

**HAWAI`I PRIMERS
ON
SPECIAL EDUCATION
AND
PUBLIC CHARTER SCHOOLS**

HAWAI`I OPERATOR PRIMER

HAWAI`I DEPARTMENT OF EDUCATION
SPECIAL EDUCATION SECTION
637 18TH AVENUE, C201
HONOLULU, HI 96816
PHONE (808) 733-4404

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Note

The **Hawai'i Primers on Special Education and Public Charter Schools** may be subject to change to appropriately reflect changes as charter school legislation continues to evolve and impact the State of Hawai'i.

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HAWAI'I OPERATOR PRIMER

PRE-CHARTERING PLANNING STAGE

The pre-chartering 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 charter school, including students with disabilities. As the charter school operator, you are assuming not only the role of administrator and operator, but also that of an instructional leader for your future faculty, parents, and students. Although you obviously cannot prepare for each child before you begin to enroll students, you should give appropriate consideration for children with disabilities as you are developing the initial design for your school. Therefore, as you plan, it is critically important you consciously prepare to include students with disabilities in every aspect of your charter school. Doing this now will not only prevent future problems, but will also result in more effective educational opportunities for all of your students. You may request that portions of the U.S. Department of Education Public Charter Schools Program Grant be used for this planning phase.

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 critical to consider children with disabilities when you are developing the mission and vision of your charter school. Since your school will be a public school that operates under an open enrollment, non-discriminatory acceptance policy, you should expect to enroll students with many different kinds of needs, including students with disabilities. If this is carefully considered in the initial planning process, it is much more likely your mission and vision statements will be crafted to accommodate a greater diversity of students, thus minimizing the likelihood of subsequent problems.

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

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

There are six major legal principles that underlie the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) 2004 that should guide your planning to include students with disabilities:

- *“Zero reject” of children with disabilities* - 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 developed in accordance with the IDEIA 2004 for all students identified as possessing disabilities requiring special education services.
- *Free Appropriate Public Education (FAPE)* - Special education and related services, as determined by the IEP team and based on the student's unique needs, are provided by the public school without charge to the parent.
- *Least Restrictive Environment (LRE)* - Students with disabilities must be educated to the maximum extent appropriate with their non-disabled peers. The law expresses a preference, not a mandate, for educating students with disabilities in regular classes with appropriate supplementary aids and services.
- *Parental involvement and due process* - Parents are an integral part of the team, beginning with parental notification of the intent to evaluate their child, continuing through the IEP process. In the event that an agreement cannot be reached, parents have the right to due process.
- *Nondiscriminatory evaluation* - A non-discriminatory evaluation incorporates a variety of assessment tools and strategies necessary to gather developmental and academic information in the language and form most likely to yield accurate information.

Taking time to consider these principles and how they relate to Hawai'i charter schools will help you to develop a school that addresses the needs of all your students including those with disabilities.

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 charter 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 online publication from the U.S. Department of Education, Office for Civil Rights.

http://www.uscharterschools.org/pdf/fr/civil_rights.pdf

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

In accordance with the Americans with Disabilities Act (ADA) and the IDEIA 2004, you must ensure that all parents, including those who might have a disability and/or who do not understand English, have a meaningful opportunity to understand the outreach information given about your charter school. Appropriate auxiliary aids and services to ensure effective communication with parents with disabilities must be requested and made available whenever they are necessary. For example, if outreach materials are made available to parents, you could help to ensure access by offering the materials in

Braille, on a tape, or in languages other than English, as appropriate. This may require qualified interpreters, translations, or another effective means of communication. If you conduct public informational meetings with parents or community groups, those meetings must be physically accessible to individuals with disabilities.

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

Students with disabilities must have the opportunity to meet any appropriate minimum eligibility criteria for admission consistent with the mission of the charter school and civil rights requirements. Under Section 504 (of the Vocational Rehabilitation Act) and Title II of the ADA, 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 due to the sole need for special education or related aids and services.

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

There are many issues to consider in developing and implementing your special education program including funding, space and facilities, human resources, curriculum, service provision, professional development, administration, transportation and special accommodations. *The Checklist of Special Education Considerations for Charter School Operators* (at the end of this section) poses questions designed to help you consider these important areas.

In relation to special education, what should be addressed in preparing an application?

Include the following in your detailed implementation plan (DIP):

- a statement (see HI Authorizer Primer, Issuance of a Charter section) ensuring that the school will serve students with disabilities;
- a statement regarding governance, service delivery, and finance of special education;
- a statement describing how the school will ensure compliance with federal and state laws relating to special education as specified in Chapter 56 and IDEA, but not limited to
 - identifying, evaluating and serving children with disabilities;
 - developing, reviewing and revising IEPs
 - ensuring that students with disabilities will have access to, be involved in, and make progress in the general education curriculum;
 - delivering special education and related services, and
 - ensuring procedural safeguards are provided for parents and students.

If charter schools were to take the legal status of a local education agency (LEA) or school district, the charter schools would then assume full responsibility for special education. In that case the plan should include

- a statement describing the considerations for special education in your school, as well as costs, such as, but not limited to:
 - child find, student identification, evaluation and planning; and
 - providing special education and related services.

Considering these details will prepare you when a child with a disability applies to your school and you open your doors on the first day.

Summary and Key Points

The pre-chartering phase provides you and your local school board with the opportunity to become familiar with special education federal and state laws in planning and developing your charter. Considering special education requirements in the preplanning stage will allow you to attend to the needs of all students in your school's vision, mission and purpose. Addressing special education needs at every decision point will help reduce special education challenges in the future.

CHECKLIST OF SPECIAL EDUCATION CONSIDERATIONS FOR CHARTER SCHOOL OPERATORS

Many charter school operators are unaware of all of important areas that must be considered. Addressing the following areas will assist you in providing a quality program for all students. Note that this is a generic checklist, and some elements do not pertain to charter schools in Hawai'i.

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?
 - o federal
 - o state
 - o local
 - o fundraising

Space and facilities

- Where will student evaluations be conducted?
- Where will IEP meetings be conducted?
- Where will confidential student records be stored?
- Where will services be provided?
- Where will related services personnel meet with individual students?
- Where will supplies and equipment used by students with disabilities (e.g., educational, medical, mobility, assistive technology) be stored?
- Are entrances, classrooms, common areas and bathrooms accessible to all individuals with physical disabilities--in compliance with ADA requirements?
- Who will make repairs to ensure the school remains accessible to students with disabilities?

Human resources

- How many students will the school enroll?
- How many teachers will need to be hired?
- How many special education teachers will need to be hired?
- What kind(s) of certification will the teachers need?
- Can dual-certified teachers be hired?
- Can part-time or retired special education teachers be hired?
- Can student teachers from area universities be used?
- What type(s) of related services personnel will be needed?
- How will these services and contracts with these individuals be obtained?
- What other types of services will our school need?
 - o Legal counsel with special education expertise
 - o accountants/bookkeepers

Curriculum

- What curriculum will the school offer?
- How does the curriculum align with the state's suggested curriculum or standards for student learning?
- How will the curriculum be modified to address the unique needs of children with disabilities?
- How can general and special education teachers be trained to modify/adapt the curriculum for children with disabilities in inclusive classrooms?

- What types of assistive technology will be needed by students?

Service Provision

- How will special education related services (e.g., occupational and physical therapy, speech therapy) be provided?
- What should Child Find activities look like? How will student identification, evaluation and special education determination meetings be conducted?
- Who will participate in IEP development and implementation?
- What types of special staff or consultants will be needed to implement students' IEPs?
- How will re-evaluations be handled?
- How will parents be included?
 - o How can partnerships be built?
 - o What strategies can be used to be proactive in avoiding conflicts?

Professional development

- How will teachers be provided with professional development?
- What type of specialized professional development will be needed by school staff (including teachers, paraprofessionals, administrators) to support children with disabilities?
- Does the state education agency (SEA) operate a professional development program or network that can be utilized?
- How will the staff be prepared for the implementation of appropriate testing protocols? and the Family Educational Rights and Privacy Act (FERPA)?

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?
 - o How will we obtain these?
 - o What training will be needed to use these efficiently and appropriately?
- How will coordination with the district/complex area special education office be conducted?
- How will transferring students be coordinated?

Transportation

- Will transportation be provided?
- Can district or state transportation dollars be accessed to offset costs?
- How are transportation needs addressed for of students who receive transportation as a related service required by their IEP?
- How will transportation for a student in a wheelchair be arranged?

PREPARING FOR START-UP

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?

These issues should have been addressed during your pre-chartering activities in the development of your school's mission. Potential accommodations to include students with disabilities in your school should have been considered.

Concerns about a child's learning needs should be discussed at the IEP meeting so that all members of the team can contribute to and understand how the student will access the curriculum as is required by special education law. If your school's faculty requires assistance in learning how to accommodate the needs of a student who has a disability, the charter school should provide for professional development. One strategy that charter schools have found effective is incorporating a provision into the IEP for the 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 the student's progress and make any necessary revisions in the IEP.

In Hawai'i, the charter school's local school board is responsible for hiring staff and faculty. What are the certification/licensing requirements for special education staff in the state?

Your charter school must follow Hawai'i's laws and regulations regarding the hiring of special education staff and faculty. Changes in IDEIA 2004 require that special education teachers meet the "highly qualified" standards of NCLB. For specific information regarding current certification/licensure requirements, contact the Hawai'i Teachers Standards Board. (www.htsb.org)

What staffing resources might be provided to a charter school for its special education program?

The Hawai'i Department of Education (HIDOE) allocates to each charter school one Student Services Coordinator (SSC) position whose role is to coordinate support services for all students in that school. In addition, the following positions may also be provided based on HIDOE's Staffing Methodology.

- special education teacher
- educational assistant
- general education (Article VI) teacher

The Staffing Methodology is based upon the special education students' needs as required by their IEPs.

If you have further questions about staffing resources, contact the Hawai'i Department of Education, Special Education Services Branch, at (808) 733-4400.

Will a charter school always be provided with special education staff?

No. If the enrollment data does not support the allocation for a Special Education Teacher and an Educational Assistant, according to the Staffing Methodology, the charter school will not receive the position(s).

If a school does not qualify for special education staff under the current Staffing Methodology, how will the school provide services?

You must ensure that FAPE can be provided for all enrolled students with disabilities. Your school should consult with its district/complex area special education office to explore options for meeting the requirements of the offer of FAPE.

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

Your school's application should include a question regarding a child's special needs, but this information shall not be used to discriminate on the basis of a disability in determining admission. The school's considerations for students with disabilities are to be the same as for students without disabilities. Charter schools should speak to all parents about school programs and services, including those that support the diverse needs of learners.

What does the charter school do after a student with a disability is enrolled in the charter school?

After acceptance and enrollment, it is critical that your charter school receives from the student's previous school his/her records to ensure that IEP requirements are implemented. If you do not automatically receive the records, initiate a request to the previous school. The HIDOE requires all public schools share student records upon transfer of the student to another public school, charter or non-charter. The District/Complex Area Special Education Office can also help if you are not able to obtain a response from the previous school.

For more information regarding support of students with disabilities after initial enrollment, refer to the *Required Internal Management and Operational Guidelines for Implementation of IDEIA 2004 and Section 504 in Public Charter Schools*. (See Appendix 2.)

http://doe.k12.hi.us/specialeducation/sped_in_charterschools.pdf

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?

In general, it is inappropriate 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. Issues regarding the appropriateness of the child's placement should be discussed with the child's IEP team, in consultation with the District/Complex Area Special Education Office.

For more information regarding support of students with disabilities after initial enrollment, refer to the *Required Internal Management and Operational Guidelines for Implementation of IDEIA 2004 and Section 504 in Public Charter Schools*. (See Appendix 2.)

http://doe.k12.hi.us/specialeducation/sped_in_charterschools.pdf

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) online document, *Applying Civil Rights Laws to Public Charter Schools: Questions and Answers*.

http://www.uscharterschools.org/pdf/fr/civil_rights.pdf

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

Yes. A charter school must provide access to the facilities so that persons with disabilities, including parents and students, can benefit from programs and activities offered at the school.

Whose responsibility is it to make our school accessible if we rent our school building?

Responsibility to modify a facility must 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 charter schools located in existing facilities as compared to newer facilities?

Yes. Generally, for existing facilities, a charter 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 begun 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 student with a physical disability has access to every part of the new building or the parts that are newly altered. For example, if your charter school is in a new building, all parts of the building, (i.e., a third-floor chemistry lab) must be accessible for use by persons with disabilities. In contrast, if your charter 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 on 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 charter school.

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

The **Hawai'i Disability and Communication Access Board (DCAB)** provides guidelines for the design of buildings and facilities by, or on behalf of, the State of Hawai'i or the counties in accordance with Hawai'i Revised Statutes, §103-50 and has a number of functions related to accessible facilities. Consult the website for this agency.

<http://www.Hawaii.gov/health/dcab/about/overview.htm>

The state government 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. Federal resources on this topic are available online from the Office for Civil Rights (OCR).

<http://www.ed.gov/about/offices/list/ocr/index.html>

Summary and Key Points

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 board, and your staff get ready to make a decision, ask if this decision will help every potential student. Cultivate your resources so you can draw on their expertise and experiences. Remember there are many sources of information and support available. Other charter and traditional schools, the state department of education, and charter school resource centers and/or associations exist in many states to assist during the development and operation of a charter school.

OPERATING A CHARTER 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 the day to day operation of your charter school. These may include curriculum implementation, staff and faculty hiring, student enrollment, fiscal issues and school accessibility. Ideally, each issue should have been considered during the pre-chartering and planning for startup phases. If not, analyze your situation and address all issues as soon as possible. Take the opportunity to build on what you have in place so that your school can support all students including those with disabilities.

For more information regarding support of students with disabilities after initial enrollment, refer to the *Required Internal Management and Operational Guidelines for Implementation of IDEIA 2004 and Section 504 in Public Charter Schools*. (See Appendix 2.)

http://doe.k12.hi.us/specialeducation/sped_in_charterschools.pdf

What special education services must a charter school provide?

Your school is linked to the District/Complex Area Special Education Office in your geographic area. Special education services will be coordinated out of the district office as is done for all public schools. The charter school must ensure that each of its students with an IEP receives all special education supports identified in the student's IEP. The range of services may include related services, such as occupational and physical therapy, orientation and mobility training, adapted physical education or assistive technology.

For more information regarding delivery of services to students with disabilities, refer to the *Required Internal Management and Operational Guidelines for Implementation of IDEIA 2004 and Section 504 in Public Charter Schools*. (See Appendix 2.)

http://doe.k12.hi.us/specialeducation/sped_in_charterschools.pdf

If the charter school designs a program for students with a specific disability, what happens if a student with a different disability or without a disability enrolls?

If a student who enrolls has a disability different from what your school expected, the student must be considered individually so that his/her needs may be met. In each case, the charter school staff has the responsibility to meet the requirements of the IEP. The need for prior planning to develop special education capacity is obvious. Issues regarding the appropriateness of the student's placement should be discussed with the IEP team, in consultation with the District/Complex Area Special Education Office. Although it is impossible for a charter school to plan for every contingency prior to initial

enrollment of students, general plans for a new charter school must include a grade-appropriate curriculum to be available for general education students. If a student with a disability then attends the school, adequate delivery strategies, personnel, tools, and materials must be added to address the student's needs.

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 charter school representative would have been involved in the IEP team meeting to design the content of the IEP for the student's enrollment in your charter school, and plans will be in place when the student enters. If that did not occur, the first step is for your charter school staff to review the student's special education records, especially the IEP, and analyze your existing capacity to deliver the instruction and related services as described. If a student enrolls with an existing IEP, your charter school must implement the current IEP or, if that does not appear to be possible, the school must convene the IEP team immediately to discuss appropriate options, in consultation with the District/Complex Area Special Education Office. 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.

For more information regarding delivery of services to students with disabilities after initial enrollment, refer to the *Required Internal Management and Operational Guidelines for Implementation of IDEIA 2004 and Section 504 in Public Charter Schools*. (See Appendix 2.)

http://doe.k12.hi.us/specialeducation/sped_in_charterschools.pdf

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 charter 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. Each student receiving special education services must have an IEP that is developed by their IEP team following the procedural requirements of IDEIA 2004 and Hawai'i'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 student who has been found to be eligible for special education.

TECHNICAL ASSISTANCE AND RESOURCES

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

In many parts of the country, demand for educators (particularly special educators) exceeds the supply. While there is no clear solution, several strategies have proved 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. For additional resources, see the website of the National Center for Special Education Personnel and Related Services Providers (The Personnel Center).

<http://www.personnelcenter.org/>

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

Charter schools need to provide professional development opportunities to a variety of role groups. 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. Training is also available through the District/Complex Area Special Education Office.

What type of professional development would benefit our local charter school board members and other volunteers?

Your local charter school board members and other volunteers should be appropriately included in professional development opportunities. They will benefit from very focused, ongoing training in the charter school's responsibilities for students with disabilities as well as educational management issues. Given the strong charter 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 training activities that involve all parents. As the operator, it is important that you take time to participate in ongoing professional development. Equally important, as appropriate, board members and school administrators are encouraged to participate in HDOE training activities that will broaden their scope, knowledge and understanding of special education.

Charter schools can access a variety of networks to learn more about special education, as well as those issues related to special education, in charter schools. The following is a partial list of resources that will be useful to you during the planning and operation of your charter school.

Governmental Agencies and Offices

- **Hawai`i Special Education.** The HIDOE Special Education Office provides detailed information about special education requirements on its website.
<http://doe.k12.hi.us/specialeducation/>
- **Hawai`i Special Education – Evaluation & Instruction Services for ESLL Program/ Special Education Students.**
<http://doe.k12.hi.us/specialeducation/esllsped.htm>
- **Hawai`i Charter School Administrative Office (CSAO).** This office provides administrative support to all Hawai`i public charter schools.
<http://www.hcsao.org>
- **Hawai`i Public Charter Schools.**
http://165.248.6.166/data/schoollist_pcs.asp
- **Western Regional Resource Center.** The Regional Resource Centers and the Federal Resource Center provide consultation, technical assistance, and training to state educational agencies, and through them, to local educational and other appropriate agencies. Hawai`i is served by the Western Regional Resource Center (WRRC).
<http://www.rrfcnetwork.org/wrrc/>

You can access links to the Federal Resource Center and to all the Regional Resource Centers.

<http://www.rrfcnetwork.org>

- **U.S. Department of Education (USDOE).** Several offices in the USDOE maintain websites that may be helpful to charter 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.
<http://www.ed.gov/about/offices/list/osers/osep/index.html>
- **Office of Innovation and Improvement.** This is another USDOE office with general resources for charter schools.
<http://www.ed.gov/about/offices/list/oii/index.html?src=mr>

- **No Child Left Behind (NCLB).** This site provides information about the No Child Left Behind Act, a law that all charter schools must understand.
<http://www.ed.gov/nclb/landing.jhtml?src=pb>

Hawai`i Special Education Networks

- **Special Parent Information Network (SPIN).** SPIN is a parent to parent organization in Hawai`i that provides information, support and referral to parents of children and young adults with disabilities and the professionals who serve them.
<http://www.spinhawaii.org>
- **The Learning Disabilities Association of Hawai`i (LDAH).** This organization serves families that have children with learning disabilities and other special needs that interfere with learning. It provides education, advocacy, training and support in order to remove barriers and promote awareness and full educational opportunity.
<http://www.ldahawaii.org/index.htm>
- **The Community Children's Councils (CCC).** The CCC are a partnership with parents, school personnel, private providers and other community members, who are concerned with the delivery of services and support to special needs children and families in the local community.
<http://www.ccco.k12.hi.us/>

Hawai`i Special Education Resources

- **The Arc in Hawai`i.** The Arc is a national, grassroots organization of and for people with mental retardation and related disabilities. It is the largest volunteer organization devoted solely to working on behalf of people with mental retardation. The Arc in Hawai`i is committed to helping Hawai`i's people with mental retardation secure the power to choose where and how they live, learn work and play.
http://www.thearcinhawaii.org/about/about_main.htm
- **Disability and Communication Access Board (DCAB).**
<http://www.state.hi.us/health/dcab/>
- **Easter Seals Hawai`i.** This organization provides service to thousands of children and adults with disabilities in the State of Hawai`i. The uniqueness of Easter Seals is its service to people of all ages with a variety of disabilities. This includes individuals with muscular dystrophy, autism, cerebral palsy, spina bifida, speech and developmental delays, Down syndrome and other sensory impairments. The disabilities of the individuals that they serve may come at birth, through accidents, disease, and injury or from aging.

Easter Seals is proud of its individualized programs for O`ahu, Kaua`i, Maui, and the Big Island. They provide:

- Early Intervention Programs
 - Home and Community-Based Services
 - Assistive Technology
 - Sleepovers
 - Family & Parent Support Groups
 - Information and Referral Services
 - Occupational Therapy - Infants
 - Physical Therapy - Infants
 - Speech Therapy - Infants and Youth
 - Equipment Loan Program
 - Advocacy and Public Education Programs
 - Toy Lending Program
 - Camping
 - Extended School Day Youth Programs
 - Individualized Education Program (IEP) Training
<http://www.eastersealshawaii.org/history.htm>
-
- **Special Education Center of Hawai`i (SECOH).** This organization is committed to providing individual and family supports that promote successful community living in the lifestyle of choice. Services and supports are provided in a manner that respects personal preferences, appreciates individual differences and preserves privacy and dignity to people with developmental disabilities, or acquired disabilities due to aging or head injury.
<http://www.secoh.org>
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- **National Association of State Directors of Special Education (NASDSE).** 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/>
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- **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>
- **Parent Advocacy Coalition for Educational Rights (PACER).** PACER is a parent advocacy organization dedicated to expanding opportunities and enhancing the quality of life of children and young adults with disabilities and their families, based on the concept of parents helping parents. The PACER website has a variety of resources developed to assist parents of children with disabilities and may be helpful in informing charter school operators regarding their obligations to parents of children with disabilities.
<http://www.pacer.org>
- **Special Education News.** This private newsletter provides in-depth, up-to-date news related to educating students with disabilities.
<http://www.specialednews.com/>
- **Special Education Law.** This resource provides up-to-date information on judicial and legislative decisions concerning special education.
<http://www.specialedlaw.net/>

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/site/nacsa/>
- **U.S. Charter Schools Website.** This website is the most complete resource related to charter schools with information on state charter schools as well as research and other publications about the field.
http://www.uscharterschools.org/pub/uscs_docs/index.htm

What should we do if one of our special education students requires more staff support, services or equipment than our school currently has been allocated?

Lack of resources is not a legal reason for denying services to a child who is eligible for special education. The manner in which your charter school may seek additional support in the provision of the required special education services depends on a number of factors. Charter school leaders should discuss possible service delivery solutions with their District/Complex Area Special Education Office. The district will provide technical assistance and support in a manner consistent with other public schools.

Are charter schools required to provide transportation for students receiving special education?

If your school provides transportation to and from school or financial support (e.g., tokens) for non-disabled students, then, transportation for students with disabilities needs to be provided as well. If you do not provide this support in general, then, you typically do not need to provide it to students with disabilities. However, if an IEP team, in consultation with the District/Complex Area Special Education Office, determines that the charter school is the only location that can provide FAPE, and identifies transportation as a related service on a child's IEP, then, transportation must be provided. 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).

Are charter schools responsible to conduct Operation Search (Child Find) activities?

It is clear that all charter schools must conduct Operation Search (Child Find) activities for their full student population so that children who may need special education are appropriately identified and, if necessary, referred for evaluation.

What should we do if a teacher or parent suspects a child might benefit from special education?

Parents and teachers must be given clear information about the procedures that will be followed in your charter 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 (e.g., a student assistance team to provide help) prior to a formal special education evaluation referral. Federal and state law and regulations contain numerous specific requirements related to procedural safeguards and confidentiality, and your teachers, parents, and board members should be familiarized with them.

Every charter school should have clear procedures in place for identifying and addressing student needs, such as a child who is not progressing or is exhibiting difficulties. Pre-referral support and assistance to such students is required before referral to special education. Establishing these procedures should be a part of the pre-planning stage in order to avoid the need to develop them during a crisis situation.

What special education forms and reports do we have to complete?

Charter schools are required to complete documentation to support special education service delivery, the same as all Hawai'i public schools. Charter schools are required to input all special education information into the integrated special education database.

For more information regarding reporting requirements for students with disabilities, refer to the *Required Internal Management and Operational Guidelines for Implementation of IDEIA and Section 504 in Public Charter Schools*. (See Appendix 2.)
http://doe.k12.hi.us/specialeducation/sped_in_charterschools.pdf

It is very important that you, as the charter school operator, understand the nature of your school's responsibilities and ensure your entire staff has a clear understanding of the reporting responsibilities to avoid violations that might make the school vulnerable to non-compliance charges. It is important for the charter school staff to develop the competence and expertise necessary to complete all reporting requirements related to special education.

Who should be responsible for developing a student's IEP?

The charter school is responsible for scheduling, coordinating and convening IEP meetings. The IEP team is responsible for developing a student's IEP. The IEP team consists of at least one special education teacher of the child, and at least one general education teacher of the child, an administrator of the charter school, the parent or guardian, and a representative from the District/Complex Area Special Education Office, if necessary. (A representative from the District/Complex Area Special Education Office must be included in the IEP meeting when there is a consideration for allocation of services beyond what the charter school currently has available.) Individuals who can interpret the instructional implications of evaluation results, or with knowledge and expertise regarding the child and (as appropriate) the child should also be included.

What does the IEP need to include?

An IEP for each student with a disability must include:

- a statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects his/her involvement and progress in the general curriculum;
- a statement of measurable annual goals and either benchmarks or short term objectives;
- a statement of the special education and related services, supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided;
- an explanation of the extent, if any, to which the student will not participate with non-disabled students in the regular class;
- a statement of any individual modifications in the administration of state or district-wide assessments of student achievement that are needed in order for the student to participate in the assessment. If the IEP team determines that the

student will not participate in a particular state or district-wide assessment, a statement of why that particular assessment is not appropriate for the student, and how the student will be assessed by an alternate assessment;

- the projected date for the beginning of the services and modifications and the anticipated frequency, location and duration of those services and modifications;
- a statement of how the student's progress toward the annual goals will be measured, how the parents will be regularly informed of their student's progress toward the annual goals, and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year; and
- a statement of transition services for students age 14 and older.

The IEP is not intended to be a curriculum or instructional plan for the student. It is a plan that provides access to and enables the student to make progress in the general education curriculum.

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

Charter schools must use the existing state special education forms. These forms can be accessed through the special education database website. Charter schools are responsible for inputting all special education data into the integrated special education database website.

<http://www.sped.k12.hi.us>

Do we have to develop an IEP for every student with a disability under IDEIA 2004?

Yes. An IEP must be developed for every student found eligible under IDEIA 2004 for special education services, unless parents refuse to give consent for initial provision of services or decline the offer of FAPE.

What is the charter school's responsibility when a student with a disability transfers to another school?

As with any other student, when a student with a disability transfers to another school, you must ensure timely transfer of all records. Your school is not responsible for providing services to the student at the point he/she is formally no longer enrolled in your charter school.

Summary and Key Points

As you move through the day-to-day operation of your school, if you have carefully planned procedures in place for handling special education issues, you will be able to handle the challenges that may arise. Your District/Complex Area Special Education

Office is available to provide support and guidance. Taking time to address students with disabilities in a proactive and positive manner will have significant benefits for your students, school and the community.

SPECIAL EDUCATION ACCOUNTABILITY

Introduction

Accountability refers to the policies, procedures and performance that charter schools must abide by as required by federal and state special education and state charter school rules and regulations.

Charter schools are obligated to collect and report the same special education information that public schools must report. The special education data may be utilized to demonstrate compliance and generate state and federal categorical funds.

It is essential to be knowledgeable about special education data you are expected to collect and store. The state-wide use of the special education database is the required way to handle this responsibility. The types of data you will need to compile include demographic information on students, academics, IEPs (content and timelines), attendance records, discipline records, enrollment data, and assessment information. A secure filing system in which to store the paper documents is also critical to ensure security and privacy of confidential and other critical data/reports.

For more information regarding reporting requirements for students with disabilities, refer to the *Required Internal Management and Operational Guidelines for Implementation of IDEIA and Section 504 in Public Charter Schools*. (See Appendix 2.)
http://doe.k12.hi.us/specialeducation/sped_in_charterschools.pdf

Are charter schools accountable for special education?

Yes. Operators must understand that all schools, including charter schools have an added level of formal accountability related to special education. The U.S. Department of Education carries out an extensive monitoring of state education agencies and the Hawai'i Department of Education must develop and carry out a formal monitoring process for each of its schools, including charter schools. It is important that you, as the charter school operator, understand this process and the way it will impact your charter school. Technical assistance is available through the State/District/Complex Area Special Education Offices and information is available at the Hawai'i Department of Education website.

<http://doe.k12.hi.us/specialeducation/SpEdhandbook/cimip.htm>

As part of the special education accountability system, monitoring involves a variety of procedures including case reviews, file reviews, and performance data reviews. A three-year monitoring cycle of special education programs for all schools, including public charter schools, is conducted by the HIDOE.

For more information regarding monitoring for students with disabilities, refer to the *Required Internal Management and Operational Guidelines for Implementation of IDEIA and Section 504 in Public Charter Schools*. (See Appendix 2.)
http://doe.k12.hi.us/specialeducation/sped_in_charterschools.pdf

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

First and foremost, charter schools need to address federal and state requirements governing the delivery of special education services to students with disabilities. For example, your school will need to be able to document specific outcomes of students with disabilities, timelines related to development and implementation of special education services, qualifications of faculty and staff, resolution of parent complaints, and, if applicable, fiscal responsibilities.

How do students with disabilities enrolled in a charter school participate in the NCLB accountability system?

NCLB makes a point of including students with disabilities in school assessment and accountability systems. Students receiving special education services, including those with the most significant disabilities who participate in an alternate assessment system, will "count" in the accountability formulas. Not only do they count they can also make a difference in your school's ability to meet criteria for "adequate yearly progress" (AYP) and state-specific performance measures under the NCLB law.

If a charter school closes, what special considerations should be given to students with disabilities?

The charter school is to convene an IEP meeting, which must include the District/Complex Area Special Education Office, to determine the most appropriate placement for each student with a disability in an alternate educational setting. Ideally, your school will be in a situation to facilitate the transfer of all special education and Section 504 students and financial records, instructional and adaptive equipment purchased for special education students with special education funds, and any remaining special education funds. Check with the Charter School Administrative Office as well as the HIDOE to obtain additional guidelines and policies regarding school closure.

How should we transfer student records?

Perhaps the most important consideration in records transfer is ensuring the privacy of student information. **FERPA** (20 U.S.C. 1232g) provides guidance on requirements in the transfer of educational records that contain personally identifiable information on students. Details about the law can be found online.

<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.

Summary and Key Points

There is no substitute for appropriate preparation to meet the requirements of special education before a charter school opens its doors. Accountability has become a cornerstone of school improvement efforts, and it is a basic principle of the charter school movement. At a minimum, accountability for a charter school includes monitoring, files/data management, record keeping, procedural (special education) compliance, state charter law compliance, and charter school contract compliance.

At the heart of accountability is a school's ability to demonstrate student progress, maintain qualified personnel, document instructional and financial practices, and provide for the health and safety of its students. 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 by working directly with the Hawai'i State and District/Complex Area Special Education Offices will avoid problems and enhance the quality of your accountability plan.