

Special Education Primer

State Charter Schools
Commission of Georgia



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Open Enrollment

- The Charter School shall not discriminate against students on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, marital status, academic ability, the need for special educational services, or any other characteristic protected by local, state, or federal law.

IDEA and Section 504

- The Individuals with Disabilities Education Act (IDEA) is a comprehensive federal law aimed to ensure that students with disabilities participate in an educational program that provides an educational benefit.
- Section 504 of the Rehabilitation Act is a federal law aimed to ensure students with disabilities are not subject to discrimination.

IDEA and Section 504 - Similarities

- Both laws provide students with disabilities specific rights and access to certain accommodations of an educational program.
- Both laws provide students with disabilities additional procedural safeguards regarding changes to their academic placement and student discipline.
- Both laws detail specific procedures for the evaluation and placement of students with disabilities.

IDEA and Section 504 - Differences

- The definition of a “student with a disability” is different under IDEA and Section 504 – the latter is much broader.
- Specific rights under afforded to students are much different under IDEA and Section 504 – the former are much broader.

Section 504 - Takeaways

- Just because a student does not qualify for services under IDEA does not mean he or she is not entitled to additional rights or services.
- Provisions of Section 504 and IDEA are often intertwined but compliance with IDEA ensures compliance with Section 504.
- Schools do not receive additional funding for Section 504.

Basic Tenet of IDEA

- Each LEA must provide each student with a disability receives a Free and Appropriate Public Education in the Least Restrictive Environment appropriate for his or her disability.

Key Components of IDEA: FAPE

- FAPE requires:

- FREE!

- Education and related services are provided at no cost to the parent.
- At no times is the cost of a service or accommodation an appropriate consideration for providing that accommodation.

- APPROPRIATE!

- Education and related services tailored to the individual needs of the student to allow him or her to progress in the general educational curriculum.
- (Not necessarily public education) – If the student's IEP team determines that a private placement is the most appropriate setting, the school must provide that placement at its own cost (more on that later).

What Disabilities are Eligible for Services?

- Autism spectrum disorder.
- Deafblind.
- Deaf/hard of hearing.
- Emotional and behavioral disorder.
- Intellectual disability (mild, moderate, severe, profound).
- Orthopedic impairment.
- Other health impairment.
- Significant developmental delay.
- Specific learning disability.
- Speech-language impairment.
- Traumatic brain injury.
- Visual impairment.

What Does it Mean to be Eligible for Services?

- After an appropriate evaluation, a group of qualified professionals and the parent determine that the child has a disability and is in need of special education and related services.
- The need for special education services cannot be a result of lack of appropriate instruction or limited English proficiency.
- Generally, a student that has a disability but is making progress in grade-level standards will not qualify for services under IDEA.

What Does an IDEA Evaluation Look Like?

- A variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining—
 - Whether the child is a child with a disability; and
 - The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum.
- May not use any single measure or assessment as the sole criterion.
- Must use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

Don't We Need to do Interventions Prior to an Evaluation?

- Mostly, yes. Schools should use the Georgia Student Achievement Pyramid of Interventions Response To Intervention (RTI)-Tiers 1-4 to assess if a student responds to additional services not as extensive as special education and related services.
- However, if a parent requests an evaluation for special education the evaluation must be complete within 60 days of receiving consent for an evaluation.

Special Tip: Eligibility Documentation

- After each evaluation and reevaluation, the eligibility team must develop specific written eligibility documentation that details each component of the eligibility and is comprehensive enough to serve as the evaluation report when necessary.

What Happens After a Student is Eligible?

- Convene an IEP Team meeting within 30 days of the eligibility determination.
- Get consent to provide special education services.
- Provide special education and related services as soon as possible.

What is an IEP Team?

- The parents of the child;
- At least one regular education teacher of the child;
- At least one special education teacher of the child,
- A representative of the LEA;
- An individual who can interpret the instructional implications of evaluation results (may be another member of the IEP team).
- At the discretion of the parent or the LEA, other individuals who have knowledge or special expertise regarding the child; and
- Whenever appropriate, the child with a disability.

What is an IEP?

- An Individualized Education Program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with IDEA and that must include annual goals and current progress.
- More specifically:

What is an IEP?

- An IEP must include:
 - Present levels of academic and functional performance;
 - Consideration of Special Factors (Behavior Issues, LEP, AT, etc.);
 - Transition Service Plan;
 - Measurable Annual Goals;
 - Student Supports (Accommodations, Supplemental Aids and Services);
 - Assessment Determination for District and Statewide Assessments;
 - Instruction/Related Services In General Education Classroom;
 - Instruction/Related Services Outside General Education Classroom;
 - Extended School Year (ESY);
 - Documentation of Notice of IEP Meeting; and
 - Parent Participation in the IEP Process.

What if Parents and Staff Don't Agree on What a Child Needs?

- IDEA includes specific dispute resolution methods that include:
 - Mediation;
 - A Formal Complaint process; or
 - Due Process Hearings.
- Note: An IEP may be implemented without full agreement from the IEP team.

How Long Do Special Education Services Last?

- Students must be reevaluated every three years (unless the LEA and parent agree that an evaluation is unnecessary).
- Students may be reevaluated more often, but no more often than once per year (unless otherwise agreed upon).
- Students that continue to be eligible for special education and related services must be served by the LEA through the age of 21.

How Does One Discipline a Student with a Disability?

- Students with Disabilities may be removed from their educational placement for disciplinary purposes for up to ten days per school year.
- If a student is removed from his or her placement for ten or more days (consecutively or nonconsecutively), specific procedural rights are triggered:

What are the Procedural Safeguards for Disciplining Students with Disabilities?

- Upon disciplining a student for 10 or more days, the LEA must conduct a Manifestation Determination to decide:
 - If the student's behavior is the result of his or her behavior; and
 - Whether the LEA implemented the IEP with fidelity.
- If the answer is “yes”, then the school may discipline the student as any other student (with one exception on the next slide).
- If the answer to one of those is “no”, then....

What are the Procedural Safeguards for Disciplining Students with Disabilities?

- If the school did not implement the IEP with fidelity, the school must immediately remedy the errors.
- If the behavior is a manifestation of the disability, the school must:
 - Conduct a Functional Behavioral Assessment;
 - Develop and Implement a Behavioral Intervention Plan; and
 - Return the student to his or her placement unless the IEP team determines another appropriate placement.

What are the Procedural Safeguards for Disciplining Students with Disabilities?

- If a student with a disability is disciplined in a manner in which he or she is served in an alternative placement, including expulsion, the school must continue to provide a level of services that allows a student to progress in the general educational curriculum.
- If a student commits an offense that relates to weapons or drugs at school or causes serious bodily injury at school, the student may be moved to an interim alternative placement for up to 45 days without regard to whether the behavior is related to his or her disability.

Important IDEA Terms and Concepts

What are Special Education Services?

- Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.
- Specially designed instruction means:
 - adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—
 - To address the unique needs of the child that result from the child's disability; and
 - To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

What are Related Services?

- Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.

What is the Least Restrictive Environment?

- To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
- 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.

What is the Continuum of Alternative Placements?

- (a) Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.
- (b) The continuum required in paragraph (a) of this section must—
 - (1) Include the alternative placements listed in the definition of special education under §300.39 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and
 - (2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

When is Parental Consent Necessary?

- Prior to conducting an initial evaluation (and generally reevaluations).
- Prior to the student receiving special education services.
- Consent means informed consent.

What is a Transition Plan?

- Beginning in Grade 9 or when the student turns 16 (whichever occurs first), the IEP must include a Transition Plan that addresses:
 - Course of study (general v. special education diploma);
 - Measurable postsecondary goals related to training, education, employment and independent living; and
 - Agencies/persons who will be involved in transition services.

What are Extended Year Services?

- Some students may need additional services beyond the traditional school year to receive FAPE.
- The IEP must include:
 - Goals to be extended or modified;
 - Service;
 - Frequency;
 - Initiation;
 - Duration;
 - Provider Title; and
 - Location.

What is Child Find?

- All LEAs must have policies in place to ensure that:
- All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated.

What are Some Tips for Special Education Implementation?

- Use your resources!!
 - GaDOE is a great resource. Each state charter school has a district liaison. They have sample forms and documents ready to provide parents. They have conferences, email groups, and other services (such as facilitated IEP meetings).
 - Consider GO-IEP
 - RESAs, GLRS, SELDA, and other groups
- Document Your Compliance!!
 - Ensure all forms are followed and maintained.

Questions

