

ESE and Charter Schools



RIGHTS AND RESPONSIBILITIES

Overview



- Charter landscape
- ESE in Florida charter schools
- Responsibilities for schools and districts
- Do's and don'ts
- Discussion

Charter schools at a glance -- national



- **2,569,029 students (2013-14 school year)**
- **About 5 percent of total public school population**
- **6,440 schools (642 of them new)**
- **Enrollment has doubled since 2007-08**
- **42/50 states have charter school laws**

Charter schools at a glance -- Florida

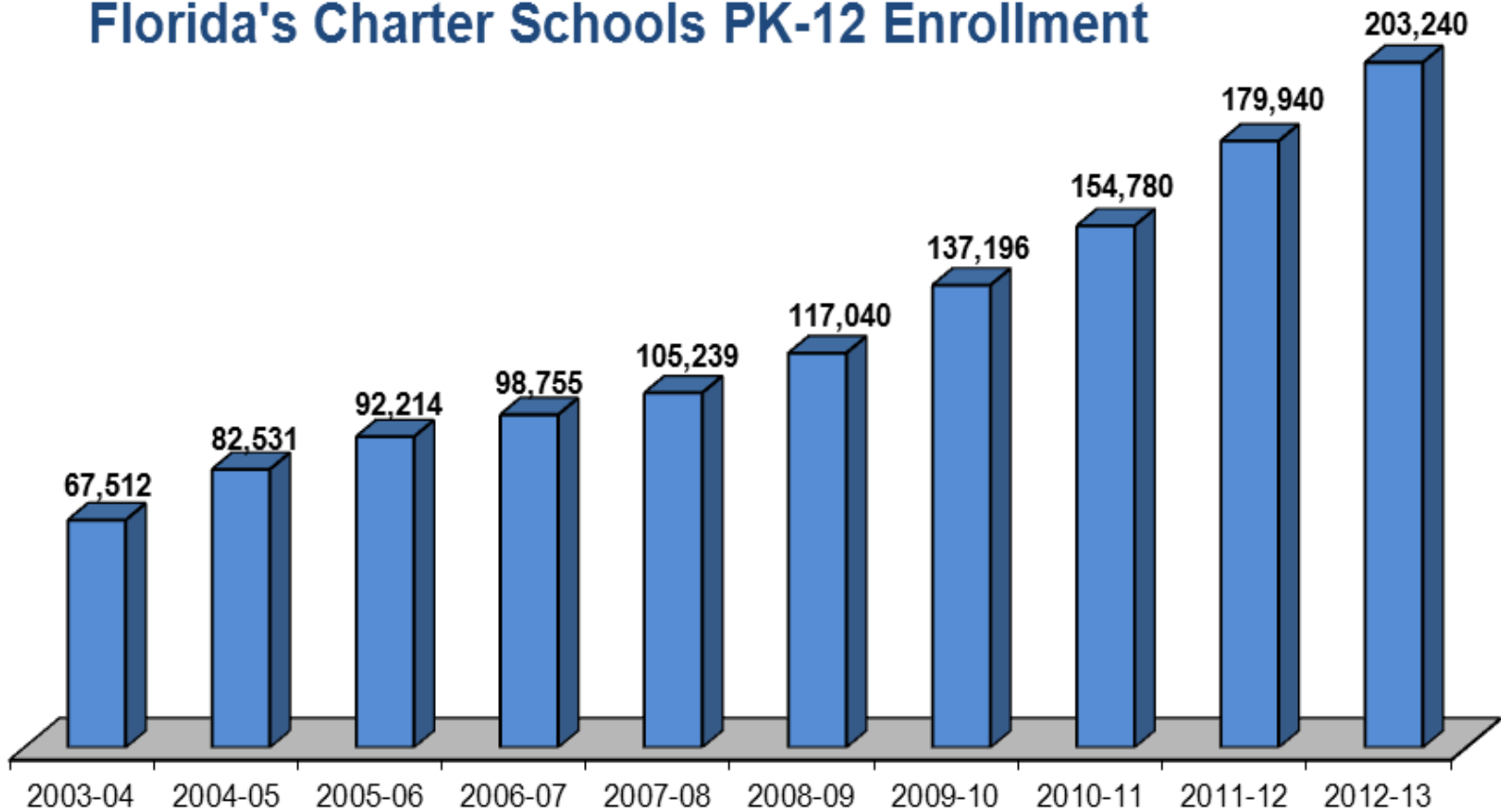


- **229,428 students**
- **615 schools**
- **46 districts**
- **Enrollment has doubled since 2007-08**
- **About 8 percent of public school population**

Enrollment Trends



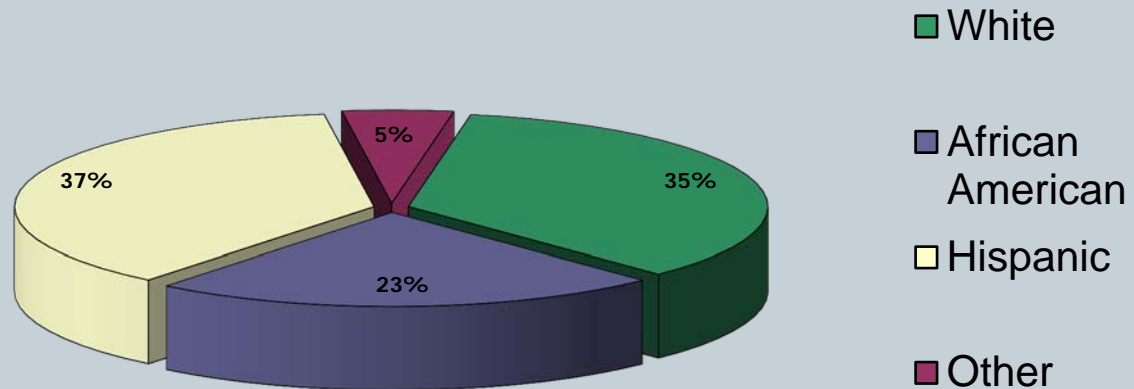
Florida's Charter Schools PK-12 Enrollment



Diversity



Race/Ethnicity of 2012-13 Charter School Students



Diversity



	Charter	Traditional
English language program	8.27%	9.19%
Free and reduced lunch	47.50%	58.30%
Students with disabilities (SWD)	8.79%	12.85%

Percent proficient -- SWD



	Charter	Traditional
Reading		
Elementary	36.1	27.7
Middle	33.4	22.3
High	29.3	21.5
Math		
Elementary	38.4	31.7
Middle	32.6	22.7
Algebra		
Middle	83.0	82.8
High	38.3	24.0

Florida charter school law



Section 1002.33

Subsection (10) – Eligible students

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

Florida charter school law



Section 1002.33

Subsection (16) – Exemption from statutes

- (a) A charter school shall operate in accordance with its charter and shall be exempt from all statutes in chapters 1000-1013. However, a charter school shall be in compliance with the following statutes in chapters 1000-1013:
 - 3. Those statutes pertaining to the provision of services to students with disabilities

SEA responsibilities



- **Role of the Bureau of Exceptional Education & Student Services**
 - Monitors statewide LEA compliance with federal and state requirements
 - Provides training to school staff and district administrators
 - Gives districts information on state and federal laws regarding the education of exceptional students
 - Disseminates other technical assistance as needed

SEA responsibilities



- **Role of the Charter Schools Office**
 - Administers the federal Charter Schools Program grant
 - Appoints members to the Charter School Appeals Commission
 - Determines if a charter school is in a state of financial emergency and facilitates corrective action
 - Provides training and technical assistance to charter schools
 - Mediates disputes related to contracts between charter schools and their sponsors
 - Helps develop rules that implement provisions in the charter school law

LEA responsibilities



- **Role of the Local Education Agency**
 - Approves/denies charter application and negotiates charter contract
 - Ensures that the charter school participates in the state's education accountability system
 - Ensures a Free, Appropriate Public Education for **all** Exceptional Student Education students in its jurisdiction
 - Determines ESE eligibility

LEA responsibilities



Section 1002.33

Subsection (20) – Services

- (a)1. A sponsor shall provide certain administration and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; **exceptional student education administration services ...**

LEA responsibilities



- **ESE administration services**
 - Initial evaluation for ESE placement
 - Professional development related to IEP development
 - Access to any electronic IEP systems or forms
 - ESE training
 - Appointment of staffing specialist
 - Other supports and services as agreed to by the charter school and the district, such as:

LEA responsibilities



Section 1002.33

Subsection (17) – Funding

- (c) If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in charter schools in the school district shall be provided federal funds for the same level of service provided students in the schools operated by the district school board.

LEA responsibilities



IDEA

Title 20 U.S. Code, Sec. 1413(a)(5)

- ... with respect to charter schools that are public schools of the local educational agency, the local educational agency –
 - (A) serves children with disabilities attending those charter schools in the same manner as the (LEA) serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the (LEA) has a policy or practice of providing such services on the site to its other public schools ...

LEA responsibilities



IDEA, cont.

Title 20 U.S. Code, Sec. 1413(a)(5)

- ... with respect to charter schools that are public schools of the local educational agency, the local educational agency –
 - (B) Provides funds under this subchapter to those charter schools –
 - ✦ On the same basis as the (LEA) provides funds to (its) other public schools, including proportional distribution based on relative enrollment of children with disabilities; and
 - ✦ At the same time as the agency distributes other Federal funds to the agency's other public schools, consistent with the State's charter school law

LEA Responsibilities



- **Provisions of CB/SB 1108**

- Provides for IDEA funding for services for SWD's enrolled in charter schools
- Requires districts to reimburse charter schools on a monthly basis for services funded by IDEA

LEA Responsibilities



- **To qualify for IDEA reimbursement the charter schools must:**
 - Ensure that its IDEA expenditures comply with Federal, state and local IDEA grant requirements
 - Submit a plan to the district sponsor for the expenditure of IDEA funds (the district has 30 days to review and approve the plan)
 - Submit all reimbursement requests at least 30 days before the reimbursement date set by the district

Charter school responsibilities



Standard contract

- **“The School ... shall not discriminate against students with disabilities who are served in Exceptional Student Education programs”**
- **“Students with disabilities will be educated in the least restrictive environment, and will be segregated only if the nature and severity of the disability is such that education in regular classes with the use of supplementary aides and services cannot be achieved satisfactorily.”**

Charter school responsibilities



Standard contract, cont.

- “the School shall not request through the School’s application a student’s IEP or other information regarding a student’s special needs, nor shall the school access such information prior to the enrollment lottery”
- “A representative of the Sponsor shall be invited to participate in all IEP meetings”

Charter school responsibilities



Model application

- **Section 6: Exceptional students, requires applicants:**
 - To indicate the level of service the school will provide students with disabilities
 - To describe how the school will ensure that students with disabilities will have an equal opportunity of being selected for enrollment
 - To describe how the school will work with the sponsor to ensure the charter school is the appropriate placement for each student with a disability, based on the student's needs

Charter school responsibilities



Model application, cont.

- **Section 6: Exceptional students, requires applicants:**
 - To describe how the school will utilize the regular school facilities and adapt them to the needs of exceptional students to the maximum extent appropriate, including the use of supplementary aids and services
 - To describe how the school's effectiveness in serving (ESE) students will be evaluated
 - To explain how exceptional students who enter the school below grade level will be engaged in and benefit from the curriculum

Charter school responsibilities



Model application, cont.

- **Section 6: Exceptional students, requires applicants:**
 - To provide the school's projected population of students with disabilities and describe how the projection was made
 - To identify the staffing plan, based on the above projection, for the school's special education program, including the number and qualifications of staff
 - To describe how the school will serve gifted and talented students

Charter school responsibilities



Non-discrimination

- **Overt discrimination**
 - Systemic exclusion of certain categories of students
- **Subtle discrimination (examples)**
 - “One-size-fits-all” continuum of services that excludes some ESE students
 - Disproportional disciplinary actions and/or dismissals of ESE students
 - Parent/student agreement requirements that are unrealistic for exceptional students or low-income parents

Charter school responsibilities



Logistics for charter schools to consider:

- Provide a realistic projection of ESE enrollment based on district percentages
- Create a realistic staffing and budget plan to provide ESE services, considering:
 - Compliance
 - Evaluation and placement
 - Instruction
 - Related services

Charter school responsibilities



Other issues

- Accommodations for 504 students
- Documentation of Seclusion/Restraint Incidents
- Marketing and recruiting to ESE students and families
- Thinking “outside the box” in expanding ESE services at your school

Charter school responsibilities



What we tell charter schools:

- **Do ensure non-discriminatory admission, enrollment and retention practices**
- **Do have a realistic ESE enrollment projection based on district percentages**
- **Do have a staffing plan that supports adequate services for ESE students**
- **Do work with your district sponsor to define procedures for serving ESE students who cannot be served at your school**

Charter school responsibilities



What we tell charter schools:

- **Do take advantage of district professional development training for staff working with ESE students**
- **Do work with your district sponsor to ensure that your ESE services are in compliance with statute and the district plan to serve ESE students**

Charter school responsibilities



What we tell charter schools:

- **Don't ignore ESE services in your marketing and recruiting materials and strategies**
- **Don't offer a one-size-fits-all service model that effectively excludes a significant number of ESE students**
- **Don't underestimate your ESE staffing needs**
- **Don't ignore students' ESE status when considering disciplinary action or dismissal**

Who we are



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