



SPECIAL POPULATIONS

Recognized Best Practices

Regulatory Framework

Like all public schools, charter public schools must provide special education programs and services designed to meet the individual needs of each student with a disability (MCL 280.1751). The school may provide these programs or services directly or contract for services with its ISD or another ISD or school district. The local ISD must be a party to contracted services whether or not they participate in delivery of services. In addition, a charter public school must adhere to all provisions of the Individuals with Disabilities Education Act (IDEA) and the Michigan Revised Administrative Rules for Special Education.

All public schools must ensure that English learners can equally and meaningfully participate in educational programs and services, according to the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974. The Every Student Succeeds Act (ESSA) amendment to Title I and Title III provide funding and guidance for programs for English learners. Additional information and support can be found [here](#).

Under Michigan's Revised School Code, charter public school authorizers are responsible for overseeing the schools they authorize and ensuring that each of them complies with its authorizing contract and all applicable law.

MCCSA Guiding Principles and Standards

The first principle of MCCSA's guiding principles is for authorizers to focus on Performance and Accountability. In addition, principle two outlines that the authorizer has the responsibility to ensure equitable access and funding stating that "students deserve fair and stable operating environment, access to local, state, and federal programs and supports, and equitable funding." The responsibility of continuous monitoring lies with multiple agencies including the schools' authorizer and the MDE. In the case of special populations, federal agencies also closely monitor for compliance. Part of monitoring performance and accountability is to ensure that the school is effectively providing quality education for all students and complying with all state and federal regulations. The authorizer must ensure that all sub groups are monitored for performance and that state and federal law and regulations are adhered to. In addition to the MCCSA guiding principles, special populations are identified throughout the NACSA Principles and Standards focusing on performance and accountability of special populations, student rights, and reporting.

What is an authorizer's responsibility as it relates to special populations?

The authorizer has a responsibility to ensure that special population students have a free education that meets their individual needs. The education of special populations is highly regulated both at the state and federal levels.

The authorizer must ensure that schools have the structures and staffing in place to serve all special population students effectively and according to the state and federal laws and regulations. An examination of documentation, staffing, and educational programming fidelity are essential.

If the authorizing body is an intermediate school district, then it has additional direct responsibility under the IDEA for providing special education and related services to children with disabilities. If the authorizing body is a traditional K-12 school district, then it must maintain an appropriate arms-length relationship with the charter public school relative to the provision of special education services. If, however, the authorizing body is the board of a community college or state public university, then its responsibility with respect to special education is to oversee, monitor and support each charter public school to ensure that it is carrying out its legal responsibilities and meeting the requirements under their respective charter contracts.¹

How can an authorizer ensure that all students are educated and have access to educational opportunities that best meet their needs?

Special Education

Authorizers have the responsibility to ensure that all students are educated and have access to educational opportunities that best meet their needs. Authorizers can ensure special populations are served through a review of data and qualitative reviews. A review of data should be for all populations at the school including special education student data. Subgroup data can provide an insight into whether students with special needs are receiving a quality education. In addition to the quantitative data review, an authorizer should also conduct qualitative reviews. This review consists of visiting the school, speaking with the special education staff, and observing classrooms. This review should demonstrate that the school has data review cycles in place to monitor and document the progress of students according to the IEP.

An authorizer should also ensure that Individualized Education Plans (IEP) and 504 Plans are in place and adhered to. This consists of performing an IEP and 504 Plan review that ensures all documents are up to date, are in compliance with the law, and the students' progress is being monitored throughout the year. The authorizer should also ensure that as part of the school's IEP process, continuous communication mechanisms are in place for parents to understand progress. This review should also include staffing reviews to ensure all personnel are in place to fulfill the IEP.

¹ Special Education Services in Charter Schools, What Authorizers and School Leaders Should Know, MCCSA, Dykema.

English Language Learners

Authorizers should understand the population of the school and ensure that the services for students are in place. Specifically, the authorizer should examine and understand the population as well as the state and federal standards related to English Language Learners to ensure that the school is in compliance. The authorizer may ensure the correct assessments, entry and exit protocols, home surveys, collection of data, and the appropriate program supports and staffing are in place. The authorizer may also ensure that professional development is in place as well as school and community supports for families.

Staffing

Authorizers may ensure that charter public schools have the staff and teachers in place to provide educational services to students. This includes the head of special education, teachers, school psychologist, specialist, paraprofessionals, and support staff. These positions should be included in staff reviews to ensure proper credentialing.

Why is oversight of special populations important?

All students have a right to an education that meets their needs. Special populations have greater needs and the authorizer should ensure that those needs are being met by developing oversight processes that ensure a charter public school complies with its authorizing contract and all applicable law.

Reflective Questions:

Does your organization have a process and system in place to review special population data and conduct qualitative reviews? If not, what might your organization put in place?

How does your organization conduct reviews to help ensure that special education and ELL students are receiving the proper education?

Is there a process in place to review staffing for special populations and does that process look at credentials, needs of the special population and adherence to IEPs?

Resources

[Michigan Revised Administrative Rules for Special Education](#)

[English Language Resource](#)

[Special Education Services in Charter Schools, What Authorizers and School Leaders Should Know](#)

[Special Education Site Visit Process](#)

[Special Education Site Visit Form](#)