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Supporting Students with Significant Disabilities in New Jersey Charter Schools

The Center for Learner Equity

NEW JERSEY PUBLIC CHARTER SCHOOLS ASSOCIATION
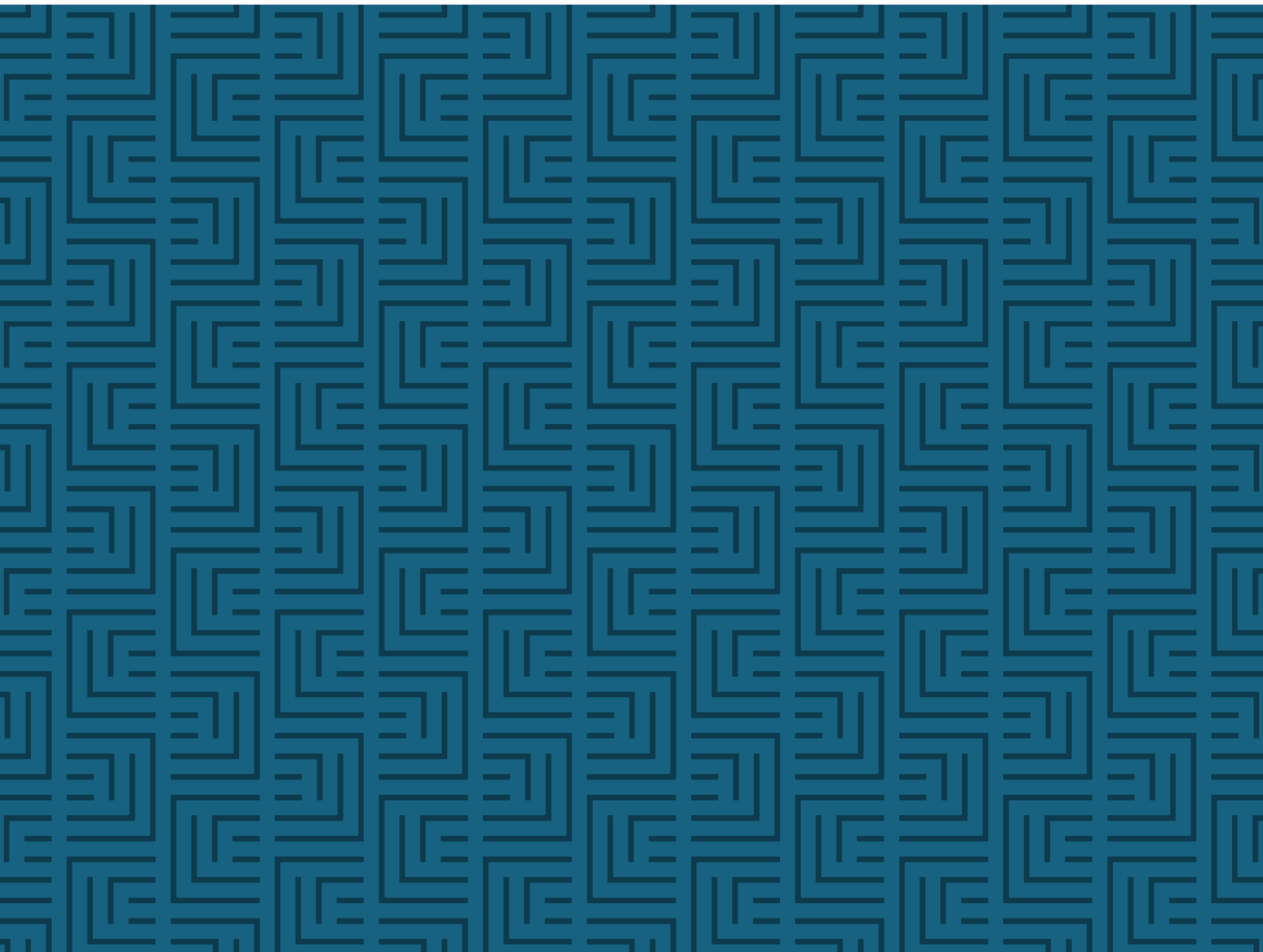
About This Resource

The purpose of this guide is to support New Jersey charter schools in ensuring that students with significant disabilities can thrive in the school of their choice.

On average, 17.6% of all enrolled K–12 students in New Jersey[1] are identified as students with disabilities. Students with significant disabilities represent <10% of students with disabilities (~1–2 out of every 100 students overall). These are students who have complex, and less common, needs.

- Do you want to better understand what it means to have a significant disability?
- Are you a school or Charter Management Organization (CMO) leader who wants your school(s) to be more effective at meeting the needs of students with significant disabilities?
- Do you want your team to feel more confident in their planning and decision-making about individual students with significant disabilities?

If you answered "yes" to any of the questions above, then you are in the right place!

THIS GUIDE IS NOT...

- A comprehensive guide on how to meet the needs of every individual student who might enroll in your school; it is not possible to provide such guidance within a single resource. What this guide will do is support your team in building foundational understanding of the key mindsets and practices that are critical for developing a schoolwide approach to supporting students with significant disabilities. In short, this will help you get smarter about the students you are currently serving and prepare for the students you have yet to meet.
- A guide for how to establish the basic infrastructure for a high-quality special education program in your school. If you are looking for more foundational guidance, we recommend you explore these resources first:
    - NJ Public Charter School Association Special Education Quick Guide
    - Rubric for Assessing Special Education in Charter Schools
    - Assessing and Improving Special Education: A Program Review Tool for Schools and Districts Engaged in Rapid School Improvement

Disclaimer: Nothing in this document is intended to serve as legal advice. Your school should proactively establish a relationship with a lawyer with special education expertise. If you need legal advice related to your school's enrollment or education of students with disabilities, please consult a lawyer with demonstrated knowledge of federal and state special education laws and regulations.

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[1] National Center for Education Statistics. (2020). Students With Disabilities.

Why is it critical for charter schools to think deeply about students with significant disabilities?

It is both a legal and a moral imperative.
Charter schools were started as schools of choice for ALL FAMILIES. They provide families with MORE OPTIONS about where to send their children, including students with disabilities and students with more significant disabilities. It is illegal for a school to deny a child a seat at a charter school because of his/her disability; in addition, we have a larger moral imperative to ensure that students with disabilities have the same level of choice as their non-disabled peers.

Your school's program will be stronger for all students, including students with significant disabilities.
Special education is neither a place nor a label; it is a set of services that some students receive to support their academic and behavioral success. The purpose of special education is to provide individualized services to ensure that students with disabilities can access learning and achieve their most ambitious personal goals. When schools only proactively plan for what is wrongly perceived as an "average" population or when schools "tack on" supplemental special education services that are not implemented as part of a larger cohesive program of support, they miss an opportunity to truly design their program in a way that will benefit all students. By designing programmatic supports for students with more significant disabilities, schools have an opportunity to holistically improve their programs and academic outcomes for all students, including students with significant disabilities.

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LEGAL NOTE   RESOURCES   KEY IDEA   EXPERIENCES AND PERSPECTIVES

Meet The Students

Who are students with "significant disabilities"?

On average, 17.6% of all enrolled K–12 students in New Jersey[2] are identified as students with disabilities. Students with significant disabilities represent <10% of students with disabilities (~1–2 out of every 100 students overall). These are students who have complex, and less common, needs.

These include students who...

- Face significant challenges in mastering grade-level standards, as a manifestation of their disability, even after receiving high-quality Tier 1/2/3 instruction and services
- Deserve and require highly individualized support and services to catalyze their learning in school and to develop and pursue a meaningful post-secondary pathway
- Have very unique needs in comparison to their peers.

A preponderance of evidence suggests that a significant disability is present. This likely means that two or more of the following statements are true about an individual student:

- The student has a disability classification that reflects less than <10% of all Students with Disabilities (SWDs) statewide (e.g., intellectual disability or multiple disabilities).
- The student has significant physical or medical needs that require specialized care (e.g., cerebral palsy with limited muscle control).
- The student demonstrates physical or language behaviors that are a manifestation of their disability and far away from developmental milestones (e.g., non-speaking).
- The student has significant difficulty with cognitive functions that are critical to learning at school (e.g., scores on the verbal and nonverbal assessments of cognition that are at least 2.5-3 standard deviations below the mean).
- The student takes the New Jersey Alternate Assessment called the Dynamic Learning Maps (DLM).

Just like their peers, students with significant disabilities...

- Have diverse passions, interests, strengths, and aspirations
- Deserve to feel a sense of belonging at the school of their choice
- Want to lead a life of their choice after high school

Whereas it is possible, if not likely, that students with significant disabilities have significant cognitive needs, it is also possible for students to have complex physical or emotional needs but typical cognitive functioning.

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[2] National Center for Education Statistics. (2023). Students With Disabilities.

[3] In this context, the term "students with disabilities" refers to students who have been officially classified as having a disability under IDEA and have an IEP. This designation is not inclusive of students who receive services under 504 plans.

Who are the students with significant disabilities in my school?

> **A TYPICAL SCHOOL**
>
> A typical school of 500 students likely has a minimum of 3–5 students with significant disabilities. These students are likely spread across different grade levels, and their needs are probably unique/distinct from one another.

Picture a charter school with 500 students:

- All 100% of the students who choose to attend this school remain at this school (e.g., in the past three years, there has been <u>one</u> family of a student with a significant disability who pursued enrolling their child in a full-time private setting.
- The school's overall population of SWDs aligns with the average enrollment of SWDs in NJ charter schools.

OVERALL STUDENT ENROLLMENT	% OF STUDENTS WITH DISABILITIES (BASED ON NJ STATE AVERAGE ENROLLMENT IN CHARTER SCHOOLS)[4]	% OF STUDENTS WITH SIGNIFICANT DISABILITIES = <10% OF STUDENTS WITH DISABILITIES OVERALL
500	17.6% = 88 students	<8 students

I do not think my school has any students with significant disabilities; what does that mean?

If you cannot identify any students with significant disabilities in your school, using the criteria listed on p5, you should ask yourself the following questions:

- Does our school proactively communicate, via all our recruitment efforts, that all students are welcome in our school?
- If the families of students with significant disabilities have questions before enrolling at our school, do they know whom to ask?
- When families of students with significant disabilities have questions before enrolling in our school, who is answering those questions and what is being communicated?
- Have students with significant disabilities previously enrolled in our school and then left? If yes, do we know why?
- Does our individualized education program (IEP) team frequently refer students back to the district for placement in private schools? If yes, do we feel confident in the rigor of those processes?

If you cannot identify at least 3-5 students (from amongst a population of 500+ students) who identify as having a significant disability, you should consider if your school is serving a representative student population.

- Ensure your <u>website and enrollment materials</u> are intentionally inclusive.
- Make <u>rigorous, students-centered placement decisions.</u>

[4] NJ SMART. (2021). SID Submission; New Jersey Department of Education. (2020). Classification Rates, 2020 District Classification Rates, Ages 3-21.

I think my school has a high number of students with significant disabilities; what does that mean?

If you think your school has an atypically high percentage of students with significant disabilities (e.g. more than 15% of your students with disabilities are students with significant disabilities), you should ask yourself the following questions:

Does our school have a higher-than-average overall percentage of students with disabilities? (e.g., greater than 18% of the overall student population). If yes...

- Is this a result of a higher-than-average number of students with disabilities enrolling in our school? If yes, what do we think is leading to this?
- Is this a result of our school *referring* students for special education evaluations at a high rate after they enroll? If yes, what do we think is leading to this?

Does our school have a robust approach to Tier 1 instruction and behavioral support? If not...

- Is it possible that an individual student has experienced such significant educational neglect that they are presenting as a student with a significant disability but in fact their needs are more moderate?
- Is it possible that an individual student would be demonstrating much stronger growth and achievement if we provided stronger and more consistent Tier 1 instruction?
- Is the student presenting differently across teachers, classes, and grades? What does this indicate about the correlation between the quality and consistency of Tier 1 instruction and student performance?

Is our student population disproportionately impacted by external factors that are increasing barriers to student learning (e.g., a high population of students who are unhoused or a population of students who are refugees from another country)? If yes...

- How can we better understand the impact of these external factors on student learning so that we can more effectively determine whether an individual student's needs are due to a disability? (e.g., if a student's needs are more directly related to trauma vs. a cognitive impairment, which will lead to different support strategies)

Can I tell which students are likely to have significant needs based on their disability classification?

A student's classification (e.g., autism spectrum disorder or visual impairment), on its own, only communicates that the student met specific criteria during the classification process. The degree to which an individual student's needs are significant can tremendously vary within classification areas. More commonly, however, students with significant disabilities represent *less common* classification areas (e.g., multiple disabilities, intellectual disabilities).

HEAR DIRECTLY FROM STUDENTS!

Presenting first-person accounts from students with significant disabilities about their own experiences, The Arc has produced a series of videos and vignettes so that individuals with significant disabilities can tell more about their experiences in their own words. The Arc is the largest national community-based organization advocating for and with people with intellectual and developmental disabilities (IDD) and serving them and their families.

- Meet Yusuf, A 10-Year-Old with Autism and Big Dreams!

- Despite Obstacles, Carlos Is Determined to Pursue His Dreams

What about students whose disabilities are not "significant"?

As community institutions, schools should be designed to educate the full diversity of learners in their community. This includes the students with disabilities who are commonly present in every community.

For example, your school should already be prepared to meet the needs of students who:

- Have disability classifications that are relatively prevalent in the local community or considered high-incidence in the national population (e.g., specific learning disability, speech or language impairment)
- Need supplemental support and services to access grade-level content (e.g., a student who needs supplemental reading intervention to work toward grade-level reading standards)
- Have strengths and needs similar to students who have come before them (e.g., two years ago, our school supported a student with autism who needed explicit instruction on prosocial, school behaviors; this year a student with similar needs enrolled)

Foundational Mindsets

How should my entire school team think about this work? Why do our mindsets matter?

Before you consider specific action steps, your team must align on the mindsets, beliefs, and values that will anchor your decision-making. This alignment is the foundation upon which all decision-making, programming decisions, and implementation monitoring can successfully occur. The following foundational mindsets and beliefs may overlap with your school's existing values or can be integrated and layered onto your approach for educating students with more significant needs.

Questions to consider:
- How do leaders, teachers, and staff currently embody the following mindsets?
- How are these mindsets woven into school-wide communication and professional development?

Mindsets about Students, Families, and Ourselves

ANCHOR IN BELIEF:
Presume Competence & Operate from the Least Dangerous Assumption

We believe that the possibilities for our students are limitless. We make the least dangerous assumption about all students.
   What is the concept of "least dangerous assumption"?
   "The least dangerous assumption holds that in the absence of conclusive data, educational decisions ought to be based on assumptions that, if incorrect, will have the least dangerous effect on the student outcomes and learning." (Using the Least Dangerous Assumption in Educational Decisions)

We seek to empower our students with a sense of self-belief and self-efficacy so that they too believe their possibilities are limitless.

We acknowledge that we are constantly in progress as individuals and school teams and that the possibilities for our own growth are also limitless.

FAMILIES AS PARTNERS

We believe that families are the experts about their children. We build trust and partnership through strong communication as well as through seeking and learning from the perspectives and experiences of families. Parents and guardians are equal members of the student's IEP team, which makes decisions related to placement, services, and support.

We acknowledge that families of students with significant disabilities frequently face barriers to school choice and enrollment (structural and cultural) and that it is our responsibility to over communicate our commitment to partner with families to support their children.

Families are the decision-makers about where their child will attend school. It is THEIR CHOICE about where to ENROLL their child.

COLLECTIVE RESPONSIBILITY

Each of us has the opportunity and the responsibility to contribute to the success of students with more significant disabilities.

All students are *our* students.

Mindsets & Beliefs about Educating Students with More Significant Disabilities

POWER OF INCLUSION:
Special Education is a Set of Services, Not a Place

We believe in the power of inclusion. Research tells us that when students with disabilities have maximum access to their peers without disabilities, they are more likely to thrive, which means that we should constantly be pushing ourselves to serve students in the general education classroom. (Read more here.)

We must constantly grapple with the question of "how do we ensure we are providing an authentically inclusive environment for each student?" and not assume that being a student with a more significant disability means that they must always be served in a specific classroom or setting.

We use people-first language when speaking about students. We remember that special education is a set of services that some students receive. Therefore, when talking about students, we say, "students who receive special education services," as opposed to "special education students."

Help! My school community is not used to talking about students with significant disabilities. What resources can I leverage?

The TIES center brings together recognized experts in inclusive education to provide evidence-based resources, tools, curricula, and reports so that students with significant cognitive disabilities can learn in classrooms with their non-disabled peers. Funded through a grant from the US Department of Education, Office of Special Education Programs, from 2017 to 2022, they offer online resources, including "Learning Activities" (PD resources) for educators.

Understanding High Expectations for Students with Significant Disabilities breaks down what it looks and sounds like for teachers to make the least dangerous assumption about students.

Authentic Legal Compliance

Disclaimer: Nothing in this document is intended to serve as legal advice. Your school should proactively establish a relationship with a lawyer with special education expertise. If you need legal advice related to your school's enrollment or education of students with disabilities, please consult a lawyer with demonstrated knowledge of federal and state special education laws and regulations.

How can my school ensure authentic legal compliance and respond flexibly to students' needs?

Students with significant disabilities often have IEPs with significant service levels and some of these may be unique or specialized. In the state of New Jersey, charter schools are their own local education agencies (LEAs). Accordingly, **every charter school in New Jersey is legally responsible for providing the services on an individual IEP,** except for a special class in a full-time special education school and in residential, home, or hospital settings. (N.J.A.C. 6A: 14 - 4.1, Special Education)

However, IEPs are not written to be completely universal; they should be written taking into account the school environment and program. What does this mean?

- All schools are responsible for providing free and appropriate public education (FAPE) for all students with disabilities.
- Given that instructional programs differ across schools (e.g., the core programmatic models differ across school contexts), IEPs need to take into account a school's context and may be written differently to ensure the right support, accommodations, and services are provided.

When a student enrolls in a charter school, they are, by definition and by design, changing school environments.

- Charter schools frequently receive IEPs that they did not contribute to developing and for which the charter school's unique programming was not considered during its development.

To prepare for this reality, charter schools should plan to devote significant capacity to reviewing, understanding, implementing, and, when warranted, convening the IEP team to discuss changing IEPs for incoming students.

All of the guidance on the following pages is grounded in the understanding of the New Jersey Legal Code and federal law at 34 C.F.R. §§ 300.323(e)-(g), with specific attention to the following paragraph:

N.J.A.C. 6A: 14 - 4.1 (g) "For a student who transfers from one New Jersey school district to another New Jersey school district, the IEP shall be implemented as written if the parents and district board of education agree. If the appropriate district board of education staff do not agree to implement the current IEP, the district board of education shall conduct all necessary assessments and, **within 30 days of the date the student enrolls in the school district,** develop and implement a new IEP for the student."

- **Child Find:** Child Find requires all school districts to identify, locate, and evaluate all children with disabilities regardless of the severity of their disabilities. This obligation to identify all children who may need special education sts even if the school is not providing special education services to the child.
- **Individuals with Disabilities Education Act** (IDEA): This is the federal law that makes available FAPE to eligible children with disabilities throughout the nation and ensures special education and related services to those children. The IDEA governs how states and public agencies provide early intervention, special education, and related services to eligible children.
- **Free Appropriate Public Education** (FAPE): Students with disabilities have a legal right to FAPE. See here for a breakdown of what the terms mean.
- **Least Restrictive Environment** (LRE): Least restrictive environment is a principle that students who receive special education services should be in inclusive settings (settings with general education peers) as much as possible.
- **Tier 1:** Tier 1 provides the instructional foundation within a tiered model. All students must have equitable access to an evidence-based, scientifically researched core program. Data from screening and progress monitoring are used to differentiate instruction within Tier 1.
- Learning Disabilities Teacher Consultant (LDTC): A LDTC is a role unique to New Jersey. It is a legal requirement that all Child Study Teams (CST) have at least one certified LDTC to support the IEP process.

By law, a school cannot deny a child a seat at a charter school because of their disability. Charter schools are free, open-enrollment public schools that are required by law to serve all students. **If a student enrolls with an IEP that includes services that your school does not currently offer, it is <u>illegal</u> to directly or implicitly communicate any of the following to the family:**

- "We don't offer that service; we only have this service. If you want your child to go here, they can only get the services we offer."
- "We don't serve students like your child."
- "Your child would be better off attending a different school."

Charter schools shall be open to all students on a space available basis and shall not discriminate in their admission policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, special needs, proficiency in the English language, or any other basis that would be illegal if used by a school district." – New Jersey Department of Education, Office of Charter Schools, "Guidelines for Access and Equity in New Jersey Charter Schools."

Guidance For Incoming Students

If a student with a significant disability enrolls in your school for the coming school year, and all the services on the IEP can be implemented as written, then you are all set! You should begin implementation of the IEP immediately. What if **a student with a significant disability enrolled in your school for the coming school year, but this student's IEP includes services that are not currently part of your school's academic program. Then what do we do?**

PROCESS FOR EVALUATING INCOMING IEPs

1. Student enrolls in a charter school for the first time.

- Schools should assume that the date of "enrollment" is when the student officially registers to attend the school (not the date that the student is offered a seat). As soon as the student "enrolls," the timeline to update the IEP begins.
- It is the school's responsibility to identify and locate all students with disabilities. Families are the best source of this information, AND the family is not legally obligated to disclose a student's disability status.
- Throughout the spring and summer, case managers should partner with their enrollment or operations colleagues to identify incoming students with disabilities. Throughout this time, collect as much paperwork as possible (existing IEPs, former evaluations, etc.).
- If the school suspects that a student may have previously been granted an IEP but has been unsuccessful in getting documentation, they can reach out to the student's previous district.

    Note: If a student enrolls in the school midyear, the 30-day timeline begins on the date of enrollment.

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THIS PROCESS MUST OCCUR WITHIN 30 *CALENDAR* DAYS:

2. School reviews the student's IEP and realizes that the student receives services that do not currently exist within, or feel in conflict with, the school's current academic program.

- **Example:** The student's IEP prescribes that the student should be educated full-time in a 12:1:1 setting (12 students with disabilities, 1 licensed general education teacher, and 1 paraprofessional or aide), but the school does not currently offer that setting. In this case, the school should go through the process below.
- **Non-example:** The student's IEP prescribes that the student needs the use of voice-to-text technology for all writing tasks, but the school has heavy emphasis on handwriting and has never used this technology before. In this case, the school should focus their energy on figuring out how to allocate necessary resources, provide this service, and progress monitor the impact. This is not a justification for reconvening the IEP team.

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3. Convene the IEP team immediately to

- Learn more about the student. The student's family/guardian shares their school history, known strengths and needs, etc. The entire IEP team reviews the most recent data and, ideally, the existing evaluation.
- Reaffirm the school's commitment to all students, including students with disabilities.
- Plan how to initiate new support or services that have not previously been part of the school's program.
- Discuss as a team if there is an alternative way to provide this student with FAPE.
    Note: Schools are required to provide families/guardians with prior written notice 10 days in advance of an IEP meeting, although families/guardians can choose to waive that timeframe.

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| **a. The IEP team AGREES** on an alternative way to provide FAPE. | **b. The IEP team CANNOT IDENTIFY OR AGREE ON** an alternative way to provide FAPE besides what is currently written in the IEP. |

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a. The IEP team AGREES on an alternative way to provide FAPE.

b. The IEP team CANNOT IDENTIFY OR AGREE ON an alternative way to provide FAPE besides what is currently written in the IEP.

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If you are able to implement the IEP as-is, then your team should proceed with implementation

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4. With parental consent, identify new evaluations that are needed and, if applicable, refer the student for a re-evaluation. Conduct all necessary assessments needed to inform the development of a new IEP.

The school should review incoming evaluations. If an evaluation is <1 year old and provides sufficient information, the CST can accept the evaluation. If the evaluations are old or do not provide sufficient information, a new evaluation must occur.

Ensure there are assessments for all areas of suspected disability, including any areas that have been designated as exceptional on the original IEP or on old/existing evaluations or raised by the IEP team.

If the assessments are being conducted during the school year (vs. during summer), then the IEP team must determine how to most effectively implement the student's IEP in the interim. If the school has any concerns about how to maintain legal compliance during this period, they should consult their lawyer.

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5. Reconvene the IEP team to review the new assessment data and any relevant findings of the re-evaluation.

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5a. The IEP team AGREES on a way to provide FAPE within the school's current academic program.

5b. The IEP team cannot identify a way to provide FAPE within the school's current academic program. **The school must create, or add, the service(s) needed to ensure that the student receives FAPE.**

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6. Update the IEP and begin implementing it immediately.

Depending on the level of change, this could involve amending or fully rewriting the IEP.

THIS PROCESS MUST OCCUR WITHIN 30 *CALENDAR* DAYS:

PROGRESS MONITORING

At the IEP meeting, determine a schedule for progress monitoring by identifying when new data will be available. The first progress monitoring meeting typically occurs within ~4-12 weeks after implementing the IEP. At this time, step back and reflect with a progress monitoring meeting. This is an opportunity to bring together the team who support the student. It should involve the family, the perspective of all the people who are implementing the IEP, the LDTC, and sometimes other instructional leaders as well. Depending on a student's age and developmental level, it may also make sense to involve the student in parts of this meeting. This meeting (records of progress) should be documented.

- Reground the group in the mindsets and beliefs around working with students with more significant needs, including the common commitment to supporting the student in the most inclusive way possible.

- Review the IEP and data and reflect. Consider the student's performance as well as the support and services being implemented.

    - Are the services and support being implemented with fidelity?
    - What IS working? Build from these strengths.
    - What is difficult and why? Is there something about the conditions, context, etc., that could change to make it easier?
    - Are there ways the team needs to communicate or collaborate differently to implement the IEP with fidelity?

- If the team begins considering any significant changes to the support and services, schedule an IEP team to either amend or rewrite the IEP. Progress monitoring meetings are NOT times to significantly alter support or services.

CONSIDERATIONS WHEN DEVELOPING AN IEP

Consider the following when determining support and services, including which services and support will be implemented when and by whom.

- Schedule: Think about the student's schedule and when they might benefit from the services. For example, if the student really enjoys specials (art, gym, etc.), do not schedule related services for them during this block.
- Curriculum: Consider which curriculum is used in each content area and how the curricular resources can best be leveraged to meet the student's needs. In some cases, there may be an opportunity to draw from additional curricular materials to support the student.
- Accommodations: Consider which accommodations will be leveraged to support the student and how/if they vary based on content or time of the day.
- Behavioral Support: What behavioral support will the student receive as a supplement to the school's Tier 1 Positive Behavior Interventions and Supports (PBIS) system?
- Related Services: Which related services is the student eligible for, and how will they best be implemented? For example, a student might benefit from push-in speech during an ELA block rather than a pull-out service.

Legal Compliance FAQs

How does the state of New Jersey define the date by which a student officially "enrolls in the district"?

The term "enrollment" is not defined in NJ statute. However, the commonly understood definition is the date at which a student has signed up for and been granted admission to a school. Therefore, for a student enrolling in a school for the first time, it should be the day they have submitted the paperwork to the new school, assuming there is a space for the student and they will not have to wait for the lottery. Note that IDEA requires IEPs to be in place at the beginning of the school year for all students, so if a student is transferring during the school year, the IEP in place at their current school is legally binding unless and until the assessment and IEP process is completed.

How can a school find out which enrolling students have IEPs?

It is the school's Child Find responsibility to identify and locate all incoming students with disabilities or suspected disabilities, and the school is responsible for taking reasonable steps to promptly obtain those students' records, including special education–related records. Best practices include asking families in different ways to disclose, after their enrollment and registration, whether their child has an existing IEP, any evaluations, and/or a 504 plan as well as their knowledge of a suspected disability while simultaneously affirming the school's commitment to educating all incoming students. The school must also reach out to the student's previous district, if relevant, to ask for a full copy of the student's file.

FAMILIES' OPTIONAL DISCLOSURE OF DISABILITY STATUS

Although charter schools are open-enrollment by law, they may give families an option to disclose or share information about their child's disability status as part of the enrollment process; this information may not be used by schools as the basis to deny or in any way condition an individual student's enrollment, and disclosure cannot be required as part of the enrollment process.

Similarly, on a system level, a centralized enrollment process for multiple open-enrollment charter schools may give families the option to self-disclose students' disability status. In either scenario, the underlying enrollment process may extend an enrollment preference to students with disabilities (amongst other groups of students). In that event, the request for the disclosure of student disability status must clarify that it is intended to qualify for an enrollment preference and not for any discriminatory purpose.

SCHOOLS' OBLIGATIONS TO OBTAIN STUDENT RECORDS

Under federal law (IDEA and the Family Educational Rights and Privacy Act (FERPA)), school districts and LEA charter schools are <u>required</u> to *promptly* exchange relevant records when a child changes school districts. Both laws provide an exemption to parental consent requirements when the disclosure of education records involves disclosure to a new school or district where a student is enrolled or seeks to enroll and when the transfer is related to that enrollment or transfer. The US Department of Education's guidance on this topic states, "The IDEA Part B regulations require that that [the new LEA charter school] in which the child with a disability enrolls **take reasonable steps to promptly obtain the child's records,** including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous public agency in which the child was enrolled…." "FAQ: Frequently Asked Questions about the Rights of Students with Disabilities in Public Charter Schools under the Individuals with Disabilities Education Act" (December 27, 2016). See also 34 C.F.R. § 300.323(g) and 34 C.F.R. § § 99.31(a)(2) and 99.34.

What principles and best practices should my school leverage to determine multiple pathways for a student to receive FAPE?
When the IEP team convenes to consider how to provide a specific student with significant disabilities with FAPE, there are series of best practices to leverage:

First, anchor in mindsets. The school <u>must</u> align, and communicate, the following beliefs:
- We <u>want</u> this student to be a part of our community.
- We <u>believe</u> we can find a way to meet this student's needs.

Then, the team should anchor in both a long- and short-term vision of success for the student (being mindful of making the <u>least dangerous assumption</u>) by considering questions, such as the following:
- What are this student's most ambitious individual goals? What would we see or observe in the student that would tell us this student has achieved those goals?
- What services and strategies could enable this student to achieve those goals? (Think expansively.)
- Within our school's context, who is best positioned to provide those services and implement those strategies?

For more guidance on how to facilitate these transition conversations, consider the <u>MAPs guide from the Maryland Coalition for Inclusive Education (MCIE)</u>.

Finally, the team can think concretely about how, if necessary, they could update the IEP to ensure the student receives FAPE in their new school environment. Consider the following example:

STUDENT EXAMPLE 1

	CONTEXT ON SCHOOL PROGRAM	STUDENT SERVICES
Previous School	This school had general education with related services, pull-out/push-in special education instruction, and a full-time self-contained special education classroom but no co-taught classroom.	This student was in general education with a full-time, 1:1 paraprofessional. The paraprofessional provided scaffolding for academic tasks and some support with fine motor needs.
New School	This school has general education with related services, pull-out special education instruction, and co-taught classrooms but no self-contained special education classroom.	In the new school, it could be possible for this student's needs to be met in a co-taught classroom with less direct 1:1 support from a paraprofessional.

STUDENT EXAMPLE 2

	CONTEXT ON SCHOOL PROGRAM	STUDENT SERVICES
Previous School	The primary reading program in this school was a balanced literacy workshop model with very little direct phonics instruction.	The service included specialized reading instruction using an Orton Gillingham–based reading program (5 days/week for 40 min in a small group). To receive this service, the student was pulled out of class for instruction in a small group.
New School	This school uses an Orton Gillingham–based reading program as part of their core instructional model. All students receive Tier 1 instruction in this methodology, and there is a built-in intervention period during the day.	This student should continue to receive specialized reading instruction, but this service can now be provided inside the classroom. If necessary, a certified reading specialist could push-in to the classroom during small group reading.

If the student requires a specific service to receive FAPE but the school does not currently offer that service and an alternative strategy cannot be identified, is the school legally responsible for finding a way to offer the service as written?

Yes, but the school does not have to figure this out on their own. In fact, this is an important moment to leverage individuals with expertise. In particular, your LDTC should be able to act as a liaison with your county officer to lead this conversation.

Example: The student's incoming IEP indicated the student should receive core reading instruction in a small group (3:1) setting, in a separate location, using a specific methodology. After additional assessment, the team concluded that this intensity of service was the only way to meet the student's needs. To fulfill the requirements of the IEP, the school must ensure that the student receives this service.

What happens if our school needs more than 30 days to update the IEP after the student enrolls? Can we get more time?

No. There are no extensions on the 30-day timeline unless parental consent has been sought and the school has been unable to obtain it or the student leaves the school prior to the completion of the assessments. If the school takes more than 30 days to update an incoming student's IEP and is failing to implement the IEP as written, then the school is violating the student's right to FAPE, undermining their ability to learn, and exposing the school to significant legal risk.

Roles & Responsibilities

How can every member of our school team contribute to the success of students with significant disabilities?

Each school and network structures roles differently depending on their context and program design. Some schools are single-site schools, whereas other charters are networks of schools. Regardless of structure, the following are key functions that are important to meeting the needs of students with significant disabilities. The purpose of the chart below is to understand the key responsibilities such that you can ensure clear ownership at your school or in your network.

	CORE RESPONSIBILITES	WHO COULD/SHOULD OWN THIS ROLE…
Adult Culture and Management	ADULT CULTURE: Develop an intentionally inclusive schoolwide adult culture so that every adult in the building knows and believes that all students are *our* students	Principal or Instructional Leader
	CLEAR ROLES & RESPONSIBILITIES (R&R): Develop an R&R for the adults in the building that leverages the strengths of the team to most effectively support all students (R&R articulate each staff member's areas of responsibilities, high-level approach to the work, and goals.)	Principal or Instructional Leader
Instructional Program & Data Systems	ACADEMIC VISION: Set the vision for coherent Tier 1–3 academic programming to meet the needs of all students	Principal or Instructional Leader + Case Manager
	CONTINUOUS IMPROVEMENT: Develop systems for the continuous improvement of the Tier 1–3 academic programming, including asking "Which students are not thriving?" and expanding programming to meet their needs	Principal or Instructional Leader + Case Manager
Legal	LEGAL COMPLIANCE: Ensure the school is in legal compliance with all relevant regulations (e.g., coordinate the development, progress monitoring, and evaluation of the IEP)	Case Manager (CST Member)
Operational	SYSTEMS: Collaborate with the school leadership team to ensure that all schoolwide systems center the needs of students with more significant disabilities (e.g., schedule, materials are ordered, food service needs)	Director of School Operations / School Operational Lead
	TRANSPORTATION: Coordinate specialized transportation. If a school depends on the resident district for transportation, this will include coordination with that district.	Director of School Operations / School Operational Lead

	CORE RESPONSIBILITES	WHO COULD/SHOULD OWN THIS ROLE…
External Capacity	LIAISON TO STATE RESOURCES: Act as a connection to state resources to help facilitate specialized services when necessary	LDTC
Instructional Coaching	TEACHER SUPPORT: Consult with teachers about how to implement learning strategies, including modeling strategies to use with specific students	Instructional Coach and/or LDTC
	COACHING: Collaborate with the case manager and the principal to ensure that all teachers supporting students with more significant disabilities have a deep understanding of their content and their curriculum and are implementing instruction in the most rigorous way possible	Instructional Coaches
Teaching & Direct Services	TEACH AND DIRECT SERVICE PROVISION: Implement the IEP!	General Education Teachers AND Special Education Teachers

	Depending on a charter's size, scale, and structure, the following responsibilities are sometimes owned by a network office and sometimes owned by a school-site leader.	
Leader Development	SUPPORT AND LEADERSHIP DEVELOPMENT: Ensure that the principal and case manager are getting meaningful coaching and support in service of supporting their students with more significant disabilities	Principal Manager, Superintendent, or Board
Systems Leadership	RESOURCE ALLOCATION: Ensure that the school leadership has sufficient resources to support students with more significant disabilities (e.g., supplemental budget, data tools that enable subpopulation disaggregation and cross-tabulation)	Chief Financial Officer, Chief Operating Officer, or Operations Lead
	SPECIAL EDUCATION SYSTEMS LEADERSHIP: • Ensure that the school is in compliance with all relevant regulations • Support the case manager in their professional growth and development, including program vision and implementation and collaboration with the LDTC • Ensure that the team has access to ongoing professional learning as needed in their support of specific students	Network Special Education Director, Superintendent, or Principal

Leveraging Your LDTC!

An Learning Disabilities Teacher Consultant (LDTC) is a role unique to New Jersey. It is a legal requirement that all Child Study Teams have at least one certified LDTC to support the IEP process. In addition to being a legally required member of the team, this person can be an incredible resource in figuring out how to best serve students with more significant disabilities. Here are some tips about what you can expect from an LDTC and how to best partner with them.

Who are LDTCs?

- An LDTC must have at least three years of experience teaching students with disabilities and be certified as a special education teacher to begin an accreditation program. They then complete additional coursework and practice learning about, administering, and interpreting formal and informal assessments, writing individualized education plans, adhering to the regulations of the New Jersey Special Education Administrative Code, and handling case management to earn certification.
- Some charter school networks hire their own certified LDTC on staff (preferable), whereas others contract with an LDTC as an independent contractor. If you are contracting with an LDTC, it is important that their role on your team is clear and that they meaningfully interact with students.

What does an LDTC do?

- LDTCs are expert teachers who consult with teachers, case managers, and other staff to determine which learning strategies to implement with a student. Unlike a psychologist, who shares with a team how a student learns, an LDTC shares what a student has learned. Particularly with students with more significant disabilities, an LDTC should be creative in figuring out what a student knows and does not know; this means knowing when and how to break from standardized testing protocols to learn what a student knows and can do.
- An LDTC should be able to work directly with students to model for teachers and others how to implement a learning strategy.
- They are legally required members of a school's CST. (See more on CSTs below.) Although a school may have many staff members who can support instructional coaching, the LDTC must have opportunities to meaningfully know the students reviewed by the CST.

How can you best partner with your LDTC?

- Make sure teachers know the LDTC's role, especially before classroom observations. LDTCs are colleagues and thought partners to teachers to figure out how to best serve students; they do not observe teachers for evaluation.
- Be cognizant of your LDTC's caseload. An average caseload is ~35 students. Given the amount of time that goes into meeting the needs of incoming students at the beginning of the school year, proactively initiate triennial evaluations so that they do not all occur at the same time.
- If your LDTC is on staff, make sure they have access to up-to-date formal assessments and protocols. Some of these assessments take many weeks to order, so anticipate in the spring which assessments you will need to order.
- If you are contracting with an LDTC, ensure that they are insured and that they have all of the most recent assessments and testing protocols. For example, you can put in your contract that you expect them to bring their own assessments and protocols when visiting the school. In addition, ensure a contracted LDTC has access to all of the information systems necessary to complete their assigned role (e.g., PowerSchool, EasyIEP, Google Drive/Classroom).

WHAT IS A CHILD STUDY TEAM (CST)?

In NJ, the term CST has a specific, statutory description. The CST is not the same as the IEP team, but members of the CST play key functions in the IEP process. A CST is a multidisciplinary educational team that is responsible for identifying, evaluating, and determining eligibility as well as developing an IEP for students with disabilities. CST members should include a school psychologist, an LDTC, and a school social worker. In some cases, a speech language pathologist joins the team. At least one CST member must be a full-time staff member of the charter school (not contracted out).

6A:14-3.1 General requirements
(a) CST members, specialists in the area of disabilities, school personnel, and parents as required by this subchapter shall be responsible for identification, evaluation, determination of eligibility, development and review of the IEP, and placement.

(b) CST members shall include a school psychologist, an LDTC, and a school social worker. All CST members shall be employees of a district board of education, shall have an identifiable, apportioned time commitment to the school district, and shall be available to provide all needed services during the hours students are in attendance.

See here for additional guidance from the NJ Department of Education on participation in special education decision-making teams.

Defining Student Success

What does success look like for students with significant disabilities? How do we know if we are setting appropriately ambitious goals for our students? How is goal setting similar to or different from setting goals for all students?

The Power of Expectations

As the saying goes, "whether you think you can, or you think you can't, you're probably right." Until we have concrete evidence that mastering grade-level expectations is *not* an appropriately ambitious goal for an individual student, we should operate under the assumption that it is possible for the student to achieve that goal given the right support and services (aka the least dangerous assumption). Have you ever worked with a kindergartener and realized that you were already making assumptions about whether that student would go to college? Whether we realize it or not, those assumptions are impacting our actions.

Research tells us that "...until students have been given the opportunity to learn, and the expectation they will learn, we risk doing harm by arbitrarily determining what can be considered 'good enough' vs. 'too much' as the expectation for most students with disabilities. That is true not only for the 15% whose IQ scores are low but also for the 85% without intellectual disabilities...."[5]

So before your team considers *modified goals, curriculum, or promotional criteria,* you need to have *significant evidence* that holding the student to grade-level standards is not appropriately ambitious.

OUTCOMES FOR STUDENTS WITH DISABILITIES

Students with Disabilities in Educational Policy, Practice, and Professional Judgment: What Should We Expect?
Rachel F. Quenemoen and Martha L. Thurlow
Revisiting Expectations for Students with Disabilities
NCEO Brief Number 17 • May 2019

It is possible to create a culture of high expectations that is *exclusionary* of students with significant disabilities. When we describe our schools as "college prep programs," are we saying that students who will not attend college are not welcome? How can our school support every student in pursuing their *most ambitious personal goals?*

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[5] Quenemoen, R. F., & Thurlow, M. L. (2019). Students with disabilities in educational policy, practice, and professional judgment: What should we expect? (NCEO Report 413). Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.

IMPACT OF EXPECTATIONS

ThinkCollege is a program at the Institute for Community Inclusion at UMASS Boston that supports students with intellectual disabilities. Listen to these clips of UMASS students (30-s clips) and watch the video Rethinking College (25-min video) to hear about their experiences.

The Arc is a national advocacy organization for individuals with intellectual disabilities. Read one of their stories on the power of expectations.

Setting Appropriately Ambitious Goals for Students with _Significant_ Disabilities

What if we _do_ have data clearly demonstrating that mastery of grade-level standards is not an appropriate goal for an individual student? How do we ensure that we hold appropriately high expectations for the student?

Setting ACADEMIC goals:
Work backward from a vision of post-secondary success.
What does this student want their life to look like after high school? What does the student's family want? What skills will the student need to achieve that goal? By starting early on with a clear vision of a choice-filled life for this student, you can identify near-term benchmarks.

Maintain access to grade-level standards.
A common misconception is assuming that a student with a significant disability cannot complete grade-level work. In the situation wherein an individual student is taking the alternate assessment and therefore is not to be held to the mastery of all grade-level standards, as their peers are, does that mean they cannot master some of the standards? Students with significant disabilities should be given access to grade-level content with the opportunity to engage in the way that is appropriately ambitious for them, and schools should continue to measure their proficiency on these standards.

UNDERSTANDING THE NJ ALTERNATE ASSESSMENT

The alternate assessment for students with the most significant intellectual disabilities in English language arts, mathematics, and science is called the Dynamic Learning Maps (DLM). Students who take the DLM do not take the standardized state assessment. NJ, along with other states, partners with the University of Kansas to implement this assessment system. The decision about whether a student meets the criteria to participate in the DLM must be considered and made by the IEP team. See here for more on the participation criteria for DLM.

Define what rigorous growth will look like. An individual student with a significant disability may have a narrower set of post-secondary choices available to them than a student without a significant disability. This means that we must be *dogged* in ensuring that the student is making sufficient growth to access the opportunities they *will* have. When progress is hard won for students, it is important to celebrate incremental growth... *and* it is important that this does not turn into "settling." Once you set an alternative goal, your team must determine what *rigorous* progress toward that goal will look like.

Example A: A 18 year old student has a goal of gaining employment as a fitting room monitor at a retail clothing store after completing high school. In order to thrive in the role, the student must have total mastery of the following skills:

- <u>Counting:</u> Accurately And Consistently Count To 20
- <u>Gross motor skills:</u> Move Clothing Between Racks
- <u>Social skills:</u> Engage With Customers In A Professional Manner

To set the student up for success, the school must set rigorous targets and actively measure progress. For example, these might become the student's goals:

- <u>Counting:</u> Accurately and consistently count to 30, with unexpected interruptions from external stimuli
- <u>Gross motor skills:</u> Move objects of different sizes between hangers, shelves and carts, with variable distances between locations
- <u>Social skills:</u> Greet customers proactively and respond to at least 3 different types of customer requests, including customers who are curt or unfriendly

Then, the school must go about progress monitoring the student's growth towards these goals on a weekly basis. In the absence of these detailed planning, the student may be growing (perhaps the student can now count to 15 instead of 10), but fall short of the level of mastery needed to significantly change their life outcomes.

Consider how to build independence and de-scaffold support over time. As an individual student grows and progresses, the types and levels of accommodations and support they need change as well. It is important to periodically step back and consider how a student's accommodations and services are supporting their independence. In many, although not all, cases, accommodations can be de-scaffolded or paired back over time as a student builds skill.

For more guidance on understand a student's long-term vision for success, consult the <u>MAPs guide from the Maryland Coalition for Inclusive Education (MCIE).</u>

For guidance on how to support students in working on individualized goals within the general education classroom, consult this resource on <u>embedded instruction in the inclusive classroom.</u>

Defining a vision of BELONGING:

Developing a sense of belonging in school is critical for a myriad of reasons. When we think specifically about students with significant disabilities, belonging is especially critical because these students are often socially isolated and marginalized. This experience of exclusion not only impacts their sense of self-efficacy and their ability to learn but also fails to prepare them for life after high school. It is important that your team is grounded in a comprehensive understanding of all the dimensions of student belonging.

For example, Dr. Erik Carter defines these 10 dimensions of belonging for students with disabilities. Students being physically present among their non-disabled peers is a critical first step, but it is only the beginning.

- Present
- Invited
- Welcomed
- Known
- Accepted
- Supported
- Heard
- Befriended
- Needed
- Loved[6]

Defining LEARNING GOALS:

Sometimes broadly referred to as "student success factors," learning goals can include critical skills such as maintaining organizational skills, advocating for oneself, goal setting, study skills, identifying and responding to emotion, and other life skills. All students need to develop these skills, but students with significant disabilities may need explicit instruction in these areas. The IEP should set measurable, rigorous goals for student achievement in these areas as well.

[6] Carter (2021, in press); Carter & Biggs (2021)

- Reflecting on Our Practice: Ten Ways Schools Can Foster Belonging Among Students With and Without Disabilities by Dr. Erik Carter ([PowerPoint Presentation](#) | [Worksheet](#) | [Webinar](#))
- [Membership, Participation, and Learning: Indicators of Inclusion](#)

A common misconception is that students must be in a "life skills" environment to work on their learning goals. When it comes to technical career skills (e.g., cooking), being in an environment that is authentic matters, but for many other skills related to communication and organization, the general education classroom offers significant opportunities to practice!

LEARNING GOALS & LIFE SKILLS

- [21st Century Functional Life Skills Educating Learners who need Intensive or Extensive Supports: A Historical View and Implications for Schools](#)
- [Comprehensive Inclusive Education: General Education and the Inclusive IEP:](#) this resource includes guidance on how to set learning goals.

The Power of Inclusion

Note that the goal setting guidance above emphasizes that students with significant disabilities should have access to grade-level standards and the opportunity to develop relationships with their non-disabled peers. To achieve those goals, students must be *educated* alongside their non-disabled peers. The reasons for these recommendations are simple:

A) Research is clear and unequivocal that inclusion leads to better student outcomes.
B) We should all want to live in a world in which every member of our community is welcomed and valued.

Does this mean that a student with a significant disability should never be separated into a small group or pulled out for 1:1 instruction? No. This means that we should *only leverage* self-contained, separate settings when it is the *highest leverage strategy* for the student to achieve *their individual goals.* We should *never* use a self-contained environment because it meets a need for the school or staff. The public education system has a long history of wrongfully segregating students with disabilities from their peers, and people from marginalized backgrounds have been disproportionately referred, identified, and placed in restrictive settings. These are all reasons why it is important to continuously ask, "How are we prioritizing authentic inclusion for students with significant disabilities?"

How can my team work toward greater inclusion of students with significant disabilities?
- Avoid all or nothing thinking. A student might benefit from learning at some times of the day in inclusion classrooms and other times of the day in specialized instruction.
- Consider push-in supports over pull outs. Consider how a support service could be provided within the classroom.

RESEARCH ON INCLUSION

- These case studies, alongside a review of 20 years of research, show the impact of inclusive systems.
- Research shows that students with significant disabilities achieve better outcomes when learning in more inclusive settings. Here is a helpful resource on the "Myths & Facts" about inclusionary practices published by Washington State Office of Superintendent of Public Instruction.
- Inclusive placements in general education classrooms for students with significant cognitive disabilities positively correlate with their achievement (Kleinert et al., 2015).
- When students with intellectual disabilities are educated with their non-disabled peers, they also make progress on social goals (e.g., Brock, Biggs, Carter, Cattey, & Raley, 2016; Henrick, Collins, Knight, & Spriggs, 2016).
- When students without disabilities are educated in inclusive classrooms, they develop skills such as empathy and advocacy, and there is no negative effect on their academic performance (Carter et al., 2016).
- The National Institute for Urban School Improvement (in a 2008 study) found that African American students are half as likely to be placed in inclusive environments as their white peers with similar disability classifications. https://www.ideadata.org/IDEAData.asp

Expand Your School's Capacity

How can our team increase our knowledge about educating students with significant disabilities? How do we design our school so we are prepared for the full range of students?

BUILD MINDSETS AND ADDRESS MISCONCEPTIONS

Look at the foundational mindsets, and consider how your team's current actions do or do not yet embody these beliefs. Take time as a team to unearth and understand what your current actions tell you about your beliefs and to unearth why you hold your current beliefs. Leverage resources to realign on what is possible for your students.

BUILD SKILL

Once your team has some alignment on mindsets, they are well positioned to build technical skills to support individual students. If your team works to build skill without grounding in mindsets first, they may encounter some predictable barriers:

- Lack of resilience: when the first strategy does not work, the team may revert to "we can't" or "we shouldn't have to" thinking
- Siloing: without grounding in collective responsibility, the team may default to thinking that specific person is solely responsible for supporting a student

Building your school's capacity comes down to three key components:

- Build mindsets
- Build skill
- Build systems

BUILDING MINDSETS

What Do You See? Perceptions of Disability
Using the Least Dangerous Assumption in Educational Decisions
Recognizing and Addressing Unintended Bias in Engineering Education

ADDRESSING MISCONCEPTIONS

Myths & Facts about Inclusion
Myth vs. Fact: What is True about Including Students with the Most Significant Cognitive Disabilities?
Debunking Myths about Inclusive Education for Students with the Most Significant Cognitive Disabilities

1. Leverage the expertise of your internal team.
First, parents and families are THE EXPERTS on their individual children and are critical members of the IEP team. Understanding their perspectives around what is working and what is not in terms of supporting their child at school can be the key to figuring out the right services and support for students with significant disabilities.

In addition, by law, NJ charter schools are required to have formal CST, inclusive of an LDTC, school psychologist, school social worker, and often a speech pathologist. These individuals bring a wealth of knowledge about how students' brains develop, how learning happens, how to understand and respond to student behavior, how to test what a student knows and can do, and how to match an instructional strategy to a student's needs. Leveraging the expertise of this team is critical to better understanding and meeting the needs of students with significant disabilities.

2. Partner with local support organizations.
Once you have leveraged all your internal expertise, the next opportunity for support can come from local technical assistance organizations. Here is a short list of NJ-based organizations that offer training and support related to students with significant disabilities.

New Jersey Coalition for Inclusive Education (NJCIE)
https://www.njcie.org/

The Boggs Center on Developmental Disabilities at Rutgers University
https://boggscenter.rwjms.rutgers.edu/

New Jersey Department of Education Learning Resource Centers (LRCs)
https://www.nj.gov/education/specialed/LRC.shtml

New Jersey Department of Education E-Learning
https://www.nj.gov/education/specialed/learningopportunities.shtml

Rowan University Professional Development
https://education.rowan.edu/lrcsouth/pd/

The Phoenix Center
https://www.thephoenixcenternj.org/districts/customized-professional-development-workshop-at-your-school/

NJ Special Education Summit via Public Consulting Group
https://www.njspecialedsummit.com/index.html

The Alliance of Private Special Education Schools of North Jersey
https://specialeducationalliancenj.org/resources/

Note: Our inclusion of these organizations does not reflect an endorsement or evaluation of the quality of their services. We encourage schools to use a rigorous process before entering into a contract with any external organization.

A NOTE ABOUT COMMUNICATION:

Families, CST members, case managers, teachers, service providers, and school leaders must be able to communicate openly and with trust. This requires intentional time and effort to facilitate such communication. Some factors to consider include the extent to which families have relationships and trust with individuals at the school, the extent to which the school intentionally acknowledges and is thoughtful around potential power dynamics with families, whether the CST members are not full-time school staff members, and how a school navigates communication across multiple lines of difference.

Family Engagement:
Collaborating with Families
of Students with Disabilities

3. Leverage materials from reputable sources.

There is a *wealth* of digital resources available to support your team in building knowledge and skill about students with significant disabilities. Below we have highlighted examples of specific resources and resource centers that align with specific disability classifications. This list is by no means exhaustive but offers a strong starting place to find the specific resources your team needs.

Intellectual Disability

Specialized Technical Assistance & Advocacy Organizations

TIES Center   The Arc   TASH

Free Online Courses & Resources

Inclusion of Students with Significant Cognitive Disabilities: Supports in the General Education Classroom
(The IRIS Center at Vanderbilt University)

Evidence-Based Practices for Students with Severe Disabilities (CEEDAR Center)

Literacy Instruction for Students with Multiple and Severe Disabilities Who Use Augmentative/Alternative Communication
(CEEDAR Center)

Autism

Specialized Technical Assistance & Advocacy Organizations

Autism Speaks   National Autism Association

Free Online Courses & Resources

Autism Spectrum Disorder (Part 1): An Overview for Educators (The IRIS Center at Vanderbilt University)

Evidence-Based Practices for Students with Sensory Impairments (CEEDAR Center)

NJ-specific Resources

New Jersey Autism Program Quality Indicators: A Self-Review of Quality Improvement Guide for Programs Servicing Youth Students with Autism Spectrum Disorder

NJ Department of Education E-Learning Series on Autism

Autism Specialist in the Office of Special Education (NJ DOE)
Amanda Philp (amanda.philp@doe.nj.gov)

Emotional Regulation Impairment

Free Online Courses & Resources

Behavior Intervention Resources Database (National Center on Intensive Intervention)

Evidence-Based Practices for Classroom and Behavior Management: Tier 2 and Tier 3 Strategies (CEEDAR Center)

Evidence-Based Practices for Improving Challenging Behaviors of Students with Severe Disabilities (CEEDAR Center)

NJ-specific Resources

NJ Office of Special Education Behavior Supports and Interventions

Supporting Children with Complex Behavior Needs (Boggs Center)

BUILD SYSTEMS

Once your team has grounded in key mindsets and worked to build some skill in meeting the needs of individual students, you may be well positioned to think about how to *systematically* meet the needs of a broader range of students. The steps below can support your school in building systems and designing a high-level continuous improvement cycle to proactively design your school's systems and programs such that you are expanding the range of students well served.

*** REMEMBER ***

The purpose of this planning is to move away from reactive problem solving for individual students with unique needs as they enroll and to proactively plan to expand the range of students you serve well.

Step 1: Guiding Coalition

Identify the guiding coalition responsible for designing, supporting, and overseeing the holistic programming (academic and social emotional) at your school and/or in your network. This group of stakeholders should represent diverse perspectives from across the school and include school and/or network leadership. A common misconception is that the case manager or special education leader should be solely responsible for special education programming. Rather, special education programming should be the responsibility of the collective team.

For a comprehensive school, district, and LEA continuous improvement cycle, the TIES Center offers an [inclusive education roadmap.](#)

Step 2: Analysis

Bring together the guiding coalition to conduct a deep dive into the current state of programming.

- Reflect on placement and service provision for students with more significant disabilities, curriculum content and access, staffing allocation, and student subpopulation and system outcomes.
- Identify current strengths and areas for improvement.
- Then, ask, "Why?" What is your best root cause diagnosis about what is contributing to the current strengths and areas for growth (e.g., mindsets, knowledge/skills, resource allocation, talent, policies, practices).

The TIES Center offers comprehensive [resources](#) for use to plan and facilitate this meeting (e.g., agenda template, facilitator's notes and guiding questions).

Step 3: Action Planning

Prioritize a strategy to implement. Set clear goals and outcomes. Plan who will lead and manage the implementation of the strategy, including how others will support the effort (e.g., who will implement which components, how, and by when). Ensure that all team members know what they are responsible for and WHY the strategy is being implemented.

Here are some factors to consider when determining a strategy / short-term action plan:

- How can the team build off the school's strengths to address an area for improvement?
- How will this benefit both students this year and future students?
- How does scale and growth factor into the decision to implement a strategy? Is there an economy of scale that makes now the right time for this investment?
- What other initiatives are currently in place? Are there synergies or ways to reduce overlap?

> See here for guidance on how to write goals as well as real-world examples of action plans led by other schools and districts.
>
> *Note: These are examples of 3-year goals, but depending on the size/ scale of your school's initiative, you can make goals for a shorter time horizon as well.*

The following are some examples of strategies you could prioritize:

- Design a specialized service for students with specific needs (e.g., a social skills group focused on a particular skill development).
- Establish new systems for collaboration amongst teachers and related service providers to share data, observations, and strategies about individual students.
- Expand your tiered intervention capacity to meet a wider range of students.
- Integrate more push-in support so students with a wider range of needs can be supported in an inclusive environment.
- Reimagine your PBIS system to ensure it meets 95%+ of students' needs such that 3%–5% of the students who need more can get different services.
- Leverage an external consultant who has specialized knowledge in a particular area to provide professional development to all staff.
- Think about your talent pipeline and how you are investing in your current strongest teachers to serve a wider range of students (e.g., supporting pathways for more teachers to obtain special education certification).
- Create a leadership pathway so that your special education teachers have leadership opportunities to move into school leadership/network (e.g., future principals).
- Set up community-based external partnerships with local organizations to contract more specialized services for students with and without disabilities.
- Ensure that you evaluators are using a robust process, and/or find evaluators with specialized expertise so you have access to better data on students.

Step 4: Implement and Progress Monitor

As your action plan is implemented, focus on communication and progress monitoring.

- Continually step back to reflect on whether the initiative is meeting its desired outcomes and how the strategy can be adjusted to better meet the needs of students.
- Communicate. Ensure the whole school community knows about the initiative, who is responsible for what, and WHY the team is taking on the initiative.

For resources from the TIES Center on how to implement, monitor progress, communicate across various stakeholders, and scale up, see here.

Special Education Finance

How can my school most effectively leverage financial resources in service of students with significant disabilities?

Providing specialized services to students with significant disabilities can be resource-intensive. Understanding how to access and strategically leverage the financial resources available to your school is critical to creating sustainable, student-centered systems. The guidance below will support your school in identifying all available funding streams and ensuring that you have identified the members of your team who will build deep expertise.

New Jersey Charter School: Special Education Finance 101
New Jersey Department of the Treasury: School-Based Medicaid Reimbursement Programs Provider Handbook

BASICS OF NJ CHARTER SCHOOL FUNDING

In NJ, charter schools share responsibility for providing the full continuum of special education services with their local district.[7] As a result, the district withholds 10% of the per pupil funding that is allocated to charter schools from the state. The district uses this 10% funding to provide special education transportation and highly specialized programming, including the cost of private placement.
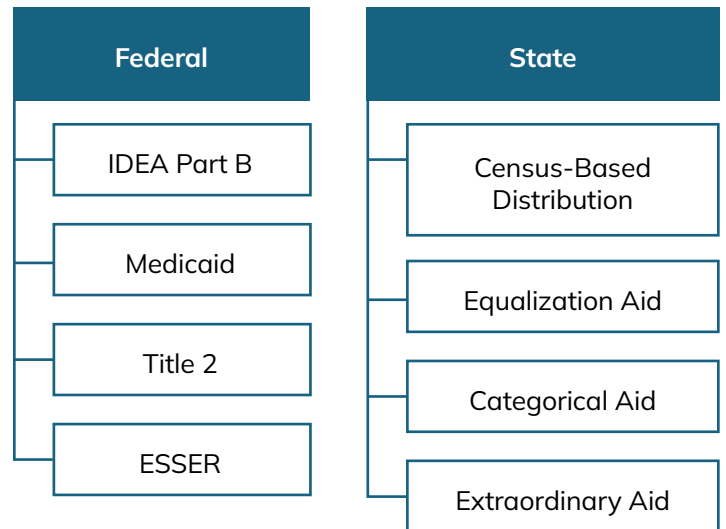
NJ uses a census-based and high-cost system to allocate per pupil funding. The funding formula includes an assumed percentage of general special education enrollment and an assumed percentage of students who need speech services only, with those percentages determined annually. In 2020, the assumed percentages were 15.40% for general special education enrollment and 1.57% speech only. (N.J. Stat. Ann. § 18A:36A-12 (Lexis, 2019)

[7] The exception to this rule is Renaissance Schools in Camden, NJ, which accept responsibility for the full continuum of student services.

1. Maximize all available funding streams.

Special education funding comes from a range of sources. For each of the funding streams below, your team should be able to answer the following:

- Do we request these funds? If yes, who is in charge of ensuring that we request and receive these funds?
- What are the criteria for eligibility for these funds?
- How can these funds be used?
- Has our school received all the funds that we are owed?
- Do we need to report on the use of these funds? If yes, how? Who is in charge of that process?

Federal	State
IDEA Part B	Census-Based Distribution
Medicaid	Equalization Aid
Title 2	Categorical Aid
ESSER	Extraordinary Aid

2. Define core principles to guide the use of financial resources.

In any organization, decisions about the budget are interconnected and interdependent. When it comes to special education, these interdependencies can create tensions. Here are two examples:

- Charter school B has found that a specific type of intervention is effective for a student with a significant disability. Providing that intervention, however, costs the school more than the per pupil revenue that the school receives for the student. Tension: the school wants the student to be successful but is concerned about the impact on other programming.
- Charter school C has a student who could benefit from specialized reading instruction, but the student does not meet the criteria for adding the service to the student's IEP. Tension: the school wants to provide this service as an intervention before the student's need grows, but the school will not receive any additional per pupil funding.

To productively navigate these tensions, your team needs to be grounded in a set of foundational mindsets and aligned on a set of principles and practices to guide decision-making:

- Use of money should be equitable, not equal; there are some students who will require significantly more financial investment to receive equitable education.
- More money does not always lead to more impact.
- Do not make decisions in isolation (e.g., adding three paras).
- Use resources to build systemic solutions.
- Frame resource allocation as an equity imperative.

You cannot deny services to a child to which they are legally entitled as part of their FAPE because the cost of providing those services is high.

3. Build shared understanding about the budget amongst the LEA leadership team

Accessing and strategically leveraging financial resources requires thoughtful collaboration amongst the leadership team. Although individuals may develop deep expertise in specific areas, the overall knowledge about how funding streams work and how your school is using them should not be siloed within one person.

Each member of your school, or network, leadership team should have shared understanding of the following concepts:

- Funding streams are often more flexible than we think they are.
- Staff roles are often more flexible than we think they are.
- Budget allocations can change mid-year.

What are the potential implications if our team is not aligned on these concepts? Here are some examples.

Financial Management Scenarios	How This Can Negatively Impact Students
Ex 1. The finance leader asks a narrow question without realizing the broader implication	There is an interconnectedness between student demographics and special needs, special education funding, certified staff members, and programmatic supports. Understanding only one of these components without its impact on the others can lead to poor financial predictions, poor assumptions about staffing/program needs, and ultimately inefficient resource allocation.
Ex 2. The school or network applies for a grant without thinking broadly enough about the context	If the staff members applying for grants or filling out title applications do not have a comprehensive understanding of the program, they may misrepresent the program in a way that will make compliance reporting difficult later. Similarly, if the programmatic expert does not understand the compliance reporting components involved with a grants/title application, they may over-anchor in too specific of a description that will make long-term reporting and implementation difficult. This is why it is critical for people with funding/title compliance knowledge and people with programmatic expertise to collaborate in the application for grants.
Ex 3. The school feels pressure to "fill" seats	In a context where a school offers a programmatic setting with a high teacher–student ratio, there could be implicit pressure to refer students to that setting to maximize funding. Although all parties involved may conceptually know this is illegal, the presence of this financial pressure may impact actions and decisions in unseen ways.