603 CMR 28.10 (6)
Guidance and FAQs on Technical Assistance Advisory SPED 2014-5
Brief history of guidance document

★ Access and Equity Working Group
★ Collaboration with Special Education Program, Planning, and Policy unit
Goals for today

- Provide a review of key points to clarify the advisory
- Provide participants an opportunity to ask questions
- Identify, clarify, and add content to use in development of our up-coming FAQ document
Definitions

- **School district of residence (SDOR)**
  - The public school district a student would attend if not enrolled in charter

- **Out-of-district program**
  - Special education program located in a building or facility outside of the general education environment
    - 1. Approved public day schools
    - 2. Approved private day programs
    - 3. Approved private residential programs

- **In-district program**
  - Special education program operated in public school district building or facility that provides services to students of comparable ages
Charter School responsibilities:

- Have available a full continuum of services for students with disabilities.
- Maintain communication with SDOR about students on IEPs.
- Investigate in-district options at the SDOR with families as needed.
Timeline of Events

- IEP Team determines a possible need for out of district placement
- Within 2 school days, schedule another meeting to determine placement
- Hold placement meeting within 10 school days.

Invite the SDOR representative, with 5 school days notice.

Investigate available in-district programs or out-of-district programs
In-district placement

Before placement meeting-

CS and parent agree on in-district option at charter school.

No agreement:

Placement team considers if SDOR has in-district program, either alone or supplement to services at CS.

If yes, Team must propose an in-district option:

- Services may be delivered in charter school
- Through a program located in SDOR or
- Combination of both
Different, possible options for charter schools:

- Independently develop and offer the in-district program described in the IEP at the charter school.
- Join, form, or purchase services from educational collaboratives or other partners to provide or support the provision of some or all of the services described in the IEP.
- Collaborate with the student's SDOR to establish and operate a program at the charter school that meets the needs of the student.
- Collaborate with the SDOR, including contracting with the SDOR to provide services to the student.
In-district Placement continued

★ Important things to remember!
★ When in-district programming is proposed, the student remains enrolled at the charter school
★ The charter school retains financial and programmatic responsibility for the student
★ The charter school has full discretion over where it will deliver any in-district program.
★ The charter school is not required to contract with the SDOR for services unless the charter school chooses to do so.
★ The charter school may not require the parent to disenroll their child at any time as a condition for receiving any service.
★ Parents can chose to leave the charter school and enroll in the SDOR for any reason.
Out-of-district Placement

★ If placement team, including SDOR, agrees that student cannot be served in-district...
  ★ Placement team shall determine that student needs an out-of-district placement.
  ★ Placement will be in an approved public or private out-of-district day or residential program that is capable of providing for the student’s special education services.
  ★ If parent consents, then programmatic and financial responsibility for the student’s special education program goes back to SDOR.
Final Thoughts

- Charter school team cannot act independently to offer an out-of-district placement EXCEPT if SDOR declines to attend the placement meeting.
- The SDOR cannot simply refuse to agree to out-of-district placement.
  - Must offer an appropriate in-district program in SDOR
- If charter school, SDOR, and parent cannot agree on placement, student remains at last agreed upon placement until resolved through BSEA.
Questions and next steps

★ What are your questions?
  ★ We are in the process of developing a FAQ document for publication.

★ Feel free to contact:
  ★ Ellie Rounds, 781-338-3212, erounds@doe.mass.edu
  ★ Jane Haltiwanger, 781-338-3229, jhaltiwanger@doe.mass.edu