

# Special Education Basics For Charter Schools

Georgia Department of Education
Division for Special Education
Services and Supports
1870 Twin Towers East
Atlanta, Georgia 30334

#### Laws that Impact Students with Disabilities



- Every Student Succeeds Act (ESSA)
- Americans with Disabilities Act (ADA)
- Section 504 of the Rehabilitation Act

Individuals with Disabilities Education Act (IDEA)



## So...What Does IDEA Say?

Children with disabilities, and their parents, who attend public charter schools retain all rights under IDEA

# **Ensuring a Lawful Special Education Program**



# State Board and Charter School Commission Authorization

These charter schools are, in fact, their own Local Education Agencies (LEAs) and are solely responsible for ensuring that the requirements of IDEA are met...



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IDEA requires that procedures be in place to addressthe following:

- Free Appropriate Public Education (FAPE) for children who are eligible ages 3-21
  - Provided at no cost to parents
  - Provide an opportunity to progress in the general curriculum and to make progress toward annual goals

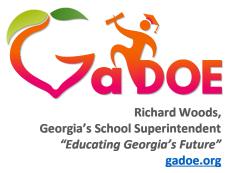


**IDEA** requires that procedures be in place to address

the following:

Least Restrictive Environment (LRE)

Students are removed from general education <u>only</u> when services cannot be provided in the general education setting with supports.



**IDEA** guarantees students with access to a full continuum of services, supports and accommodations necessary for participation in the LRE:

- based on the individual needs of the students
- determined by the Individualized Education Program (IEP) team (a district cannot tell students and families they do not provide a particular service)
- must include general classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.



#### **Child Find**

- Identification process for SWD birth through 21
  - Georgia Student Achievement Pyramid of Interventions Response To Intervention (RTI)-Tiers 1-4
  - If a student is referred for evaluation for Special Education, eligibility must be determined within 60 days of receiving consent for evaluation

Note: If a parent requests an evaluation, the school must provide one.



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#### PRIOR WRITTEN NOTICE

The school district must provide parents written notice whenever the district proposes or refuses to initiate or change a student's:

- Identification
- Evaluation
- Educational placement
- FAPE





#### **Confidentiality of information**

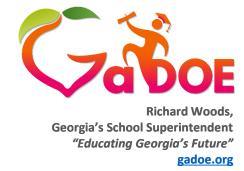
- Records
- Personnel
- Access of parents

#### **Related Health Issues**

- May cause frequent absences
- May need to consider hospital homebound services
- May take medication that needs to be monitored
- Schools may <u>not require</u> a SWD to take medication in order to come to school or to have an IEP in place



- Notice and consent
  - Prior to evaluations
  - Prior to providing services (placement in special education)
  - Prior to changing services
  - Parents may revoke consent
  - LEAs provide Prior Written Notice



#### **Revocation of consent**

- Relatively new regulation in the most recent reauthorization of IDEA
- Allows parent (in writing) to remove consent to receive special education and related services
- System must respond to parent's written statement with prior written notice and then honor the request
- Parent may not pick and choose, consent /revocation of consent is for receipt/revocation of all services



- Dispute resolution procedures
  - Complaints
  - Mediation
  - Due Process Hearings

## **IEP Development**



#### An Individualized Education Program (IEP)

- Annual plan, must be reviewed at least one time per year
- Progress reporting on annual goals
- No required forms but each component must be addressed
- Georgia has GO-IEP an online platform that many districts use

### **IEP Development**



- IEPs are developed by a team that must include:
  - General education teacher
  - Special education teacher
  - Parent
  - Student (if transition to postsecondary is to be discussed)
  - LEA representative
- An individual who can interpret the results of assessments and determine educational needs (may be one of the above)

## **IEP Development**



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- Transfer of rights
  - Notice by age 17
  - Actual transfer at age 18
- Statement of annual services, related services and types of supports to be provided to the student including academic, nonacademic and extracurricular activities
- To be educated and participate with nondisabled peers and an explanation, if any, of the extent to which the child will not participate with nondisabled children in the regular class and other activities



Contains the following sections:

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- Present levels of academic and functional performance
  - Most recent evaluations
  - Description of academic, developmental, and/or functional strengths
  - Description of academic, developmental, and/or functional needs
  - Parental concerns regarding their child's education
  - Impact of the disability on involvement and progress in the general education curriculum



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#### II. Consideration of Special Factors

- Behavior Issues
- Limited English Proficiency
- Blindness/Visual Impairment
- Communication needs,
- Deaf/hard of hearing issues
- Assistive Technology
- Alternative Format



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#### **III. Transition Service Plan**

 For students who enter 9<sup>th</sup> grade or turn 16...whichever comes first

#### IV. Measurable Annual Goals

- Enable the student to participate in general curriculum
- For those in alternate assessments, also must include sort term objectives or benchmarks
- A statement of when progress toward meeting the annual goals will be reported



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- Transition services plan
  - By age 16 or entry into high school, whichever comes first
  - Course of study (diploma options)
  - Measurable postsecondary goals related to training, education, employment and independent living
  - Agencies/persons who will be involved in transition services



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V. Measurable Annual Goals and Short Term Objectives

Goals must be developed for all areas of "Need" identified in the Present Levels of Academic and Functional Performance (PLAAFP)

Report of Student Progress

#### **VI. Student Supports**

Accommodations

Supplemental Aids and Services



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# VII. Assessment Determination for District and Statewide Assessments for Grades K-12

#### VIII. Special Education:

Instruction/Related Services In General Education Classroom/Early Childhood Setting

#### IX. Special Education:

Instruction/Related Services Outside General Education Classroom/Early Childhood Setting



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#### X. Extended School Year (ESY)

IEP team may determine ESY services are necessary for the provision of FAPE and must include:

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- Goals to be extended or modified
- Service
- Frequency
- Initiation
- Duration
- Provider Title
- Location



- XI. Documentation of Notice of IEP Meeting
- XII. Parent Participation in the IEP Process



- Discipline procedures and protections that address
  - Removal from classroom
  - Functional Behavioral Assessment (FBA)
  - Behavioral Intervention Plan (BIP)



• Students who are removed from the classroom are not georgia's School Superintendent gadoe.org

receiving the services required by the IEP

After 10 days, it is considered a change of placement

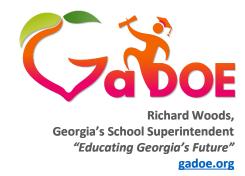
- Change of placement cannot be done without notifying the parent and convening the IEP team
- Considered a denial of FAPE (opportunity to progress in the general curriculum and to make progress toward annual goals)
- Students may only be removed for up to 10 days in any school year!
  - ISS may be an exception if the student is receiving services



- For removals over 10 days (considered a change in placement), the following must occur:
  - Services will be provided, although in another setting
  - Consideration of whether the behavior that caused the removal was a manifestation of the disability.
     Manifestations asks two questions:
    - Is the behavior caused by the disability?
    - Was the IEP implemented?
  - If it was a manifestation of the disability, the student must be returned to his/her original setting and...



- Conduct or revise :
  - Functional Behavioral Assessment (FBA)
  - Behavioral Intervention Plan (BIP)
- If it was NOT a manifestation, the student may be placed in another setting as determined by the IEP team



- School personnel may remove a student to an interim alternative setting for up to 45 days without regard to the manifestation when a student:
  - Violates the code of conduct for a weapon
  - Violates the code of conduct for controlled substances
  - Has inflicted serious bodily injury upon another person
  - The interim placement must provide FAPE

# State and Federal Law Resources



IDEA Statute and Federal Regulations

https://sites.ed.gov/idea/statuteregulations/

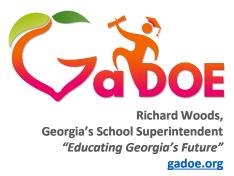
Special Education Rules

**Special Education State Rules Link** 

 Georgia Special Education Primer for Charter Schools

**State Charter School Primer** 

# Data Collection Resources



State Commissioned Charter Schools must understand state and federal reporting requirements in order to secure funding for all students, especially Students With Disabilities (SWD).

**Special Education Data Collection and Funding** 

**Data Collection:** 

**Carol Seay** 

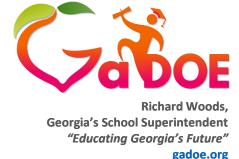
cseay@doe.k12.ga.us

404-463-1713

Funding/Budget:

Amber McCollum amccollum@doe.k12.ga.us 404-463-0535

### **GOIEP Resource**



GaDOE online IEP (GOIEP)

Linda Castellanos <a href="mailto:lcastellanos@doe.k12.ga.us">lcastellanos@doe.k12.ga.us</a> 404-719-8045

#### Contact



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