It shall be the policy of this LEA that a reassessment of a student with a disability shall be conducted at least once every three years or more frequently, if appropriate.

**8. CONFIDENTIALITY, 20 U.S.C. § 1412(a)(8)**

It shall be the policy of this LEA that the confidentiality of personally identifiable data information and records maintained by the LEA relating to children with disabilities and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act (FERPA). The Charter SELPA will monitor the compliance for out of geographic region charter schools.

**9. PART C TRANSITION, 20 U.S.C. § 1412(a)(9)**

It shall be the policy of this LEA that a transition process for a child who is participating in Early Intervention Programs (IDEA, Part C) with an IFSP is begun prior to a toddler's third birthday. The transition process shall be smooth, timely, and effective for the child and family. The Charter SELPA will assure that there is a process in place to comply with this requirement for all out of geographic region charter schools.

**10. PRIVATE SCHOOLS, 20 U.S.C. § 1412(a)(10)**

It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private schools shall receive appropriate special education and related services pursuant to LEA coordinated procedures. The proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private schools by their parents. The Charter SELPA will assure that all out of geographic region charter schools will have a policy in place that complies with this requirement.

**11. LOCAL COMPLIANCE ASSURANCES, 20 U.S.C. § 1412(a)(11)**

It shall be the policy of this LEA that the Local Plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency(ies) herein represented with meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act (IDEA), the Federal Rehabilitation Act of 1973, Section 504 of Public Law and the provisions of the California Education Code, part 30.

**12. INTERAGENCY, 20 U.S.C. § 1412(a)(12)**

It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for FAPE are provided, including the continuation of services during an interagency dispute resolution process.

**13. GOVERNANCE, 20 U.S.C. § 1412(a)(13)**

It shall be the policy of this LEA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the Local Plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Educational Agency.

**14. PERSONNEL QUALIFICATIONS, 20 U.S.C. § 1412(a)(14)**

It shall be the policy of this LEA to ensure that personnel providing special education related services meet the highly qualified requirements as defined under federal law, including that those personnel have the content knowledge and skills to serve children with disabilities.

This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly

qualified or to prevent a parent from filing a state complaint with the California Department of Education (CDE) about staff qualifications.

**15. PERFORMANCE GOALS, 20 U.S.C. § 1412(a)(15)**

It shall be the policy of this LEA to comply with the requirements of the performance goals and indicators developed by the CDE and provide data as required by the CDE.

**16. PARTICIPATION IN ASSESSMENTS, 20 U.S.C. § 1412(a)(16)**

It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments, consistent with state standards governing such determinations.

**17. SUPPLEMENTATION OF STATE/FEDERAL FUNDS, 20 U.S.C. § 1412(a)(17)**

It shall be the policy of this LEA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA; will be used to supplement and not to supplant state, local, and other federal funds.

**18. MAINTENANCE OF EFFORT, 20 U.S.C. § 1412(a)(18)**

It shall be the policy of this LEA that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in federal law and regulations.

**19. PUBLIC PARTICIPATION, 20 U.S.C. § 1412(a)(19)**

It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities are held prior

to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA.

**20. RULE OF CONSTRUCTION, 20 U.S.C. § 1412(a)(20)**

(Federal requirement for State Education Agency only)

**21. STATE ADVISORY PANEL, 20 U.S.C. § 1412(a)(21)**

(Federal requirement for State Education Agency only)

**22. SUSPENSION/EXPULSION, 20 U.S.C. § 1412(a)(22)**

The LEA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies, procedures, and practices related to the development and implementation of the IEPs will be revised.

**23. ACCESS TO INSTRUCTIONAL MATERIALS, 20 U.S.C. § 1412(a)(23)**

It shall be the policy of this LEA to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state adopted National Instructional Materials Accessibility Standards.

**24. OVERIDENTIFICATION AND DISPROPORTIONALITY, 20 U.S.C § 1412(a)(24)**

It shall be the policy of this LEA to prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities.

**25. PROHIBITION ON MANDATORY MEDICINE, 20 U.S.C. § 1412(a)(25)**

It shall be the policy of this LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substance Act as a condition of attending school or receiving a special education assessment and/or services.

**26. DISTRIBUTION OF FUNDS, 20 U.S.C. § 1411(e), (f)(1-3)**

(Federal requirement for State Education Agency only)

**27. DATA, 20 U.S.C. § 1418(a-d)**

It shall be the policy of this LEA to provide data or information to the CDE that may be required by regulations.

**28. READING LITERACY, STATE BOARD REQUIREMENT, 2/99**

It shall be the policy of this LEA that in order to improve the educational results for students with disabilities, SELPA Local Plans shall include specific information to ensure that all students who require special education will participate in the California Reading Initiative.

**29. CHARTER SCHOOLS, CALIFORNIA EDUCATION CODE § 56207.5(a-c)**

It shall be the policy of this LEA that a request by a charter school to participate as a LEA in a special education local plan area may not be treated differently from a similar request made by a school district.

In accordance with federal and state laws and regulations, the Virtual Preparatory Academy at Lucerne certifies that this plan has been adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency herein represented will meet all applicable requirements of state and federal laws, regulations and state policies and procedures, including compliance with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., and implementing regulations under 34 C.F.R., Parts 300 and 303, 29 U.S.C. § 794, 705(20), 794-794b, the Federal Rehabilitation Act of 1973, as amended, and the provisions of the California Education Code, Part 30 and Chapter 3, Division 1 of Title V of the California Code of Regulations.

Be it further resolved, the LEA Superintendent shall administer local implementation of procedures, in accordance with state and federal laws, rules, and regulations, which will ensure full compliance.

Furthermore, the LEA Superintendent ensures that policies and procedures covered by this assurance statement are on file at the LEA at the SELPA office.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Yeas: 2      Nays: 0

**Signed:**

*Michelle Romaine*

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Michelle Romaine  
Director / Head of School