

Review of ESE information in Charter applications:

1. Academy of Hope

- a. Page 12—there is reference to accommodations for students with disabilities but no mention of services. Also the document does not use “people first” language, i.e. refers to Exceptional Student Education students instead of students with disabilities.
- b. Page 12-Section 6—the information is too vague. There is no description of available services. I don’t understand what “taking advantage of special programs that the district have in place” means.
- c. Revised sections on ESE (my comments are in blue)

The 2004 Individuals with Disabilities Education Act (IDEA) ~~first enacted in 1975 and implemented in 1977~~; Section 504 of the Rehabilitation Act of 1973, will be implemented using inclusion in this at-risk learning environment.

504 Rehabilitation Act of 1973 procedural requirement schools to include:

- Free Appropriate Public Education (FAPE)
- Individualize Education Programs (IEPs)
- Education students with disability in a least restrictive environment (LRE), with parental safeguards.

The ESE staff will consist of (1) ESE Teacher, which will handle ESE issues, with support assistance if needed.

**Remove any reference to the 1975 IDEA law as it has been totally rewritten several times. Only make reference to the 2004 law in relation to special ed.**

2. Edison College (comments in blue)

“Through the course of the school year, if a teacher, student, or parent feels that an unidentified student may be in need of services for exceptional students, Collegiate High School personnel will collaborate with the School District of Lee County to provide a **tiered process of interventions with collection of response data .the appropriate testing to determine what, if any, services should be provided to the student.**”**A referral with signed parental consent for evaluation will be sought if necessary, following the conclusion of Response to Intervention process.**

“The Collegiate High School will deliver services for exceptional students in collaboration with the School District of Lee County by contracting with certified educational service providers to meet the specific needs of the individual student. Collegiate High School personnel will oversee the planning, delivery, and assessment of the services provided to exceptional students. **(Describe how services can be provided. Inclusion? Direct, push-in services? Etc.**

Additionally, exceptional students will have full access to Edison State College’s English for Academic Purposes classes, when appropriate.

The procedures the Collegiate High School will use to measure effectiveness of the programs provided to exceptional students will include:

- Scheduling an IEP committee meeting whenever the student, the parent, or the school feels that the student is not progressing satisfactorily;
- Issuing report cards that include a review of the student’s progress on the educational

issues addressed by the IEP;”

**Report cards do not address progress on IEP goals. They must use Progress Reports.**

- Reviewing and updating all IEP information on at least an annual basis

**Change any reference to “exceptional student” to “students with disabilities”.**

### 3. Learning Place (see comments in blue.)

The following describes the responsibilities held by the ESE specialist to assist in providing the necessary assistance to these students:

- Orientation for ESE parents ( **“parents of students with disabilities”**) and students before school begins. This would deal with the nature of different disabilities, appropriate test modifications.
- Administer screenings of those students who have consistent difficulties and are referred by teachers, and who have proper consent from their parents. This will then be followed up with the Area School Psychologist. **(must comply with Rtl process)**
- Administer reevaluations as per three-year regulations.
- Provide a tutoring schedule.
- Conduct special tutoring sessions, as well as groups for students to deal with issues such as “study skills designed for the disabled by using their learning style strengths” and “frustration in the classroom.” A volunteer coordinator will assist in locating volunteers qualified to work with students in need.
- Work together with the data processor to ensure that all dates in the system are correct and, therefore, ensure that the school gets the correct funding for our ESE students. **(The ESE Dept. is responsible for data maintenance.)** The following is a list of services that will be provided as connections between being ESE and having discipline problems, (explaining to the parents that ESE students have a different set of rules that must be followed when suspending them), frustration of students with disabilities, and orientation of school's ESE program. A similar orientation for staff and community faculty will be provided during in- service before school starts.

Because of the special nature of this population, the federal, state and district governments place emphasis that they receive the services that they are entitled to and be given equal opportunity to learn. The ESE specialist **shall be an employee of the charter school, supervised by the principal of the charter school and the charter school shall be responsible for the actions of the ESE specialist ensuring that the services of the ESE students are provided in compliance with the Individuals and Disabilities Education Act. will be under the direction of the district who oversees that the school is following all the guidelines and providing all necessary services.**

**The District provides a staffing specialist to assist the Charter schools with compliance as well as conduct initial eligibility determination meeting , re-evaluation meetings, as well as any change of placement meetings.**

### 4. Lee Charter School of Excellence (my comments in green)

PLAN FOR SPECIAL EDUCATION

The Charter School will follow the legal specifics of Special Education/IDEA legislation in its delivery of services, including:

- an equal opportunity for all students that may not be denied on the basis of disability;  a written Individualized Education Program (IEP) for all students identified and qualified as having a disability and receiving special education services;
- a free and appropriate public education program – this program to be determined on an individual case-by-case basis **through the IEP process** depending on each student's unique needs and which may be challenged by the student's parent (s) through due procedures;
- a least restrictive environment or "natural environment" in consideration of the following factors **as determined by the IEP team:**
  - (1) a comparison between educational benefits available to a disabled student in a traditional classroom and a special education classroom;
  - (2) the non-academic benefits to the student with a disability from interacting with non-disabled students;
  - (3) the degree of disruption of the education of other students resulting in the inability to meet the unique needs of the disabled student;
- due process requirements which include notification of parent (s) of the intent to evaluate for special education and consent to this process by the parent (s); and
- nondiscriminatory evaluation procedures for students with IEP's.

If the Individual Student Plan is not meeting the educational needs of the child, and the teacher or teachers have met with the parents and instituted classroom modification, the child should be referred to the Student Study Team, comprised of the Principal, counseling service coordinator and selected staff, in order to develop strategies for special needs. The Student Study Team uses a systematic problem-solving approach, utilizing teachers, administrators, parents, the student, and counselors, psychologists, nurses, **and relative and community persons** to assist students who are not progressing at a satisfactory rate. Only after the Student Study Team has met, designed a strategy for intervention, and evaluated the effectiveness of the intervention, should a student be referred for special education evaluation. Evaluative procedures may be utilized within the scope of the Student Study Team without a formal referral for a special education evaluation. **(Plan should reference RTI procedures)**

There may be some exceptions to the above policy:

If a parent/legal guardian requests a special education evaluation, they have a legal right to have that request carried out within the mandated time frame. The parent or these parents should be made aware of the Student Study Team process and its benefit for their child and the benefit of exhausting available school resources. If the parent requests the special education evaluation, he or she should provide a written request to the school.

If a child appears to have a speech difficulty, he or she may be referred for a speech and language evaluation without going through the Student Study Team process.

The Principal will meet regularly with special education personnel including psychologists, speech and language therapists, adaptive physical education specialists and resource specialists. The Principal will request a monthly report from any special education professional on-site, outlining the amount of time each professional spends with each special education student as correlated with what the Individual Education Plan (IEP) mandates. The reports from resource specialists shall include meeting dates with parents as scheduled on the IEP.

Special education personnel on-site at a charter school should always be working as a team with the teachers, aides, parents and administrators. The Principal will hold special education personnel accountable for how IEP goals and objectives are communicated to teachers, aides and parents. The strategies identified for intervention will, where possible, emphasize inclusion in the regular classroom setting – subject, of course, to the restrictions identified in the IEP.

All hours of service listed in the IEP must be provided to the child. If the hours are not being provided on a weekly basis, as is the case when certain specialists are not available for hire, those service hours must be provided in arrears. **Once a student has been enrolled, the school will request All incoming students will be screened to determine if they have an Individual Education Plan (IEP) or a 504 plan.**

**As we are working with the District in Special Education, persons hired by the District to provide special education services will be credentialed and will receive the specialized training to provide the appropriate services to special education students. It is petitioner's intent to execute a separate memorandum of understanding with the District regarding services, as it is petitioner's desire to have the District provide these services. No encroachment obligation shall flow to the District. (The District provides a staffing specialist to conduct meetings to determine initial eligibility, re-evaluation meetings, and change of placements. They do not work directly with students. The District also provides a credentialed school psychologist and speech/language pathologist to conduct evaluations. The District SLP does not provide direct therapy to the students.)**

The school will make available a continuum of support options for special education students. Students' needs will be met through a variety of service delivery options including, but not limited to, collaborative learning groups, in-class support and pull-out support on an individual or group basis. High academic standards and performance indicators will be expected for all students, including special education students; however, the Individual Education Program Plan (IEP) will guide the instruction of special education students enrolled in the school. IEP's will be developed, revised, and implemented in accordance with IDEA by an appropriate team including the parents, and will be reviewed at least annually. The school will provide in-service training in special education to the faculty.

Students with mild/moderate exceptionalities will be educated at the school through the following delivery models: consultation, support facilitation, co-teach, small group and separate class if needed.

- Consultation - Students with mild disabilities receive instruction in a general education classroom with accommodations to instruction. ESE teacher collaborates with general education teacher to plan and implement instructional strategies and accommodations.
- Support Facilitation - Students with mild disabilities receive instruction in a general education classroom with accommodations to instruction with some support from an ESE teacher. The ESE teacher teams with several general education teachers to provide varied levels and frequency of support to students and teachers.
- Co-Teach - The ESE teacher is in general education class with the general education teacher.
- Small Group/Therapy (Individual) - Small group instruction with therapist or ESE teacher outside the general education classroom for a portion of a day. Speech therapy, language therapy, occupational therapy, physical therapy, orientation or mobility training.
- Separate Class - Instruction from ESE teachers for any subject area. Students may change classes. Modified or supplanted instruction in any area. Based upon degree of severity - academic, functional, social/emotional/behavioral.

The charter school will not reject an application of or withdraw a student identified as disabled based upon a finding that the student needs a service delivery model not presently in existence at the School. The charter school will ensure that students with a disability, who complete the enrollment application at the school, will be referred for enrollment in the School District only when the IEP team finds that the student's educational needs cannot be met at the charter school.

The charter school will provide reasonable accommodations to a student with a physical or mental impairment which substantially limits a major life activity (504 students), to the extent required to enable such students to have an opportunity to be successful in their educational program equal to that of their non-disabled peers. Such accommodations shall be documented in an accommodation plan.

#### **Providing Related Services**

Students with disabilities will be educated in the least restrictive environment and will be segregated only if the nature and severity of the disability is such that education in regular classes, with the use of supplementary aids and services cannot be achieved satisfactorily. Similarly, gifted students will be educated in an environment that promotes acceleration.

Special Education teachers will be hired to service students with disabilities, in accordance with the level of support needed to implement the related services and specialized instruction detailed on the IEP.

Speech-language, occupational, and physical therapy services will be contracted services that the school may will provide for students who qualify for those services. The school believes that the philosophy it adheres to and its attention to learning style and behavior management reflects an inclusive educational environment. The staff will ensure that the needs of the students are met in the most appropriate setting. Parents of students with disabilities will receive procedural guidelines and guidance in their native language. All Special Education teachers will be required to be "highly qualified" as per NCLB regulations.

The school structure for the staffing plan will be based on an inclusion model for each student in need. An IEP that complies with state and federal mandates will be provided for students with disabilities.

Likewise, personnel providing related special needs services such as psycho-social counseling will be adequately licensed and qualified to do so (psychologists, social workers, mental health professionals, etc...) through licensure and certification credentials pertinent to the areas being addressed and the students being served.

The school will assure that all staff members (ESE teachers, classroom teachers, teacher aides, etc) is connected to the Florida Diagnostic and Learning Resources System (FDLRS). FDLRS is a statewide network which provides support services for ESE. ???????

The school will follow the Lee County Schools ESE Service Delivery Continuum.

◆ **Identify the staffing plan for the school's special education program, including the number and qualifications of staff.**

In case of extreme impairment or disability whereby the student cannot be served appropriately by our School, we will “contract out” for services with outside agencies.

The following is a list of services that will be provided to serve the needs of the exceptional student population:

- Academic/Counseling pullout- those ESE students who require extra services to ensure compliance and delivery of services as dictated by their IEP will receive those services by a certified ESE teacher/counselor. The amount of pullout will be determined by their Individualized Education Plan, as will the specific skill and content area to be remedied.
- Consultation and collaboration- for those students, who can succeed without the assistance of pullout, but need extensive monitoring.
- Speech and Language Therapy- a therapist will be contracted out depending on the number of students requiring speech/language therapy, as per their IEP’s will depend on how many teachers.
- Enriched Curriculum for gifted students- we will ensure that they will be appropriately placed in Honors/Advanced classes. There will also be a gifted program supervised by a teacher with gifted certification.

The School will staff an ESE specialist in the first year (we are expecting about 20 ESE students therefore, one ESE specialist should be able to work with these students). Most of these students will be speech and language students. As we will be contracting with an outside agency for speech services, the ESE specialist will be able to handle the work load of 20 students. The following is a job description for the ESE specialist:

- Orientation for ESE students and their parents before School begins: This would deal with the nature of different disabilities, connections between being ESE and having discipline problems, (explaining to the parents that ESE students have a different set of rules that must be followed when suspending them), frustration of students with disabilities, and orientation of School’s ESE program.
- Weekly consultations with teachers: This would ensure that appropriate accommodations are occurring during instructional activities, as well as to ensure that the teachers are providing the appropriate test accommodations.

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- Administer required screenings of those students who have consistent difficulties and are referred by teachers, and who have proper consent from their parents. (RI????)
- Work in conjunction with the District’s ESE department to assist with reevaluations as per three year regulations.
- Provide a schedule to meet the needs of each student as per their IEP.
- Conduct special tutoring sessions, as well as groups for students to deal with issues such as “study skills designed for the disabled by using their learning style strengths” and “frustration in the classroom.”
- Work together with the data processor to ensure that all information is correctly recorded

## 5. Pivot

Pivot Charter School shall comply with all applicable state and federal laws in serving students with disabilities including but not limited to Section 504 of the Rehabilitation Act (“Section 504”), the Americans with Disabilities Act (“ADA”) and the Individuals with Disabilities in Education Improvement Act (“IDEIA”).

Pivot Charter School will not reject the application of or withdraw a student identified as disabled, based upon a finding that the student needs a service delivery model not presently in existence at the school.

Pivot Charter School will ensure that students with a disability who complete the enrollment application at the charter school will be referred for enrollment in the School District only when the IEP team finds that the student’s educational needs cannot be met at the charter school.

*Personnel* - PCS will hire staff who understand the mission of the school and who have a peripheral understanding of the advantages of individualized online learning for PCS students to implement the PCS special education program. The school will hire at least one resource specialist teacher for every 30 resource students. PCS will hire a full or part time (depending on

needs) Special Education Director to oversee that all required timelines, paperwork and procedures are compliant with applicable laws. The Special Education Director will be a credentialed special education teacher and must have at least five years experience serving students in special education. All teachers will be appropriately credentialed to provide special education services and they will be highly qualified in their area of assignment. PCS will contract with appropriately licensed outside agencies for low incidence placement or for services that comprise less than 2% of the PCS special education placement (e.g. social work or hearing impaired).

*Identification and Referral* - Pivot Charter School shall have the responsibility to ~~refer students who have or may have exceptional needs that qualify them to receive special education services.~~ [comply with District's Response to Intervention process to identify and provide assistance to students with academic or behavioral needs. This is a tiered approach, based on problem-solving, data-driven decisions to meet the needs of students with low-achievement.](#)

Pivot Charter School will develop and implement policies and procedures to ensure identification and referral of students who have, or may have, such exceptional needs. These policies and procedures will be in accordance with Florida and federal law. A pupil shall be referred for special education by Pivot Charter School instruction and services only after the resources of the regular education program have been considered and used where appropriate. Pivot Charter School will document all modifications and accommodations made to the student's program in the regular educational setting through a Student Success Team process.

*Understanding of the law* - Request for Initial Evaluation may be initiated by parent or PCS staff. Evaluation will be conducted within 60 calendar days of receiving parental consent except when: the child transfers to PCS from another LEA and current LEA is making progress on the evaluation, and parent and LEA agree to a specific time for completion; or the parent fails to make the child available for evaluation.

#### Parent Consent

Informed parent will be documented before providing special education and related services.

- ~~If parent refuses consent for an initial evaluation, PCS may pursue a due process hearing.~~
- If parent refuses consent for initial placement [following a formal meeting to determine eligibility](#), PCS will stop the process - NO due process hearing will occur and no IEP will be developed.

Reevaluations: Reevaluation must be conducted if:

- ~~PCS-~~ [The IEP team](#) determines that the educational or related service needs of the child warrant a reevaluation;
- The parents or teacher requests a reevaluation;
- A reevaluation shall not be conducted more frequently than once a year unless the parent and PCS agree to do so, and;
- A reevaluation shall be conducted at least once every 3 years unless the parent and PCS agree that a reevaluation is unnecessary.

~~PCS will contract with a licensed and appropriately certified Educational Psychologist who shall make the determination as to what assessments are necessary, including assessments for all referred students, annual assessments and tri-annual assessments, in accordance with the applicable laws.~~ [The School District of Lee County provides a psychologist to the Charter school to conduct formal evaluations and re-evaluations.](#)

#### Conduct of Evaluation

- PCS will use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, [including curricular based measurement and other teacher-assessments of student performance.](#)
- PCS will use multiple measures of assessment and no single measure or assessment will be used as the sole criterion for eligibility.
- Assessments and other evaluation materials will be provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer.
- Assessments of children who transfer from one school district to PCS in the same

academic year will be coordinated with prior and subsequent schools, as necessary and expeditiously as possible, to ensure evaluation, and parent and LEA agree to a specific time for completion; or the parent fails to make the child available for evaluation.