



**STATE OF SOUTH CAROLINA**  
**DEPARTMENT OF EDUCATION**

*Office of Special Education Services*

**Charter School Applicant Technical Assistance Session**

Topic: Sponsors and Special Education

December 15, 2017

Rebecca Davis

Team Lead for Results-Driven Accountability

Office of Special Education Services

South Carolina State Department of Education

# Supporting the Mission and Vision of the SCDE

## Mission

The mission of the SC Department of Education is to provide leadership and support so that all public education students graduate prepared for success.

## Vision

All students graduate prepared for success in college, career, and citizenship.  
By 2018, at least one school in every district will have implemented personalized learning that supports students meeting the Profile of the South Carolina Graduate.

OSes supports the SCDE mission statement and vision by ensuring that all students with disabilities in SC have available a free appropriate public education (FAPE) in order to be ready for success in college, careers, and citizenship.

# Profile of the South Carolina Graduate



## World Class Knowledge

- Rigorous standards in language arts and math for career and college readiness
- Multiple languages, science, technology, engineering, mathematics (STEM), arts and social sciences

## World Class Skills

- Creativity and innovation
- Critical thinking and problem solving
- Collaboration and teamwork
- Communication, information, media and technology
- Knowing how to learn

## Life and Career Characteristics

- Integrity
- Self-direction
- Global perspective
- Perseverance
- Work ethic
- Interpersonal skills

Approved by SCASA Superintendent's Roundtable and SC Chamber of Commerce.

# SC Code of Laws

## Section 59-40-40 (2)

- A charter school:

(a) is, for purposes of state law and the state constitution, considered a public school and part of the South Carolina Public Charter School District, the local school district in which it is located, or is sponsored by a public or independent institution of higher learning;

(b) is subject to all federal and state laws and constitutional provisions **prohibiting discrimination on the basis of disability**, race, creed, color, gender, national origin, religion, ancestry, **or need for special education services**;

# **SC Code of Laws**

## **Section 59-40-40 (4)**

The sponsor of a charter school is the charter school's Local Education Agency (LEA) and a charter school is a school within that LEA. The sponsor retains responsibility for special education and shall ensure that students enrolled in its charter schools are served in a manner consistent with LEA obligations under applicable federal, state, and local law.

# SC Code of Laws

## Section 59-40-50 (B)

A charter school must:

(1) adhere to the same health, safety, civil rights, and disability rights requirements as are applied to public schools operating in the same school district or, in the case of the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor, the local school district in which the charter school is located;

# **SC Code of Laws**

## **Section 59-40-60**

An approved charter application constitutes an agreement between the charter school and the sponsor.

A contract between the charter school and the sponsor must be executed and must reflect all provisions outlined in the application as well as the roles, powers, responsibilities, and performance expectations for each party to the contract.

# What all this legal stuff means

The sponsor is the local educational agency (LEA) for purposes of the Individuals with Disabilities Education Act (IDEA). As a result, the sponsor can (and will) be held accountable by the state educational agency (SEA) for any noncompliance with the IDEA by the sponsored charter school.

The charter school is required to adhere to its charter application/contract and the Charter Schools Act. This includes complying with disability rights requirements. The sponsor can hold the charter school accountable for compliance under the charter school application/contract and Charter Schools Act.

# Remember, to get approved the charter school promises that:

- It understands the requirements of the IDEA and will comply with these requirements, which includes appropriately certified personnel, documentation, assessments, adaptations, and modifications;
- It will provide a variety of service delivery and placement options;
- It will provide needed staff, funding, and other resources to implement individualized education programs (IEPs);
- It will have a process for addressing IDEA compliance regarding student discipline, suspension, and expulsion for students with IEPs and the continued provision of FAPE; and
- It will provide nonacademic and extracurricular services and activities in a manner that would afford children with disabilities an equal opportunity for participation in school or district activities.

# The charter, the school, and its governing board must also give assurances that they:

- Will comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;
- Will adhere to the same health, safety, civil rights, and disability rights requirements as are applied to other public schools;
- Will report to its sponsor and the South Carolina Department of Education (SCDE) documentation of the appropriate use of federal funds the charter school may receive; and
- Will adhere to all provisions of federal law relating to students with disabilities, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990 that are applicable.

# Charter applications must include:

- a clear indication that the prospective charter school understands requirements of the Individuals with Disabilities Education Improvement Act (IDEA) of 2004, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and Title III of the Elementary and Secondary Education Act (ESEA) and plans to comply with these requirements, which includes appropriately certified personnel, documentation, assessments, adaptations, and modifications;
- a description of the plan to provide a variety of service delivery and placement options;
- plans for transitioning students out of special education;
- a description of the plan to include needed staff, adequate funding, evaluation of programs' success, flexibility to add contracted services, and specific services the sponsoring district is expected to provide for the initial year of operation; and
- a description of the plan to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in school or district activities.

# Issues that have been reported

- Counseling students out of coming to the charter school (discouraging parents of students with disabilities from applying)
- Developing IEPs to fit the charter school's program rather than the students' needs
- Failing to provide the services as set forth in the IEPs
- Giving the answer: "we do not provide those services"
- Inappropriate expenditure of IDEA funds
- Not adhering to IDEA procedural safeguards in discipline situations
- Schools are reluctant to perform initial evaluations and when they do, they are not comprehensive

# Biggest challenges for applicants

- Providing a continuum of service options for students with disabilities
- Maintaining appropriate staffing and contractors for evaluations, reevaluations and provision of specialized instruction and related services
- Providing necessary accommodations and modifications
- Establishing an effective oversight/compliance review system
- Providing comparable services in a timely manner to students with IEPs transferring into the school
- Understanding that they have the charge of, and flexibility to, improve student outcomes using innovative methods, but with this flexibility comes responsibility and accountability

# 10 Steps: The Basics of Special Education Process under IDEA

**Step 1.** Child is identified as possibly needing special education and related services

- Child Find-Determining Eligibility

- Each state is required by IDEA to identify, locate, and evaluate all children with disabilities in the state who need special education and related services. To do so, LEA's conduct what are known as Child Find activities.

- Referral or request for evaluation.

- Referrals can be made by both parents and district personnel

# 10 Steps: The Basics of Special Education Process under IDEA

## Step 2. Child is evaluated

- Comprehensive Evaluation
  - Must be decided upon by an evaluation team
  - Many methods of assessment
  - Not just done by the school psychologist or speech-language therapist
  - Must assess all areas of suspected disability and identify all of the child's educational needs
  - Parents must sign consent for evaluation

# 10 Steps: The Basics of Special Education Process under IDEA

## Step 3. Eligibility is determined

- Must follow South Carolina eligibility criteria
- Parents are part of the group that decides eligibility
- Parents do not have to sign consent for eligibility
- Proper procedures for determination must be followed
- Parent

# 10 Steps: The Basics of Special Education Process under IDEA

**Step 4.** Child is found eligible for services and parent signs consent for special education services

**Step 5.** IEP meeting is scheduled within 30 days of eligibility determination

**Step 6.** IEP meeting is held, and the IEP is written and implemented as soon as possible

# 10 Steps: The Basics of Special Education Process under IDEA

## Step 7. Services are provided

- Must be provided by appropriately certified staff
- IEP must be implemented as written
- General education teachers must be made aware of their responsibilities
- Students may not be excluded from activities because of their disability

# 10 Steps: The Basics of Special Education Process under IDEA

**Step 8.** Progress is measured and reported to parents

- Child's parents are regularly informed of the child's progress and whether that progress is enough for the child to achieve his/her annual goals by the end of the year.
- Parents are provided with periodic reports on the progress the child is making toward meeting the annual goals.

# 10 Steps: The Basics of Special Education Process under IDEA

## Step 9. IEP is reviewed

- The child's IEP is reviewed by the IEP Team at least once a year, or more often if the parents or school ask for a review.
- Parents, as Team members, must be invited to attend these meetings. Parents can make suggestions for changes, can agree or disagree with the IEP goals, and agree or disagree with the placement.

## Step 9A. Transfers

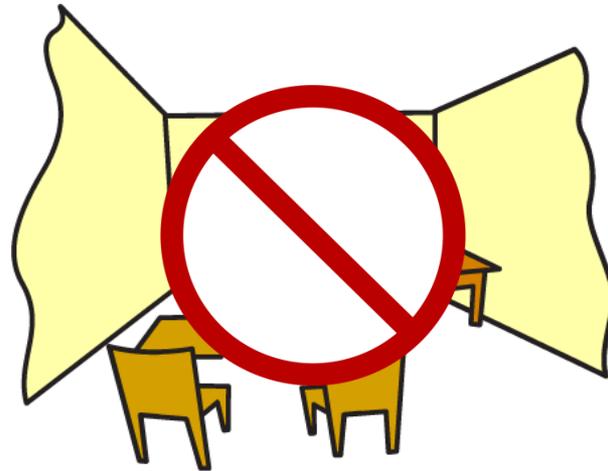
- When a child with an IEP transfers into the school, the school must provide comparable services as soon as possible after transfer.

# 10 Steps: The Basics of Special Education Process under IDEA

## Step 10. Child is reevaluated

- At least every three years the child must be reevaluated, unless the parents and school agree that a reevaluation is unnecessary.
- This evaluation is often called a “triennial.”
- Its purpose is to find out if the child continues to be a “child with a disability,” as defined by IDEA, and what the child’s educational needs are.
- However, the child must be reevaluated more often if conditions warrant or if the child’s parent or teacher asks for a new evaluation.

**Special Education is a service, not a place**



# Questions



# Contact Information

- Beckie Davis
- [rcdavis@ed.sc.gov](mailto:rcdavis@ed.sc.gov)
- 803-734-8028