Special Education 101 for the Charter Sector

An Online Learning Opportunity

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charterschoolcenter.ed.gov

About the NCSRC

The National Charter School Resource Center (NCSRC) provides technical assistance to federal grantees and resources supporting charter sector stakeholders. NCSRC is funded by the U.S. Department of Education (ED) and managed by Manhattan Strategy Group (MSG) in partnership with WestEd.

Session Presenters

Robin Chait
NCSRC

Lauren Outlaw
NCSRC

Maura Mall
WestEd

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Agenda

1. Key Terms and Acronyms
2. Learning Objectives
3. Major Provisions of Federal Law
4. Overview of Students with Disabilities in Charter Schools
5. Charter School Responsibilities
6. A Charter School's Role in Special Education Accountability
7. Serving Students with Disabilities in a Virtual Environment
8. Key Resources

Key Terms and Acronyms

- **English Learners** (EL)

- **Every Student Succeeds Act** (ESSA)

- **Free and Appropriate Public Education** (FAPE)

- **Individuals with Disabilities Education Act** (IDEA)

- **Individualized Education Program** (IEP)

- **Local Education Agency** (LEA)

- **Least Restrictive Environment** (LRE)

- **No Child Left Behind Act** (NCLB)

- **Students with Disabilities** (SWD)

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Learning Objectives

1

Review the major provisions of federal law and their impact on charter schools

2

Understand the responsibilities of charter schools for the provision of a free and appropriate public education for students with disabilities

3

Learn strategies for providing services for students with a disability in a virtual environment

4

Access resources for providing services for students with disabilities in charter schools

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Major Provisions of Federal Law

IDEA: Purpose and Main Provisions

- **Main Provisions**
  - Statute: *20 U.S.C. § 1400, et seq.*
  - Regulations: *34 CFR § 300, et seq.*

- **Purpose**—*20 U.S.C. § 1400(d)*
  - Ensure access to FAPE for SWD, including special education and related services
  - Protect the rights of SWD and parents
  - Assist states/localities/education agencies and Federal agencies in educating SWD
  - Provide tools to improve educational results for SWD
  - Assess and ensure effectiveness of efforts to educate SWD

IDEA: 13 Disability Categories

- Autism
- Deaf-blindness
- Deafness
- Emotional disturbance
- Hearing impairment
- Intellectual disability
- Multiple disabilities

- Orthopedic impairment
- Other health impairment
- Specific learning disability
- Speech or language impairment
- Traumatic brain injury
- Visual impairment (including blindness)

34 CFR § 300.8

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IDEA: Treatment of Charter Schools

- **Charter schools that are their own LEAs for SPED purposes—**
    - State provides funding to charter schools *(34 CFR §§ 300.209(c) and 300.705)*

- **Charter schools that are part of another LEA—**
    - LEA provides funding to charter schools in the same way and at the same time as it does to other public schools within the LEA *(20 U.S.C. § 1413(a)(5); 34 CFR § 300.209(b))*

ESSA and IDEA—What changed and when?

- **2015**
  - ESSA passed; included changes to IDEA

- **2017**
  - ED revised IDEA regulations to conform with ESSA

See here for complete list of changes.

ESSA and IDEA—What changed?

Standards

Assessments

School Performance

State Diplomas

Discipline Procedures

Professional Learning and Supports

National Council on Disability, ESSA and Students with Disabilities, https://ncd.gov/sites/default/files/NCD_ESSA-SWD_Accessible.pdf.

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Overview of Students with Disabilities in Charter Schools

Students with Disabilities in Charter Schools: Enrollment Trends

- Since 2008, the difference in SWD enrollment between charter and traditional schools has decreased; differences vary by state.

- In comparison to traditional public schools, charter schools—
    - Enroll slightly fewer students with disabilities (10.79% vs. 12.84%).
    - Report enrolling (1) higher % of students with specific learning disability, autism, and emotional disturbance; and (2) lower % of students with developmental delay, multiple disabilities, and intellectual disability.

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Students with Disabilities in Charter Schools: State Role

States must—

- Ensure all LEAs (both charter school LEAs and charter schools that are part of LEAs) meet all their responsibilities under IDEA, Part B, including LRE.

U.S. Department of Education, Office for Civil Rights and Office of Special Education ad Rehabilitation; Know Your Rights: Students with Disabilities in Charter Schools Services; https://sites.ed.gov/idea/files/dcl-factsheet-201612-504-charter-school.pdf.

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Students with Disabilities in Charter Schools: Charter Role

Charter schools must—

- Afford SWD and their parents the same rights/protections they would have if attending other public schools (IDEA, Part B).

- Provide FAPE to SWD in accordance with a properly developed IEP in the LRE.

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Charter School Responsibilities

Charter School Responsibilities: FAPE

FAPE means the special education and related services—

- Identified by the IEP team as needed to meet the child's needs

- Provided by the school at no cost to the parents

The IEP is the primary vehicle for providing FAPE.

Charter School Responsibilities: Child Find

IDEA requires that all public schools—

- Locate, identify, and evaluate all children with disabilities (aged birth through 21) in need of early intervention or special education.

- Notify parents how to request services and programs that lead to the identification, location, and evaluation of SWD.

34 CFR § 300.111

Charter School Responsibilities: Evaluations Overview

Charter schools must evaluate any child that it knows or suspects of having a disability.

Students must have two types of evaluations—

- An initial evaluation
- A three-year reevaluation

Charter School Responsibilities: Initial Evaluation

Each public agency must conduct a full and individual initial evaluation:

- Before the initial provision of special education and related services (*34 CFR §§ 300.304 to 300.306*)

- Within 60 days of parental consent, and include procedures to:
  - Determine if the child is a SWD (per *34 § CFR 300.8*); and
  - Determine the child's educational needs.

Charter School Responsibilities: Three-Year Reevaluation

- **A public agency must conduct reevaluation of each SWD as follows:**

  - Determine whether the SWD's educational or related service need(s)—including improved academic achievement and functional performance—warrant reevaluation

  - Conduct reevaluation at parent or teacher request

34 CFR §§ 300.304 to 300.311

Charter School Responsibilities: IEP Review

Each public agency must ensure the IEP team:

- Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved

- Revises the IEP, as appropriate, to address any lack of expected progress toward the annual goals described in 34 CFR § 300.320 and in the general education curriculum.

34 CFR § 300.324

Charter School Responsibilities: Identifying LRE

SWD are general education students first

To the maximum extent appropriate, SWD are to be educated with their non-disabled peers

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Charter School Responsibilities: The IEP

Each IEP must include:

Student's annual goals including academic and functional goals

Special education, related services, and supplementary aids students need to access the general education curriculum

Accommodations and modifications, as needed

Charter School Responsibilities: Service Provision

- SWD enrolled in charter schools receive the same protections they would receive at traditional public schools.

- If the charter school does not offer the type of special education or related services necessary to provide FAPE as specified in a student's IEP, the charter school must:
    - arrange to provide the services directly, or
    - contract with another service provider at no cost to the parents.

Special Education Accountability in Charter Schools

A position, or positions, at the charter school should ensure accountability for effectively serving SWD, including the following:

Special Education Accountability in Charter Schools: Direct, Serve, Set, and Collaborate

Direct	Serve	Set	Collaborate
Direct all services for SWD and ensure that students have access to the general education curriculum	Serve as the school's representative and contact person for programs for SWD	Set policies and procedures for special education teachers and staff who are implementing programs for SWD	Collaborate with and support staff to coordinate services provided to SWD

Special Education Accountability in Charter Schools: Monitor, Support, Conduct, Evaluate

Monitor	Support	Conduct	Evaluate
Monitor the implementation of all aspects of the special education program process	Support teachers in developing IEPs and ensure IEP timelines are met	Conduct ongoing needs assessments and collect and analyze data to refine and improve operational functions and services	Evaluate special education/pupil services program initiatives

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Special Education Accountability in Charter Schools: Communicate, Respond, Maintain

Maintain open lines of communication regarding special education services with parents and teachers

Respond to parent and advocacy groups

Maintain special education records and report required data

Serving Students with Disabilities in a Virtual Environment

High-Leverage Practices in Special Education

Critical practices for special education teachers

Collaboration

Assessment

Social/Emotional/Behavioral Practices

Instruction

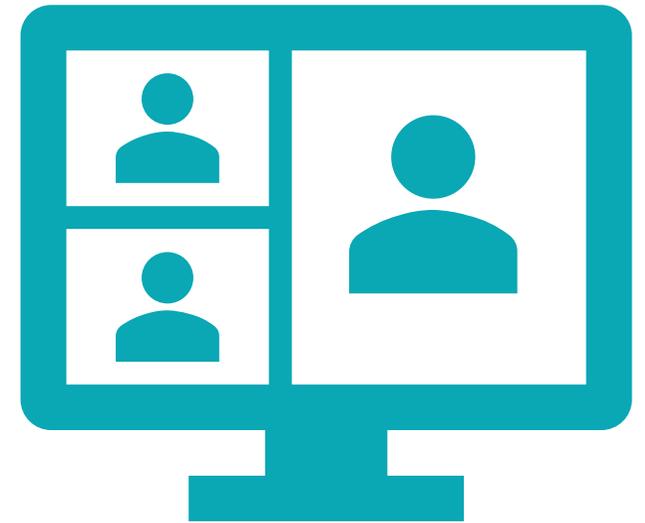Council for Exceptional Children, High Leverage Practices in Special Education, CEEDAR Center, https://ceedar.education.ufl.edu/wp-content/uploads/2017/07/CEC-HLP-Web.pdf.

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Barriers to Virtual Learning

High-leverage practices can help to address barriers to virtual learning for SWD such as:

- Keeping students focused and engaged; and

- Supporting students' learning so they can process and retain new content.

National Center for Systemic Improvement, Removing Barriers to Effective Distance Learning by Applying the High-Leverage Practices, CEEDAR Center, https://ncsi-library.wested.org/resources/680

Instruction in a Virtual Environment under IDEA

- Under IDEA, students with disabilities are entitled to FAPE, even in a remote environment

- Consider access more broadly—

  - Purposefully plan instruction

  - Deliver explicit instruction on IEP goal areas

U.S. Department of Education, Institute of Education Sciences, Plan and deliver: Educating students with disabilities in remote settings, https://ies.ed.gov/ncee/edlabs/regions/midwest/blogs/students-disabilities-remote-settings.aspx

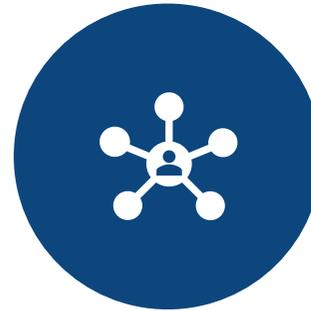NATIONAL CHARTER SCHOOL RESOURCE CENTER

Ideas for Instruction in a Virtual Environment

Provide flexible schedules and structures for learning

Ensure content and text are available for all learners

Provide multiple options for how teachers and students can connect

Cultivate student-centered learning

Key Resources

- Council for Exceptional Children, CEEDAR Center, High Leverage Practices in Special Education, https://ceedar.education.ufl.edu/wp-content/uploads/2017/07/CEC-HLP-Web.pdf

- National Center for Special Education and Charter Schools, Key Trends in Special Education in Charter Schools in 2015-2016: Secondary Analysis of the Civil Rights Data Collection, https://www.ncsecs.org/wp-content/uploads/NCSECS-15-16-CRDC-Report.pdf

- National Center for Special Education and Charter Schools, Resources for Educating Students with Disabilities During the Coronavirus Crisis, https://www.ncsecs.org/news/resources-for-educating-students-with-disabilities-during-the-coronavirus-crisis/

- National Center for Special Education and Charter Schools for NACSA, Special Education Toolkit: Guidance for Charter School Authorizers, https://www.ncsecs.org/publication/special-education-toolkit/

- National Council on Disability ESSA and Students with Disabilities, https://ncd.gov/sites/default/files/NCD_ESSA-SWD_Accessible.pdf

- U.S. Department of Education, IDEA Statute and Regulations, https://sites.ed.gov/idea/statuteregulations/

- U.S. Department of Education, IDEA ESSA Technical Amendments, https://sites.ed.gov/idea/ideaessa-technical-amendments-summary/

- U.S. Department of Education, Office for Civil Rights and Office of Special Education and Rehabilitation; Know Your Rights: Students with Disabilities in Charter Schools Services, https://sites.ed.gov/idea/files/dcl-factsheet-201612-504-charter-school.pdf

- U.S. Department of Education, Institute of Education Sciences, Plan and deliver: Educating students with disabilities in remote settings, https://ies.ed.gov/ncee/edlabs/regions/midwest/blogs/students-disabilities-remote-settings.aspx

How can you contact NCSRC?

charterschoolcenter.ed.gov

contact-us@charterschoolcenter.org

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