Ensuring Compliance for Exceptional Student Education

Florida Authorizer Bootcamp
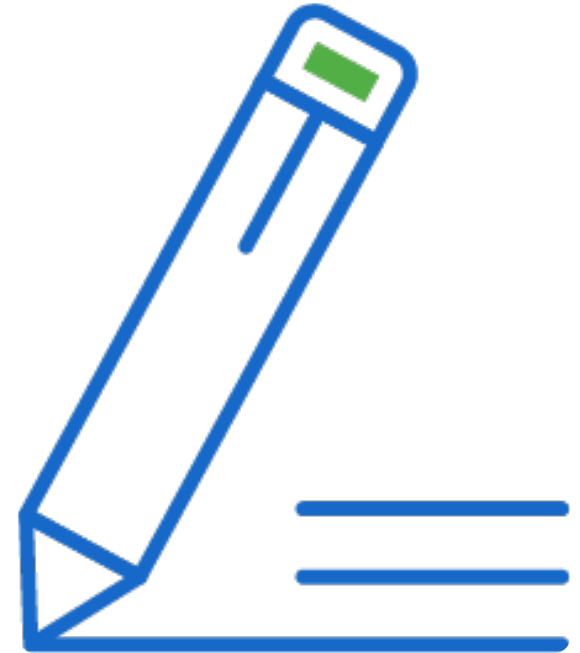
Agenda

- **Enrollment**

- **Application Review**

- **Oversight and Monitoring**

- **Renewal**

Objectives

- **Authorizers will have a better understanding of their role in ensuring students with disabilities are served effectively during key stages of the authorization process.**

Legal Identity (1)

- **In Florida, the school district is the LEA in most circumstances.**

- **Charter schools may serve as their own LEA in the following circumstances:**

    - All schools are located in the same county;

    - Total enrollment exceeds the total enrollment of at least one school district in the state; or

    - All schools have the same governing board.

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Legal Identity (2)

In charter schools that are part of a district LEA, the LEA receives federal and state special education funds and retains responsibility for special education services.

Charter schools that serve as LEAs:

- Receive federal and state special education funds directly;

- Are responsible for serving students with disabilities; and

- Are monitored for compliance by FDOE every three to five years.

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Role of the Authorizer

Identify who is responsible for special education in the district and how special education is structured.

Questions to Ask:

- Who is the special education director/lead in the district?

- How is funding distributed and administered?

- How is responsibility for oversight shared between the office of special education and the charter school's office?

Enrollment

F. S. § 1002.33(10): Eligible Students

- Students with disabilities and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment at a charter school.

- **Key Considerations**

  - Do schools have approximately the same proportion of students with disabilities as local neighborhood schools?

  - How does the school market to families with preschool students already in the public school system and that receive early childhood special education services?

  - Marketing, application and enrollment materials, and procedures should encourage students with disabilities to enroll.

  - Enrollment procedures should not inquire about a student's disability status.

Drawn from NACSA, Rubric for Assessing Special Education in Charter Schools

Discussion Questions

- **How can marketing materials and websites encourage students with disabilities to enroll?**

- **What can an authorizer do if a charter school is not enrolling students with disabilities equitably?**

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Application Review

Evaluation criteria for model application

- Clear description of the programs and strategies for students with disabilities

- Clear description of strategy to ensure equal opportunity of being selected for enrollment

- Comprehensive and compelling plan for appropriate identification of students with special needs

- Placement decisions for students with disabilities made based on student's unique needs through the Individualized Education Program (IEP) process

- Appropriate plan for evaluating school's effectiveness in serving exceptional students

- Realistic enrollment projection and a staffing plan that aligns

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Statutory Requirements

- Federal Law – IDEA 300 & FL § 6A-6.0331

- Child Find/Identification

- Individualized Education Program (IEP)

    - School responsible to develop IEP, review at least annually, and progress monitor properly

- Free Appropriate Public Education (FAPE)

    - Identified by IEP team to meet child's needs at no cost to parent

- Least Restrict Environment (LRE)

    - Students with disabilities educated with non-disabled peers to the maximum extent appropriate

Oversight and Monitoring: Child Find/Identification

Child Find/Identification

- Locate, identify, and evaluate all children with disabilities

- Done in conjunction with the Florida Diagnostic and Learning Resources System (FDLRS) for birth to five

- Initial evaluation within 60 days of parental consent

Evaluations

- Evaluations are conducted within 60 days of parental consent

- Reevaluations are conducted every three years

- The school oversees external evaluations as needed

Oversight and Monitoring: IEPs

Individualized Education Program

- Develop an IEP for every student with a disability

- Review the IEP not less than annually

- Ensure IEPs are monitored regularly

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Oversight and Monitoring: FAPE and LRE

Free Appropriate Public Education

- Services are identified by the IEP team

- Services are provided to meet the child's identified needs

- Provided at no cost to parents

Least Restrictive Environment

- To the maximum extent appropriate, students with disabilities are to be educated with their nondisabled peers

- Services are provided in accordance with IEPs

Scenario: What are your next steps?

ABC Charter School has a student that needs one-on-one assistance during core subject areas.

The school doesn't have sufficient funding within its special education budget to provide this service.

What is the authorizer's role in ensuring the student receives the services he or she needs?

Oversight and Monitoring: Service Provision

Other Important Compliance Issues

- Service Provision
  - Services are provided in accordance with IEPs
  - A continuum of services is offered
  - Students with Section 504 plans receive those accommodations consistently

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Oversight and Monitoring: Discipline

Other Important Compliance Issues

- Discipline (IDEA rules)

  - Make sure schools follow laws with respect to suspensions and other changes of placement for students with disabilities

  - Suspensions for more than 10 days can't be for infractions that are a manifestation of a student's disability

  - Students must continue to receive their special education services during changes of placement

Oversight and Monitoring: Data, Funding, and Staffing

Other Important Compliance Issues

- Data and Assessment
    - Collect and report the same information as traditional public schools (budget, assessment, statistical information)
    - Students with disabilities are included in assessments
    - Alternate assessments are provided to students whose IEPs call for them
    - Accommodations are provided in alignment with the IEP or section 504 plan

- Funding
    - Special education funds are spent on legitimate special education costs and services

- Staffing
    - Someone on staff must understand students' IEPs and monitor the specially designed instruction

Oversight and Monitoring: Monitoring Vehicles

Monitoring Vehicles

- Annual Review/Report
  - Enrollment data compared to neighboring district schools
  - Achievement for students with disabilities
  - Compliance review

- Site Visits
  - Instruction for students with disabilities is provided in alignment with FAPE, LRE, and IEPS

- Desktop Monitoring
  - Enrollment data
  - IEP review
  - Data collection and reporting to the state

- Renewal Application
  - Review of enrollment, achievement, and compliance throughout the term of the charter

Renewal Evaluation

Standard for Renewal (F.S. § 1002.33(7)(c)(1))

- Charter may be reviewed if program review demonstrates charter goals successfully accomplished and no grounds for nonrenewal

Causes for Nonrenewal or Termination (F.S. § 1002.33(8)(a))

- Failure to participate in state's accountability system

- Failure to meet GAAP standards for fiscal management

- Material violation of law

- Other cause shown

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Renewal

Material violation of law

- **Compliance with statutory requirements summarized in Oversight and Monitoring**

  - Examine charter school practices over the life of the charter, such as Child Find, initial evaluations, development of IEPs and Section 504 plans, provision of related services

- **Compliance with enrollment practices**

Let's Recap

- **There are federal and state requirements regarding serving students with disabilities that impact your authorizing work.**

- **As the LEA, the district is responsible for ensuring these requirements are met in schools you oversee.**

- **As a staff member in an authorizing unit of a district, your job is to ensure roles and responsibilities between your office, the district's special education office, and the school are clear.**

Questions?
Reactions?
Ideas?

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BREAK

See you in 15 minutes!