



**CHARTER SCHOOLS: SERVICES ACROSS  
THE CONTINUUM OF DISABILITIES  
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**2015 PROJECT DIRECTORS MEETING**  
**U.S. DEPARTMENT OF EDUCATION, CHARTER SCHOOL PROGRAM**

GENERAL OVERVIEW OF IDEA

LEAST RESTRICTIVE ENVIRONMENT (LRE) & PLACEMENT CONTINUUM

SCENARIOS

# Part B of the IDEA

- ✘ Part B of the IDEA provides assistance to States, and through them to local educational agencies (LEAs), including charter schools that are LEAs, to assist in providing a free appropriate public education (FAPE) to children with disabilities between the ages of 3 and 21, inclusive.
- ✘ FAPE under Part B of IDEA includes the provision of special education and related services, at no cost to parents, under public supervision and direction, in an appropriate preschool, elementary school, or secondary school program in the State involved, in conformity with an individualized education program (IEP).

# Students in Charter Schools

- Children with disabilities who attend public charter schools and their parents retain all rights under Part B of IDEA.
- 34 CFR §300.209(a)
- OSEP Letter to Anonymous, March 30 2009

# What type of charter school?

## **34 CFR §300.209:**

- (b) Charter schools that are public schools of the LEA;
- (c) Public charter schools that are LEAs;
- (d) Public charter schools that are not an LEA or a school that is part of an LEA.

# Defining least restrictive environment

Each public agency must ensure that—

To the maximum extent appropriate, children with disabilities are educated with children who are nondisabled

*and...*

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§300.114 LRE requirements.

# DEFINING LRE

Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs *only*...

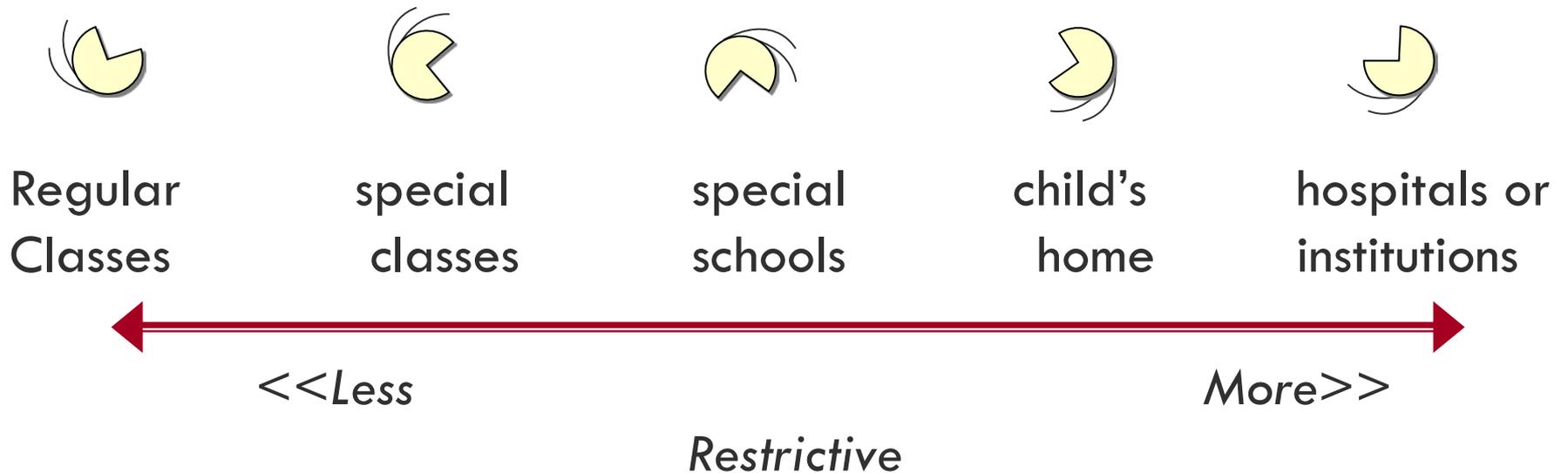


...if the nature or severity of the disability is such that education in regular classes *with the use of supplementary aids and services* cannot be achieved satisfactorily

# DEFINING LRE

## Continuum of Alternative Placements

...includes instruction in:



# IEP and Placement decisions

Placement decisions *must* be based on a child's unique needs and IEP, *not* on administrative convenience, disability/program label, or allocation of funds



# Placement decisions

## Placements

Placement decisions are made by a group of persons, including the parents, who are knowledgeable:

- about the child
- the meaning of the evaluation data
- the placement options



# Placement decisions

- The child's placement is determined at least annually
- Is based on the child's IEP
- Is as close as possible to the child's home
- Unless child's IEP requires another arrangement, child is educated in the school that he or she would attend if nondisabled



# Placement decisions

- Consideration must be given to any potential harmful effect on the child or on the quality of services that he or she needs
- A child with a disability may not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum



# Placement decisions

## Participation in Extracurricular and Nonacademic Services and Activities

### *Meals*

Each public agency must ensure that...

the child has supplementary aids and services determined appropriate and necessary by the child's IEP Team to participate in **nonacademic** and **extracurricular** services and activities

### *Recess, clubs, and more*



# Summarizing LRE

Special education is *not* a place. It's a set of services and supports



*Where* a child with a disability receives special education services is that child's **placement** classroom

The first “where” to consider is...



The regular education

# Letter to anonymous

- Regardless of whether a public charter school is: (1) a school of the local educational agency (LEA) that receives funding under 34 CFR §300.705; (2) an LEA that receives funding under 34 CFR §300.705; or (3) not a school of the LEA that receives funding under 34 CFR §300.705 or an LEA that receives funding under 34 CFR §300.705, children with disabilities who attend public charter schools and their parents retain all rights under Part B of IDEA. 34 CFR §300.209(a). Accordingly, the provisions in 34 CFR §300.115 regarding the availability of a continuum of alternative placements apply to public charter schools.

# Scenarios

- Your Turn...

# Scenario 1

- Your charter school does not provide transportation to and from school for students. A new student enters your school, and the IEP includes transportation as a related service.
- How will your school proceed?

# Scenario 2

- A student who does not have an IEP has been referred by several teachers as “needing help” to make progress in class. A series of in-class and broader school-based interventions have been applied over several weeks, but the student is still struggling and has made very limited progress since the beginning of the school year and has even lost skills in some areas. S/he also has problems communicating and getting along with peers; staff notice that s/he is starting to show behavior problems, wants to be left alone with some favorite objects/routine work for much of the day, and can’t sit and attend to class activities for more than 15 minutes. More than one teacher has speculated that s/he has some type of disability and needs special education.
- How would your school address this student’s needs?

# Scenario 3

- Your charter school is an LEA. The parent of a student with an IEP sends in a report from a developmental neurologist along with a prescription for the student to receive twenty hours of Applied Behavior Analysis (ABA) services per week.
- How will your school proceed?

# Scenario 4

- A student has an IEP and receives speech/language therapy two times per week for 40 minutes each session. The speech therapist reports that the student is not making adequate progress towards her goals, and that she needs shorter, but daily speech/language therapy (i.e., 5 times per week, for 20 minutes each session). The therapist also mentions that she spoke with the parent about her lack of progress, and the parent said she had daily sessions at her previous school and that worked better. The parent said she wants her to get daily services. The speech therapist only works at your school 2 days per week and is not available on the other 3 days. Even if the speech therapist were available for extra time, you are not sure there is money in the budget for the extra days/time. All the other students in your school who have speech services on their IEP get that service one or two times per week for 15, 20, or 30 minutes per session—this student is already getting more services than other students.
- How would your school address the information provided by the speech therapist in light of the parent's request and the child's lack of progress?

# Scenario 5

- A 17-year-old student with an intellectual disability has an IEP and has done well in your school for the past two years. He is very social, well accepted by your diverse school community, and participates in extracurricular activities with supports provided by his peers and others. He is in the regular classroom for part of the day working on a modified program and with supports consistent with his IEP. He also receives some daily instruction from a special education teacher in a resource room. As part of the curriculum, students are working on college applications and participating in college preparatory workshops and activities.
- What is your school's responsibility to help plan for this student's future after high school?

# Scenario 6

- Your student has an intellectual disability, communicates nonverbally, is not fully toilet-trained, and is prone to loud and frequent vocalizations. Her parent wants her to spend her day in the regular classroom. Due to her need for learning life skills, your school wants her to continue to receive most of her instruction in a special education classroom, where she has made progress toward her IEP goals. Her placement has been: special ed class for instruction, mainstreaming for assemblies, lunch, homeroom, gym. Because of the parent's request for all day in the regular classroom, the school did a 4-week trial period where the student was in three regular classes, with modified program and supports. Teachers report they did not believe she benefited socially or academically from the regular class. The trial period is coming to an end and an IEP meeting is scheduled to review the student's program.
- How would your school proceed?

# Scenario 7

- Your school (an LEA) has a newly enrolled student who was previously placed, by the school district, in a specialized nonpublic school for students with intensive behavioral needs. The child made progress, and the parent felt the child was ready for a less restrictive placement and enrolled him in your school due to its smaller size, reputation for supportive environments, and use of positive behavioral interventions and supports.
- After 9 weeks, the staff meets to review his progress. Teachers and specialists share their reports: he is not making progress academically due to the behavior interventions put in place not being effective. They recommend that he needs the nonpublic school program he attended previously.
- How will your school proceed?

# resources

www2.ed.gov/policy/speced/guid/idea/memosdcltrs/index.html



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## SPECIAL EDUCATION & REHABILITATIVE SERVICES

### OSEP Memos, Dear Colleague Letters and Policy Letters

OSEP provides information, guidance and clarification regarding implementation of the *Individuals with Disabilities Education Act (IDEA)* in a number of ways including OSEP Memos, Dear Colleague Letters and Policy Letters.

#### OSEP Memos and Dear Colleague Letters

OSEP Memos and Dear Colleague Letters are listed chronologically starting from the most recent issuance and going back to 2005. To obtain a copy of a document issued earlier than 2005 please contact [Janet Scire@ed.gov](mailto:Janet.Scire@ed.gov).

**Note:** OSEP Memos related to grant applications, submission of SPP/APRs or reporting of IDEA State-Reported data under Section 618 of the *IDEA* are not included on this page as they are found elsewhere on this Web site.

[Click here](#) to locate an OSEP Memo or Dear Colleague Letter

#### OSEP Policy Letters

Policy Letters can be found under several alternative listings on this web page: (1) chronological; (2) topical; and (3) as published quarterly in the *Federal Register* pursuant to Section 607 of the *Individuals with Disabilities Education Act Amendments of 2004*. The chronological listing is the most current and complete listing of the three alternatives.

- Chronological listing:**

This starts with the most recently issued letter and continues in reverse chronological order through the year 2001. To locate a letter click on the year listed below.

[ [2012](#) | [2011](#) | [2010](#) | [2009](#) | [2008](#) | [2007](#) | [2006](#) | [2005](#) | [2004](#) | [2003](#) | [2002](#) | [2001](#) ]

- Topical listing:**

The listing includes letters organized by topic issued from March 2000 through December 2007. To locate a letter from the topical index, [click here](#).

- Section 607 Reports:**

Section 607 of the *Individuals with Disabilities Education Act Amendments of 1997* requires that the Secretary of Education, on a quarterly basis, publish in the *Federal Register* a list of correspondence. This listing includes quarterly reports published from 4th Quarter 2000 through 1st Quarter 2012. To find these letters as indexed in the Section 607

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 Building the Legacy: IDEA 2004

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**Welcome to the U.S. Department of Education, Office of Special Education Programs' (OSEP's) IDEA website.**

This site was created to provide a "one-stop shop" for resources related to IDEA and its implementing regulations, released on August 3, 2006. It is a "living" website and will change and grow as resources and information become available. When fully implemented, the site will provide searchable versions of IDEA and the regulations, access to cross-referenced content from other laws (e.g., the No Child Left Behind Act (NCLB), the Family Education Rights and Privacy Act (FERPA), etc.), video clips on selected topics, topic briefs on selected regulations, links to OSEP's Technical Assistance and Dissemination (TA&D) Network and a Q&A Corner where you can submit questions, and a variety of other information sources. As items are completed and added to this site, we invite you to grow and learn with us as we implement these regulations.

**Browse Major Topics**

- Alignment with the No Child Left Behind Act
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**Procedural Safeguards - Model Form Updated 07/09**

The latest version of the Procedural Safeguards Model Form is available [here](#), (scroll down to the bottom of the page) this one includes changes from the December 1, 2008 supplemental reg...

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