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## **State Board of Education Approves Charter School LEA Membership in Out-of-Geographic Region SELPAs**

The State Board of Education recently approved the California Department of Education's recommendations to expand options for charter school membership in Special Education Local Plan Areas. Specifically, the SBE approved three SELPA regionalization models developed by a CDE task force, including a "within county SELPA," an "outside county SELPA," and a "state/regional SELPA," which are described in more detail below. The SBE also removed the pilot status of four SELPAs, which will allow these SELPAs to continue to serve out-of-geographic region charter schools.

Charter schools must ensure that students with disabilities are afforded a free appropriate public education and have access to appropriate programs and services that meet federal and California requirements. For purposes of special education, a charter school may elect to become its own LEA. If the charter school makes this election, it must apply for membership in a regional SELPA to access special education funds and services. Under Education Code section 47645, a charter school that requests to operate as its own LEA and join a SELPA may not be treated differently from a traditional school district making a similar request.

The unique programmatic needs of charter schools have impacted SELPA membership availability. While membership in a geographic SELPA may serve the interests of some charter schools, other charter schools have expressed a desire for greater flexibility and influence over special education programs and funding, which is not available under their current local SELPA membership. Charter schools have also faced challenges securing regional SELPA membership, particularly when the charter school's authorizer is not affiliated with school districts within the regional SELPA, or when the charter school is seeking membership in a single district SELPA that does not allow for such an arrangement in its local plan.

In response to the growing demand for alternatives to regional SELPA membership, in 2007 the SBE established a three-year pilot program comprised of four SELPAs that would serve out-of-geographic region charter school LEAs. Following the three-year pilot program, CDE found that students with disabilities had received a FAPE in those SELPAs. Consequently, the SBE determined that an alternative SELPA membership option is necessary to accommodate the unique needs of charter schools and has approved the following three regional SELPA configurations:

- (1) Changing operational systems within county SELPAs;
- (2) Allowing for a charter school to join a SELPA located outside of the charter school authorizer's SELPA(s) if it is within the general geographic region; and

- (3) Developing statewide/regional SELPAs that could incorporate charter school LEA members from within the state.

CDE had indicated it will issue guidance in the near future to clarify the rights and responsibilities of charter schools and SELPAs with respect to the three new regionalization models addressed above. Following CDE's issuance of guidance on this matter, we will publish a NewsFlash outlining the key aspects of these changes.

In the meantime, if you have any questions regarding the SBE's approval of the new regionalization models, please contact one of our five offices.

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