School Options with an IEP

with Michelle Driscoll and Stephanie Nicholls

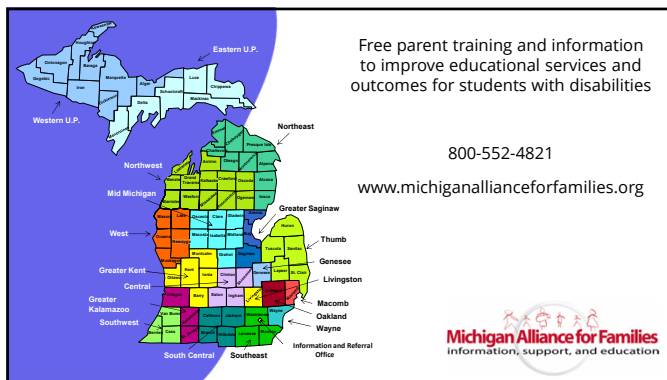**Michigan Alliance for Families**
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Agenda

- Terms and Definitions: Schools
- Big Ideas in the Individuals with Disabilities Education Act (IDEA)
- Terms and Definitions: Virtual Learning
- Frequently Asked Questions
- Considerations When Thinking of Changing Schools

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Local School District / Neighborhood Schools

Public School District

Educating students who live in within resident district (K-12 +)

Can not charge tuition

Must not discriminate

Governed by an elected school board

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Charter School / Public School Academy (PSA)

Can include any combination of K-12

No "resident students"

Public school district

Can not charge tuition

Must not discriminate

Governed by a board

Charter contract issued by authorizing body

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Nonpublic and Home Schools

A nonpublic school is:

• not operated by a public school district

• a private school, could be religion-based

• home schools are treated like a nonpublic school in Michigan

Parentally placed eligible students in a registered nonpublic school are not entitled to a FAPE but may receive some special education services through a nonpublic service plan.

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Resident District & Operating District

- Resident District: Public school district where the home address is located. District responsible for ensuring the eligible students receive a free appropriate public education (FAPE).

- Operating District: District responsible for implementing the programs and services documented in the IEP. May or may not be the resident district.

- School of Choice: Provide students with additional enrollment options. School of choice could be within resident district or another district. Participation in school of choice programs is **optional** for districts.

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Special Education Laws and Rules

Individuals with Disabilities Education Act (IDEA)

Michigan Administrative Rules for Special Education (MARSE)

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Big Ideas in IDEA

Child Find

Free Appropriate Public Education (FAPE)

Least Restrictive Environment (LRE)

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Child Find

Child find activities are required to identify, locate, and evaluate all children and students with disabilities who need, or may be in need of, special education programs and services, including children and students who are:

- Suspected of having a disability even though they are advancing from grade to grade.
- Home schooled.
- Enrolled by their parents in a private, nonprofit elementary or secondary school, including a religious school, which is in the jurisdiction of the district.
- Attending an in-district virtual school or magnet school.
- A ward of the state.

- Highly mobile, such as a migrant and/or homeless student.
- Dropped out of school and have not reached the age of 26.
- Enrolled in another public educational program (i.e., Adult Education, Alternative Education).
- Held in county jail.
- In a low incidence placement, such as a residential facility, homebound, or hospitalized setting.

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Child Find Responsibility

Where student is enrolled	Who is responsible for Child Find
Local School District	District where child resides
School of Choice District	District student is enrolled
Homeschool	District where home is located
Private school	District where school is located
Public School Academy (Charter School)	District student is enrolled (which is the PSA)

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FAPE

$ Free   Appropriate   Public   Education

The primary vehicle for providing FAPE is through an appropriately developed individualized education program (IEP) that is based on the individual needs of the child.

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FAPE & IEP Implementation – Nonpublic

$ Free 👆 Appropriate 🏛 Public 🏫 Education

All eligible children are entitled to a free appropriate public education.

- If the family decides the eligible student will attend a nonpublic school option, they are opting out of a free appropriate public education (FAPE) for their child.
- Nonpublic schools are not bound by IDEA.
- Services may be provided through a nonpublic service plan.

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FAPE & IEP Implementation – Public School

If the parent chooses to move the student from resident district to a different public school, who ensures FAPE?

- Operating District

$ Free 👆 Appropriate 🏛 Public 🏫 Education

If the IEP Team decides to move the student from resident district, who ensures FAPE?

- Resident district ensures, operating district implements
- When the operating district is different from the resident district, they must work together to ensure FAPE.

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Least Restrictive Environment

300.114 LRE Requirements

(2) Each public agency must ensure that—

- (i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

- (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

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Accessibility

Section 504 of the Rehabilitation Act of 1973
prohibits discrimination based on disability in any program or activity operated by recipients of federal funds.

Title II of the Americans with Disabilities Act of 1990 (ADA)
prohibits discrimination based on disability by public entities, regardless of whether they receive federal financial assistance.

Examples of the types of discrimination prohibited:

• inequitable access to educational programs and facilities

• denial of a free appropriate public education (FAPE)

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Learning with Technology

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Michigan Virtual Learning

In Michigan, we define virtual courses as:

"a course of study which is capable of generating a credit or a grade and is provided in an interactive learning environment in which the majority of the curriculum is delivered using the internet and in which pupils are separated from their instructor or teacher of record by time or location, or both." (**THE STATE SCHOOL AID ACT OF 1979** MCL 388.1621f)

Michigan is a local control state, therefore virtual learning options vary from district to district and in some cases even from school to school. Virtual learning encompasses participation in one course, a combination of courses, or 100% of courses.

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Terms for Virtual Learning

- **Full-Time Virtual (FTV):** The school has no physical building where students meet with each other or with teachers. All instruction is virtual.

- **Face-to-Face Virtual (FFV):** Virtual with face-to-face options; the school focuses on a systematic virtual instruction program but includes some physical meetings among students or teachers.

- **Supplemental Virtual (Supp Virt):** The school offers virtual courses, but virtual instruction is not the primary means of instruction.

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Ways to Deliver Instruction

Synchronous: scheduled, real-time instruction with a teacher that is fully virtual/online

Asynchronous: on-demand instruction that is fully virtual/online

Distance Learning: teacher and students in different places

Digital Learning: interactive internet-connected learning, no teacher assigned

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What may accommodations or modifications look like virtually?

Student Needs	Virtual Learning Alternatives
Written / scaffolded instructions	Instructions/ assignments shared ahead of time, bulleted list of instructions in chat, Learning management system
Instructions/ lesson read aloud	Teacher records instructions / lesson Text to speech tools
Writing assignments	Speech to text tools, example: Read & Write
Sensory tools	Teacher drops off sensory toolbox to student at home
Small Group / One-On-One Instruction	Breakout Rooms
Modified assignment or test	Prepared ahead of time, shared with student directly

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What may services look like virtually?

Student Needs	Virtual Learning Alternatives
Speech and language therapy	Teletherapy-students and providers use webcams, headsets, live video conference
Occupational therapy	
Physical therapy	Schools can contract with teletherapy companies to provide services
Social work services	Schools can contract with other districts to provide services (Example: resident district)
Counseling	
Assistive technology	Student and parent training to utilize assistive technology

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What may supports look like virtually?

Student Needs	Virtual Learning Alternatives
Resource Program support	Resource Program teacher meets virtually with student/ small group of students
	Remote desktop control
Paraprofessional support	Private virtual meetings with paraprofessional for 1:1 work with the student outside of class time

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What is the expectation for parent involvement in virtual schools?

Great questions to ask the specific virtual program you are considering:

- What is my role as the parent?
- How much time is expected?
- How is it structured?
- How will staff communicate with me (phone, email, text) and how often regarding my child's progress or areas of concern?
- Who will ensure my child's accommodations are in place?

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If I am told they do not provide special education supports and services virtually what are my options?

- Public (including charter and virtual) school may not be selective in its enrollment process.
- The school may not screen out students based on disability, race, religion, gender, test scores, etc.
- A random selection process must be used if the number of applicants exceeds the school's enrollment capacity.

A charter school must provide special education programs and services through a combination of:

(a) operating a special education program or service

(b) contracting with another provider

Remember: If the virtual school is a public school, they have an obligation to provide FAPE.

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Can a student who is homeschooled receive special education and related services?

Yes! A student who is home schooled may be eligible to receive special education and related services if the homeschool is registered with the state. Parent (or school) may refer the student who is suspected of having a disability for an evaluation through the child find process of the local public school district where the home is located. If determined eligible for special education and related services, the local public school district will develop a nonpublic service plan.

Please put your answer in the chat.

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Can a student automatically be placed in a virtual or online program due to challenging behaviors?

No! Schools should be cautious about excluding a child with a disability from their regular educational program to provide virtual instruction for the sole purpose of responding to a child's behavior.

Removing a child from the regular education program without ensuring behavioral supports have been made available throughout a continuum of placements, including in a regular education setting, could result in an inappropriately restrictive placement and denial of FAPE.

Please put your answer in the chat.

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Questions to ask yourself

- Why am I leaving my current school?

- What am I looking for in a new school?

- What will be different at this new school? How will it benefit my child?

- What are the possible disadvantages of leaving my current school for a new one?

- How does my child feel about changing schools? How might this affect them emotionally or socially?

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Questions to ask a potential school

- Who is going to implement my child's IEP?

- Does this school have a particular mission or philosophy?

- Gather Data: What is the teacher to student ratio and average class size? What is the turnover rate with staff?

- What are the discipline policies and how are such issues handled?

- How does the school support students with different learning styles and needs?

- How does staff communicate with and engage parents? Is there a family engagement policy or plan?

- What extracurricular or after-school activities does the school offer?

- Does the school have policies in place to address school climate issues like bullying or safety?

- How will my child's academic, developmental, and social-emotional progress be measured?

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