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

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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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