Introductory Statement

Over the current school year, District staff have met and conferred with staff from the San Diego County Office of Education (SDCOE) and County Superintendent of Schools to develop a memorandum of understanding (MOU) to facilitate the distribution of special education funding to SDCOE-approved charter schools geographically located within the San Diego Unified School District. Under the proposed MOU, SDCOE-approved charter schools, geographically located within the District, will participate in the District special education local plan area (SELPA) for the purpose of receiving special education funding. In addition, SDCOE-approved charter schools may negotiate with the District for the purpose of purchasing special education services from the District SELPA. The SDCOE shall retain all supervisory and compliance responsibility under both charter and special education law over the participating SDCOE-approved charter. Finally, the participation of SDCOE-approved charter schools will not alter the nature of the District’s SELPA.

Background

Under Education Code § 47605(j), a county board of education is authorized to grant a charter school petition on appeal from a school district. Under Education Code §§ 47605.5 and 47605.6, a county board of education is authorized to grant a countywide charter school petition. Under Education Code § 56836 et seq., school district special education funding is apportioned to a SELPA. Under Education Code § 47651, charter school special education funding apportionments are drawn in favor of the superintendent of schools in the county in which it is located.

The SDCOE is not a SELPA for purposes of special education administration and funding. Instead, the SDCOE is a local educational agency. As a result, it must assign its special education funding apportionment, including for charter schools, to a SELPA. The SDCOE has entered into agreements with all other SELPAs in San Diego County for the purpose of assigning its special education funding apportionment for SDCOE-approved charter schools to the SELPA in which the charter school is geographically located.

There currently are no SDCOE-approved charter schools located within the District boundaries.

Instructional Implications

There are no instructional implications anticipated.
Facilities Implications

There are no facilities implications anticipated.

Budget Implications

Under the MOU, SDCOE-approved charter schools will receive special education funding in accordance with current District policies and procedures for District-approved charter schools. Moreover, the District will charge SDCOE-approved charter schools a participation fee equal to the special education funding encroachment District-approved charter schools currently are assessed. Therefore, there are no negative budget implications anticipated.

Public Support and Engagement

All other SELPAs in San Diego County have entered into similar agreements for the purpose of assigning special education funding apportionment for SDCOE-approved charter schools to the SELPA in which the charter school is geographically located.

Board Policy Implications

The Board adopted charter school policies and procedures will be revised to include the provisions enumerated in the MOU for SDCOE-approved charter schools.

Recommendation

The Superintendent recommends adoption of the MOU.

Attachment: Memorandum of Understanding Between San Diego County Superintendent of Schools and San Diego Unified School District

Prepared by Ricardo Soto, Deputy General Counsel