

Special Education in Indiana Charter Schools

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PARAMOUNT SCHOOL OF EXCELLENCE
(PSOE)

PSOE HISTORY

* Opened in 2010

* 2010 – 368 – 53: 14.4%

* 2011 – 462 – 55: 11.9%

* 2012 – **532** – **68**: 12.8%

* 2013 – **537** – **96**: 17.9%

* 2014 – 612 – 104: 17%

* 2015 – 651 – 115: 17.7%

African American: 56%

Hispanic: 10%

White: 32%

Other: 2%

FRL: 90%

Percentage Of Population

- * According to the U.S. Department of Education (2006), approximately 13.5 percent of all students in K–12 schools receive special education services.
- * PSOE special education percentage: 17.7%
- * Current IPS special education percentage: 18%

Operations at PSOE

Least Restrictive Environment

* **General Education**

- * Pull-out or push-in groups; determined by data what services are needed
- * Aligned curriculum to general education setting

* **Resource Room**

- * More intensive, frequent instruction based on data
- * Modified curriculum to general education setting

* **Self-Contained or modified self-contained**

- * High behavioral needs; disruptive to the general education setting
- * Greatly below grade level
- * Grade level curriculum or modified dependent on student academic data

Operations at PSOE

Teacher Training

- * **New Teacher Academy**

- * Participating in professional development with new staff
- * Designated presentation days

- * **Monthly All Staff Meetings**

- * Staff sign off for the topic of presentation for that month (BIPs, Accommodations, Modifications, etc.)

- * **Weekly Grade Level Team Meetings**

- * Will meet with each grade level team for 30 minutes as needed to matters relating to Special Education

Operations at PSOE

* **Accessibility**

- * Access to one-on-ones for students that require classroom support
- * Modifications in PE
- * Access to the playground and equipment (modified swing)
- * Changing table installed
- * Work with outside vendors (SLP, OT, PT, CDHHE) to provide needed services
- * Elevators and ramps for mobility
- * Assistive Technology devices
 - * Computers, iPads, AlphaSmart, FM systems

Myth-busting

The following statements are myths propagated in both the charter and traditional public school communities:

- * Charter Schools are not required to have a special education program
 - * Charter schools do not have to accept students with special needs
 - * Charter schools do not have to serve special education students with needs that exceed the school's staffing or facility capacity
- * Charter School special education law is dictated by the school's charter and is upheld by the school's authorizer, and not any other agency
 - * Charter schools do not have to adhere to the IDOE for special education reporting
 - * Charter schools are not subject to IDOE special education audits

Litigious & Legitimate

Properly serving students with special needs is critically important for two reasons:

- * #1) These students (who can make up as much as 20% of student body) may not succeed without careful attention paid to evaluations, accommodations, modifications, and annual IEP maintenance.
- * #2) An overwhelming majority of legal cases brought against schools are special education cases.

Case Studies

- * Parent advocacy for students with special needs is typically stronger than advocacy from students without special needs.
- * State and Federal law protects students with special needs.
- * There are multiple advocacy groups in the state of Indiana that can help parents of students with special needs better understand their rights, and ensure their child's IEP is being implemented correctly.
- * When a parent and/or advocacy group is not satisfied with the school's level of compliance, service or treatment, they can file an official complaint with the IDOE.
 - * These complaints can often be rectified in 30-60 days. Some however can become very involved and can be a precursor for legal action. Court cases involving special education can cost a school between \$10,000 and \$50,000.

Case Studies: Complaints

- * Case #1:
- * Complaint: The school expelled an ED student inappropriately. The school did not provide for services during the process of the expulsion.
 - * Details: Student brought a tobacco product into the school building and was showing/sharing with other students.
 - * Proof was contested alongside claims that the reasons for expulsion were invalid.
 - * Parent partnered with an advocate agency and brought an advocate to the manifestation hearing. At that time, all parties answered “no” to each manifestation question.
 - * Following manifestation, the school moved to expel.
 - * A DOE complaint was filed.
 - * Resolution: It was found that the student expulsion was handled correctly, but the school was required to make up for services not offered during the period of investigation, manifestation, and expulsion. The school was notified that a change of placement meeting should have occurred immediately following the manifestation hearing to allow for continuing service.
 - * Parent added further needs by insisting the school provide ESY (Extended School Year) services since the school was providing a summer school program. This request was met.

Total Case Time: 4 months

Case Studies: Complaints

- * Case #2:
- * Complaint: The school was deliberately avoiding ED classification by referring troubled students straight to mental and behavioral services without referring for special education.
 - * Details: Outside 3rd party files complaint with IDOE.
 - * Complaint provides first hand accusations insinuating the school was not following referral (child find) policy.
 - * The school was asked to provide proof of the students that had been qualified as well as the disabilities of those students. The school had to provide a list students submitted to mental and behavioral health. The school had to submit its policies and procedures for referrals for evaluations.
 - * Resolution: The school was not found to have committed any fault in child find or lack of qualification. The school was required to create a parent form that allowed an acknowledgement of whether special education services were needed or wanted at the time of intake into mental and behavioral services.
 - * The school board became involved and had to play a large role in mediating the process.

Total Time: 3 Months

Case Studies: Complaints

- * Case #3:
- * Complaint: The school did not comply with the student's Behavior Intervention Plan prior to suspension.
 - * Details: Child with IEP kicked a student down a flight of stairs.
 - * Parent, after debriefing with child, disagrees with school decision.
 - * Parent involves attorney, pursuing a notion that the child cannot be suspended since the action had a direct and substantial relationship to the child's disability.
- * Following a refusal by the school to rescind the suspension, parent files IDOE complaint that the Behavior Intervention Plan was not followed.
 - * Resolution: The IDOE finds that the BIP was not followed, even though the school attempted to follow the BIP, but disengaged when the child refused to participate. The school had to complete and document an all-staff PD over behavior intervention plans.

Time: 2 months

Complaints: A Systems Test

- * When a special education complaint is filed against your school, your current system is then vetted against the standards and legal understandings of the state.

There is no better test for your system than a real-world accusation that you are not doing what you are supposed to be doing.

- * Complaints are a process, and we enter into each one hoping to prove our system true. When that falls short, we make corrections quickly and move forward.

Compliance with Compliance

- * **Past Findings from the IDOE can be helpful. From these we do the following:**
 - * Create more efficient procedures
 - * Participate in multiple professional development opportunities
 - * Continue conversations with IDOE on how to improve
 - * Allow authorizer to audit Special Education every year instead of every other (one is informal)
- * **Complaints from outside the IDOE**
 - * Create better forms of documentation
 - * Assist in the creation of more concise policies and procedures
 - * Provide professional development for all staff

Case Study Q&A

Any questions about the case studies
before we move forward?

Reality Check

IDEA: What is it?

- * Individuals with Disabilities Education Act (1973)

FAPE: What is it?

- * Free Appropriate Public Education (**FAPE**) is an educational right of children with disabilities in the United States that is guaranteed by the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA).
 - * These are Federal Mandates for compliance
 - * We cannot ignore these as a “charter”

Differences: Authorizer vs. State

What is the difference between an authorizer concern and a state finding?

- * An authorizer concern is not a mandate. It is a suggestion for change.
- * A finding is a legal opinion identifying specific steps or areas that needs corrected within a clearly identified timeline. Failure to make the correction can result in further penalty (financial or legal).

Differences: Authorizer vs. State

What is the difference between an authorizer review and state review?

- * **Authorizer review:** A local look by the authorizing body. This is a guardrail approach to ensure the car is staying on the road. Very few mandates are given from an authorizer. This can also be the school's annual report submitted to the authorizer.
- * **State review:** This is often an audit. It can be complaint driven, or finance driven, and the ramifications can be reduction or loss of funding, probationary measures, etc.

Communication

Communication with both the authorizer and the state is critical to success.

- * Proactive vs. reactive
 - * Because charters will all experience complaints, legal battles, and constantly fluctuating special education populations, it is imperative that they maintain open and transparent communication with both the authorizer and the state.
 - * Charters can ask for visits to review their processes by both the state and the authorizer.
 - * Charters can seek out PD with the understanding that a constant reminder and refresher of SPED requirements and law “should” be a part of each academic year.
 - * Charter SPED departments should know the stakeholders on both levels (state and authorizer), in order to gain trust and build a network of resources.

Thank you

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