

OHIO'S PRIMER ON SPECIAL EDUCATION IN COMMUNITY SCHOOLS

ADMINISTRATOR PRIMER

PLANNING STAGE

Note: In the state of Ohio, charter schools are referred to as community schools. A community school is considered a school district under Ohio law and has the same responsibilities regarding special education as the Local Education Agencies (LEA) in the state. For the purpose of this document, the terms community school and charter school will be used interchangeably. Similarly, Ohio uses the term sponsor rather than authorizer and the term administrator instead of operator. These terms will be used synonymously.

What is the planning stage?

The planning stage is the time you conceptualize your community school idea until your application is approved.

As a community school developer or administrator, what is my role related to special education as I work with our planning team during this phase?

The planning phase - the time before you submit your application for a charter - is the ideal time to begin planning for all children who may become students in your community school including students with disabilities. As the community school administrator, you are assuming the role of administrator as well as the instructional leader for your future faculty, parents and students. Although you obviously cannot plan for each child before you begin to enroll students, you can give consideration to children with disabilities as you are developing the initial plans for your school. The vision you have for your school will be seen, heard and implemented by others involved in the planning. Therefore, as you plan for your school, it is critically important you consciously plan for including students with disabilities in every aspect of your community school. Doing this upfront will result in more effective educational opportunities for all of your students.

Why do we need to address special education at this point in the planning process?

Community schools must comply with all federal and state laws relating to students with disabilities. It is important that developers, administrators, and planning teams understand that they must be prepared to serve all students, including students with disabilities, from the first day of operation. Therefore, it is important that the planning team include special education in the planning from the very beginning. Your school must be open to all students and provide the services required by law to students with special needs.

How do we ensure that we have the knowledge to adequately plan for special education?

It is recommended that all planning groups have either a planning team member or the services of a consultant who is knowledgeable about special education and the relevant federal and state laws to assist in this area.

What type of information will we need to consider during this phase?

- Understanding of the federal and state laws
- Knowledge of special education instruction, accommodations, modifications, and related services
- Knowledge of the continuum of placements (Least Restrictive Environment)
- Funding considerations (staffing, facility, program costs)

Is it important to include students with disabilities as part of the discussion when we are developing the mission and vision of our school?

It is critically important to consider children with disabilities when you are developing the mission and vision of your community school. Since your school will be a public school that must accept all students who apply, you should expect that you will enroll students with many different kinds of needs including students with disabilities. If this possibility is carefully considered in the initial planning process, it is much more likely your mission and vision statements will be crafted so that you can accommodate a diverse array of students. Each community school must adopt written policies and procedures for special education - any one of the versions available from the Ohio Department of Education Office for Exceptional Children (ODE-OEC) or one that the community school compiles itself. The task of developing such a document is complex and very time consuming, so it is recommended that the community school make use of the versions available from the state. This task should be discussed and decided as an important part of your planning process. As community schools are required to comply with the following regulations knowing them and incorporating their requirements in the planning process is critical for successfully providing services to students with disabilities.

- ORC 3314.06 (D) (2) mandates that community schools comply with **all federal and state laws** for the education of students with disabilities.
- ORC 3314.19 (B) Community Schools must submit a plan for providing special education and related services to students with disabilities and

demonstrate the capacity to provide those services **in accordance with Chapter 3323** of the Revised Code and federal law.

- ORC 3323.11 Each school district shall employ, as necessary, the personnel to meet the needs of the children with disabilities enrolled in its schools. Personnel shall possess appropriate qualifications and certificates or licenses as prescribed in rules of the state board of education. See discussion on page 20 for a significant transition in regard to licensure in Ohio.
- ORC 3323.02 mandates the establishment of Operating Standards for Ohio's Schools Serving Children With Disabilities which includes requirements regarding qualifications for special education and related service personnel.

The community school governing authority adopts special education procedures by voting a resolution. The three versions of special education policies and procedures are available at: www.ode.state.oh.us

The documents available at this site include sample resolutions that a community school board could use and forms for notifying the state when this action is completed. The community school may also want to consider steps to operationalize policy and procedures.

What types of disability categories are defined by federal and state law and what is the obligation of the community school to serve students identified within these categories?

As defined in the regulations for the Individuals with Disabilities Education Act (IDEA), "Child with a disability means a child evaluated in accordance with §§300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as "emotional disturbance"), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services" [34 CFR §300.8(a)]. Community schools must be prepared to serve students from all disability categories in the least restrictive environment.

How can we plan for students with a variety of disabilities?

During your initial planning, it is important to give some thought to how your school's purpose and mission can be relevant to a wide range of students. For example, how can it be made relevant to students with learning disabilities, physical disabilities, or students who present behavioral challenges?

The following six major legal principles contained in the Individuals with Disabilities Education Act (IDEA) should be considered in your planning to include students with disabilities:

- *zero reject of children with disabilities* - federal law requires that all children are to be afforded an equal education opportunity and states may not deny an education on the basis of a disability;
- *individualized education program (IEP)* - a written statement that must be developed in accordance with IDEA regulations for all students identified as having a disability and in need of special education services;
- *free appropriate public education (FAPE)* - refers to special education and related services that are provided at no cost to the parent, meet state education standards and are consistent with a child's Individualized Education Program (IEP);
- *least restrictive environment (LRE)* - students with disabilities must be educated in regular classrooms with their non-disabled peers, in the school they would attend if not disabled, to the maximum extent appropriate;
- *due process* - federal special education law contains rules of procedure for resolving disputes between families and the school that include the state complaint system, resolution meetings, mediation, due process hearings, and appeals to state or federal court; and
- *nondiscriminatory evaluation* - tests and evaluation materials that are provided and administered in the child's native language or other mode of communication; validated for the specific purpose for which they are used; administered by trained personnel; tailored to assess specific areas of educational need and not merely those designed to provide a single general intelligence quotient; and, reflective of the child's aptitude or achievement and not reflective of the child's impaired sensory, manual, or speaking skills.

Taking time to consider these principles and how they relate to community schools will help you to develop a school that addresses the needs of all your students.

Do we have any responsibility regarding the recruitment of students in order to be in compliance with federal civil rights laws?

Yes. When announcing your community school or conducting outreach, you may not discriminate against students with disabilities. You should recruit students from all segments of the community served by your school using strategies that

will not exclude students with disabilities. (More details are available in the publication from the U.S. Department of Education Office for Civil Rights online at the US Charter Schools website.

What steps should we take when providing outreach information to parents?

You must make sure that a parent who might have a disability and/or who does not understand English has a meaningful opportunity to understand the outreach information given about your community school as effectively as other parents. Appropriate auxiliary aids and services must be made available whenever they are necessary to ensure effective communication with parents with disabilities. For example, if outreach materials are made available to parents, you could help to ensure appropriate access to the content of the materials by offering the materials in Braille or on a tape. If you conduct public informational meetings with parents or community groups, those meetings must be physically accessible to individuals with disabilities. Qualified interpreters, translations, or another effective means of communication must be provided if requested.

What is our obligation to make sure that student applicants with disabilities are treated in a nondiscriminatory manner in admissions?

Under Section 504 (of the Vocational Rehabilitation Act) and Title II (of the Americans with Disabilities Act), you may not categorically deny admission to students on the basis of disability. For example, you may not deny admission to a student with a disability solely because of that student's need for special education or related aids and services. Students with disabilities must have the opportunity to meet any appropriate minimum eligibility criteria for admission, consistent with the mission of the community school and civil rights requirements.

What issues need to be considered as we plan to provide effective special education services?

As you will soon learn, there are many issues to consider in developing and implementing your special education program. While they will vary from school to school, several are common to all schools, including funding, space and facilities, human resources, curriculum, service provision, professional development, administration, transportation and special considerations. The checklist at the end of this section poses questions designed to help you consider these important areas.

What are the implications of serving students with special needs as we choose our facility?

The planning team must consider whether the facility has capacity for dedicated space for related special education services such as occupational therapy,

physical therapy, speech and language and educational testing. These services are often needed soon after a school opens.

Is there any need for me to expand upon an assurance to follow the law?

Providing a blanket assurance can be subject to interpretation and will not help you work through the intricacies of appropriately including students with disabilities in your school. In the long run, your planning activities and application will be stronger if you address areas about the education of students with disabilities as an integral part of your school's responsibilities.

What should we consider in preparing our contracts?

In Ohio each community school is its own LEA. As such, the community school is legally and financially responsible for providing special education and related services. Considering special education in detail during the planning process will prepare you to be ready when a child with a disability applies to your school and you open your doors on the first day of school.

Summary and Key Points

The planning stage provides you with a valuable opportunity to explore different aspects of your future community school. You and your colleagues may not be aware at first of what the assurances entail. You should use the planning phase to educate yourself and other critical players (e.g., board members) about special education and related services. By educating yourself earlier rather than later, you will be able to include special education and children with disabilities into your school's vision rather than leaving it to become an add-on component. Once your community school is authorized and operating, the pressures associated with start-up and day-to-day operations may limit your ability to "think outside the box." So, use the time you have available to design your school, making sure you include special education at every decision point.

CHECKLIST OF SPECIAL EDUCATION CONSIDERATIONS FOR COMMUNITY SCHOOL ADMINISTRATORS

Funding for Special Education

Is there a formula for determining how much special education funding to include in our budget?

- What is the formula and how is it determined?
- What funds will we receive for special education services?
 - federal
 - state

- local funds
- fundraising

Space and facilities

- Where will we conduct student evaluations?
- Where will we conduct IEP meetings?
- Where can we secure confidential student records?
- Where will we provide “pullout” services, if necessary?
- Where can related services personnel meet with individual students?
- Where will we store supplies and equipment used by students with disabilities (e.g., educational, medical, mobility, assistive technology)?
- Are entrances, classrooms, common areas and bathrooms accessible to individuals, including adults, with physical disabilities?
- Who will make repairs to ensure school remains accessible to students with disabilities?

Human resources

- How many students will the school enroll?
- How many teachers will I need to hire?
- How many special education teachers will I need to hire?
- What kind of licensure/certification will the teachers need?
- How will we assure that all teachers are HQT?
- Can I hire dual-certified teachers?
- Can I hire part-time or retired special education teachers?
- Can we use student teachers from area universities?
- What type of related services personnel will we need?
- How will we obtain these services and contract with these individuals?
- What other types of services will our school need?
- legal counsel with special education expertise
- accountants/bookkeepers

Curriculum

- What curriculum will my school use?
- How does the curriculum align with Ohio’s academic content standards?

- How will students with disabilities access the general education curriculum?
- How can we train general and special education teachers to accommodate, adapt or
- Modify the curriculum and/or instruction for children with disabilities in inclusive classrooms?
- What short cycle assessments will the school use?

Assessment

- How will students with disabilities be provided with allowable accommodations as determined by their IEP's when participating in state mandated assessments?
- How will students with disabilities who qualify for Alternate Assessments be assessed?

Service Provision

- How will we provide special education related services (e.g., occupational and physical therapy, orientation and mobility, speech therapy)?
- How will we plan to provide the entire LRE continuum, if necessary?
- What should our Child Find activities look like?
- How will we conduct student identification, evaluation and special education determination meetings?
- Who will participate in IEP development and implementation?
- What types of special staff or consultants will we need to implement our students' IEPs?
- How will we handle re-evaluations?
- How are we going to work with families?
 - How can we build partnerships?
 - What strategies can we use to be proactive in avoiding conflicts?

Professional development

- How will we provide our teachers with professional development?
- What type of professional development will be needed by school staff (including teachers, paraprofessionals, administrators) to support children with disabilities?
- Does the LEA, sponsor or the SEA operate a professional development program or network that I can utilize?

- How will the school address the requirement to have an LPDC?

Administration

- Who will administer the special education program?
- Who will be responsible for collecting, managing and reporting data related to children with disabilities?
- What equipment/supplies/programs will be needed to collect and store data and records? How will we obtain these? What training will be needed to use these efficiently and appropriately?
- Can we create our own system to administer special education or do we need to adopt ODE's Model special education policies/procedures dictated by my sponsor, local district, other administrative unit (e.g., a Cooperative)?

Transportation

- Will we provide students with transportation?
- Can we access district or state transportation dollars to offset costs?
- How will we meet transportation needs of students who receive transportation as a related service that is required by their IEP?
- How will we arrange transportation for a student with mobility limitations?

PREPARING FOR START-UP

Preparing for start-up is the time between the contract sufficiency review and the first day of school. Addressing the various areas necessary for a quality special education program that is in compliance of federal and state laws during this phase will ensure students' needs are met on the first day of school.

Training

What role does training play while we are preparing for start up?

Training staff on the requirements of federal and state special education laws and regulations is critical to a successful community school that provides quality service to students with disabilities. Waiting to understand the community school's responsibilities regarding special education until the school is open is too late. There are a number of resources available that can assist schools as they prepare for start up. Some resource groups provide training specific to special education and community schools. Some potential resources are:

- Ohio Department of Education (ODE) see the Community Schools and the Special Education sections (www.ode.state.oh.us)

- State Support Teams (SSTs) search for State Support Team on the ODE website.
- Education Service Centers (ESC) - for a list of ESCs, search for Education Service Centers on the ODE website
- Sponsors
- Local universities
- Consultants

Who should receive professional development?

It is often most beneficial if all staff, including general education teachers, receive professional development in the area of special education prior to the school opening. It is critical that the school's administrator is trained along with the special educators and general educators in the school.

How is professional development typically provided?

Usually professional development is provided to community school staff throughout the year. In addition, some resources provide self-guided training.

Facilities

Do we need to consider access to public transportation when selecting a facility?

The community school may want to consider access to public transportation when selecting a facility. If a student is on an IEP, transportation may become a related service on the IEP and providing such transportation would be the financial responsibility of the community school. Public transportation may not be appropriate and, in those cases, alternate plans funded by the community school may be necessary. Having access to public transportation may be necessary for some parents to participate in special education related meetings, so consideration of public access is important for them also.

Are there requirements for physical access that apply when I select the facilities that will house our community school?

Yes. Each community school is its own LEA and may not deny persons with disabilities, including parents and students, the benefits of programs and activities offered at its schools because of inaccessible facilities. The selection of

the facility for your community school may not result in excluding or limiting enrollment of people with disabilities from any school program or activity.

We rent our school building. Whose responsibility is it to make our school accessible?

Responsibility to modify a facility should be articulated in the lease between your school and the owner of the facility. It is very important you seek legal counsel prior to signing any contracts to lease or purchase your facility.

Are there different legal requirements that apply to community schools located in existing facilities as compared to newer facilities?

Yes. Generally for existing facilities, a community school's programs and activities, when viewed in their entirety, must be readily accessible to individuals with disabilities. Both the Section 504 and ADA Title II regulations permit considerable flexibility in meeting this legal standard. For example, structural changes are not required in existing facilities if nonstructural methods are effective in achieving program accessibility. For new construction and alterations (i.e., construction began since June 1977), Section 504 and ADA Title II require that a new or altered facility (or the part that is new or altered) must be readily accessible to, and usable by, individuals with disabilities.

What impact will these requirements have on our operations?

You must make sure that a child with a physical disability has access to every part of the new building or the parts that are newly altered. For example, if your community school is in a new building, all parts of the building, including a third-floor chemistry lab must be accessible for use by persons with disabilities. In contrast, if your community school is in an existing facility, you might be able to meet the program accessibility requirement by locating at least one chemistry lab in an accessible location like the first floor. However, the specific federal, state and local requirements on this issue are very complicated and you should obtain legal counsel when acquiring a facility to house the community school.

Where can we obtain information and technical assistance in making our school accessible?

Your state and/or local code dictate who is responsible for ensuring that public facilities are accessible. Check with this individual/entity for technical assistance in determining what modifications need to be made and the appropriate approach to accomplish your desired goal. Additional resources are available from OCR online at <http://www.ed.gov/about/offices/list/ocr/index.html> and from ODE.

Students

What are our responsibilities to conduct "Child Find" activities?

IDEA requires each state to "have in effect policies and procedures to ensure that all children with disabilities residing in the State who are in need of special education and related services are identified, located, and evaluated" [CFR §300.125(a)1(i)]. As described on page 2 above, the ODE requires each district to adopt policies and procedures for special education. Since each community school is its own LEA for special education, this adoption is required and child find is one of the responsibilities included. However, there are some differences for community schools since their status varies somewhat from the traditional LEA for whom the state procedures are written. The ODE has decided that community schools will carry out their child find responsibilities in the following manner:

- Community schools are primarily responsible for conducting formal "Child Find" activities on behalf of the students whose parents have enrolled them in their community school. However, they should also adopt a "Child Find" approach in their recruitment efforts to parents and students who may apply to the school. Schools may limit enrollment to specific ages, grades and geographic areas, as specified in their contract. Their recruiting materials and website should make it very clear that the school is open to any child whose parents choose to apply and that the school provides appropriate services for students with disabilities.
- A community school that has a target population and enrolls students from a wider area than its district of location must carry out a Child Find approach that encompasses its geographic area of enrollment. The state has decided that this requirement can be met through notification about the availability of special education on the school's website. Other community schools can meet this requirement in their local district in a variety of ways. According to the Ohio special education Rule: "The district may use methods such as screening of children, informational packets, and/or public notices in district mailings to parents as part of its child find activities" [3301-51-03(A)].

What should we do when a child with a disability applies to our school?

Since community schools may not discriminate on the basis of a disability in determining eligibility for admission, your considerations for students with disabilities are to be the same as for students without disabilities. You must meet the needs as determined by the IEP of all students with disabilities who enroll in your school.

It is critical that your community school receives the records for a child who applies for admission from the child's previous school to ensure the IEP requirements are implemented. If you do not automatically receive the records, initiate a request to the previous school. Contacting the special education office of the previous LEA may also be helpful in securing the records. Your SEA special education office can also help if you are not able to obtain a response from the previous school or LEA. Lack of school records is not a reason to delay services.

What about Section 504?

A "504 Plan" is sometimes confused as an option for students who did not quite qualify as having a disability under IDEA. Instead, it is a plan that is developed in order to enable children accommodations to access the general curriculum. For example, a child with diabetes who required frequent insulin checks and/or the ability to eat more frequently than other children, may have a 504 plan developed that would ensure that they were afforded these opportunities. For further information about the relationship between IDEA and Section 504, see <http://www.kidsource.com/kidsource/content3/ada.idea.html>

Are we expected to serve any child with a disability who enrolls in our school?

Yes, you are expected to serve any child with a disability that enrolls in the school. The need for prior planning to obtain special education capacity is obvious. Although it is impossible for a community school to plan for every contingency prior to initial enrollment of students, general plans for a new community school must include a grade-appropriate curriculum to be available for students without identified disabilities. In addition, if a population with disabilities is targeted, adequate delivery strategies, personnel, tools and materials must be added for the expected needs. Even if your community school has not begun enrolling students with disabilities, it is important to include provisions for special education in the development of data collection and management information systems. This will strengthen your infrastructure and prepare you to provide effective special education services that meet the mandates of the laws.

If we have concerns about our ability to meet the needs of a specific student with a disability, can we recommend other programs or schools?

It is not appropriate for you to suggest that the needs of a student with a disability may be better met in another school. During the course of student recruitment, it is expected that your school staff and representatives will share information with prospective students and families on the school's curriculum and services. It would also be appropriate to discuss the services and supports currently provided to students with disabilities and to explore potential strategies for

meeting the needs of the prospective student. The initial focus should be on understanding the needed supports and services and identifying strategies for delivering them within the context of your school's framework. All issues about the appropriateness of the child's placement should be taken up with the child's IEP team. Additional information and clarification on appropriate strategies for addressing this issue may be found in the U.S. Department of Education Office for Civil Rights (OCR) document, *Applying Civil Rights Laws to Public Charter Schools: Questions and Answers*, available online at http://www.uscharterschools.org/pdf/fr/civil_rights.pdf

Finances

How does Education Management Information System (EMIS) affect my funding?

The EMIS manual is located on Ohio Department of Education's web site at: <http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEPrimary.aspx?page=2&TopicRelationID=1281>. The source data for Ohio's accountability and funding systems are the EMIS data files. In addition, these files are utilized for many other state and federal requirements.

There are four major functions of EMIS:

- State and Federal Reporting,
- Funding and Distribution of Payments,
- Academic Accountability System, and
- Generating Statewide and District Reports.

EMIS provides a streamlined system for districts to report information required to receive state funding and to determine eligibility for federal funding. EMIS automates the complexity of the funding formula calculations specified in Ohio law so that districts do not have to interpret the legislation to calculate and report total counts of students. Districts report specific information on each student, such as student status, percent of time educated, attendance/absence days, disability condition, etc. EMIS aggregates and compiles the data to determine funding.

The SOES (School Options Enrollment System) is a subset of EMIS. It is the system through which all community schools report enrollment for funding purposes.

Community Schools will receive monthly payments. These payments are

calculated and sent to accounts for processing on the first working day of each month.

Which staff person will be responsible for reporting the state-mandated Comprehensive Continuous Improvement Plans (CCIP) and the Educational Management Information Systems (EMIS)?

You will need to have at least one person identified who will be responsible for managing your Comprehensive Continuous Improvement Plans (CCIP) and the Educational Management Information System (EMIS).

Once on the CCIP web page there is a document library that is accessible with information about the navigation, use and password of the CCIP as well as the *Consolidated Funding Application (NCLB & IDEA)* and *Competitive Funding Application* and other financial information.

Each EMIS reporting entity must designate an individual to serve as their EMIS Coordinator. This person receives all EMIS mailings, disseminates information to the appropriate persons, and ensures EMIS data is collected and reported in accordance with the EMIS manual, on behalf of the reporting entity.

Is our community school a business and what are the implications for special education?

Many community schools are operated as a business and as such they should be cognizant of the IDEA law. Charter schools receiving Part B funds must comply with applicable statutes, regulations, and approved applications; and districts must use Federal funds in accordance with those statutes, regulations, and applications. Grantees must directly administer or supervise the administration of the funds, and must use fiscal control and fund accounting procedures that ensure proper disbursement of, and accounting for, federal funds. See the EDGAR Regulations 34 CFR 75.700-75.702 available at: <http://www.ed.gov/policy/fund/reg/edgarReg/edlite-table.html>.

How do we access funds to provide services for students with special needs?

Once you have accessed the CCIP and completed your application for Consolidated funding of NCLB & IDEA you will receive notification through the CCIP of approval for your application. You will then be able to access all your Part B funds through the CCIP.

What timelines do we need to be aware of regarding funding?

For state funds - Community Schools will receive monthly payments. These payments are calculated and sent to accounts for processing on the first working

day of each month. On the 15th of each month, ODE does an extract of the CSADM. This extract will be the basis for the next month's payment. Community schools can enter and correct student data at anytime; however, it is recommended that they have their data as accurate as possible for the extract done on the 15th.

ODE will do another extract of the CSADM on the 23rd of each month. Flags in this file will be applied to the records in the extract done on the 15th. Districts of Residence can review and flag student records at any time; however, it is recommended that they review all new and modified data by the 23rd of each month.

Prior to the actual payment calculation each month, the data extracted goes through several filters that check for approved grade levels, SSID's that generate > 1.0 FTE, SSID's with concurrent enrollment, and IEP dates (beginning with the December extract).

Reporting period M, also known as December (M) reporting period, captures all students who have a current IEP on December 1 of the current year. Student Demographic, Attendance and Program records are reported during this timeframe. Federal requirements require children with disabilities enrolled on or prior to December 1 of the current school year to be counted in the child count reported to them. In addition to children with disabilities, preschool students enrolled on or prior to December 1 are also captured within this reporting period. State requirements allow preschoolers, both with and without disabilities, to be included in counts for funding purposes.

You will be aware of the effective dates of your consolidated funds - dates the Final Expenditure Report and the 9/30 report are due through the CCIP process. As a district, you must also be cognizant of student IEP dates and MFE dates. Federal Low Income Count System (FLICS) (now titled Non Public School Services System or NS3) dates also need to be maintained according to statutes, regulations, and applications.

What federal, state and local funds are available?

Community Schools in Ohio receive funding for providing special education and related services to children with disabilities from the state and from the federal government.

State Funds: State special education funding is provided to districts as a supplement based on the categorical disability of the child. Placement of the child does not factor into the amount of funds provided. The state recognizes the following disability categories: Multiple Disabilities (other than Deaf-Blind), Deaf-Blindness, Deafness (Hearing Impairment), Visual Impairments, Speech and Language, Orthopedic Impairments, Emotional Disturbance (formerly SBH),

Cognitive Disabilities (formerly Mental Retardation or Developmentally Handicapped), Specific Learning Disabilities, Preschool Child with a Disability, Autism, Traumatic Brain Injury (TBI), and Other Health Impaired (Major and Minor).

The calculation of the supplemental weights is based on the following factors:

1. Disability category,
2. Weights are only funded at 90% pursuant to state law

Federal funds: In terms of federal funds, Community Schools receive annual allocations as a result of the Individuals with Disabilities Education Improvement Act 2004. IDEA Part-B funds are allocated to districts based on the following three factors:

1. Community Schools most recent December 1st child count, 2ND period
2. Total ADM (most current figures) and,
3. Number of children living in poverty within the districts boundaries (most current figures)

Allocations are posted to the CCIP. Community Schools will make application for the funds, request payments and file a final expenditure report all through the CCIP. Competitive grant funds through ODE, information on the availability of competitive grants is posted on the CCIP as well as individual office web pages.

What types of audits occur (federal, state, and sponsor) and how should we prepare for them prior to opening?

It will be important for you to be familiar with all the financial requirements and expectations outlined through the various audits listed below. The Ohio Auditor of State will conduct financial and performance audits. See that website at: <http://www.auditor.state.oh.us>

The Program Audit and Compliance Tracking System (PACTS) is a four-tiered compliance monitoring system established by the Ohio Department of Education (ODE) in 2004 to assist school districts and other entities in determining whether they are compliant with all requirements of the Federal entitlement and competitive programs for which they receive funding (i.e., Title I, Title II-A, Title II-D, Title III, Title IV, Title V, Special Education Part B – IDEA, Early Childhood Special Education, Even Start, Public Preschool, and Student Intervention/Professional Development). PACTS consist of four levels: Desk Audit, Self Evaluation, Telephone Survey, and On-Site Review.

The Resource Management Section of the Office for Exceptional Children (OEC) is primarily responsible for conducting management assistance reviews (MAR) of school districts and other educational agencies that receive federal and/or state special education funds to support the education of Ohio's children and youth with disabilities. The MAR focuses specifically on how districts are utilizing their special education funds to meet the goals and strategies, as detailed within the district's Comprehensive Continuous Improvement Plan (CCIP) to improve results for children and youth with disabilities.

The responsibilities of sponsorship include verifying, prior to your school's opening, that your school complies with all applicable Ohio Revised Code (ORC) statutes, that the community school will monitor and evaluate the academic and fiscal performance, and that your school complies with the financial reporting requirements established by OCS and report each school's financial records indicating compliance with applicable accounting standards as described by the Ohio Revised Code and the Ohio Administrative Code. Additional details can be found on the ODE Community School web page.

Program and Curriculum Development Resources

What should the program development team consider as they design and purchase their materials?

Program development teams should remember that general instructional materials should be flexible enough to meet the needs of students with varying abilities and skill levels. For example, when choosing a reading curriculum or approach, it is important that the team consider whether the curriculum can be differentiated to meet special student needs. Staff may need assistance to accomplish this and may need professional development in this area.

The ODE Office for Exceptional Children has developed a tool called the *IEP Inter-Rater Agreement Tool* that provides examples of IEP statements with the opportunity to identify strategically designed statements that support improved student performance. The tool presents three sample IEP statements: 1) strategically designed to improve student performance, 2) minimally compliant and 3) not compliant. The user determines which label applies to each statement and the tool provides rationale for the correct response. The tool downloads as a compressed file and requires the end-user to extract the files on to a computer prior to running the program.

What is my responsibility in providing specialized equipment, instructional materials, and assistive technologies for students on IEPs?

If specialized equipment, instructional materials, or assistive technology is determined on the IEP as a need for the student, the school must provide the resource. Community schools may want to consider creating a bank of

resources available for the entire school or collaborate with other community schools in the purchase of these devices. Many State Support Teams have these resources that can be borrowed when the need arises.

How do I determine what equipment or materials need to be purchased or borrowed?

The IEP is the guiding document and will list the need for devices. The special education and related services staff you hire or with whom you contract will provide additional guidance about the type of device or type of material that must be made available.

Delivery of Instruction and Related Services

How will we determine the special education and related service needs prior to the school opening?

The community school must ensure that each student with an IEP receives all special education supports identified in the student's IEP. The range of services and equipment may include related services, e.g., occupational and physical therapy, orientation and mobility training, adapted physical education, transportation, or assistive technology, speech and language, behavior management. Many charter schools have crafted creative solutions to providing specific related services. All schools are responsible for providing the entire continuum of LRE placements, as may be required of students and specified within their IEP's. Some of these include: contracting with a local school district to provide specific services, hiring a consultant or forming a cooperative with other community schools.

How will we know which types of related service personnel I need to secure prior to school opening?

You need to have options available for providing special education and related services and identified sources to obtain the capacity you need for your students with disabilities even though you do not know the exact services needed. You will not know the exact services until you review the IEPs of your enrolled students, but you must know where to find the services. Possible resources for securing services are the Educational Service Centers (ESC), healthcare facilities, or private contractors.

We have concerns about our ability to deliver instruction to students with disabilities that will be in keeping with our curriculum. What should we do?

Hopefully, this is an issue you addressed during your planning activities as you developed your school's mission and considered potential accommodations that will help you to include students with disabilities in your school.

As you prepare for students, remember that concerns about instruction should be discussed at the time of the child's IEP meeting and described in the child's individualized education program (IEP) so that all members of the team can contribute to, and understand, how the student will have access to the curriculum that is required by special education law. If your school's faculty needs help in accommodating the needs of a student who has a disability, you need to make provisions for professional development. One strategy that charter schools have found effective is incorporating into the IEP a provision for close tracking of the student's adjustment in the first 30 days at the charter school with a set date for the full IEP team to review progress and make any necessary revisions.

Staffing

Are we responsible for hiring our special education staff and faculty? How much flexibility do we have in special education?

As your own LEA you are responsible for hiring or contracting with special education staff to fulfill the IEPs of student enrolled in your school.

Do we have to hire full-time special educators in our community school?

Depending on the needs of your students and staffing identified in their IEPs, you will have to be creative and flexible in designing staffing loads. A few of the options include hiring faculty with dual licensure (in special and general education), hiring consultants on an hourly basis, or contracting for special educators via a collaborative agreement with the local school district or other (private or community) schools.

Must special education intervention specialists meet state licensure and Highly Qualified Teacher (HQT) under NCLB requirements?

Your community school must follow the Ohio community school law and regulations regarding personnel licensure. Changes to IDEA in 2004 require that special education teachers meet the "highly qualified" standards of NCLB. It is essential that community school administrators who hire such personnel understand the requirements the state has established.

Note: Schools must follow the program decisions of the IEP Team regarding the type of services the student needs and consider the staffing implications for delivering those services.

Is there a difference between licensed educators and highly qualified educators?

Yes. Being licensed/certified is only one part of the requirements in the No Child Left Behind Act (NCLB) designed to ensure that teachers of core academic

subjects be highly qualified. The IDEA applies this NCLB requirement to special education teachers who teach core subjects. In Ohio, under Section 2 of the “Highly Qualified Teacher Worksheet”, temporary, conditional, long-term substitute licenses/certificates DO meet this requirement. Aside from this element of flexibility, all other HQT requirements apply to teachers in community schools. **However, this element of flexibility is changing in Ohio.**

Ohio Revised Code 3323.11, which was amended by H.B. 119 effective September 2007, clarified and prompted an analysis of special education licensure requirements for community schools. The analysis revealed that while Ohio community school law allows some flexibility in meeting teacher licensure requirements, community school law does not exempt community schools from meeting the special education requirements in ORC 3323. Though the Community School Special Education Licensure plan will provide a framework to phase-in licensure requirements over four years to provide teachers ample opportunity to meet the requirements without disrupting current programs, community schools are expected to comply with all federal and state laws for the education of students with disabilities, submit a plan for providing special education and related services to students with disabilities, and demonstrate the capacity to provide those services in accordance with Chapter 3323 of the Revised Code and federal law. Ohio’s Operating Standards for Educational Agencies serving Children with Disabilities requires special education teachers and intervention specialists to be adequately prepared and trained, have content knowledge and skills, and hold appropriate licensure as defined by ORC 3301.24. The timeline for implementation is as follows:

2009 – 10

- Current special education teachers and intervention specialists (IS) who do not presently hold intervention specialist licensure may continue to teach on a long-term substitute or out-of-field license but must agree to work towards receiving an appropriate license*.
- Current special education teachers and intervention specialists who meet requirements for the alternative educator license (AEL) or supplemental license pursue appropriate license*.

2010 – 11

- Current special education teachers and intervention specialists who have either an AEL or one-year supplemental license continue to work towards receiving an appropriate license*.
- All NEWLY HIRED special education teachers and intervention specialists must possess appropriate license*.

2011 - 12

- As above.

2012 - 13

- All special education teachers and intervention specialists possess appropriate license*.
- *Appropriate licensure for working as an intervention specialist or special education teacher is defined as one of the following: a two-year provisional or five-year professional IS license, an alternative educator license (AEL) for IS, a supplemental teaching license for IS, or an eight-year professional or permanent teaching certificate for education of the handicapped.

Where can I obtain specific information on my state's licensure requirements pertaining to special education in community schools?

In addition to Ohio's Community School Office you should contact Ohio's Office of Educator Licensure if you have any questions. This office will be able to interpret federal and state licensure requirements as they pertain to community schools. Particularly during the early days of your school, do not assume you understand Ohio's licensure requirements because you talked with a colleague in a neighboring state or school.

Assessment

Must all students with disabilities participate in Ohio's statewide achievement testing?

Yes, every student must be assessed. The No Child Left Behind Act (NCLB) is a federal law that requires all students be assessed annually. Students with disabilities are to be included in the state tests and their test results are reviewed as one of the subgroups. For detailed information about Ohio's testing requirements, see ODE's webpage for assessments

How do students with disabilities participate in the statewide assessments?

Most students with disabilities are assessed in the same manner as all other students attending your school. However, students with disabilities may need special accommodations to participate appropriately in district and statewide testing. You need to consider that some of your students may need accommodations in their educational program and these may carry forward to statewide assessment. The use of accommodations for a student is decided by the student's IEP team meeting and documented on the IEP. State policy about accommodations in assessment is available at ODE's webpage for assessments. Other students with disabilities may qualify for an alternate assessment. For specific information about Ohio's alternate assessment

How should we prepare for student participation in assessments prior to opening our school?

The *Ohio Statewide Testing Program Rules Book* includes information about all aspects of state assessments including the requirements that pertain to community schools.

HB 66 added a requirement that each internet-based or computer-based community school shall provide its students a location to complete the statewide achievement and diagnostic assessments that is within 50 miles of the student's residence. It is important for those planning this type of community school to attend carefully to assessment requirements since HB 66 also provides that such schools will receive no state funds for, and must withdraw, any student who has failed to participate in any state mandated test for two consecutive years. For a summary of HB 66 requirements see the OCS website.

Summary and Key Points

Your activities during the start-up period will provide the foundation for the day-to-day operation of your school. As you prepare for the opening, keep children with disabilities in mind. Every time you, your governing authority and your staff get ready to make a decision, ask yourselves if this decision will help every potential student, including students with disabilities.

Cultivate your resources so you can draw on expertise and experiences. Remember there are many sources of information and support available to you, including other community and traditional schools, your state department of education and community school resource centers and/or associations that exist in many states to assist during the development and operation of a community school.

OPERATING A COMMUNITY SCHOOL

Introduction

This section provides an overview of critical issues and activities related to serving students with disabilities that you and your colleagues should address during day-to-day operation of your community school. These may include curriculum implementation, staff and faculty hiring, student enrollment, fiscal issues and school accessibility. Ideally, you considered each of these issues during your planning for startup phases. If not, don't despair – but do analyze your situation as soon as possible. You still have the opportunity to build on what you have in place so that your school can support all students including those with disabilities.

If you have addressed the questions outlined in the Planning Stage and Preparing for Start-up Stage, you likely have many of the resources in place to provide a quality program. However, it is when the students enroll and you know their specific needs you will need to address each particular need,

May we limit the participation of students with disabilities to certain aspects of our school's program?

No. Consistent with civil rights laws, students with disabilities must be provided a range of choices in programs and activities that is comparable to that offered to students without disabilities. This includes an opportunity to participate in a range of nonacademic or extracurricular programs and activities offered at your community school.

We plan to develop Individual Learning Plans for all of our students. Do we still have to develop IEPs for students with disabilities?

Yes. All students receiving special education services must have an IEP that is based on a multi-factored evaluation (MFE) developed by a multi-disciplinary team following the procedural requirements of IDEA and Ohio's special education law and regulations. The IEP may complement the plans your school will develop for all students. However, the IEP will be the legal, guiding document for all special education services provided to a child who has been found to be eligible for special education.

A student with a significant disability has enrolled in our school. No one on our faculty has experience in this area. What should we do?

Ideally, a community school representative would have been involved in the IEP team meeting to design the content of the IEP for the child's enrollment in your community school and plans will be in place when the child enters. If that did not occur, the first step is for your school staff to review the child's special education records, especially the IEP, and analyze your existing capacity to deliver the instruction and related services as described. Just as any other public school is expected to do if a child moves in with an existing IEP, your community school must try to implement the child's IEP or, if that does not appear to be possible, must convene the IEP team immediately to discuss appropriate options. As mentioned previously, one strategy that charter schools have found effective is incorporating into the IEP a provision for close tracking of the student's adjustment in the first 30 days at the charter school with a set date for the full IEP team to review progress and make any necessary revisions.

Remember to check with the ODE and other community schools to determine if there is a cooperative that can provide support in this area. You may consider forming or joining a cooperative to provide technical support and resources to

schools with children who have significant or low-incidence disabilities. Some also provide direct services.

Are there special strategies we might use to attract and retain our personnel who work with children with disabilities?

Demand for special educators often exceeds the supply. While there is no special "fix," several strategies have proven effective in reducing turnover. These include creating a mentor system for new special educators, implementing a peer support program and implementing an open-door discussion practice. Increasingly, research shows that the primary reasons special educators leave their positions are paperwork responsibilities, feelings of isolation from colleagues, high caseloads and multiple responsibilities. Specific upfront discussions about their individual roles in fulfilling the school's mission will help them to understand your school and their ability to help you meet your goals. It is extremely important that you are in frequent contact with your special educators to gauge satisfaction and/or frustration and explore strategies to minimize areas of difficulties.

What types of special education professional development should we offer our staff?

The Comprehensive Continuous Improvement Planning (CCIP) is designed to drive professional development (for specific information about CCIP, see ODE's website). Including special education topics in the plan is important to continuous improvement. Community schools need to provide professional development opportunities to a variety of different types of individuals. Clearly your instructional staff (including paraprofessionals) needs to have ongoing access to training specifically focused on linking instruction, curriculum, and the school's mission to the individual needs of students. Successful practices in personnel retention also stress the importance of involving the staff members in the planning of their own professional development programs. Some resources available to assist in this area include, ODE's, State Support Teams, ESCs, universities and associations.

What type of professional development would benefit our governing authority members and other volunteers?

Your community school board members and other volunteers should be appropriately included in professional development opportunities. They will benefit from very focused, ongoing training in the community school's responsibilities for students with disabilities as well as educational management issues. Given the strong community school focus on parental involvement, it is important to reach out to parents and family members of students with disabilities to ensure they are part of the activities that involve all parents and meet their

needs for information. Equally important, you, the administrator, should take time to participate in ongoing professional development.

Community schools can tap into a variety of networks to learn more about special education in general and issues related to special education specifically. Following is a partial list of resources that will be useful to you during the planning and operation of your community school.

Ohio Agencies and Offices

- **The Ohio Coalition for the Education of Children with Disabilities (OCECD)** <http://www.ocecd.org/ocecd/index.cfm>
- **Ohio Center for Autism and Low Incidence (OCALI)**
<http://www.ocali.org/>
- **The Ohio Yellow Pages for Kids with Disabilities**
<http://www.yellowpagesforkids.com/help/oh.htm>

Governmental Agencies and Offices

OHIO REGIONAL TECHNICAL ASSISTANCE NETWORKS:

- Resources available in Ohio include the State Support Teams (SSTs) and the Educational Service Centers (ESCs).
- **DEPARTMENT OF EDUCATION:** Ohio maintains an extensive website with sections on all aspects of education in the state.
- **U.S. DEPARTMENT OF EDUCATION (ED):** Several offices in the U.S. Department of Education maintain websites that may be helpful to community school applicants. The Office of Special Education Programs (OSEP) maintains a Technical Assistance and Dissemination web page that provides links to a variety of resources related to special education at <http://www.ed.gov/about/offices/list/osers/osep/index.html>. Another ED office that has more general resources for charter schools is the Office of Innovation and Improvement at <http://www.ed.gov/about/offices/list/oii/index.html?src=mr> Information about the No Child Left Behind Act (NCLB), a law that all charter schools must understand is available at <http://www.ed.gov/nclb/landing.jhtml?src=pb>

National Special Education Networks

The following is a list of networks to learn more about special education in general and issues related to special education in community schools specifically.

- **NATIONAL ASSOCIATION OF STATE DIRECTORS OF SPECIAL EDUCATION:** NASDSE's website provides a wide array of special education resources including a copy of the final report of Project SEARCH, a national study on special education in charter schools and documents on critical issues in special education produced by NASDSE's Project Forum. <http://www.nasdse.org>
- **COUNCIL FOR EXCEPTIONAL CHILDREN (CEC):** CEC is the largest international professional organization dedicated to improving educational outcomes for individuals with exceptionalities, students with disabilities and/or the gifted. CEC sets professional standards, provides professional development and helps professionals obtain conditions and resources necessary for effective professional practice. <http://www.cec.sped.org>
- **NATIONAL DISSEMINATION CENTER FOR CHILDREN WITH DISABILITIES (NICHCY):** NICHCY is an information and referral center that provides free information on disabilities and disability-related issues. Children and youth with disabilities (birth to age 22) are NICHCY's special focus. <http://www.nichcy.org> **National Charter School Networks**
- **NATIONAL ASSOCIATION OF CHARTER SCHOOL AUTHORIZERS:** This organization renders support and technical assistance to those who sponsor or authorize charter schools. <http://www.charterauthorizers.org>
- **U.S. CHARTER SCHOOLS WEBSITE:** This is a rich resource about all aspects of charter schools: <http://www.uscharterschools.org>

What should we do when our special education program costs more than the funding we receive from our state and the federal government?

Lack of funds is not a legal reason for denying services to a child who is eligible for special education. Community schools are responsible for all costs for educating the students enrolled in their schools. If the community school has surpassed the financial threshold as defined by ODE, the community school may apply for reimbursement up to 50% of funds expended beyond the threshold. Reimbursement is contingent on available funds. The application for Catastrophic Aid for special education is available at ODE's website.

Must we provide transportation for students in special education?

The district of residence where the community school is located shall provide transportation to and from school for students who live less than ten miles and less than a thirty-minute ride to the community school in the same manner they do for students attending their district schools. See the FAQ on public school transportation at: ODE's website.

However, if an IEP team identifies and documents transportation as a related service on a child's IEP, then your school will need to arrange for transportation services. As your IEP team considers a student's need for transportation, it is critical that team members understand the difference between a student's need for transportation to get to school (common for all students) and a student's need as a result of a disability (which results in the need for a related service).

What should a community school have in place to assist struggling students?

When identifying students who are not meeting grade or age level expectations, **it is important as a first step to establish that all students in the school are receiving high quality standards-aligned instruction within the core curriculum.** The **community school's leadership team** should review student performance data for all students on a regular basis in order to ensure that the core curriculum being provided to all students is effective for the vast majority of students. Without this foundation, many students may be referred for additional assistance that could be served adequately within the core curriculum.

Even given high quality instruction within the core curriculum, there will be students who will need **additional targeted intervention** in order to meet expectations. These interventions need to be structured to meet the specific identified needs of the students and provided **in addition** to the instruction provided to all students. Progress needs to be monitored closely in order to determine whether or not the intervention is having the desired impact. If the child is not progressing as expected, the intervention can be modified, for example, by increasing the amount of time or the frequency of the intervention or adjusting the group size of those students participating in the intervention.

In some cases, a student's satisfactory progress as a result of receiving targeted assistance may warrant discontinuation of this assistance; in others, targeted assistance must be continued to produce or maintain improvements in the student's level of performance and rate of progress. However, **there are a small number of students who will require intensive interventions that are highly individualized in order to be successful.** Ordinarily, **these individualized interventions are planned by a school intervention team**, and require consultation with personnel with expertise in assessment and knowledge of research-based interventions. If the data indicate that the student is not

demonstrating adequate progress when provided with high quality individualized intensive interventions or when these interventions require more support than can be provided solely within the general education environment, the student may be suspected of having a disability condition and referred for a comprehensive evaluation. The data collected as part of the intervention process will become a significant component of the evaluation process.

The process described above is often referred to as Response to Intervention (RtI) which focuses on providing a comprehensive system of instruction and intervention to meet the needs of all students in the school and using student performance data to make instructional decisions.

What should we do if a teacher or parent suspects a child might have a disability and be in need of special education?

Parents and teachers must be given clear information about the procedures that will be followed in your community school concerning the rights of a child to an evaluation for special education. Parents and teachers must also be fully aware of other services your school provides prior to a formal special education evaluation referral. Federal and state law and regulations contain numerous specific requirements related to procedural safeguards and your teachers, parents and board members should be made familiar with them.

Every community school should have clear procedures in place for attending to the needs of a child who is not progressing or is presenting other kinds of problems. Putting such procedures in place should be a part of planning before start-up so that they do not have to be developed in a crisis situation.

How many special education forms and reports do we have to complete?

The state requires seven forms. Most school districts adopt forms developed by the ODE. Copies of these forms can be found on the ODE website (see <http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEPrimary.aspx?Page=2&TopicID=967&TopicRelationID=973>). The eight areas include:

- Form PR-01 – Prior Written Notice to Parents
- Form PR-02 – Parent Invitation
- Form PR-03 – Manifestation Determination Review
- Form PR-04 – Referral for Evaluation
- Form PR-05 – Parent Consent for Evaluation
- Form PR-06 – Evaluation Team Report

- Form PR-07 – Individualized Education Program (IEP)
- Form PR-08 – Model Impartial Due Process Hearing

Schools also have the option of developing their own forms in the eight required areas but must have OEC approval prior to using their forms.

It is very important that you, as the community school administrator, understand the nature of your school's responsibilities and ensure your entire community school staff has a clear understanding of the reporting responsibilities to avoid violations that might make the school vulnerable to non-compliance charges. Your paperwork responsibilities may include financial/funding, staffing, child count, identification and evaluation, IEP development and monitoring, and student progress. Deciding who will be responsible for what paperwork (followed by training to do this) will help to ensure completion of all requirements by competent, qualified individuals.

Are we required to have a special education administrator?

No, but the *Operating Standards for Ohio's Schools Serving Students with Disabilities* require that the IEP team include someone who serves as the representative of the school district 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 curriculum, and is knowledgeable about the availability of resources of the school district as well as someone who can interpret the instructional implications of evaluation results.

Who is responsible for the development and implementation of our students' IEPs?

The procedures to be followed in your community school should be clearly written in school policies. As community schools are considered their own LEA, they have sole responsibility for ensuring IEPs for their students with disabilities are implemented.

Who should be involved in the development of a student IEP?

Ohio's *Operating Standards for Ohio's Educational Agencies serving Children with Disabilities* provide as follows:

The school district shall ensure that the IEP team for each child with a disability includes:

1. The parents of the child;

2. Not less than one regular education teacher of the child (if the child is or may be participating in the regular education environment);
3. Not less than one special education teacher of the child, or where appropriate, at least one special education provider of the child;
4. A representative of the school district 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 curriculum, and is knowledgeable about the availability of resources of the school district;
5. An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described here in
6. At the discretion of the parent or school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
7. When appropriate, the child with a disability.

See 3301-51-07 (I) for full details for meeting compliance with IEP team requirements for Transition services, areas of expert knowledge, attendance requirements, parent participation, etc.

What does the IEP need to include?

An IEP is written statement developed, reviewed and revised in a meeting of an IEP team to best identify the specially designed instruction, related services, accommodations, modifications and supports that a school will provide for a child with a disability.

According to the IDEA, an IEP for each child with a disability must include:

- Statements that address the student's and family's preferences and interests in the future planning section
- Present Levels of Performance - identify needs that require specially designed instruction
- Identify measurable goals, including academic and functional goals
- Measurable benchmarks or measurable short-term objectives
- A description of how student progress will be measured.

- Identify Related Services
 - Service(s)
 - Initiation Date
 - Expected Duration
 - Frequency
- Determine least restrictive environment – determine where services will be provided
- A statement of appropriate accommodations.
- A statement on whether the student will participate in an alternate assessment.
- Projected dates of beginning, frequency, location, duration and modification of services.
- Transition services beginning at age 14 (as applicable)
- Transfer of rights at age of majority.

The IEP is not to be a curriculum for the child. Rather it is to serve as a guide for how to "open the doors" to improve access to the general education curriculum and the necessary special education and related services that will allow the child to progress. See the *Operating Standards* for additional details about the IEP process and document.

Is there a specific form that must be used for IEPs?

Yes, it is one of the eight forms required by ODE. The form is on the ODE website (<http://www.ode.state.oh.us/GD/DocumentManagement/DocumentDownload.aspx?DocumentID=6542>). Any variation on the form needs OEC approval. A tool is available through OEC to assist in developing a quality IEP.

Do we have to develop an IEP for every child with a disability?

An IEP must be developed for every child found eligible for special education services. Whether or not you have full or partial responsibility for developing IEPs for students who attend your community school, your staff must participate in IEP meetings to provide the necessary information about the child's school progress. It is important to remember that the requirement to develop an IEP also applies to a student who's IEP and/or MFE has "lapsed" or is overdue. These students are still required to be provided with appropriate services until the re-evaluation process and/or IEP meeting is concluded. It is also important that you develop appropriate procedures for the required progress reporting to

parents and all necessary input from the community school for other special education reporting. It should be noted that there are some students with disabilities under Section 504 and they have a different plan (504 plan). See the Background Primer.

What is our school's responsibility when a child with a disability transfers to another school?

As with any other child, when a student with a disability transfers to another school, you must ensure timely transfer of all records. At the point that the child is formally no longer enrolled in your community school, your school no longer has a responsibility to provide services to the child.

How does the community school address the transition needs of students and the corresponding requirements?

Preparing students with disabilities for further education, employment, and independent living is one of the major purposes of IDEIA. In order to assist them in transitioning to post school environments, community schools are required to provide transition services that will:

- Assist students and families to think about the future and consider what they want to do after high school;
- Allow time for students, families, and others to plan together on how to make high school experiences related directly to the students preferences and interests;
- Assists students and families to make connections to services they will need both during and after high school; and
- Increase the likelihood that students are successful when they exit school.

Community Schools need to start the transition planning process early in the child's educational experience, but are required at the age of 16 to include in the IEP appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment and where appropriate independent living skills. This information must be updated annually as a part of the IEP process. The school needs to include courses of study which will assist the child in reaching those post school goals. Included in the Office for Exceptional Children, Model Procedures, Forms the IEP includes a page which provides for discussion and documenting the transition services.

Community schools should contact the State Support Team in their region to be provided addition technical assistance and support to effectively implement these transition services requirements.

New requirements established by IDEA now require the state to collect from each local school district at least once over the next six years the status of students who had IEPs, and are no longer in secondary schools. In Ohio each school district, including community schools, will be required to participate in the Ohio Longitudinal Transition Study to meet this requirement which requires the district to contact these students within one year of leaving high school. In order to facilitate contact with these students, all students exiting the schools will be required to conduct an exit interview.

Summary and Key Points

As you move through the day-to-day operation of your school, you will find that often you have to focus on a "challenge of the moment." If you have planned carefully to put strategies in place for handling special education issues, they will not reach the crisis stage.

Occasionally, you should take the time to revisit your mission and vision and have specific discussions on how all of your students and staff are doing. Remember to consult with resources available in your local school district, state education office, or community school sponsor. Taking time to address students with disabilities in a proactive and positive manner will have significant payoffs for your students, school and the community.

ACCOUNTABILITY AND RENEWAL

Introduction

Accountability refers to the policies and procedures that community schools must abide by as required by federal and state special education and state community school rules and regulations. While state community laws may release community schools from some state reporting requirements (e.g., teacher qualifications), community schools are generally obligated to collect and report the same information that public schools must report such as statistical reports regarding students, standardized tests, and budgets. This includes data regarding special education as part of the general statistical reports that is often used to generate state and federal categorical funds for special education. Examples include student headcount reports as well as more procedural documents such as IEPs that would be reviewed as part of a state special education audit.

The best way to prepare to be accountable is to be thinking about it before the community school opens its doors on the first day. It will be essential to get oriented to the data requirements related to special education that you are expected to collect and any required means of collecting and storing such data. A comprehensive (electronic) management information system and consistent,

detail-oriented staff are two effective ways to handle this responsibility. The type of data you will need to compile includes demographic information on students, academics, IEPs (content and timelines), attendance records, enrollment data and assessment information. A secure filing system to store the paper documents is also critical to ensure security and privacy of confidential and other critical data/reports.

What type of special education accountability provisions do we need to consider?

First and foremost, you need to address your sponsor's requirements and the state community school law. Stay in close contact with your sponsor and ODE to learn of updates in IDEA and NCLB implementation and implications for your community school. At a minimum, you will also need to be able to document specific outcomes of students with disabilities, fiscal practices related to special education, timelines related to development and implementation of special education services, qualifications of faculty and staff and resolution of parent complaints.

What types of data should we collect so we are able to complete required reports?

Community schools are required to submit essentially the same data and statistical reports as traditional school districts. Examples include enrollment accounting, program accounting, student performance data and financial reporting. Ohio Community Schools need to ensure that their EMIS and CSADM data is entered correctly. However, at a minimum you will need to be able to report data on all of your students disaggregated by the subgroups outlined in NCLB, one of which is students with disabilities. Keep these subgroups in mind as you are setting up your data collection and storage system, especially those related to assessments.

Is there added accountability specifically for special education?

Yes. Administrators must understand that community schools have an added level of formal accountability related to special education. The U.S. Department of Education carries out an extensive monitoring of SEAs, and then SEAs must develop and carry out a formal monitoring process for each of its LEAs. Your community school's involvement in the process of monitoring is dictated by your legal status as an LEA and in Ohio, each school is its own LEA.

There are currently two additional reports required of community schools in Ohio relative to special education. All community schools must annually submit a "Special Education Expenditure Report: to their sponsor for review and subsequent submission to the Office of Community Schools by November 1. These expenditures for special education and related services are based upon

information submitted for the previous fiscal year through an extract of EMIS data and USAS coding for these expenditures. The data is imported into a report format by ODE/ECS, therefore, it is imperative that proper USAS codes are utilized for expenditures. For additional guidance of the completion of this report see:

<http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID+737&contentid=3187&content=23281>

The other report is specific to only community schools that are defined as “e-schools” or “virtual schools, where instruction is delivered primarily to student in their residences via the internet. This report entitled, “E-School Special Education Plan Report”, must be submitted annually by September 1, first to the sponsor for approval and then to the Office of Community School. This narrative plan describes how special education and related services will be provided in each of these schools for the upcoming year. For additional guidance on the completions of these plans, contact the Office of Community Schools.

How do students with disabilities participate in the NCLB accountability system?

Alternate assessment system will "count" in the accountability formulas. Not only do they count - they can make a difference in your school's ability to meet criteria for "adequate yearly progress" and state-specific performance measures under the NCLB law. Talk with your colleagues, your sponsor and ODE to identify effective strategies in helping students with disabilities to demonstrate progress.

How is special education monitoring carried out in Ohio?

Introduction to Monitoring

The No Child Left Behind Act of 2001 requires each state to provide support services to districts and schools in need of improvement. In Ohio these services are delivered through the Ohio Improvement Process (OIP), a unified state system of support developed by the Ohio Department of Education (ODE) and deployed through regional service providers. ODE's Center for School Improvement and Ohio's Educational Regional Services System (consisting of 16 Regional Advisory Councils and State Support Teams) coordinates this process designed to make and sustain significant improvement in performance for all students, including students with disabilities.

ODE's Office for Exceptional Children (OEC) supports the OIP by monitoring and ensuring district compliance with federal requirements for students with disabilities that promote access to and progress in general education, as required by the Individuals with Disabilities Education Improvement Act of 2004 (IDEA). Ohio's compliance with many of these requirements is evaluated through the State Performance Plan (SPP) submitted to the U.S. Department of Education, Office of Special Education Programs (OSEP). The SPP is comprised of targets

and improvement activities for 20 indicators of state performance. Through its system of general supervision OEC uses multiple monitoring processes to address and improve district performance on SPP indicators. The monitoring process selected for a given district is based on OEC priorities and the district's performance across these indicators.

Monitoring Processes

- 1. Determination Letters** OEC will create a district determination profile based on State Performance Plan indicator data reported to OEC by the districts through EMIS. This is provided to all districts.
- 2. Self-Assessment Monitoring** directs districts in addressing specific compliance issues that were identified in the determinations letter or specifically, indicator 11 Child Find and indicator 13 Secondary Transition. Districts that have issues in any of these two areas will complete a self-assessment and submit a plan to OEC to address the noncompliance.
- 3. Selective Monitoring Review** provides OEC a monitoring process to address specific issues without using the compliance monitoring process. The function and intensity of the method matches the nature of the noncompliance issue. District are selected on specific concerns of OEC, such as: ongoing noncompliance on indicators, despite participation in CM or self-assessment; alternate assessment, surrogate parents, district requests for technical assistance/review, other compliance concerns identified by OEC
Regarding record reviews:
 - Record reviews may not be necessary; some issues are related to administrative procedures or EMIS data reporting.
 - A record review may be specific to a noncompliance issue and records surrounding that issue i.e., alternate assessment participation.
 - A full record review may be warranted but this would not be a frequent occurrence.
- 4. Compliance Monitoring reviews** are conducted in selected districts based on SPP indicator performance, particularly those indicators for which Ohio must report correction of noncompliance to OSEP. Compliance monitoring is the most intensive review process conducted by OEC. These reviews are designed to ensure that districts develop evaluation team reports and individualized education programs that facilitate appropriate specialized instruction to meet the needs of students with disabilities. Through compliance monitoring OEC assists districts in meeting federal and state requirements in order to impact and improve student performance statewide. OEC will include determinations and indicator performance in the selection process and technical assistance planning for district monitoring.

Compliance monitoring protocols include; district guidelines, probes, record review and a parent survey. The district will analyze data from the record review, district response to the probes and parent survey. Data from these three areas are triangulated to determine priority areas related to indicators and compliance.

OEC will review a stratified random sample of records from the list of students with disabilities provided by the district. OEC will provide the district with a compliance summary report identifying areas that are not in compliance with federal and state laws and regulations applicable to children with disabilities.

- Direct the district to take immediate corrective action for egregious errors related to FAPE, with a 30-day timeline for correction.
- Direct the district to take corrective action as soon as possible for all identified record errors, with a 120-day timeline for correction.
- Verify through additional record reviews that all record errors have been corrected by the district.

The district will develop a compliance action plan that addresses all compliance issues. OEC requires districts to correct all findings of noncompliance during the one-year corrective action period, following the timelines established in the compliance summary report. The SSTs will provide technical assistance and assist with the implementation of the compliance action plan. An assurance statement signed by the superintendent or designee ensures full compliance by the district with federal and state laws and regulations applicable to children with disabilities in all areas identified within the compliance summary report.

Selective Reviews (This is now called “Further Inquiry”)

The procedural safeguards section in OEC receives letters of complaint, reviews the letters, establishes connections between complaints and IDEIA, investigates allegations, develops findings of fact and conclusions of law, sets corrective action and monitors progress on corrective action. The procedural safeguards section does not often characterize issues found in complaint letters as systemic; they are specific to an individual child. Occasionally, the procedural safeguard section using a multi-filter process, determines that an issue is systemic which triggers a further inquiry by procedural safeguard staff. This selection process examines multiple issues in a district and determines whether an individual issue may be systemic. The section does monitor the number of complaints within a district as well as the number of requests for due process hearings and shares this information with the focused monitoring and MARs staff.

Management Assistance Reviews (MAR)

OEC’s Resource Management section is primarily responsible for conducting Management Assistance Reviews (MAR) of school districts and other

educational agencies that receive federal and/or state special education funds to support the education of Ohio's children and youth with disabilities.

The MAR may address the use of federal flow-thru funds and/or state funds designated for children and youth with disabilities, as well as a review of any discretionary grant funds that may have been awarded to the district or educational agency for children and youth with disabilities.

The resource management section uses a multi-filter process to select districts for review. The selection process examines (1) the size of and funding level of the district; (2) trends in child count data; (3) referrals; (4) review cycle; and (5) geographical location.

Compliance monitoring, selective reviews and management assistance reviews are data driven efforts that attend to key data sets/indicators. The use of data to make informed decisions is about helping to target efforts with the right outcome in mind –high achievement for all students.

How will special education be included in the renewal of our school's contract?

The successful implementation of special education and related services may be evidenced on the basis of data reporting, Focused Monitoring, Selective Reviews and Management Assistance Reviews. When determining whether or not to renew a school's contract or charter, a sponsor would take such factors into consideration. In addition, a sponsor would consider such factors in progressive disciplinary sanctions against a school and/or the school being required to develop a Corrective Action Plan.

Could failure to meet special education requirements be cause for not renewing our contract?

Yes. Lack of compliance with federal statutes (including special education) can result in termination or non-renewal of a charter.

How do we know if our sponsor has policies and processes that address special education?

If you're not sure.....ask! Hopefully this is an area you discussed with your sponsor during your planning, start-up and operational phases. However, if you're not sure, find out what requirements your sponsor will expect you to meet as a condition for renewal. Other community schools that are authorized by the same entity may also be an invaluable source of information regarding renewal.

Summary and Key Points

Accountability has become a cornerstone of school improvement efforts and it is a basic principle of the charter school movement. At a minimum, these include monitoring, files/data management, record keeping, procedural (special education) compliance, state charter law compliance and charter school contract compliance. At the heart of this is a school's ability to demonstrate student progress, maintain qualified personnel and document instructional and financial practices. As valued members of your school, students with disabilities and their programs and staff will be involved in each aspect of this phase. Explicitly preparing for their involvement in all aspects of your school will avoid problems and enhance the quality of your accountability plan.

Non-Renewal, Revocation, and Relinquishment

Introduction

Hopefully your school will never be faced with non-renewal, revocation, or relinquishment of your contract. However, it is important to have a plan in place to be activated if your school closes so that you and your board members understand their responsibilities for the students with disabilities who are enrolled in your school at that time.

What do these terms mean?

- *Non-renewal* occurs when a community school seeks renewal to operate after its approved period and the sponsor does not grant a new charter. As a result of not having its charter renewed, the school loses its authority to operate and exist as a public school.
- *Termination* of a contract involves a proactive decision by a community school sponsor to remove a school's charter and its legal authority to operate as a public school. In general, terminations occur when a community school does not meet the obligations articulated in the application or subsequent contracts with the sponsor.
- *Contract Relinquishment* is a voluntary release of an authorized contract by a community school governing authority.

If our school ceases to exist, what do we need to consider relative to our students with disabilities?

Ideally your school will be in a situation to facilitate the transfer of all funds, records (including student and financial) and equipment (instructional and adaptive) for all students, including those with disabilities. Check with your

sponsor to obtain specific guidelines and policies in your state. Federal guidelines also provide information on property disposal. Special education records must be maintained separately from general student records and must be very confidential.

What is our legal obligation after our community school has closed?

After the school closes, there will be requirements to conduct a final accounting of all funds spent by your school. Your state law, charter contract and sponsor will determine the specific nature of these activities and the ultimate destination of reports. Be sure to be in touch with the appropriate authorities to avoid the possibility of legal ramifications. See the Community Schools Closing Procedures on the ODE Office of community Schools website.

We do not know where specific children are going. What do we do with their records?

Your responsibility is to send students' records to their new schools. After you have done everything you can to determine where a child is going and you still have no success, you should return all records to the child's LEA of residence or last known LEA. If you aren't able to determine this information, contact your sponsor or the SEA for assistance.

How should we transfer student records?

Perhaps the most important consideration in records transfer is ensuring the privacy of student information, The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g) provides guidance on requirements in the transfer of educational records that contain personally identifiable information on your students. For details about the law, see <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Careful attention to sections pertaining to disclosure of information without the "written consent" of the parent or eligible student will help alleviate future problems.

How should we dispose of any special equipment that was purchased for our students with disabilities?

If equipment was purchased for one specific student, it should be forwarded to the student's new school. If this information is not known, or if the equipment was purchased for use in a special education program, it should be handled in the same manner as all other school equipment. Contact your sponsor for guidance on your requirements for disposal/transferring of equipment purchased with federal or state funds.

Summary and Key Points

You and your Governing Authority have legal responsibilities to safeguard the rights of students, the privacy of records and the security of equipment. Hopefully, you clarified your responsibilities with your sponsor during your initial authorization activities. If not, do so now to ensure that everyone involved has a clear understanding of roles and responsibilities.