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# CHARTER AUTHORIZER TOOLKIT: SPECIAL EDUCATION OVERSIGHT



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## 1. OVERVIEW

Charter schools are public schools and must provide students with disabilities equal access to enrollment and services. This toolkit supports California authorizers in fulfilling their oversight responsibilities around special education, including understanding legal structures, funding, and program implementation.

Under federal law, particularly the Individuals with Disabilities Education Act (IDEA), students with disabilities are entitled to a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). Schools must identify, evaluate, and serve all eligible students regardless of the severity of the disability. In California, these requirements are codified in the Education Code, including Ed. Code [sections 47641–47647](#), which outline charter school responsibilities regarding special education.

Charter authorizers must ensure that charter schools in their portfolio comply with these federal and state mandates, whether the charter school has chosen to operate as an independent Local Educational Agency (LEA) or as a school of the district for special education purposes. Oversight includes monitoring service delivery, ensuring procedural compliance, and safeguarding student rights to access and equity.

**How Authorizers Use This Information:** Authorizers should become familiar with key federal and state legal references such as IDEA, Section 504 of the federal Rehabilitation Act, and California Education Code to inform oversight decisions. These laws form the foundation of compliance expectations and program monitoring.

### Where to Learn More:

- [U.S. Department of Education IDEA Website](#)
- [California Department of Education \(CDE\) Special Education Division](#)

## 2. SPECIAL EDUCATION STRUCTURE IN CALIFORNIA

Understanding the organizational structure of special education in California is essential for charter authorizers to identify the flow of funds, lines of accountability, and shared responsibilities among schools, LEAs, and Special Education Local Plan Areas (SELPA). This section breaks down three core entities: SELPAs (which coordinate regional special education services and allocate funding), LEAs (which bear the legal responsibility for FAPE), and individual schools (which deliver services on-site). Authorizers must also be aware of the [charter SELPA options](#) (see graphic below), as each operates under different governance and compliance expectations. Familiarity with these entities enables authorizers to verify that charter schools are appropriately supported and held accountable in accordance with their status and local plan agreements.

A charter school may be a member of a local district, county, or geographic lead SELPA, depending on the type of charter school and the membership rules of the SELPA. In addition, California has the following all-charter SELPAs:

[El Dorado Charter SELPA](#)

[Fresno County Charter SELPA](#)

[Los Angeles County Charter SELPA](#)

**Key Entities:**

- **SELPA (Special Education Local Plan Area):** A regional consortium responsible for ensuring that the needs of all students with disabilities are met within the geographic area it serves. SELPAs receive and allocate state and federal special education funds and develop local plans that outline services and supports. Focuses on coordination, equity, and efficiency across districts and charter schools.
- **LEA (Local Educational Agency):** A district or charter school with full legal responsibility for providing special education services to eligible students. LEAs participate in SELPA governance, ensure compliance with federal and state laws, and manage their own funding and staffing. Focuses on accountability and autonomy.
- **School:** The physical and instructional setting where services are delivered. Each school is responsible for implementing students' Individualized Education Programs (IEP), maintaining records, and ensuring daily support for students with disabilities. Focuses on direct service delivery and student outcomes.

**How Authorizers Use This Information:** Understanding the structural roles of SELPAs and LEAs is essential to determining accountability for services, funding, and legal responsibilities. Authorizers should know which SELPA each charter belongs to, and the corresponding expectations outlined in that SELPA's Local Plan. This helps ensure that governance, fiscal oversight, and service coordination are appropriately executed.

**Where to Learn More:**

- [California SELPA Administrators](#)

### **3. LEA VS. SCHOOL OF THE DISTRICT STATUS**

The governance structure of a charter school in relation to special education—whether it operates as its own LEA or as a school of the district for special education purposes—directly impacts oversight responsibilities, funding, service delivery, and legal liability. This section defines each structure and outlines the implications for governance, staffing, funding, and compliance. It also highlights important considerations such as the use of student information systems, Memoranda of Understanding (MOU), and professional development roles. Authorizers need to be clear on a charter's legal status and ensure the MOU or local plan accurately defines responsibilities. This knowledge allows authorizers to assess compliance obligations accurately and collaborate effectively with both the charter and district as needed.

#### **LEA vs. School of the District Defined**

**LEA Status:**

- **Governance Role:** The charter school operates as its own LEA for special education purposes, participating in SELPA governance and decision-making. Focuses on autonomy and full program responsibility.
- **Funding and Oversight:** Receives and administers special education funds directly and is legally responsible for FAPE. Focuses on operational independence.
- **Accountability:** Must meet all compliance obligations independently, including staffing, services, data reporting, and IEP implementation. Focuses on internal capacity building.

Under California Education Code, charter schools cannot be required to operate as their own Local Educational Agency (LEA) for special education or assume added fiscal responsibilities as a condition of LEA status (Ed. Code §§ 47647, 47641(a), 56195.3(b)). They may apply to join any SELPA and transfer with one year's notice, per procedures set forth in the SELPA local plan (Ed. Code § 47647).

When a charter school operates as its own LEA, it assumes full legal and programmatic responsibility for special education, including compliance with all state and federal laws. LEAs participate in SELPA governance, manage and allocate restricted special education funds, and ensure the delivery of FAPE. Responsibilities include assessments, IEPs, staffing oversight, professional development, and maintaining a full continuum of services. LEAs must also manage complaints, due process, discipline policies, and the "Child Find" duties to identify, locate, and evaluate all children, from birth through age 21, who may need special education and related services. Ongoing monitoring, performance evaluation, and continuous improvement are essential to meeting accountability requirements.

#### **School of the District:**

- **District Control:** The charter operates under the authorizing district's LEA for special education. The district retains primary responsibility for services, staffing, and funding. Focuses on integration and shared oversight.
- **MOU-Defined Roles:** Responsibilities are defined through a Memorandum of Understanding (MOU) outlining funding, staffing, and program implementation. Focuses on clarity and collaboration.
- **Shared Systems:** Typically uses the district's policies, student information systems (SIS), and forms. May be subject to district employee collective bargaining agreements. Focuses on system alignment.

When a charter school operates as a school of the district for special education purposes, the authorizing district, acting as the LEA, retains primary responsibility for ensuring compliance with all special education laws, including the provision of Free Appropriate Public Education (FAPE) (Ed. Code § 47646(b)). This structure emphasizes collaboration and shared oversight between the district and the charter school, with roles and responsibilities defined through a Memorandum of Understanding (MOU).

The district is responsible for special education program design, staffing, service delivery, and ensuring compliance with assessments, IEP implementation, and due process procedures. It also oversees the allocation and use of special education funds, materials, and related services. The charter typically follows district policies and procedures, including the use of district SELPA forms and student information systems.

Professional development, staffing decisions, and service schedules must be coordinated, with clear agreements on who hires and oversees personnel such as education specialists and related service providers. Operational logistics such as instructional calendars and collective bargaining agreements must also be aligned, particularly if the charter school offers extended learning opportunities like Saturday school or intersession programs.

In this model, the district ensures compliance and equity while the charter supports service delivery at the school level. However, both entities may share liability in legal disputes, making clear delineation of responsibilities and communication essential to avoid FAPE violations and associated costs.

#### **Considerations:**

- **Funding Allocations and Reporting:** Who controls and reports on special education spending and compliance?
- **Staffing Authority and Credentialing:** Who hires and evaluates special education staff?
- **Professional Development Participation:** Are training responsibilities shared or distinct?
- **Use of SIS and Procedural Safeguards:** Are the charter's data and compliance systems aligned with the district's?

**How Authorizers Use This Information:** Authorizers must confirm the charter school's status and the terms of any Memoranda of Understanding (MOU). For LEAs, authorizers should monitor compliance with independent responsibilities. For schools of the district, coordination with the district's special education team is essential to ensure students are being served and legal obligations are met.

#### **Where to Learn More:**

- [California Education Code §47641](#)
- [Local SELPA policies and Local Plan - information from CDE website](#)

## **4. FUNDING MODELS AND COMPLIANCE REQUIREMENTS**

Special education funding and compliance obligations are critical components of effective charter oversight. This section outlines the primary funding streams available to charter schools through a SELPA's allocation plan, including AB 602 state special education funds, Educationally Related Mental Health Services funds, low incidence services funds, infant programs, and extraordinary cost pools. It also explains key compliance obligations such as Maintenance of Effort (MOE), Supplement not Supplant, and Excess Cost Rules. Understanding how special education dollars are allocated and tracked ensures that federal and state funds are used appropriately to support students with disabilities. Authorizers must be able to review budgets, track expenditures, and request documentation to verify financial and programmatic compliance with IDEA and California Education Code.

#### **Funding Streams:**

- **AB 602 (Special Ed Funds):** The primary state funding mechanism for special education, distributed based on overall student attendance (ADA), not the number of students with disabilities. Focuses on equitable allocation across SELPAs. Federal grant funds are generated by prior year enrollment.
- **ERMHS (Mental Health Services):** Funds used to provide Educationally Related Mental Health Services as required by student IEPs. Emphasizes mental wellness and access to therapeutic interventions. These funds are directly allocated to all LEAs, including charter schools.
- **Low Incidence Services & Materials:** Dedicated to students with hearing, vision, or orthopedic impairments. Supports assistive technology, specialized instructional materials, and services.
- **Infant Programs:** Allocated to support early intervention for children from birth to age 3 who qualify under IDEA Part C. Helps build early foundational skills and readiness. Most charter schools would not be eligible as they do not typically serve this age range of students.
- **Extraordinary Cost Pools:** Reimburses SELPAs for special education costs exceeding the typical (e.g., residential placement). Promotes sustainability and financial stability for high-cost services.

#### **Compliance Requirements:**

- **Maintenance of Effort (MOE):** Requires schools to maintain or increase spending levels on special education from state and local funds year over year. Focuses on ensuring consistent financial commitment to special education.
- **Supplement not Supplant:** IDEA funds must add to, not replace, state and local funding. Ensures that federal dollars enhance, rather than substitute for, core special education support.
- **Excess Cost Rules:** Mandates that federal IDEA funds only pay for services beyond the average per-student general education cost. Prioritizes use of base funds for general education obligations.

**California Special Education Funding Model:** AB602 funding flows through California’s special education system. Each SELPA’s governance committee, composed of its LEA members, adopts an Allocation Plan to manage both federal and state special education funds. The Allocation Plan defines how these funds are distributed to individual LEAs based on the agreed methodology—often tied to Average Daily Attendance (ADA). Additionally, it outlines how a portion of the funds may be pooled among SELPA members to manage risk collectively and support high-cost needs. For authorizers, this visual emphasizes the importance of understanding how allocation decisions are made, how charters access their share of funding, and how to verify that SELPA-level agreements align with the needs of their schools. Oversight of funding transparency and equity is key to ensuring special education programs are adequately resourced.

# California Special Education Funding Model

**AB602** funding in California consists of federal and state special education dollars.

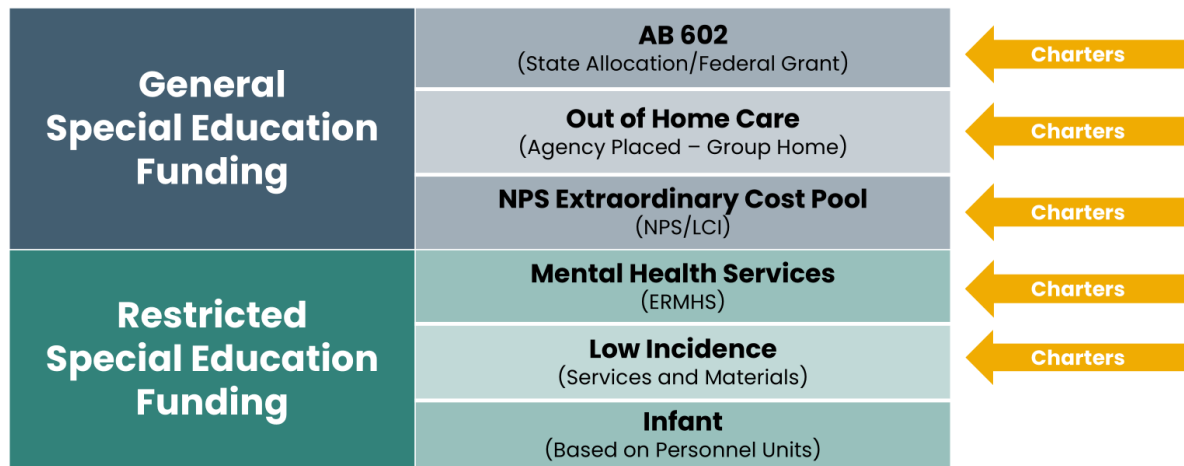


**Figure 1.** California Special Education Funding Model. Source: DeGraffenreid, T. and Quann, G. (2025, June). *Special Education in Charter Schools*. Presentation, Slide 6, CCAP's California Charter School Authorizers Conference, Palm Springs, CA.

**California Funding Formula:** Special Education Funds are allocated to SELPAs based on overall student population (ADA/enrollment), not the number of students with disabilities. This funding model implicitly assumes that students with disabilities and associated special education costs are relatively equally distributed among the general student population and across the state.

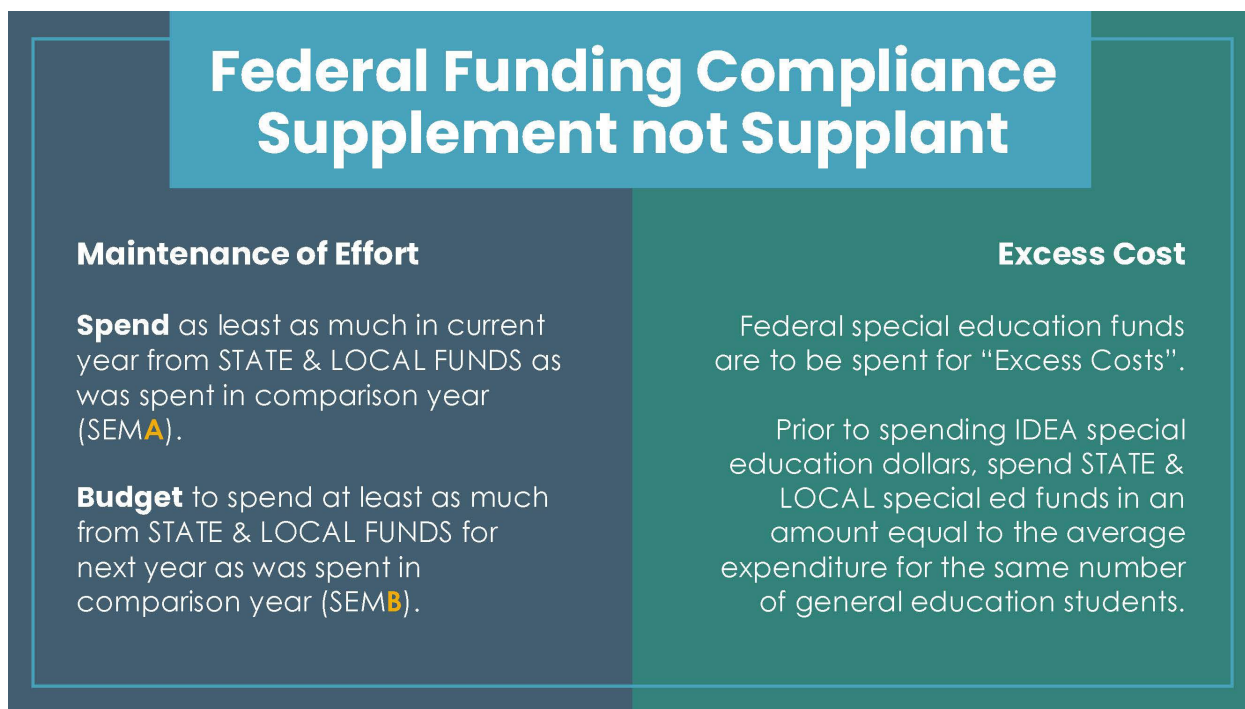
**SELPA Funding Streams:** There are various funding streams managed by SELPAs to support special education services in California. The system distinguishes between General Special Education Funding, which includes broad allocations like AB 602 and Out of Home Care reimbursements, and Restricted Special Education Funding, which is targeted toward specific needs such as mental health services (ERMHS), low incidence disabilities, and early intervention for infants. Each stream is designed to address different aspects of student support—from foundational services to high-cost or specialized needs. Importantly, all of these funding sources are accessible to charter schools, as indicated by the arrows labeled "Charters." Authorizers should be aware of these streams to ensure that charter schools are receiving and utilizing available funds appropriately, and that SELPAs include charters equitably in funding decisions. This supports compliance with fiscal accountability and promotes resource alignment with student needs.

# Special Education Funding Streams



**Figure 2.** SELPA Funding Streams. Source: DeGraffenreid, T. and Quann, G., Slide 8.

**Federal Funding Compliance Supplement not Supplant:** Below figure 3 highlights three core federal compliance requirements that govern how special education funds must be used: Supplement Not Supplant, Maintenance of Effort (MOE), and Excess Cost. These provisions are designed to ensure that federal IDEA dollars enhance—not replace—state and local spending. Maintenance of Effort (MOE) requires LEAs to spend at least as much from state and local sources on special education as they did in a prior year, both in actual expenditures (SEMA) and budgeted amounts (SEMB). The Excess Cost rule mandates that state and local funds must first be used to cover the average per-pupil general education costs before federal IDEA dollars are applied. These safeguards are essential to uphold funding equity and program integrity. For authorizers, understanding and monitoring these requirements helps ensure that charter schools are compliant with federal law and that funds are being used to truly expand services for students with disabilities.



**Figure 3.** SELPA Funding Streams. Source: DeGraffenreid, T. and Quann, G., Slide 10.

**How Authorizers Use This Information:** Monitoring financial compliance is a key oversight function. Authorizers should verify that the charter is appropriately budgeting and expending funds in accordance with IDEA and state rules. Based on LEA status, the authorizer can request MOE documentation and budget alignment reviews and can confirm federal supplement requirements are being met.

**Where to Learn More:**

- [CDE Special Education Fiscal Resources](#)
- [U.S. Office of Special Education Programs \(OSEP\) Fiscal Guidance](#)

## 5. OVERSIGHT AND MONITORING TOOLS

Effective oversight requires actionable tools and clear processes to assess charter school compliance with special education laws. This section introduces essential monitoring tools for authorizers, including MOUs, site visits, file reviews, performance indicators, and complaint investigations. It also explains how to leverage California Longitudinal Pupil Achievement Data System (CALPADS), IEP logs, and targeted monitoring (especially useful for smaller charter schools) to gather relevant data. By using these tools, authorizers can detect gaps in service delivery, ensure timely IEP implementation, and support continuous improvement. This section empowers authorizers to build a strong oversight framework that is data-driven and aligned with both state and federal compliance expectations.

**Key Authorizer Activities:**

- **Review MOUs:** Analyze agreements between charters and their authorizer or SELPAs to understand division of responsibilities, service delivery expectations, and compliance structures.
- **Monitor Performance Indicators:** Use state indicators and local benchmarks to assess how well students with disabilities are being served.
- **Conduct Site Visits and File Reviews:** Assess on-the-ground implementation of IEPs, staffing levels, and compliance documentation.
- **Investigate Complaints:** Respond to concerns from families or staff regarding potential IDEA violations or gaps in service.
- **Collaborate with SELPAs:** Partner with SELPA representatives to access training, compliance tools, and technical assistance.

#### **Data Tools:**

- **CALPADS (California Longitudinal Pupil Achievement Data System):** The primary system for tracking enrollment, demographics, services, and performance of students with disabilities.
- **IEP Timelines and Staffing Logs:** Ensure compliance with evaluation and service deadlines and confirm qualified staff are assigned. These can typically be pulled through the IEP system used.
- **Compliance Monitoring:** Includes targeted (risk-based), cyclical (scheduled), and intensive (corrective) reviews.

#### **“Smalls” Monitoring:**

- Applies to LEAs with fewer than 100 students with disabilities on census day (Fall 1).
- Includes implementation reviews, file sampling, and interviews.
- Focuses on ensuring core IDEA services and documentation are provided regardless of size.

**How Authorizers Use This Information:** This section outlines practical tools for implementation of oversight, including what data to collect and how to interpret compliance findings. Authorizers can use CDE’s monitoring indicators and checklists to assess risk and intervene early, helping schools improve before more formal sanctions are necessary.

#### **Where to Learn More:**

- [CCAP Site Visits and Observation Tools](#)
- [CDE Monitoring and Technical Assistance](#)
- [California Special Education Technical Assistance Network](#)
- [IDEA Part B Compliance Resources](#)

## 6. SITE VISIT CHECKLIST

Site visits are one of the most direct ways to assess the quality and compliance of special education services. This section provides a structured checklist covering enrollment and staffing practices, file reviews, procedural safeguards, IEP implementation, and discipline procedures. These components help ensure students with disabilities are served appropriately, lawfully, and equitably. Authorizers can use these tools to prepare for visits, document findings, and follow up with corrective actions or support. This section emphasizes how on-site observations, document reviews, and staff interviews can reveal whether a school is effectively implementing its responsibilities under IDEA.

### Enrollment & Staffing:

- **Inclusive Enrollment Practices:** Confirm that students with disabilities are welcomed and served equitably. Look for policies that prohibit discrimination.
- **Credentialed Staffing:** Ensure special education staff hold appropriate credentials and are assigned in compliance with IEP needs.

### File Review:

- **Procedural Safeguards and Consent:** Documentation that families received procedural rights and gave informed consent.
- **Timely and Complete IEPs:** Verify that meetings occur on time and include all required team members.
- **Parent Input:** IEPs must reflect meaningful parent participation, including in decisions and notes.
- **Critical Components:** Extended School Year (ESY), behavioral supports, English Language Development (ELD) services for English Learners, and justifications for alternative assessments should be reviewed.

### Discipline & Due Process:

- **Policy Alignment:** Ensure discipline practices meet IDEA protections for students with disabilities.
- **Consistency:** Look for implementation across classrooms and schools.

**How Authorizers Use This Information:** Use this checklist to structure site visits and ensure a consistent approach to evaluating special education implementation. Review a sample of student files, confirm required notices are provided, and verify staff credentials. Site visit findings can guide corrective actions or technical assistance.

### Where to Learn More:

- [CCAP Site Visits and Observation Tools](#)

## 7. SOUND SPED PROGRAM INDICATORS

Strong special education programs are defined not only by compliance but also by quality, participation, and sustainability. This section outlines key indicators of a sound program: active participation in SELPA governance, a clear continuum of services, low complaint rates, accurate reporting, and fiscal integrity. Authorizers should use these indicators as benchmarks when evaluating the capacity and effectiveness of charter schools. Ongoing review of these components supports continuous improvement, highlights areas of risk, and informs renewal or intervention decisions. These indicators serve as a comprehensive framework to ensure schools are not only meeting minimum standards but striving for excellence in serving students with disabilities.

### Active Participation:

- **SELPA Governance Involvement:** Charter participates in SELPA policy decisions and training.
- **Professional Development:** Staff regularly attend SPED-focused professional development (PD) to build capacity and compliance.

### Quality Programs:

- **Compliance with State Indicators:** Meets expectations for performance on CDE's special education metrics.
- **Continuum of Services:** Offers a range of options from general education with supports to more restrictive settings.
- **Complaint Resolution:** Low frequency of complaints or timely and effective resolutions.

### Strong Operations:

- **Accurate Reporting:** Submits CALPADS, MOE, and other reports timely.
- **Fiscal Integrity:** Maintains sound financial records and undergoes successful audits.
- **Internal Monitoring:** Engages in self-assessment and corrective action.

**How Authorizers Use This Information:** These indicators serve as a rubric for ongoing evaluation. Authorizers should regularly request program updates, fiscal reports, and data summaries. Comparing performance against benchmarks or similar schools can help identify risk and support needs.

### Where to Learn More:

- [California Dashboard – SPED Indicators](#)
- [CDE Performance Determinations](#)

## 8. COLLABORATION WITH SELPAS

Strong collaboration with SELPAs can enhance oversight and improve student outcomes. This section highlights key questions authorizers should ask to assess the quality of SELPA partnerships and the charter school's engagement with SELPA processes. Topics include alignment of policies, staffing roles, and

assessment practices. While SELPAs support compliance and service coordination, authorizers retain ultimate oversight responsibility. Knowing how to leverage SELPA expertise while maintaining accountability helps authorizers ensure that charter schools are fulfilling their obligations and receiving appropriate supports to meet the needs of students with disabilities.

**Key Oversight Questions:**

- Who are the SELPAs in your portfolio?
- How does the charter collaborate on service delivery?
- Are policies, staffing, and assessments aligned with SELPA plans?

**Authorizer Responsibility:** Oversight responsibility remains with the authorizer regardless of SELPA support.

**How Authorizers Use This Information:** Effective collaboration with SELPAs enhances oversight and improves student outcomes. Authorizers should communicate regularly with SELPA representatives, attend joint meetings, and ensure that charters are active participants in governance and compliance discussions.

**Where to Learn More:**

- [SELPA Local Plan Areas List](#)
- [Charter SELPA Governance](#)

## 9. RESOURCES AND TOOLS

Access to up-to-date guidance, templates, and professional tools is essential for effective authorizer oversight. This section compiles essential resources from the California Department of Education, Charter SELPAs, national equity centers, and CCAP. These materials support everything from initial petition review to ongoing compliance monitoring and corrective action. Authorizers are encouraged to bookmark and return to these resources regularly, as policies evolve and best practices emerge. This toolkit section ensures authorizers are equipped with current, authoritative references to support informed decision-making and strong special education oversight.

**CCAP Resource Library**

Templates and rubrics for petition review and compliance evaluation: [CCAP Resource Library](#)

**Model Policies and Guidance:**

- [El Dorado Charter SELPA](#)
- [CCSA](#)
- [Center for Learner Equity](#)

**How Authorizers Use This Information:** These curated resources support both foundational learning and advanced practice in charter special education oversight. Bookmark and revisit frequently as laws and practices evolve.

### Where to Learn More:

- Links above
- [California Department of Education: Special Education Information and Resources](#)
- [Office of Special Education Programs \(OSEP\)](#)

### SAMPLE OVERSIGHT CHECKLIST

Category	Oversight Task	Notes
Enrollment & Access	Ensure inclusive enrollment practices; confirm no barriers for students with disabilities.	
Enrollment & Access	Verify that charter policies prohibit discrimination against students with disabilities.	
Staffing	Confirm all special education staff are appropriately credentialed and assigned based on IEPs.	
Staffing	Review who hires, supervises, and evaluates SPED staff district or charter.	
IEP Implementation	Review student files for timely and complete IEPs, including signatures and team attendance.	
IEP Implementation	Check for documentation of parent input and meaningful participation in IEP development.	
IEP Implementation	Ensure presence of required components: ESY, behavioral supports, ELD services, alt. assessment justifications.	
Procedural Safeguards	Confirm that parents receive Notice of Procedural Safeguards and consent is documented.	
Due Process	Review systems for responding to complaints and due process filings, including attorney fee liability.	

Discipline	Evaluate whether discipline policies align with IDEA protections for students with disabilities.	
Discipline	Ensure consistent implementation of discipline policies across staff and sites.	
Fiscal Oversight	Review AB 602 and ERMHS fund use and ensure equitable allocation from SELPA.	
Fiscal Oversight	Confirm documentation for MOE, Supplement Not Supplant, and Excess Cost compliance.	
Data & Reporting	Check CALPADS data for accuracy on student demographics, services, and enrollment.	
Data & Reporting	Verify use of appropriate SIS and SELPA-mandated forms.	
Governance	Verify whether the charter is its own LEA or a school of the district.	
Governance	Review MOU to determine division of responsibility for staffing, funding, compliance, and reporting.	
Professional Development	Ensure charter staff participate in SELPA trainings and meet PD expectations.	
SELPA Participation	Confirm the school actively engages in SELPA governance and planning activities.	
Site Monitoring	Conduct site visits to assess on-the-ground service delivery and review staff interviews.	
Performance	Track state and local performance indicators and investigate trends or low results.	