

***The Nuts and Bolts of
Special Education:
What Do Charter School
Educators Need to Know?***

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Special Education**

**Building the Capacity of Charter Schools:
Effectively Serving Students With Disabilities**

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Topics to be Covered

- How special education fits into a charter school.
- A brief history of special education.
- A review of some requirements of special education.
- Some topics of concern.
- Discussion and Q & A.

The Big Picture

Structure of the American education system:

- SEA
- LEA (and sometimes IDs)
- Schools

How do charter schools fit into the public education system?

- It depends on many factors, e.g. state law, authorizer, type of charter
- Retrofitting is what happens!

Legal Identity of a Charter School For Special Education Purposes

Legal Status:

- A charter school is either its own LEA or part of another LEA for special education purposes.

Linkage:

- The continuum of linkage, reflected in state law, policy, charter applications and charter agreements, spells out how legal identity is enacted.
- LEA status and linkage shape the design and implementation of special education in a charter school.

Critical Implications of LEA Status

- For LEA charter schools:
 - ❖ The charter school has full responsibility for implementing IDEA and state special education laws and regulations.
 - ❖ The charter school may hire its own staff or contract with another LEA or an organization for special education services.
 - ❖ The charter school will be monitored by the SEA in the same manner as any other LEA.
- For charter schools that are part of an LEA:
 - ❖ Arrangements for service delivery in the charter school vary widely, but responsibility remains with the district.
 - ❖ The charter school needs to negotiate a detailed special education operations contract with the LEA.
 - ❖ Maintaining positive working relationships with LEA special education staff is critical.

A Mini-History of Special Education

- Before the 1970's:
 - ❖ Exclusion of students with disabilities
 - ❖ 1965 –ESEA
 - ❖ Bureau for Education of the Handicapped (now OSEP)
 - ❖ Eventual change to using “people-first language”
 - ❖ Extensive litigation
- 1970's:
 - ❖ 1973 – Section 504 of the Rehabilitation Act
 - ❖ 1974 – Family Educational Rights and Privacy (FERPA)

Mini-History (cont'd)

- ❖ 1975 – The Education for All Handicapped Children Act known as P. L. (Public Law) 94-142 – since renamed the Individuals with Disabilities Education Act (IDEA)
- 1990's and Beyond :
 - ❖ 1990 - Americans with Disabilities Act (ADA) that adopted education requirements from Section 504
 - ❖ 2001 Reauthorization of ESEA as No Child Left Behind (NCLB)

Mini-History (cont'd)

- Historical overview:
 - ❖ Importance of the extensive litigation in special education based on the many laws that apply to the education of students with disabilities – special education has earned the descriptor of “litigious.”
 - ❖ Extensive details contained in each of the laws and their related regulations.
 - ❖ The adoption in each state of at least one special education law implementing the IDEA.

Special Education Requirements

- Basic Steps in the IEP Process:
 - ❖ Referral of a child for an evaluation to determine eligibility for special education (verbal or in writing).
 - ❖ Evaluation in all areas of suspected disability after parental consent is obtained.
 - ❖ Determination of the child as a “child with a disability” as defined in IDEA.
 - ❖ IEP written within 30 calendar days including specially designed instruction and related services to be provided.

Requirements (cont'd)

- ❖ IEP implemented after parental approval.
- ❖ Progress measured on goals as stated in the IEP and parents informed of progress toward achievement of the child's annual goals.
- ❖ IEP Reviewed at least once a year or more often if parents or the school ask for a review.
- ❖ IEP reevaluated at least once every 3 years unless parents and the school agree it is not necessary. Parental consent is required for a reevaluation.

Important Special Education Concepts

- FAPE—free appropriate public education
- LRE – least restrictive environment
- Definition of ‘special education’
- Definition of ‘child with a disability’
- Definition of related services
- Disproportionality/Overrepresentation
- Independent Evaluation
- Procedural Safeguards
- Due Process Hearing
- Transition services

IDEA Disability Categories

- Autism
- Deaf-blindness
- Deafness
- Developmental delay
- Emotional disturbance
- Hearing impairment
- Intellectual disability (cont'd)

Disability Categories (cont'd)

- Multiple disabilities
- Orthopedic impairment
- Other health impairment
- Specific learning disability
- Speech or language impairment
- Traumatic brain injury
- Visual impairment, including blindness

Critical Issues

- Enrollment of students with disabilities in charter schools: pending litigation in New Orleans and DC
- Charter schools designed for students with disabilities
- Parental rights and the Procedural Safeguards Notice
- Assessment of students with disabilities

Additional Information

- Handouts in the binder for this session are:
 - Questions and Answers about IDEA: Purposes and Key Definitions
 - The Basic Special Education Process
 - Special Education in Charter Schools: Nuances in Implementation
 - References and Resources on Special Education in Charter School
- Availability of recorded materials for other sessions

Discussion/Q&A

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