



Special Education Basics

Georgia Department of Education

Division for Special Education Services and Supports

1870 Twin Towers East

Atlanta, Georgia 30334

Laws that Impact Students with Disabilities

- Section 504 of the Rehabilitation Act
- Individuals with Disabilities Education Act (IDEA)
- No Child Left Behind (NCLB)
- Elementary and Secondary Education Act (ESEA)
- Quality Basic Education (QBE)
- Americans with Disabilities Act (ADA)

So...What Does IDEA Say?

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

Resources

- **IDEA Statute and Federal Regulations**
<http://idea.ed.gov/explore/home>
- **Special Education Implementation Manual**
 - DOE Website
 - Curriculum
 - Special Education
 - Scroll down to the first option and click on the arrow in front of Special Education
Implementation: Rules, Manual, Forms, FAQ's
- **Georgia Special Education Primer for Charter Schools**
Browser: Georgia Special Education Primer

DATA COLLECTION

- 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

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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?

Ensuring a Lawful Special Education Program

State Board and Charter School Commission Authorization

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

...unless state law assigns that responsibility to some other entity.

Basics of IDEA

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

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

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

Basics of IDEA

- **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

The IEP

- 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

The IEP

- 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

- Contains the following sections
 - I. 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

The IEP

II. Consideration of Special Factors

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

The IEP

III. Transition Service Plan

For students who enter 9th 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

- 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

The IEP

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

The IEP

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

X. Extended School Year

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

The IEP

XI. Documentation of Notice of IEP Meeting

XII. Parent Participation in the IEP Process

The IEP

- 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

- 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

- 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

- 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

Discipline

- 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

Basics of IDEA

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

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

Basics of IDEA

- 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*

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

Other Considerations for Students with Disabilities

Confidentiality of information

- Records
- Personnel
- Access of parents

Often related or concomitant 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

Other Considerations for Students with Disabilities

- 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...as a unilateral decision on the part of the parent
 - 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

THANK YOU FOR COMING...AND NOW...

“Let us put our heads together and see what life we will make for our children.”

**Tatanka Iotanka
(Sitting Bull, Lakota Leader)**

Questions?

For questions or further information contact:

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