

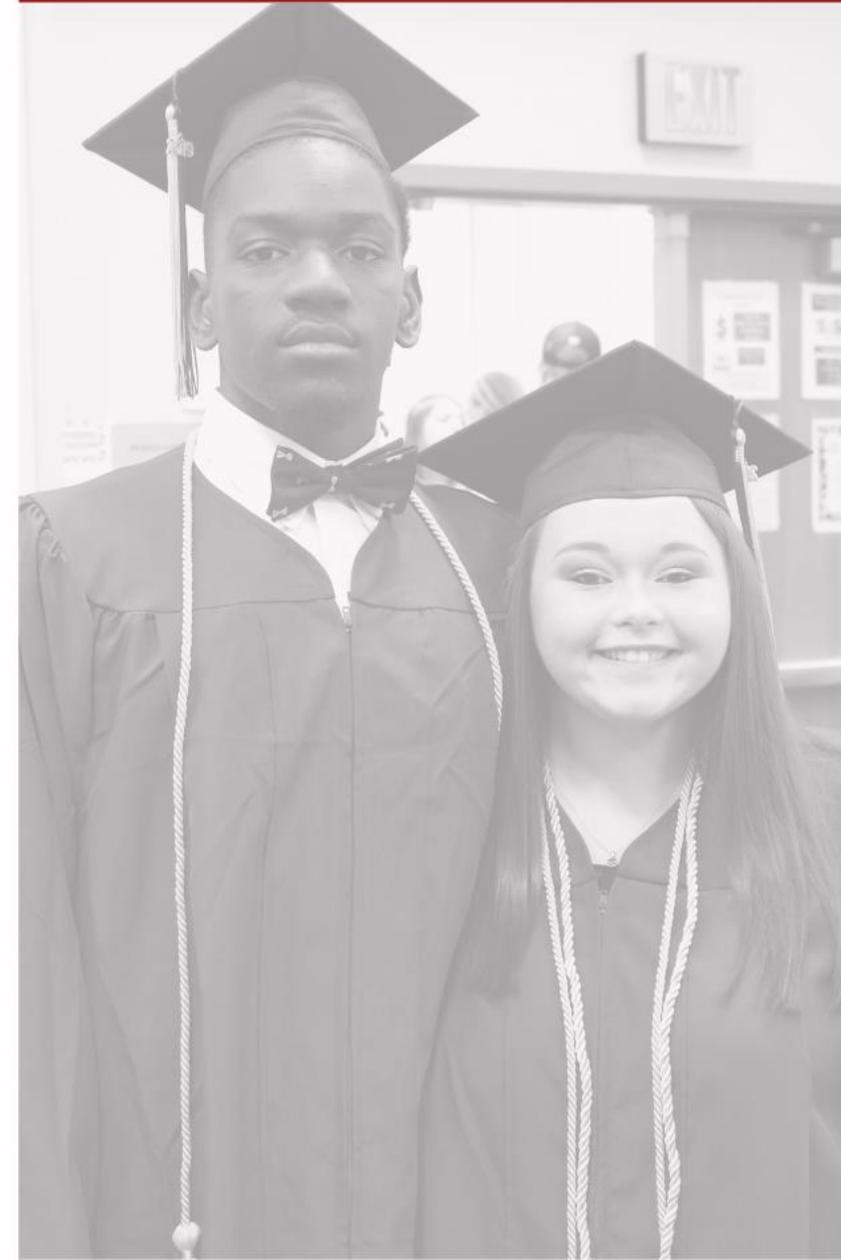
The Charter Institute at
Erskine

.....

Serving Students with Special Needs
November 14, 2019

CREATIVE MINDS
INNOVATIVE SCHOOLS
EFFECTIVE RESULTS

CHARTER INSTITUTE
at ERSKINE



A Charter School is...

SC Code of Laws Section 59-40-40 (2)

(a) is, for purposes of state law and the state constitution, considered a public school and.....

(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**

CHARTER INSTITUTE
at ERSKINE

A Charter School Must...

SC Code of Laws Section 59-40-50 (B)

(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;

CHARTER INSTITUTE
at ERSKINE

Sponsor Responsibilities

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.

Charter Application and Contract

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.

CHARTER INSTITUTE
at ERSKINE

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.

The charter application 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 that it aligns with your proposed budget
- 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.
- ensure your model allows for adaptations for special populations

The charter also must include that the school:

- 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;
- 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:

- 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.

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



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

Questions....

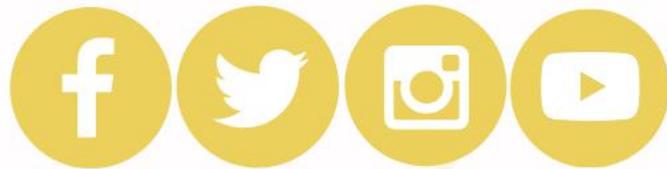
Celina Patton

sped504@erskinecharters.org

803-849-2458



The Charter Institute at
Erskine



CREATIVE MINDS
INNOVATIVE SCHOOLS
EFFECTIVE RESULTS

CHARTER INSTITUTE
at ERSKINE

