



Public Schools of North Carolina

Special Education Regulations and Law

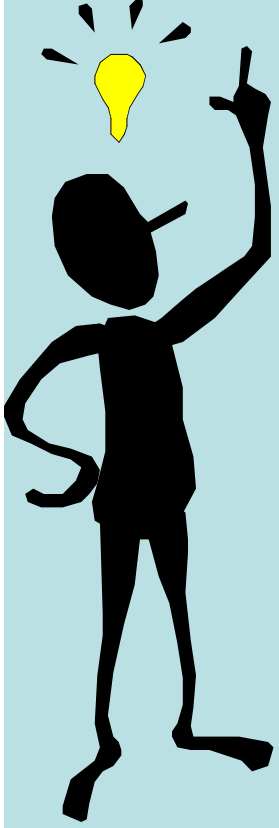
Exceptional Children Division

December 2015



**What does “Special Education”
mean to you/your Charter LEA?**

Learning Objective



The participants will demonstrate application of the regulations for LEAs by applying the information obtained from the NC DPI Policies handbook to their Charter responsibilities.

LAWS GOVERNING EDUCATION OF STUDENTS WITH DISABILITIES





Laws Governing Education of Students with Disabilities

- IDEA 2004
<http://idea.ed.gov/explore/home>
- Section 504
<http://www2.ed.gov/about/offices/list/ocr/504faq.html>
- FERPA
<http://www2.ed.gov/ferpa/>



Laws Governing Education of Students with Disabilities

- Article 9
http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_115C/Article_9.html
- North Carolina Policies
<http://ec.ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities>





Charter Schools are LEAs

Pursuant to charter school law and the general statutes governing the education of children with disabilities, a charter school is considered an LEA for purposes of providing special education and related services to children with disabilities



NC 1500-2.22





NC 1501-2.9 Child find.

The LEA must have in effect policies and procedures to ensure

CHILD FIND

NC 1501-2.9

Consider these statements:

“We don’t think your child needs to be assessed right now.”

“We don’t have a school psychologist on staff to do that.”

“Your child is passing each grade, so he/she can’t be in special education.”



Policy Manual Activity

- Child Find Obligations Require a Response!
- What type of response is required and how might an error affect your Charter LEA?
Use the Hints:
 - Requests for assessments/timelines
 - Researched-based interventions



Questions to Ask

- How are we responding to concerns raised by parents?
- Do we explain to parents the process of making requests for evaluation in writing?
- How are we responding to independent evaluations brought to us by parents?
- How are we responding to concerns expressed by staff?

Process for students with active IEPs
enrolling in your school

TRANSFER STUDENTS



Consider these statements:

“We don’t have (insert any type of EC services) at our school, so we are not going to do that.”

“We can’t provide (insert any type of EC services) even though the other school did that.”

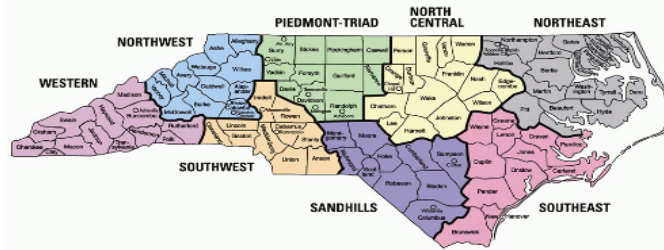


Policy Manual Activity

- Transfer in of students previously receiving IEP services
- What type of response is required and how might an error affect your Charter LEA?

Use the Hints:

- In-State transfers
- Out-of-state transfers
- FAPE



In-State Transfers

If a student enrolls in a school and has an IEP that was in effect in a previous LEA in the State...

- Provide FAPE including comparable services until new LEA Charter school either...
 - adopts the child's IEP from the previous LEA or
 - develops, adopts, and implements a new IEP

NC 1503-4.4



Out-of-State Transfers

If a student enrolls in a school and has an IEP that was in effect in a previous public agency in ANOTHER State...

- Provide FAPE including comparable services until new LEA Charter school ...
 - conducts an evaluation, if determined to be necessary and
 - develops, adopts, and implements a new IEP

NC 1503-4.4





TIPS for Compliance

Child Find and Transfers

- Be sure that the posters and brochures for Child-find are readily available and visible
- Include Child-find and Transfer information in your parent/Student Handbook
- Provide links on your Charter's web site to the NCDPI-EC page for Child Find Information and Transfer students
- BE PREPARED to provide all services
- BE PREPARED for the student with high cost needs

Consider these statements:

“We only do total inclusion.”

“We believe in full inclusion.”

“Your traditional LEA has more options...”

“We don’t have a (insert any provider) to provide (insert any service.)

“We only provide speech two times a week.”



Policy Manual Activity

- Why should a Charter be careful of those types of statements?
- Use the policy manual to locate the laws/policies that might provide further information
 - Hints: LRE, Continuum of services, and FAPE



CONTINUUM OF PROGRAMS, SERVICES, AND PLACEMENTS





Continuum of Services



Charter Schools are the LEA

- Each LEA shall make available a continuum of programs, services and placements for each child with a disability in accordance with the provisions of 34 CFR 300.550 through 300.556.

16 NCAC 6H.0007



The “continuum” must—

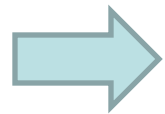
- Include the alternative placements listed in the definition of special education under § 300.17
 - regular classes
 - special classes
 - special schools
 - home instruction
 - instruction in hospitals and institutions





Charter Schools must...

- Ensure that each student with a disability receives a Free Appropriate Public Education (FAPE)
- In the Least Restrictive Environment (LRE) that is appropriate for that student
- With frequency, duration and location of services determined by the IEP team



Services must be based upon the unique needs of the individual student



NC 1501-2.9 Change to IEP Team.

Blurb from policy

THE IEP TEAM

NC 1501-2.9

Consider these statements:

“We don’t need to have the general education teacher attend.”

“We have the principal come in at the end of the meeting just to sign the documents.”

“I sent a notice and she never responded, so we met without the parent.”



Policy Manual Activity

- What is an IEP team?
- Who are the required members?
- Does the LEA representative need to attend and who will that be for your Charter LEA?
 - Hints: IEP Team membership, LEA Representative



IEP Team Membership

The parent(s)

NC 1500-2.24

34 CFR 300.30





Not less than one general education
teacher of the child;

Not less than one special education
teacher of the child;

An individual who can interpret the
instructional implications of evaluations;





A Representative of the LEA Who -

- Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
- Is knowledgeable about the general education curriculum, and
- Is knowledgeable about the availability of resources of the public agency (charter school).

NOTE: The LEA representative must have the authority to commit resources of the school. The individual will also make the decision for the IEP team when consensus cannot be met.



TIPS for Compliance

Continuum of Services and the IEP Team Meeting

- All decisions about an IEP are made by a legally comprised IEP team—support opportunities for staff and parental participation
- Support efforts to ensure parental participation
- Decisions about services and assessments are based on the individual, unique needs of the child,
 - Not based on administrative convenience, schedules, personnel, or monetary resources
- BE PREPARED to provide all required services and meet the needs of the student





Addressing behavioral support needs and discipline for students receiving special education services

DISCIPLINE

Consider these statements:

“We don’t have anyone to help with challenging behaviors.”

“We think you can just take him home for now...but it’s not a suspension.”

“The behavior is difficult, but we don’t need to have goals in that area.”

“I want to suspend him/her for 20 days and I want him/her out of the school.”



Policy Manual Activity

- Are there any special rules for students with disabilities?
- Use the Policy Manual
 - Hints: Functional Behavior Analysis, Behavior Intervention Plan, Suspension, and Manifestation Determination



Positive Behavioral Interventions and Supports, Functional Behavior Assessments (FBAs) and Behavioral Intervention Plans (BIPs)

- The use of positive behavioral interventions and supports must be considered in the case of a child whose behavior impedes his or her learning or that of others 34 CFR § 300.324(a)(2)(i)
- FBAs, BIPs, and modifications designed to address the child's behavior are required when the child's IEP Team determine that a student's conduct was a manifestation of his or her disability 34 CFR § 300.530(e)





Count the Days!!!

- School authorities may take disciplinary action for the student with a disability in the same manner as they would for general education students for a total of 10 days
- Once you are moving beyond the 10 days, the LEA's responsibilities change

LEA Responsibilities after the 10 days

- Consider whether or not the disciplinary action is a “change of placement”
- Provide any necessary services

Important questions and certifications

HIRING STAFF





Special Education Teachers

Employ licensed, highly qualified EC teachers

While charter schools have some discretion regarding the employment of non-certified regular education teachers, this does not apply to special education teachers. These teachers must be licensed by North Carolina in the area of Special Education.





School Administrators

Employ an Administrator to serve the important role of LEA REPRESENTATIVE

- Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
- Is knowledgeable about the general education curriculum, and the availability of resources of the public agency (charter school).

NOTE: The LEA representative must have the authority to commit resources of the school. The individual will also make the decision for the IEP team when consensus cannot be met.

TIPS for Hiring

Be sure that your staff fully understand and have procedures for :

- Meeting Child Find requirements
- Monitoring days of removal and following the discipline/behavior support requirements for EC students
- Providing comparable services and following the transfer procedures for students with IEPs
- Obtaining and updating/correcting EC records from previous LEAs—sending records to other LEAs as students leave your school

Questions for Interviews

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[PCR Workbook](#)

[PCR Interview Tool](#)

[PCR Lea Prep Tool](#)

[PCR Licensure Summary Tool](#)

[PCR Report Template](#)

[PCR Student Profile Tool](#)

[Student Record Protocol](#)

Closing Thoughts

- Keep parents informed of any changes such as the unexpected loss of an EC teacher or related service provider.
- Call/email your Monitoring Consultant or Regional Consultant with questions.
- Share all memos from the EC Division with your EC Coordinator.
- Support PD opportunities for your EC staff, such as Regional Meetings, the EC Division state conference, the EC Directors/Coordinators Institute, EC Division Summer Institutes



EXCEPTIONAL CHILDREN

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Exceptional Children

DIRECTOR :: William J. Hussey
ASSISTANT DIRECTOR :: Sherry H. Thomas

DIVISION MISSION :: The mission of the Exceptional Children Division is to ensure that students with disabilities develop intellectually, physically, emotionally, and vocationally through the provision of an appropriate individualized education program in the least restrictive environment.

[EC Division Strategic Plan](#)



<http://ec.ncpublicschools.gov>

September 2015						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Hot Topics

[Registration Now Open – 65th Conference on Exceptional Children](#)

[2015-2016 LEA Self-Assessment \(Version 4\)](#)

To support LEAs in implementation of the LEA Self-Assessment process, the EC Division will be providing technical assistance at regional EC Directors'/Coordinators' meetings during the 2015-2016 school year. The recommended timeline for LEA completion of this process can be found at the link above with other supporting documents

[2015-2016 LEA Self-Assessment](#)

Exceptional Children Division Charter LEA Support Team

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