

# 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



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Georgia's School Superintendent  
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- Section 504 of the Rehabilitation Act
- **Individuals with Disabilities Education Act (IDEA)**
- Every Student Succeeds Act (ESSA)
- Americans with Disabilities Act (ADA)

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# So...What Does IDEA Say?

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

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# DATA COLLECTION



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

## Data Collections and Funding

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# Ensuring a Lawful Special Education Program

Determine your school's legal status:

- Was your charter school authorized by a Local Education Agency (local school district)?
- Was your charter school authorized by the State Board or the Charter School Commission?

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# Basics of IDEA



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IDEA requires that procedures be in place to address the following:

- FAPE: Free Appropriate Public Education for children who are eligible
  - Provided at no cost to parents
  - Educational benefit with opportunity to learn

# Basics of IDEA



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IDEA requires that procedures be in place to address the following:

- LRE: Least Restrictive Environment

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



# Basics of IDEA



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- **Discipline procedures and protections that address**
- **Parent Involvement**
  - Parents are involved in all aspects of special education
  - Parents are part of every team that makes decisions about the student

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# The IEP



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- An Individualized Education Program (IEP)
  - Annual plan, must be reviewed at least one time per year
  - Progress reporting on annual goals
  - State IEP Form with minimum requirements
  - IEPs look different from system to system

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# The IEP



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- 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)



# The IEP



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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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# The IEP



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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 short term objectives or benchmarks
- ✓ A statement of when progress toward meeting the annual goals will be reported

# The IEP



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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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# The IEP



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## V. Measurable Annual Goals and Short Term Objectives

- ✓ Goals must be developed for all areas of "Need" identified in the 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

# The IEP



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## X. Extended School Year

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

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# The IEP



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XI. Documentation of Notice of IEP Meeting

XII. Parent Participation in the IEP Process

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# The IEP



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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

# Discipline



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- Students who are removed from the classroom are not 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

# Discipline



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- After removals for 10 days, 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...

# Discipline



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- 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

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# Discipline



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- 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

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## Child Find

- Identification process for SWD birth through 21
  - Georgia Student Achievement Pyramid of Interventions Response To Intervention (RTI)
  - 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.**

# Basics of IDEA



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

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# Basics of IDEA



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- 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*

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# PRIOR WRITTEN NOTICE



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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

# Other Considerations for Students with Disabilities



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## Confidentiality of information

- Records
- Personnel
- Access of parents

## Often related health issues

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



# Questions?



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