

# Achievement School District Guidance<sup>1</sup> for Operators Related to Providing Quality Special Education and Related Services

## October 2014

### Application Preparation

Applicants interested in operating a charter school in the ASD need to consider how they will serve students with disabilities. As neighborhood schools responsible for serving all students in the respective designated school catchment area, operators should anticipate that 12-15% of their students will have a diagnosed disability and these students will require a diverse array of special education and related services. ASD charter schools are provided all federal (i.e., IDEA Part B & C) and state dollars (i.e., BEP) allocated to support special education programs but should also anticipate allocating general operating dollars to support their special education program. ASD charter schools may develop a variety of approaches to fulfilling their responsibilities related to educating students with disabilities (e.g., providing services in-house, contracting with external providers, including but not limited to Shelby County Public Schools, and partnering with other charter schools). Considering the multiple factors that shape your special education program prior to applying will ensure you are able to demonstrate that you have the capacity to fulfill your responsibilities related to special education; a responsibility essential to successful school turnaround efforts.

The following table outlines key responsibilities associated with educating students with disabilities. The first column identifies the component, the second provides a brief description and the third column identifies key issues operators need to consider. There is not one best approach to providing special education and related services, and operators are encouraged to explore innovative approaches, but it is critical that you consider how you plan to address these responsibilities. For assistance regarding how to fulfill these responsibilities, please see resources provided in the appendix.

Component	Core Elements	Key Issues for Charter Developers
Child Find	Policies, practices, and individuals related to identifying and assessing students who reside in the school catchment area who may require special education and related services due to having a diagnosed disability.	<ul style="list-style-type: none"> <li>How will the charter proactively identify students ages 3-21 in their zoned neighborhood who may have a disability that qualifies them for special education and related services?</li> <li>How will the charter school identify any student who is enrolled in its school who is presenting academic or behavioral problems to determine whether that child should be referred for a special education evaluation?</li> </ul>

<sup>1</sup> Guidance based on Rhim, L. M., & O'Neill, P. T. (2012). *Charter school authorizer rubrics for assessing special education capacity: School operating within a Local Education Agency*. Washington, DC: National Charter School Resource Center.



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Component	Core Elements	Key Issues for Charter Developers
		<ul style="list-style-type: none"> <li>Who will be responsible for developing expertise related to child find and ensuring effective structures are in place to identify and evaluate students?</li> </ul>
Enrollment	Applicants should anticipate enrolling and plan to support approximately the same proportion of students with disabilities who are enrolled in other neighborhood schools (e.g., 12-15%).	<ul style="list-style-type: none"> <li>How will the school communicate its non-discriminatory registration/enrollment practices?</li> <li>How will the school prepare registration staff to respond to questions related to the school's provision of a full continuum of placement options to students with disabilities?</li> <li>How will the school secure parental written consent to authorize students' file/records transfers in a timely manner?</li> </ul> <p>*Registration procedures should not ask whether students have a disability. Rather, once students are accepted, either by general enrollment or via lottery if the school is overenrolled, school personnel can inquire regarding students' disabilities for planning purposes. Having a disability is not an acceptable reason to deny admission. Such denial would constitute discrimination specifically prohibited by federal law (i.e., ADA, Section 504 and IDEA).</p>
Staffing and Administration	Number and nature of specialized staff to be hired to administer programs and provide special education and related services.	<ul style="list-style-type: none"> <li>Based on typical district school enrollment patterns, what are the anticipated needs/services (e.g., inclusive as well as separate classrooms)?</li> <li>How will special education and related service personnel collaborate with general education teachers to create appropriate support strategies and interventions for SWDs (e.g., will general and special education teachers team teach, when will general and special education teachers be able to plan together)?</li> <li>Does the operator propose any creative solutions to make certain they can find enough qualified teachers?</li> <li>Who will be the designated special education administrator/coordinator/manager?</li> <li>Who will be responsible for the academic outcomes, coordination of services, and compliance monitoring per federal and state law for the special education program in the school?</li> </ul>



Component	Core Elements	Key Issues for Charter Developers
Curriculum and Instruction	The core content to be delivered in the school and the method of delivering the content.	<ul style="list-style-type: none"> <li>• What is the applicant’s plan to create a culture in which all staff embrace all students and build capacity among general and special education staff to provide a meaningful continuum of instruction options to meet a wide range of leaning needs?</li> <li>• What is the applicant’s plan to modify delivery of curriculum (e.g., integration of assistive technology) to ensure that all students can access the general education curriculum?</li> <li>• How does the school plan to train general education teachers to assume responsibility for implementing accommodations and modifications and behavior intervention plans, modify the curriculum and instruction to address the unique needs of students with disabilities?</li> </ul>
Assessment	The tools used to measure academic progress. Assessments to be administered annually to comply with federal and Tennessee accountability requirements as well as short-cycle, formative, and predictive assessments to inform instructional practice throughout the year.	<ul style="list-style-type: none"> <li>• Does the school have a plan to identify students who are struggling and would benefit from academic interventions?</li> <li>• Does the school have a plan to implement evidence-based early interventions (i.e., response to intervention [RTI]) and a means to track student progress?</li> <li>• Does the application include an explicit assurance that appropriate accommodations will be given to students as outlined in their IEPs when taking assessments?</li> <li>• Does the applicant understand that some students—approximately 1-2% of all students with disabilities—may require an alternate assessment and have a plan to determine which, if any, students will require such assessments?</li> <li>• Does the applicant provide an assurance that the school facility will have adequate space to administer assessments to students with disabilities?</li> <li>• If the school has a virtual or blended learning component, does the applicant outline where students will be assessed and how they plan to accommodate students with disabilities to ensure that testing environments reflect supports outlined in the IEP?</li> </ul>
Individualized Education Program (IEP) Development	The process by which a team of professionals, in collaboration with parents and other external experts as needed, develop a plan to provide special education and related services to a student identified as eligible for special education.	<ul style="list-style-type: none"> <li>• Does the applicant have a plan to inform parents about their and their child’s rights associated with IDEA?</li> <li>• Does the school have policies and procedures that guide staff through implementation of the IEP process of evaluation and assessment of students in all areas of a suspected disability, determining eligibility,</li> </ul>



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		<p>writing IEP goals to curriculum content, determining appropriate placement and implementing IEPs for students who qualify for special education?</p> <ul style="list-style-type: none"> <li>• If the prospective school is a middle school or high school, how will staff develop appropriate transition plans?</li> </ul>
Service Provision	<p>The distinct set of special education and related services outlined in IEPs are the core of special education. The purpose of the services and supports is to ensure that students with disabilities can successfully access the general education curriculum and achieve the academic and social goals outlined in their IEPs.</p>	<ul style="list-style-type: none"> <li>• How will the operator provide special education and related services as outlined in students' IEPs?</li> <li>• Alternatively, with whom will the school contract (e.g., Shelby County Public Schools or a local service agency) to obtain special education teachers, coordinators, and paraprofessionals in order to provide a full continuum of services?</li> <li>• If the school has a virtual or blended learning component, how will the charter school personnel provide services virtually?</li> <li>• What kinds of certification will the special education teachers, coordinators, and paraprofessionals need?</li> <li>• Does the school have a practical plan to recruit and hire only qualified personnel as required by IDEA?</li> <li>• How will the school accommodate students who require medications or have other medical needs?</li> <li>• How does the operator plan to support a student with a moderate or severe disability?</li> </ul>
Funding	<p>Special education and related services are funded through a combination of federal (i.e., IDEA Part B &amp; C), Tennessee (i.e., BEP), and local education funds.</p>	<ul style="list-style-type: none"> <li>• How will the operator develop a special education budget and how will they adjust the budget based on student needs?</li> <li>• Based on historic districts trends how much federal, state, and local funding can the operator expect to be provided/allocated to support special education and related services?</li> <li>• Does the operator have a clear understanding of how much Tennessee and local (BEP) funds flow to support students with disabilities enrolled in the charter school?</li> <li>• Does the applicant have an accurate understanding that all public schools allocate general operating funds (i.e., funds that are not specifically earmarked for students with disabilities) to support special education programs?</li> <li>• Does the applicant anticipate seeking reimbursements available through Medicaid?</li> </ul>



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Budget	Description of anticipated school revenues and expenditures.	<ul style="list-style-type: none"> <li>• Does the school’s budget include allocation of funds to support special education and related services?</li> <li>• Do the funds allocated represent an accurate understanding of the anticipated costs of educating students with disabilities?</li> <li>• Does the budget include funds allocated to train all personnel regarding educating students with disabilities?</li> <li>• If the charter school is purchasing services from the ASD, Shelby County Public Schools or other external entities, how will fees be set and providers help accountable for provision of quality services?</li> </ul>
Facility	The school’s physical plant, including classrooms, administrative space, and the external spaces used by students.	<ul style="list-style-type: none"> <li>• Does the operator recognize they will need to allocate space to provide support services outside of the general education classroom?</li> <li>• Does the operator have a plan to secure space to store student records that meets federal privacy requirements?</li> </ul>
Discipline	Policies and procedures that outline behavioral expectations and consequences for students who do not meet expectations.	<ul style="list-style-type: none"> <li>• What is the operator’s plan to develop a student code of conduct and discipline policy with detailed levels of infractions for violations that reinforces equitable consequences for all students and aligns with the discipline and zero tolerance mandates of IDEA?</li> <li>• How will the operator train all personnel regarding the discipline policy and, specifically, the nuances involved in disciplining students with disabilities?</li> <li>• How will the operator participate in and facilitate manifestation hearings when it is required?</li> </ul>
Family and Community Engagement	Efforts taken to engage parents and the broader community in the success of the school.	<ul style="list-style-type: none"> <li>• How will the operator provide families and the broader community the opportunity to contribute to the success of the school (e.g., training to support student learning, board of directors, fundraising, classroom volunteers, or advocacy)?</li> <li>• Will parents of students with disabilities be afforded adequate opportunities to participate in the multi-disciplinary team process and in school committees?</li> <li>• If the school has a virtual or blended learning component, what structures will be developed to fully engage parents to support learning that will occur in the home?</li> </ul>
Transportation	The services provided to students to transport them	<ul style="list-style-type: none"> <li>• What accommodations does the school plan to make to be certain that</li> </ul>



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	between their home and school.	students with disabilities can safely and successfully take advantage of the transportation provided? <ul style="list-style-type: none"> <li>• How does the school plan to provide transportation if it is a related service in a student's IEP?</li> </ul>

### Key Resources

- *ADA Standards for Accessible Design 2010* is available from the United States Department of Justice, Civil Rights Division at [http://www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm)
- Center for Applied Special Technology: <http://www.CAST.org>
- Council for Exceptional Children: [www.cec.sped.org](http://www.cec.sped.org)
- Education for All Handicapped Children Act of 1975, Pub. L. No. 94-142, 89 Stat. 773.
- Individuals with Disabilities Education Act (IDEA) <http://idea.ed.gov>
- National Center for Learning Disabilities: [www.NCLD.org](http://www.NCLD.org)
- National Center for Special Education in Charter Schools
  - <http://www.ncsecs.org/resources/>
- National Dissemination Center for Children with Disabilities: [www.NICHY.org](http://www.NICHY.org)
  - Section 504 of the Rehabilitation Act of 1973 (Section 504) <http://www.hhs.gov/ocr/504.html>
  - The U.S. Department of Education document *Frequently Asked Questions about Section 504 and the Education of Children with Disabilities* is available at <http://www.ed.gov/about/offices/list/ocr/504faq.html?exp=0>.
- Tennessee Department of Education, Special Education: [http://www.state.tn.us/education/student\\_support/special\\_education.shtml](http://www.state.tn.us/education/student_support/special_education.shtml)



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