



The Center for
Learner Equity

IN PURSUIT OF EQUITY FOR STUDENTS WITH DISABILITIES: Improving Student Placement Decisions to Foster More Equitable Opportunities

A Framework for Equity-Focused Charter Schools In New Jersey

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High-quality and impactful educational experiences for students with disabilities result from individualized and intentional program design and service provision. To build more equitable educational opportunities for students with disabilities, schools must constantly evaluate internal policies, practices, and beliefs. Equity-focused school teams focus not just on where and how a student is educated but also assess *why* those programmatic decisions were made in order to ensure the provision of high-quality and diverse educational options for students with disabilities within their school.

This framework provides school teams (e.g., school leaders, Individualized Education Program (IEP) teams, child study teams, multi-tiered system of supports (MTSS) teams, and student support teams) with a streamlined vision and set of action steps to improve decision-making around placement,¹ and to inform the expansion and diversification of school program offerings available to students with disabilities. By leveraging this framework, school teams can ensure that systems and practices become more student-centered and inclusive. Equity-focused school teams operationalize their commitment by continuously growing their capacity to meet the needs of all students in their community.

Detailed in this tool are four key guide posts to support equity-focused schools in improving student placement decisions and building more inclusive educational opportunities for students with disabilities. Within each guide post, there is an associated rationale, along with recommended next steps to help schools focus on immediate implementation. Supporting resources are shared in Appendix A to provide schools with additional information.

Four Key Guide Posts:



Establish and articulate a clear vision for equity for students with disabilities



Evaluate programmatic elements and internal systems



Refine collaborative and data-driven decision-making structures



Implement improvement cycles and monitor progress

¹ For students with disabilities, placement is where the student will be educated and their IEP implemented, but this is not referring to a specific location. Placement involves the location, the program, the staff, the equipment, and any other element needed to provide special education services. For additional information on placement, see the *Legal Context* section.



LEGAL CONTEXT

Students with disabilities are to be educated in the **least restrictive environment** - alongside their non-disabled peers to the maximum extent possible, a right that is provided to them under the Individuals with Disabilities Education Act (IDEA).² Federal law also states that any removal of a student with a disability from the regular education environment must occur *only* if the severity of their disability is such that a regular classroom program with supplementary aids and services cannot appropriately meet their needs. The educational **placement**³ of a student with a disability is determined by members of their IEP team based on specific data collected about the student. Of note, a student with a disability cannot be removed from their age-appropriate general education classroom as a result of needing modifications to the general education curriculum. The intent is for services to follow, or go with, the student, not for the student to follow services.

In New Jersey, charter schools operate as the **local education agency** (LEA) for special education which requires them to provide a full continuum of supports and services to students with disabilities with the exception of private day or residential school placements.⁴ If a child study team at the charter school determines that the student's placement in the least restrictive environment is a private day or residential school, the district of residence for the student is responsible for paying the associated costs.⁵ In making placement decisions that may involve placement outside of the charter school, involving the local school district is critical.



CONTINUUMS OF SERVICE

Given the legal responsibilities and requirements of charter schools that operate as their own LEA for special education, it is essential to expand and diversify program offerings within the school. By developing placement and programming options along a continuum, schools establish a more inclusive and accessible educational environment for a more diverse range of students with disabilities. Should schools determine that a more restrictive and segregated specialized program is required for a student, that decision must be based on their specific needs, multiple data points (e.g., student-level, school-level, academic, discipline), and adherence to all federal and state laws.

² 34 CFR § 300.114

³ 34 CFR § 300.116

⁴ Additional related NJ regulations include: N.J.A.C. 6A:14-3.7(c)11, N.J.A.C. 6A:14-4.1(k)

⁵ N.J.A.C. 6A:14-4.1(k) Authorizes parents to observe all proposed educational placements.

Most of all, before building more restrictive and segregated programs for students with disabilities, schools need to be intentional about addressing the following:

- The school has an inclusive program in which all classrooms employ the necessary resources, staff, strategies, and supports to effectively educate students who can be successful in the general education classroom. While highly individualized, in general, roughly 90% of students with disabilities can successfully be educated for a significant part of their day in the general education classroom. For more information about what schools need to successfully educate roughly 90% of students with disabilities in inclusive classrooms, refer to Appendix B.
- General and special education teachers receive robust training and coaching related to instructional differentiation and learner variability.
- School is effectively implementing a comprehensive plan to address disproportionalities in (1) discipline rates by special education status (2) discipline rates by race/ethnicity and (2) students with disabilities by race/ethnicity.
- All school staff engage in ongoing anti-bias and anti-racist training, and policies have been audited to address any areas of potential discrimination.
- The school leader promotes a culture of inclusion and collective responsibility to educate all students, including students with disabilities.
- School leadership and decision-making teams include someone with expertise related to students with disabilities.
- IEP teams follow clear protocols on how to appropriately write IEPs and make placement decisions. IEPs and placement decisions are reflective of what the individual student needs rather than what programs and services are currently available at the school.

A FRAMEWORK FOR EQUITY-FOCUSED SCHOOLS: IMPROVING STUDENT PLACEMENT DECISIONS TO FOSTER MORE EQUITABLE OPPORTUNITIES



Establish and articulate a clear vision for equity for students with disabilities

Action	Rationale and Recommended Next Steps
<p>Develop and disseminate a continuum of service model to improve school-community members' (e.g. school staff, related service providers, families, students, district or state staff) understanding of the existing program and placement offerings at the school.</p>	<p>Equity-focused schools articulate their programming model, thus building transparency and clear communication about placement options, and surfacing an internal “starting point” for considering how to further expand programming for students with disabilities.</p> <p><i>Recommended Next Steps:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Produce a resource that provides information on all programs, services, and supports currently available to students with disabilities within the school. <input type="checkbox"/> Disseminate the resource to all school community members - including families - and publish the information on the school website. <input type="checkbox"/> Provide ongoing training and information sessions to school staff and the broader school community to build knowledge and answer questions about existing program elements or models.
<p>Build a common language and shared understanding around placement and program options within the school and across New Jersey to ensure staff involved in placement decisions have a substantial knowledge base on what options are allowed and available.</p>	<p>Equity-focused schools intentionally educate school staff about special education placement options allowed in their school and state, and the legal responsibilities of their school to educate students with disabilities.</p> <p><i>Recommended Next Steps:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Develop a guide on key terms, regulations and responsibilities, and an inventory of existing placement options currently available in the state. <input type="checkbox"/> Establish proactive partnerships with other programs and models to provide learning opportunities for staff and families, and grow understanding about the larger educational ecosystem. <input type="checkbox"/> Engage general and special education staff in ongoing professional learning opportunities to improve the implementation of strategies for educating students with diverse disability-specific needs.
<p>Communicate the school's vision for equity for students with disabilities and the alignment of that vision to the larger mission of the school.</p>	<p>Equity-focused school leaders operationalize inclusion and infuse it into the school culture by consistently articulating a clear vision and prioritize that vision across systems, resources, and relationships.</p> <p><i>Recommended Next Steps:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Draft a vision statement around equity and inclusion that is clear (i.e., free of jargon) and observable.

- Solicit feedback from staff, families, and other collaborative partners on the authenticity and operationalization of the vision statement.
- Produce and share publicly (i.e., post on the school website, add to marketing materials) the vision statement and its alignment to the larger mission and model of the school.

Checkpoints:

- General education staff and school leadership are able to discuss the educational model and program opportunities for students with disabilities, including their role in educating them.
- Families and staff have provided feedback on the program model and vision for equity and inclusion, and that feedback has been incorporated to improve those articulations.
- The program model and vision for equity and inclusion are posted on the school’s website and shared in school informational materials.

Red Flags

- School leadership teams do not include staff with special education expertise and experience.
- Only special education staff can articulate the vision, programmatic elements, and services available for students with disabilities.
- Students with disabilities enrolled in the school do not fully represent the diverse learner profile of the broader community.



Evaluate programmatic elements and internal systems

Action	Rationale and Recommended Next Steps
<p>Analyze comprehensive data (e.g., growth and performance, discipline, enrollment, retention) to build a more holistic understanding of student and school needs.</p>	<p>Equity-focused schools identify and address the contributing factors that impact student success and quality program design by analyzing diverse types of qualitative and quantitative data (e.g., progress narratives, student self-reflections, interviews, family feedback, outcome data, growth data), and by doing so limit bias in discussing individual student progress or needs.</p> <p><i>Recommended Next Steps:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Develop a list of key data, identify gaps in data availability, and build systems for collecting and compiling multiple types of data across various sources. <input type="checkbox"/> Train staff on data interpretation and bias, analysis, and how to communicate findings. <input type="checkbox"/> Synthesize findings and produce clear recommendations based on the data, and incorporate the findings and recommendations into the appropriate meetings or discussions.

Assess the quality of individualized education programs (IEPs) to avoid deficit-based, overgeneralized, and biased narratives on students' abilities and needs that can lead to inappropriate recommendations about placement, services, and supports.

Equity-focused schools are knowledgeable about, respond to, and design for the individual strengths and needs of each student - including how IEPs are crafted and written. The quality of an IEP can have a direct impact on the placement and programmatic decisions made for students with disabilities.

Recommended Next Steps:

- Conduct an internal audit of a random sample of IEPs to evaluate the written quality of IEPs and identify areas for improvement.
- Develop a guide to writing quality IEPs and train and coach all staff on those practices.
- Incorporate quality IEP writing into formal staff evaluations and provide ongoing coaching and feedback to staff around those expectations.



Decisions around placement, services, and supports are made by the IEP team during IEP meetings. These decisions must be made based on individual student strengths and needs, which are detailed in the IEP. A deficit-based IEP that is rooted in insufficient or inaccurate data can directly influence an IEP team's recommendations about how a student is best educated.

Review the school's history of student placement decisions to identify trends in what types of disabilities or needs are not being appropriately addressed within the school's current educational model.

Equity-focused schools identify patterns and trends in student outcomes, which includes the educational placement and service provision recommendations for students with disabilities, and exercise intellectual honesty about which needs, disabilities, and students are most impacted by insufficient programs and services.

Recommended Next Steps:

- Document and track changes in students' programming, service provision, and placement.
- Assess placement trends across multiple criteria (e.g., gender, race, disability type, socio-economic status, service type, needs, growth and performance data).
- Compare placement trends to the current continuum of service and current school-wide and student-level data to determine if the appropriate services and supports are being provided.

Review internal policies, processes, and practices to identify and address areas that may create or perpetuate ableism and discrimination.

Equity-focused schools examine and assess their own expectations and actions with the explicit goal of removing bias and discrimination from their systems, structures, and relationships.

Recommended Next Steps:

- Compile and analyze key artifacts and data (e.g., school handbooks, discipline and promotion policies, child study team and response to intervention processes, pre-referral structures, outcome data).
- Share and discuss findings across staff and other school community members to build awareness around areas of improvement and onboard people to remedial action steps.
- Develop recommendations for addressing any areas of bias or discrimination that communicate roles, responsibilities, timelines, and desired outcomes.




Develop a clear and thorough implementation plan to address identified areas of need related to data, quality IEP writing, placement decision-making, and internal policies and practices.

Equity-focused schools focus not just on knowledge building but also on long-term implementation. By developing an implementation plan that is specific and actionable, schools demonstrate a commitment to making improvements that impact all students.




Recommended Next Steps:

- Develop a task force and task force lead to manage the implementation plan and accept responsibility for demonstrating progress.
- Develop and communicate an action plan that details goals, timelines, resources needed, and measures of progress.
- Train appropriate staff on new policies and practices, progress monitor, and communicate progress frequently in order to troubleshoot barriers that arise.

Checkpoints

-  A task force or coalition has been developed and has communicated areas of need related to data collection and analysis, quality IEP writing, policy revision.
-  School staff, including general educators, report being more knowledgeable, prepared, and supported in their analysis of data and IEP writing skills.
-  School provides ongoing anti-bias training and coaching.

Red Flags

-  Data collection is compliant with state requirements but is not routinely leveraged to assess programmatic quality or inform decisions.
-  A review of randomly selected IEP folders reveals a disconnect between services outlined in the IEP and associated evaluations, and those provided to students.
-  School staff lament that policies and procedures prevent or abate efforts to deliver more effective services and supports to students with disabilities.

 **Refine collaborative and data-driven decision-making structures**

Action	Rationale and Recommended Next Steps
Build collaboration structures and routines across all staff (e.g., general educators, special educators, related service	Equity-focused schools operationalize a shared responsibility for educating all students by developing and communicating clear expectations around cross-staff collaboration, and by prioritizing the time needed for strong co-planning and co-designing.

<p>providers, elective staff, administrators, support staff) to drive more informed and objective discussion and planning.</p>	<p><i>Recommended Next Steps:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Develop and communicate expectations and effective practices around collaboration across school staff. <input type="checkbox"/> Train and coach staff on effective collaboration structures, routines, and tools. <input type="checkbox"/> Incorporate expectations around staff collaboration into performance reviews and provide ongoing formal and informal feedback on implementation.
<p>Engage families on an ongoing basis by soliciting feedback frequently and providing pathways for input and co-construction, thus sharing power and voice.</p>	<p>Equity-focused schools believe in and build structures around the power and voice of families. Beyond asking questions during critical meetings, equity-focused school teams involve families in meaningful and ongoing discussion, and provide multiple ways for families of students with disabilities to share information and feedback.</p> <p><i>Recommended Next Steps:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Create and share a clear process with multiple pathways for families to share feedback, ideas, or concerns. <input type="checkbox"/> Implement a family feedback survey - distributed and analyzed three times a year - that solicits feedback on family experiences and partnerships, including (or specifically for) families of students with disabilities. <input type="checkbox"/> Produce and disseminate a family experience report that provides results from surveys and response school actions, with specific results and action items for families of students with disabilities.
<p>Employ a data-driven decision tree to systemize the key processes and steps required to make placement determinations.</p>	<p>Equity-focused schools establish clear procedures for making data-driven placement decisions by communicating a transparent process for how decisions are made and based on what type of information.</p> <p><i>Recommended Next Steps:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Develop a data-driven decision tree that articulates a clear process for making individualized placement decisions, including the type of data required. <input type="checkbox"/> Train and coach staff to ensure the process is followed and that teams understand how to implement a streamlined process that still leads to individualized decisions for each student. <input type="checkbox"/> Record responses to key questions or steps, and the final decisions to assess and improve the impact and effectiveness of the decision tree.

Checkpoints

- 🚩 School staff, including general educators, report feeling more included and knowledgeable about meetings and discussions that relate to students with disabilities.
- 🚩 Families report feeling more involved in and knowledgeable about IEP meetings and other important planning discussions, and feel like they are an equal part of the student's school team.

- 🚩 School leadership evaluates the impact of the decision tree and intervenes to improve any process that bypasses expectations around collaboration and use of data.

Red Flags

- 🚩 Staff collaboration perpetuates knowledge silos and does not adequately incorporate discussion and co-planning.
- 🚩 Family communication centers around student conferences and student behavior conversations, and does not lead to increased opportunities for collaboration and co-planning for meetings.
- 🚩 Student placement conversations and IEP team meetings do not adequately incorporate the use of data or a streamlined process, and do not lead to the development of more services and supports within the school.



Implement improvement cycles and evolve programming

Action	Rationale and Recommended Next Steps
<p>Prioritize allocating the resources and building capacity of people needed to meet the goals of your program improvement plan.</p>	<p>Equity-focused schools evaluate how resources and people are leveraged and assess their impact to ensure that programs and students continue to have what they need to be successful.</p> <p><i>Recommended Next Steps:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Establish long-term partnerships with support organizations that can build the capacity of your school staff in identified areas. <input type="checkbox"/> Evaluate the use of resources and capacity building to be able to share progress and identify areas of intervention. <input type="checkbox"/> Assess how the prioritization of resources and people is impacting the implementation plan.
<p>Operationalize an improvement cycle or process for progress monitoring implementation.</p>	<p>Equity-focused schools leverage improvement cycles (e.g., Plan-Do-Study-Act) or implementation science to transform intent into impact. Monitoring progress towards enhanced systems or revised policies and practices ensures that schools hold themselves accountable for improving equity for all students, especially students with disabilities.</p> <p><i>Recommended Next Steps:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Research and select an appropriate and effective process, and engage a group of key staff to operate as the implementation management team. <input type="checkbox"/> Train staff on the components, requirements, and key actions within that process, and how the plan will improve equity and outcomes for students with disabilities. <input type="checkbox"/> Launch the plan, provide frequent and comprehensive progress updates, and communicate progress

towards established goals or metrics across the school community.





Evolve practices and grow programs to meet the needs of a larger and increasingly more diverse population of students with disabilities.

Equity-focused schools improve and evolve to ensure that all students - regardless of ability or background - excel in their school.




Recommended Next Steps:

- Disseminate a strategic plan or theory of change to the school community that articulates identified areas of improvement, the implementation plan, and how that will ensure greater equity, inclusion, and access for students with disabilities.
- Implement change management structures to reduce barriers or resistance.
- Document and share changes, expansion, and improvement of programmatic elements, placement options, and service provision for students with disabilities.

Checkpoints

-  School staff can articulate how programming, services, and supports for students with disabilities have evolved, and the impact that is having on the school community.
-  Students, families, and school staff report feeling included, welcome, and successful in the school.
-  Outcome data for students with disabilities has improved across data sets.
-  The school's continuum of service has diversified and expanded to meet the needs of a more diverse range of students with disabilities.

Red Flags

-  School-level and student-level outcome data do not show improvement or progress, and do not demonstrate an effective program design.
-  Only special education staff are involved in overseeing and progress monitoring the implementation plan.
-  The school's continuum of service has not changed or adapted to the needs of current students or the needs of the diverse learner profile of the broader community.

APPENDIX A. SUPPORTING RESOURCES

- [Assessing and Improving Special Education: A Program Review Tool for Schools and Districts Engaged in Rapid School Improvement](#)
- [Forward Together: A School Leader's Guide to Creating Inclusive Schools](#)
- [High-Leverage Practices for Students with Disabilities](#)
- [PSEL 2015 and Promoting Principal Leadership for the Success of Students with Disabilities](#)
- [Special Education Toolkit: Guidance for Charter School Authorizers:](#)
 - [Rubric for Assessing Special Education in Charter Schools](#)
 - [Sample Special Education Review and Audit Policy](#)
- [Universal Design for Learning \(UDL\) Guidelines](#)

APPENDIX B. EVIDENCE-BASED PRACTICES

This information is adapted from a set of practices compiled as part of a project with New Schools for New Orleans, *Defining a High-Quality Continuum of Special Education in New Orleans*. The practices below are based on decades of research regarding effective practice for students with disabilities

The practices are presented in alphabetical order rather than imposing a potentially false priority on one practice over another.

Best practices for all students:

- Consistent co-planning time for general and special educators
- Data used to inform instruction and school-wide strengths and needs (e.g., School-wide Evaluation Tool (SET) data or other behavior data; fidelity of implementation data for any programs/interventions that require training or certification; discipline data disaggregated by teacher, race, disability, class, etc.; academic formative and interim data used at least monthly to make decisions about interventions needed and groupings)
- Flexible Grouping
- Identification of school-wide key goals, monitor progress and revise action plan as needed
- Model, Lead, Test
- Safe place and strategies for student to de-escalate
- Trained in multi-tiered systems of support (MTSS) for both academic and behavior (e.g., Positive Behavior Interventions and Supports (PBIS))
- Trained in culturally sustaining pedagogies

- Trained in Peer Supports (e.g., Peer Assisted Learning Strategies; Eric Carter’s Supported Peer Supports)
- Trained in trauma-informed care and restorative justice approaches
- Trained in universal design for learning (UDL)
- Wait time

General services, strategies, and approaches to educate all students with disabilities well:

- All adults model the students’ Augmentative Assistive Communication (AAC)
- All staff are knowledgeable about the IEP they are supporting and goals the student is working towards
- All staff are trained in verbal de-escalation techniques, and when appropriate, the proper use of seclusion and restraint
- Chunking information
- Classroom environment is organized with attention to sensory stimuli
- Direct instruction techniques
- Explicit and systematic instruction
- Frequent breaks, when appropriate
- Frequent checks for understanding
- Functional/foundational skills embedded in natural contexts
- Instruction is primarily provided by trained educators, rather than paraeducators, teaching assistants, etc.
- Majority of instruction provided by a certified teacher rather than a paraeducator
- Manipulatives to support understanding
- Note taker or other supports for recording information
- Paraeducators have a responsibility for the whole class, though the needs of students with Individualized Education Programs (IEPs) are prioritized
- Person centered planning
- Pre-teach and reinforce skills
- Self-regulated strategies (e.g., calming techniques, SDLMI)
- Student-centered transition services
- System of least prompts
- Regular collaboration and co-planning between the general and special educators, and related service providers as appropriate
- Timers and other time management instructional strategies
- Transition strategies that align to state regulations and codes
 - Community based instruction and career training
 - Prioritization is provided for community settings for transition services
 - Video-based modeling
- Wrap around services