

STARTING UP THE SPECIAL EDUCATION PROGRAM AT CHARTER SCHOOLS

Charter School Responsibilities

1. Accept all students with disabilities who apply and/or are drawn from the lottery.
2. Develop an LEA Special Education Policies and Procedures Manual that describes how the charter school will implement the USBE SER.
 - A list of what must be addressed is located in USBE SER IX.A.2 (a-e).
 - A model manual is available and may be used as a starting point, with additions specific to the charter school; see website www.schools.utah.gov/SARS.
3. Follow procedures in USBE SER and LEA Manual.
 - Once the charter school's own Special Education Policies and Procedures Manual has been approved by the USOE and the local charter board, it is important that all personnel follow the procedures therein. Teachers, paraprofessionals, and administrators must familiarize themselves with what the school has committed to implement.
4. Obtain Special Education Files from Other LEAs
 - A new charter school will be enrolling students with disabilities from a variety of other LEAs, both school districts and charter schools, as well as possibly some from other states. It is very important to obtain the special education records from the previous LEA as soon as possible to ensure that the charter school does not find itself out of compliance with implementing a current IEP for each eligible student by the time the school year begins. The IDEA requires that a receiving LEA within the State provide comparable services to the current IEP until such time as the IEP Team may meet to make revisions. If a student comes from out of state, comparable services must be provided until eligibility is determined based on the State and LEA requirements and, if the student is eligible, the IEP Team can meet to develop a new IEP. A Transfer Student Checklist is located in the Appendix.
 - In the State of Utah a parentally signed release of records is not required for one LEA to send a special education file to another LEA. Efforts to obtain records in a timely way may need to include: phone calls to the sending

school or district, mailed or faxed requests for records, or even a visit to the local school holding the records.

5. Organize Special Education Files.

- A new charter school will be receiving records for students with disabilities from a variety of other LEAs. Each LEA determines a different organizational method for the files. A charter school must establish how it wants its own files to be organized, and then re-organize each incoming file in the local format. This will enable the special education staff (1) to analyze each file to determine compliance, (2) to extract data on due dates, (3) to identify current goals and services, and (4) to stay current with all required procedures. Often charter schools may find that an IEP team needs to meet to amend or revise an incoming IEP based on the student's current needs.
- A list of all students with current IEPs with the dates of referral, eligibility determination, IEP development, goals, type and amount of services, and program modifications, accommodations, and supports is functional in tracking each student's program and in assigning special education personnel. In addition, it provides a convenient way to produce a summary of the student's IEP to the regular education classroom teacher(s). A Minimum Contents Checklist form should be placed in each file and the file reviewed to ensure that these documents are present. This list is in the Appendix to this primer.

6. Choose Forms.

- Another decision to be made during the start up phase, and before the students arrive, is which forms the charter school will use to document the required components of the IDEA. Charter schools in Utah usually use either the State forms, available at no cost at www.schools.utah.gov or forms from an IEP company. It is not necessary to re-do every incoming IEP or other document to transfer it to the charter school's own selected forms. As each due date for review of IEP or reevaluation for determination of continuing eligibility comes up, the forms can be gradually incorporated into each file. The selected set of forms must also be used consistently for all new referrals.

7. Storage of Confidential Special Education Records.

- Special education files must be kept in a locked filing cabinet or other secure place to ensure the level of confidentiality required under the IDEA and the Family Education Rights and Privacy Act (FERPA). There is no requirement for fireproof storage; however, in the event of a disaster it is very difficult to

recreate a compliant file. The cabinet must have an Access Authorization List attached to the outside, showing which LEA personnel have the right to examine the files. These include those persons with a legitimate need to know, such as the school director or principal, the special education teacher(s), and related service providers. A sample form is in the Appendix. On request, the LEA must provide parents with a list of the types and locations of education records collected, maintained, or used by the LEA.

8. English Language Learners (ELL).

- Students with disabilities who are English Language Learners present a challenge with balancing the impact of having a primary language other than English with the identification of a disability. An English Language learner who is suspected of having a disability must be evaluated with appropriate tools and strategies to determine if the student is eligible for special education or special education and related services. Speaking a different primary language, though not a disability, often adversely impacts the student's educational performance.
- Students who are both English Language Learners and have disabilities must have both kinds of needs addressed in the IEP.

9. Special Education Funding.

- Charter schools, like all other LEAs, are responsible and accountable for use of funds provided for the education of students with disabilities from Federal and State sources. The charter school may also expend regular education funds for the education of students with disabilities as needed.
- Federal. The IDEA provides funding to each State and in Utah approximately 90% of these funds are flowed through to LEAs based on the LEA population and poverty rate. In the first year of operation, a charter school receives funding based on a count of students that is later verified and reconciled with actual students who received special education services. Federal funds must be used for the allowable excess costs of services and supports for each student with a disability as listed and described in the IEP.
- State. The Utah State Legislature also provides funding for the education of students with disabilities in recognition that costs associated with special education are above what is needed for the regular education of a student.
- Complete details of Fiscal Compliance, Accountability, and Monitoring and are found in the FICAM Manual at www.schools.utah.gov/sars.

10. Data.

- The State Education Agency (SEA) is required to collect a wide variety of information regarding both compliance and results of special education in local LEAs. Most of these data are then reported to the Department of Education Office of Special Education Programs (OSEP) in the Section 618 data reports. Other data are reported in the SEA's Annual Performance Report (APR). Each LEA also receives an APR and a Letter of Determination of the overall status of the LEA's special education program based on the 20 Indicators in the APR. See <http://www.schools.utah.gov/sars/Quick-Links/Performance-Plan.aspx>.
- The Self Contained and Resource Attendance Management (SCRAM) is a system used to collect information on each student with disabilities being served by LEAs in Utah. The SCRAM data are entered into the LEA's local SIS and then uploaded to the State. Some SCRAM data are used to allocate State funding for LEAs. The SEA may also ask LEAs for other data as needed.
- Complete details of data collection and accountability are found in the Special Education Data Manual at www.schools.utah.gov/sars.

11. Monitoring.

- SEA Responsibility. The IDEA charges the SEA, the USOE, with the responsibility of monitoring compliance and results in each LEA. The State's monitoring system is called Utah's Program Improvement Planning System (UPIPS). UPIPS functions on a five-year cycle with different activities for the LEA and SEA in each year of the process. Information about UPIPS is available at www.schools.utah.gov/sars. The USOE conducts UPIPS training for LEAs annually.
- Charter schools also participate in a miniPIPS process in the first year of operation with students. MiniPIPS consists of an on-site visit on a date arranged with the charter school in the late fall. Activities during the visit include student file reviews, interviews with staff, and classroom observation. Subsequent to the visit, support for correction of any identified noncompliance issues is provided at USOE expense. Additional first year support for special education programs and staff may be provided at the school's request.
- LEA Responsibility. Self monitoring of compliance and results is good practice for every LEA. Establishment of a regular system to examine a sample of files with respect to IDEA requirements is recommended. The USOE has web-

based software that LEAs may access to conduct these file reviews upon request. Surveys of stakeholders and review of the performance of students with disabilities on the State- and LEA-wide assessment are other lines of evidence with respect to the program functioning. An intentional examination of the overall progress and impact of special education on the educational performance of students with disabilities will assist the school in making informed decisions about possible adjustments in the special education program.