

Special Education Requirements in Charter Schools

Welcome! We are pleased you could join us today. Please find a seat and we will begin shortly.

Session Presenters:

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Session Objectives

At the end of this session you will:

- Understand the structure of charter schools in New Mexico
- Understand the regulatory expectations for state-chartered schools in terms of Special Education.
- Understand the protocol for how to appropriately place a student in Special Education (and how to avoid incorrect placement)
- Know about resources which can help strengthen my school.

Welcome and Introductions

BY THE
WAY
WHO
ARE
YOU

Charter School Division Overview

CSD Vision

Driving student success in New Mexico by supporting both excellent authorizing practices and charter schools that provide quality programs and innovation in education.

CSD Staff

- 8 full-time staff, 5 provide oversight and monitoring for all 64 state charter schools

Special Education Bureau Overview

- 14 Full-Time Staff, including 6 Education Administrators
 - Do you know who yours is?
- New Staff
- Provide oversight and support to 159 Local Education Agencies of NM, including school districts, state charters and State-Supported Education Programs

Charter Schools in New Mexico

- Currently, there are 96 authorized charter schools in New Mexico.
- The Public Education Commission is the state authorizer of 63 charter schools.
- Districts around the state authorize the remaining 33 charter schools.

Equitable Access

A charter school shall have an admissions process that does not discriminate against anyone on the basis of race, national origin, color, disability, or age.
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Charter School Special Education Responsibility

- The School shall demonstrate compliance with applicable laws, rules, and regulations .
- The School is responsible for identifying, evaluating, and offering a free appropriate public education to all eligible children who are accepted for enrollment in the School.
- To ensure that the needs of students with a disability are met, the following procedures must be followed:

Charter School Special Education Responsibility

- The School shall request from relevant school district and/or the student a copy of the most recent Individualized Education Program (IEP) or Section 504 Accommodations Plan, if any.
- Admission of applicants with an IEP or Section 504 Accommodations Plan must be in compliance with state and federal requirements.

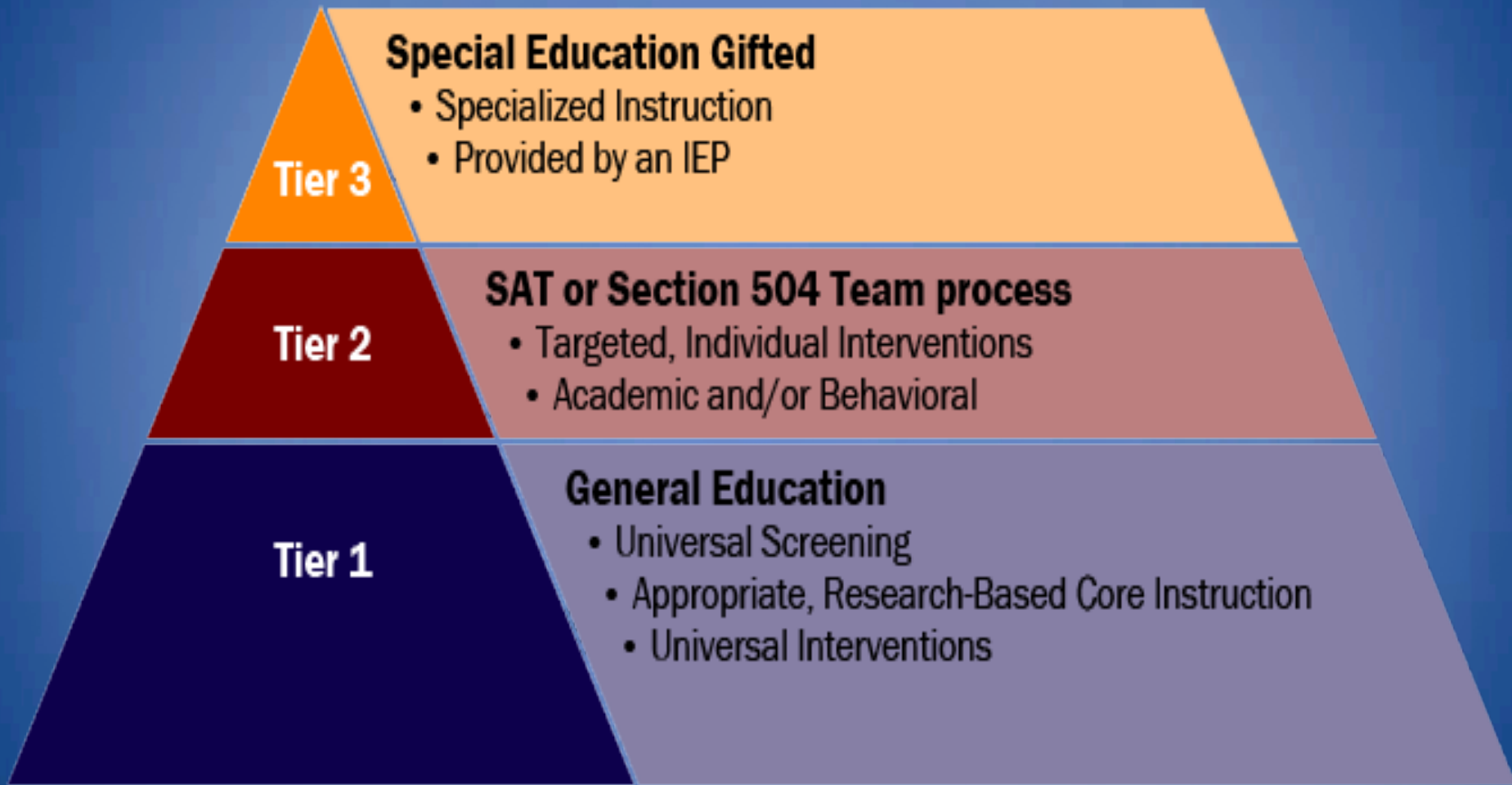
Prompts to Identify Special Education Students

- Parental Concern
- Parental request
- Teacher or other school staff concern
- Enrollment information

Referral for Special Education

- Who can make a referral?
 - Any concerned individual may make a referral for a child. (Examples include the child, school personnel, parents, the person with custody, community services agencies, etc.)

New Mexico's Three-Tier Model



Evaluation

The IDEA mandates that public agencies *must* conduct evaluations within 60 days of receiving parental consent for the evaluation. 34 CFR §300.301(c).



Re-Evaluations

- Must be conducted at least once every three years (unless the parent and the public agency agree that a re-evaluation is not necessary).
- However, a re-evaluation may be conducted earlier, for example:
 - If there is a change in the student's disabling condition or
 - substantial change in performance

Parental Consent

“Consent” in this question refers to “informed parental consent.” Consent to disclose records will be discussed later in the presentation. Per 34 CFR §300.300, informed parental consent is required:

- Before conducting an evaluation;
- Before the initial provision of special education and related services;
- Before conducting any reevaluation

Procedural Notification

How should the charter encourage parent attendance?

It is the obligation of the charter and public agency to strongly encourage parent attendance, and convince parents to attend. 34 CFR §300.322(d). This includes, keeping detailed records of (1) correspondence/notices sent home, (2) telephone calls attempted and made, and the results of the calls, and (3) visits made to the home. 34 CFR §300.322(d).

FAPE

Free Appropriate Public Education: Special education and related services –specifically designed instruction to meet the unique needs of the student.

The unique needs of a student with a disability encompass *more than* a mastery of academic subjects.



Accommodations & Modifications

- Accommodations are generally a change in format or environment (level the playing field), determined on a case-by-case basis.
- Modifications are generally a change in content (change the playing field), determined on a case-by-case basis. 34 CFR §300.320. Testing accommodations must also be listed in the IEP. 34 CFR §300.320(a)(6)(i). Participation in an alternate assessment must be decided by the IEP team.

Continuum of Placement Options

What continuum options must a charter school offer?

A public agency must consider a continuum of placement options for students identified under the IDEA. 34 CFR §300.115.

The continuum of alternate placements include instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions. 34 CFR §300.115(b)(1).

If the IEP team comes to the consensus that a student requires a more restrictive placement in order to receive a FAPE, then IEP must reflect as such.

Continuum of Placement Options

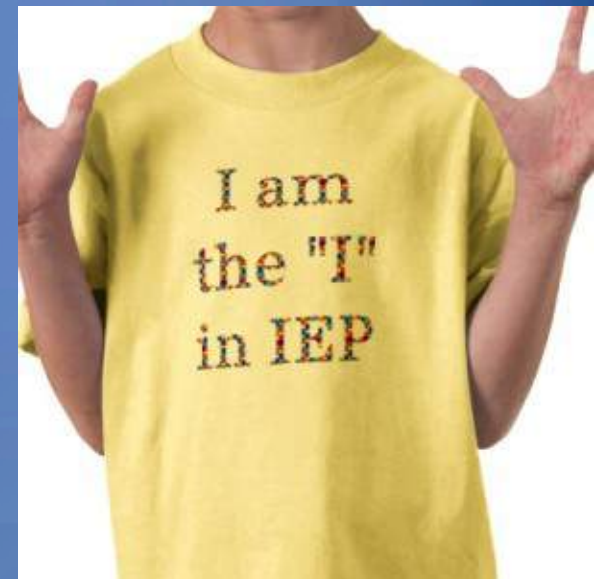
When are self-contained classes appropriate?

Self-contained classes are appropriate only when the student requires such removal from the general education environment due to the nature or severity of the student's disability. 34 CFR §300.114(a)(2)(ii).

A student should not be removed from the general classroom solely because modifications in the general curriculum are needed, or because the student requires supplementary aids and services. 34 CFR §300.116.

IEP Progress Updates

A student's IEP will reflect how frequently progress is updated to the parents. The IDEA requires “periodic reports on the progress the child is making.” 34 CFR §300.320(a)(3). IEP teams may agree to quarterly, trimester, monthly, weekly, etc. updates.



Parent Participation

- The charter and public agency must be able to demonstrate:
 - correspondence/ notices are sent home,
 - telephone calls are attempted and made, and/or
 - visits are made to the home. 34 CFR §300.322(d).
- Optional IEP team members include, "at the discretion of the parent...other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate." 34 CFR §300.321(a)(6).

Discipline

- Schools may remove a student “to an appropriate interim alternative educational setting, or suspension, for not more than 10 consecutive school days.” 34 CFR §300.530(b).
- Schools may impose additional removals of not more than 10 consecutive school days in the same year for separate incidents of misconduct *if this does not constitute a change of placement*
- **HOWEVER, at the 11th total day of suspension, the student gets additional rights and procedural safeguards.**

Change In Placement

- Per 34 CFR §300.536, the definition of a “change of placement” includes:
 - a. Removal for more than 10 consecutive school days, or
 - b. A series of removals that constitutes a pattern because:
 - i. The series of removals total more than 10 school days in a school year;
 - ii. The student’s behavior is “substantially similar” to the behavior in previous incidents resulting in the series of removals; and
 - iii. Additional factors such as length of each removal, total amount of time removed, and proximity of removals to one another.

Discipline

- After 10 school days of removal, the school must provide educational services to the student.
- If the removal is not for more than 10 consecutive school days (and not a change in placement) school personnel, in consultation with the student's teachers, determine the extent to which services are needed. 34 CFR §300.530(d)(4).
- If it is a change in placement, the IEP Team determines the appropriate services. 34 CFR §300.530(d)(5).

Resources

- [New Mexico Coalition of Charter Schools](#)
- [National Charter School Resource Center](#)
- [Addressing Student Behavior: A Guide for Educators](#)
- [Guidelines for Educators and Administrators to Implement Section 504 of the Rehabilitation Act of 1973 \(May 2010\)](#)
- [Gifted Education in New Mexico—Technical Assistance Manual \(updated November 2011\)](#)
- www.osepideastthatwork.org/toolkit/ta_responsiveness_intervention.asp

In Closing

Questions

- We would like to open the floor for discussion or questions.

Review of Session Objectives

- Do you understand the structure of charter schools in New Mexico?
- Do you understand the regulatory expectations for state-chartered schools in terms of Special Education?
- Do you understand the protocol for how to appropriately place a student in Special Education (and how to avoid incorrect placement)?
- Do you know about resources which can help strengthen my school?