

SELPA PRESCHOOL POLICY - AMENDED

The IDEA requires Local Educational Agencies to provide programs to children with disabilities between the ages of three and five. (34 C.F.R. §§ 300.800-300.804). California law requires that each special education local plan area submit to the Superintendent of Public Instruction its plan for providing special education and related services to individuals with exceptional needs between the ages of three and five years, inclusive. (Educ. Code § 56440). All individuals with exceptional needs between the ages of three and five years, inclusive, shall be served by the Local Educational Agencies within each special education local plan area to the extent required under federal law and pursuant to the local plan and application approved by the Superintendent of Public Instruction (Educ. Code § 56440).

Each Local Educational Agency has a legal obligation under Education Code Section 56300 to actively and systematically seek out all individuals with exceptional needs, from birth through 21 years of age, include children not enrolled in public school programs, who reside in a school district or are under the jurisdiction of the SELPA. If the District of Location of a private preschool facility receives a referral for special education for a preschool-aged student, the District of Location shall immediately forward that referral to the child's District of Residence. Anyone who has a concern about a preschool child's growth or development may make a referral. Unless otherwise agreed upon between the Local Educational Agencies, the child's District of Residence is responsible for child-find and the provision of special education services, including any necessary offer of FAPE (The District of Residence will hold the IEP and the District of Location will be added on as a provider and will have access to the record).

Each Local Educational Agency in the SELPA shall work together to serve the best interests of the preschool-aged students residing within the SELPA. Local Educational Agencies should communicate openly and respectfully with regard to serving preschool-aged students. Nothing in this policy prevents two Local Educational Agencies from entering into an agreement regarding child find and/or provision of special education services that varies from this Procedure, and Local Educational Agencies are encouraged to work towards such an agreement if it is in the best interest of a student.