

Serving Students with Disabilities in an Independent Study (IS) Setting

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SELPAs



OVERVIEW

Eligibility

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Determining Services

Provision of Services

Related Services

Curricular Adaptations

Alternative Grading

Problem-Solving



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In some situations, Independent Study (IS) programs may provide an appropriate placement and scope of services for students with disabilities. Participants will learn how principles such as least restrictive environment (LRE), educational benefit, and free and appropriate public education (FAPE) apply to this increasing popular educational option.

Main Goals:

1. Identify characteristics of independent study programs
2. List considerations when a student with an IEP is placed on independent study
3. Collaborate with parents, teachers, and student to support independent study placements
4. Describe different service models, curricular adaptations, and overcoming potential barriers when serving students with IEPs in an IS setting.

Independent Study Defined

“Independent study is a different way of learning-it is an alternative instructional strategy for providing regular education from kindergarten through adult education. Independent study students take the same courses as students in regular classes. Each student is guided by a teacher but generally does not take daily classes with other students. As the name suggests, each student works independently.”

-CCSA (Non-Classroom Based Charter Schools and Special Ed.)



Independent Study Defined

- It is an instructional strategy for delivering California's standards-based, grade-level content; not an alternative curriculum, and is expected to be equal in quality to classroom instruction.

EC Section 51745(a)(3)

- The Independent Study Written Agreement (also known as the Master Agreement) outlines the course of study for each independent study student.

EC Section 51747(c)



What is Independent Study?

Home-Based Instruction

Typically when a parent is part of the educational team and serves as an instructor.

Follows the guidelines of the district/LEA for Independent Study and Master Agreement.

IS=YES

~~Schooling at Home~~

All instructional needs met solely by family and independent of district/LEA.

Parent(s) must file a "Private School Affidavit" with CDE.

IS=NO

~~Home & Hospital Instruction~~

Temporary service provided to help students maintain continuity of instruction during a period of temporary disability.

Instruction provided to a student in a hospital, health facility, or in the student's home.

IS=NO

Independent Study and Special Education

- Independent study charter schools must enroll all students who meet the enrollment requirements set in their charter.

EC Section 47605(d)(2)(A)

- For a student who has an IEP and wants to participate in independent study, a determination as to whether independent study is appropriate must be written into the IEP.

EC Section 51745(c)



Equal Enrollment

Eligibility

- Federal & State laws and regulations prohibit any public school, including charter schools, from denying admission to any student on the basis of a disability, or the nature of or extent of a disability:
 - A student with disabilities must be afforded the opportunity to participate in a charter school.
 - Section 504/Title II prohibits charter schools from denying admission to a student with a disability based on his/her need for special education and related aids and services.
 - State law requires that charter schools “shall not discriminate against any pupil on the basis of...disability.”
 - Applying Federal Civil Rights Laws to Public Charter Schools, Q&A #8, OCR (May 2000)

EC Section 47605(d)(1)



Equal Enrollment

Eligibility

- All pupils who wish to attend a charter school must be admitted, except where the number of pupils exceeds capacity.
 - Except in cases of an existing public school that converts into a charter school, admissions may not be determined based on the place of residence of the pupil or his or her parent or legal guardian.

Ed Code 47605(d)



Equal Enrollment

Eligibility

- The California Department of Education issued guidance in 2006 that states “despite the existence or lack of a program for a student with disabilities at a charter school, enrollment may not be denied.” This requirement applies without exception to charter schools that offer only an independent study program.”

CFR Section 104.4(b)(30)

EC Section 47646(a)

Letter to Charter School Operators and SELPA Directors from California Department of Education, October 16, 2006.



Who Can Enroll?

Eligibility

- Which students may enroll in an Independent Study Charter School?



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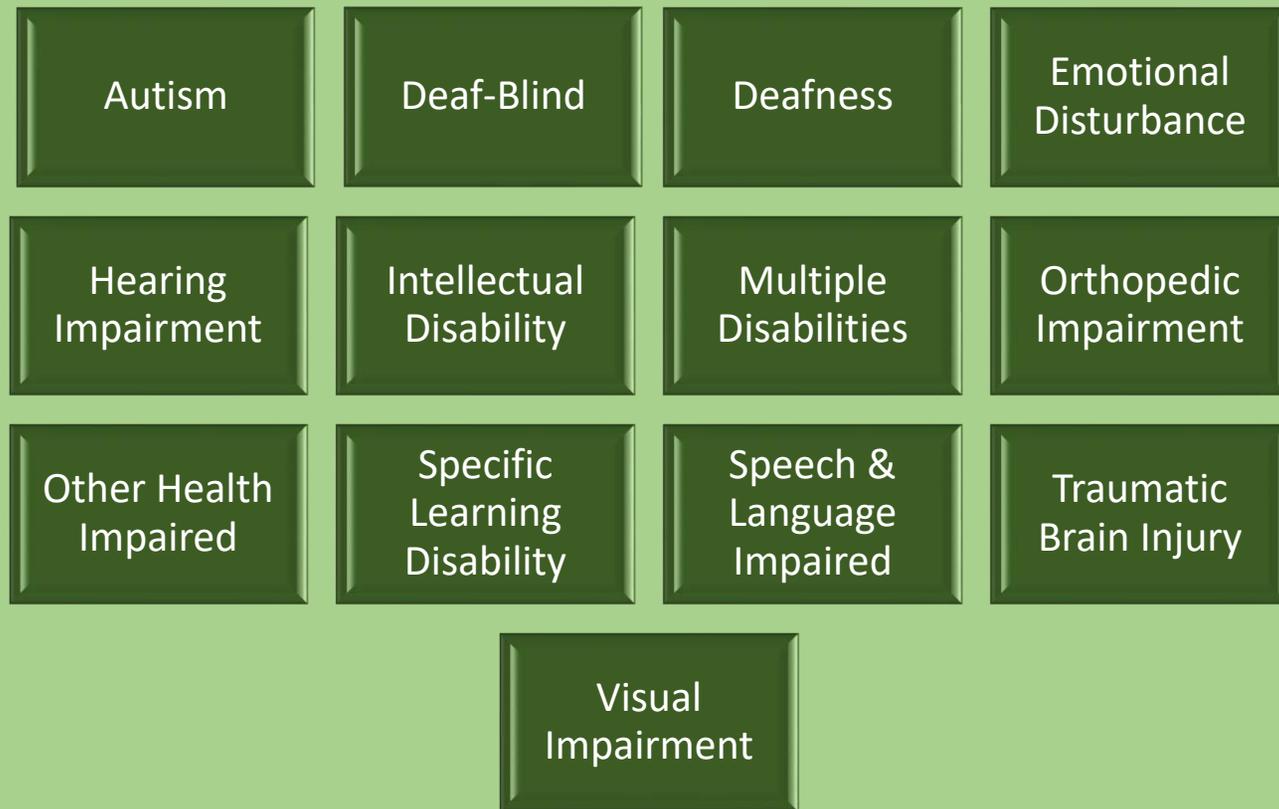


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Eligibility for Charter Schools:

The following is a list of IDEA eligibility criteria for Special Education.



Fine Balance: Equal Enrollment vs. Student Needs

- Based on Federal and state laws and regulations, it would appear to be prudent for independent study charter schools to adopt the following policy:
 - Admit all applicants (subject to capacity limitations), regardless of whether or not their IEPs specify independent study as an appropriate placement, and
 - Convene an IEP team meeting within 30 days to determine whether independent study is an appropriate placement and amend the IEP accordingly, or offer appropriate alternative placement.

Fine Balance: Equal Enrollment vs. Student Needs

- If independent study is determined not to be appropriate, then the relevant LEA should take steps to ensure that the student receives a FAPE by being placed in the appropriate alternative educational setting.
- This alternative program may be at a district/LEA-run program or provided by an outside service provider.
 - Independent LEA = procure placement, at cost to your LEA:
 - “Purchase a seat” in a local district
 - CDE Approved, Nonpublic School (NPS)

Fine Balance

Equal Enrollment vs. Student Needs

- If Independent study is found to be an appropriate placement, **the charter assumes full responsibility** for providing quality and compliant special education programs and services, while ensuring that all eligible students receive FAPE as required by law. This means **the charter school is responsible** for providing supplementary and related supports and services to all students that require such services- despite geographical or other barriers. In addition, in cases where the IEP team determines that an independent study program is not appropriate for a particular student, **the charter is responsible** for identifying and providing an appropriate program or placement for the student.



Fine Balance

Equal Enrollment vs. Student Needs

the charter assumes full responsibility

charter school is responsible

the

responsible

the charter is



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Equal Access

- Independent Study is not about WHO you serve, it is about HOW you serve.
- Personalized Learning can enhance Independent Study and be the right fit for some students with disabilities, but may not be appropriate for all students with disabilities.
- “Carmax” Approach:—we take “all” students and work with them based on their unique needs (or consider alternative placements).



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Independent Study

Elements of Personalized Learning

Blended, flexible learning delivery

Choices in curriculum, learning environments, and pacing

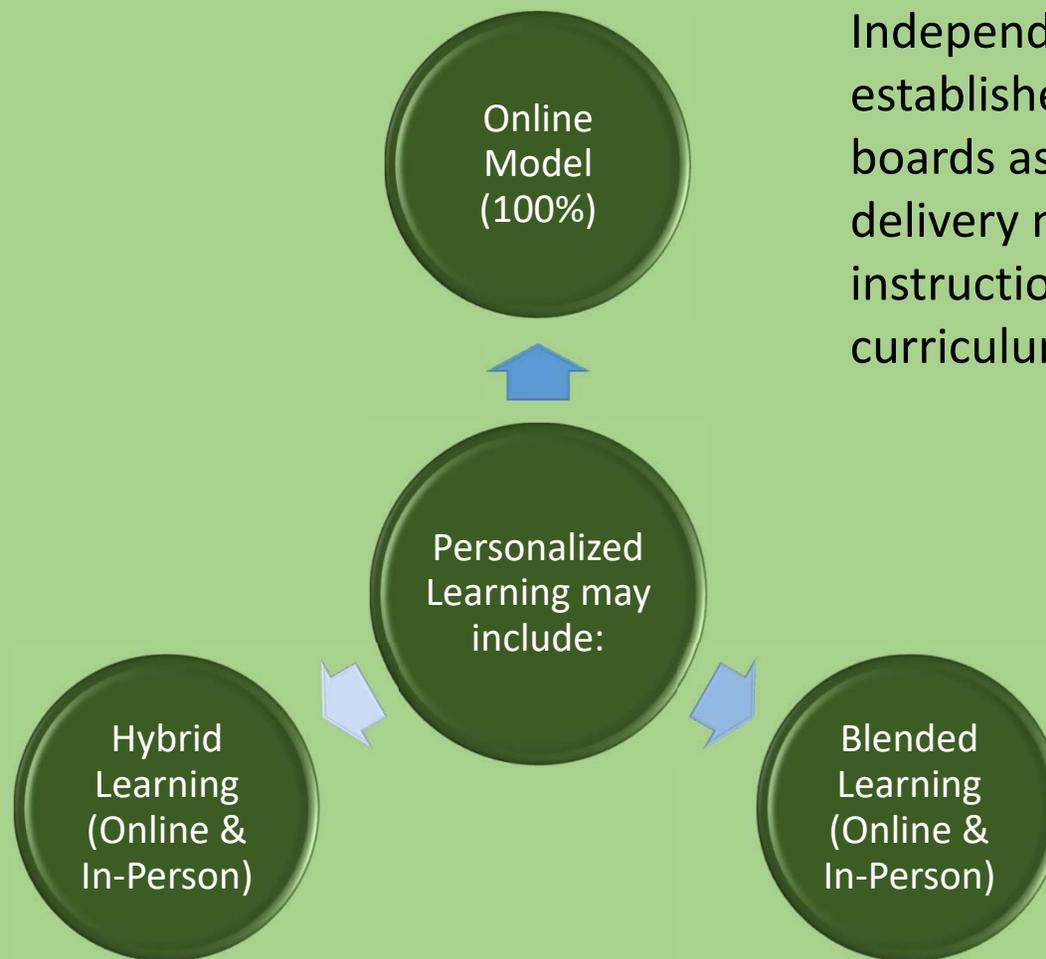
Smaller class sizes

Attention to differences and learning styles

Student-driven participation in developing the learning process



Independent Study



Independent study is established by local governing boards as an alternative delivery method for providing instruction in the core curriculum.

EC Section 51745(a)(1-5)



IEP Meetings:

Attendance

- While an LEA/district cannot compel the attendance of parents in the same way it can require attendance of its own personnel or contractors, it must ensure that parents are invited and strongly encouraged to attend.
- IDEA regulations state that IEP team meetings can proceed without a parent in attendance only when the LEA/district "is unable to convince the parents that they should attend."

34 CFR 300.322 (d)



IEP Meetings

Attendance

Districts/LEAs must keep records of the attempts to secure a mutually agreeable time and place for the IEP meeting. Specifically the district/LEA must keep:

- Detailed records of telephone calls made or attempted and the results of those calls;
- Copies of correspondence sent to the parents and any responses received; and
- Detailed records of visits made to the parent's home or place of employment and the results of those visits.

34 CFR 300.322 (d)



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IEP Meetings

Parent Participation

- The district/LEA must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

[34 CFR 300.322](#) (e)

E.H. v. Tirozzi (D. Conn. 1990)

- The district/LEA must also make reasonable accommodations for parents with special needs; the parent is entitled to these accommodations under Section 504 or the ADA.

[34 CFR 104.4](#) , [34 CFR 104.3](#) (k)(4)

Grapevine-Colleyville (TX) Indep. Sch. Dist., (OCR 1996)



Parent Participation

- IDEA requires districts/LEAs to provide for meaningful parental participation in the IEP meeting. This participation should include:
 - Consideration of parents' suggestions and, to the extent appropriate, incorporating them into the IEP.
 - Consideration of any IEE, a discussion of placement options, and answering parents' questions.
- Consider limitations of technology; ensure often that parent can hear and understand the IEP meeting proceedings.
- Offer alternatives (phone calls or other options) to remedy communication and ensure parent participation.



Required IEP Team Members:

The following are required IEP team members:

- The parents of the child.
- Not less than one general education teacher of the child (if the child is or may be participating in the general education environment).
- Not less than one special education teacher of the child, or, where appropriate, not less than one special education provider of the child.
- A district/LEA representative who:
 - is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - is knowledgeable about the general education curriculum; and
 - is knowledgeable about the availability of district/LEA resources.
- An individual who can interpret the instructional implications of evaluation results.
- At the discretion of the parent or the district/LEA, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate.
- Whenever appropriate, the child.

[34 CFR 300.321](#) (a)

Determining Services

- Interim process:
 - Case manager & other service providers review the last signed IEP in order to offer of Free and Appropriate Public Education (FAPE).
 - Complete Interim IEP paperwork to provide comparable offer of FAPE.
 - May note on Interim IEP "Services based on comparable offer of FAPE will begin immediately on the student's first day of attendance."
 - Send home a Meeting Notice and hold Interim IEP meeting within 30 days of initial attendance.
 - Gather data on student in placement.
 - During IEP meeting, update all necessary components of the IEP, including, but not limited to, Present Levels, Goals, Services, Placement, etc.



IEP Meetings

- The IEP must specify the appropriate content under IDEA and include:
- The percentage of time the student will participate in independent study.
- The percentage of time to be spent in regular education, if any.
- The percentage of time the student will receive special education support.
- Discussions of placement options and supports considered in developing an independent study program for a student with special needs.
- The academic goals and services that are unique to the needs of the special education student.
- The accommodations and related services needed to maximize access in an independent study placement.



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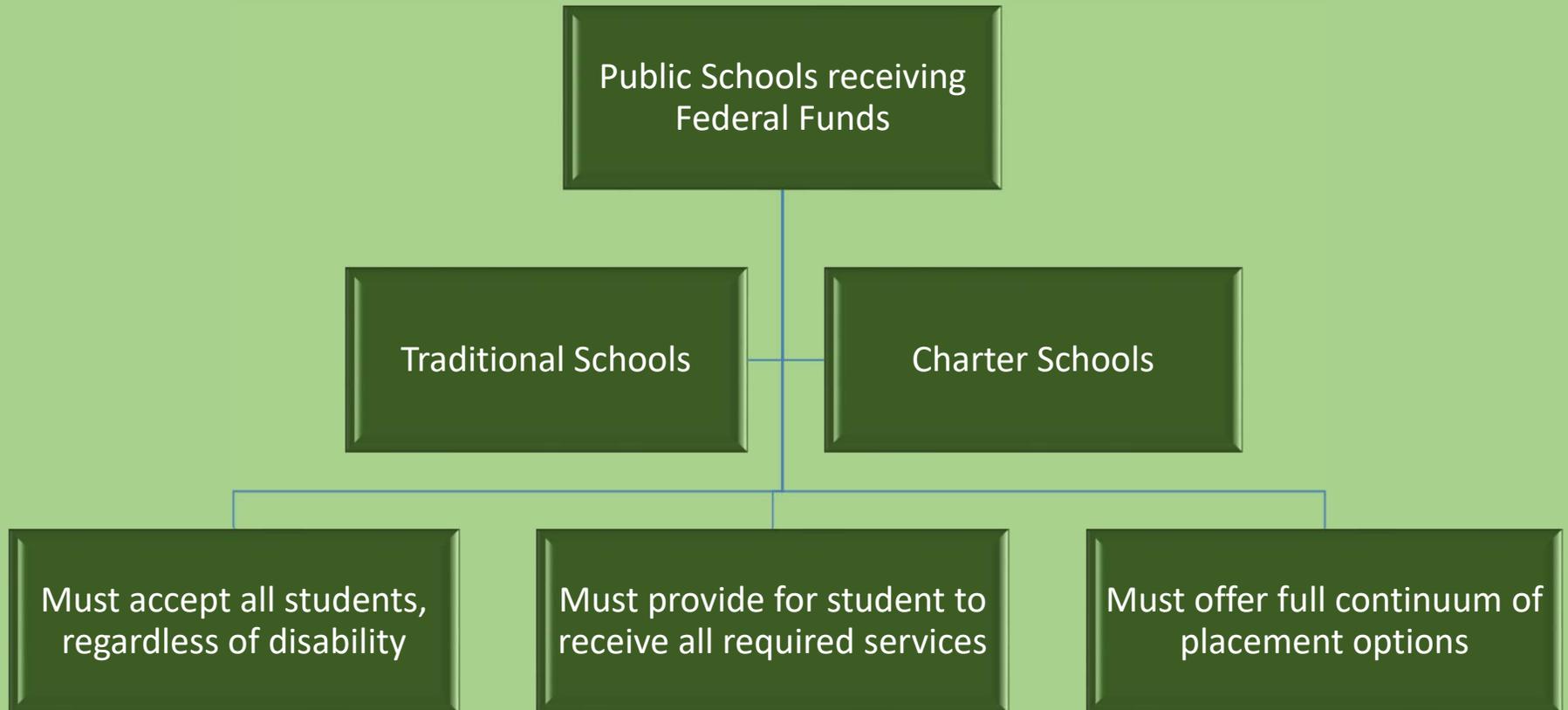


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Determining Services

Continuum of Services and Placement



Least Restrictive Environment (LRE)

And Continuum of Services

- The continuum of alternative placements is the range of potential placements in which a district can implement a student's IEP. The continuum begins with the regular classroom and continues to get more restrictive at each placement on the continuum.

[34 CFR 300.115](#) (a)

- Generally, a placement is deemed more restrictive the less it resembles a regular classroom environment. However, children with disabilities must not be placed in separate schools merely because of the availability of placement options, administrative convenience, or institutional barriers to providing related services in regular school settings rather than because of their individual needs.

See Letter to Johnson, (OSERS 1988)

One Example

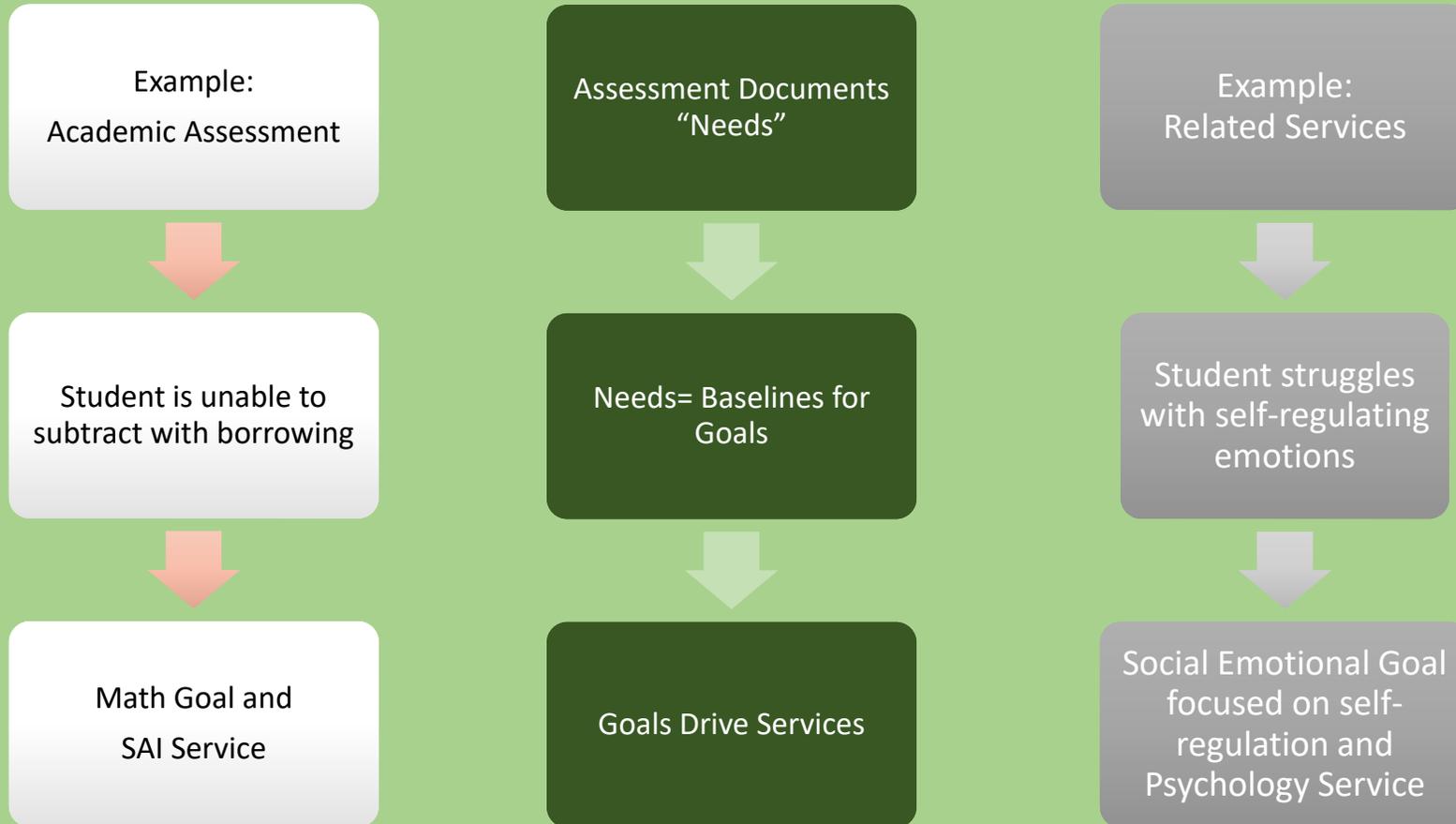
Continuum of Services



Consider moving a student down the continuum of alternative placements only one setting at a time and only as far as is necessary for student to gain Educational Benefit.



Determining Services



Provision of Services: Who?



Services may be provided by:

- Employees of the LEA
- Nonpublic Agency (NPA), with the exception of SAI services

Provision of Services: District School or own LEA

- Provision of Services:
- School/LEA of the district = work with district to provide services and placement options
- Independent LEA = procure services/placement, at cost to your LEA:
 - Services provided by your appropriately credentialed employees
 - Services provided by a Nonpublic Agency (NPA), with the exception of SAI services
 - Alternative services/placement options:
 - Develop programs to support students within your LEA/school
 - “Purchase a seat” in a local district/other charter schools
 - Nonpublic School (NPS)
 - Options via other Charter Schools

Provision of Services NPA/S Option

- (a) A master contract shall be used by an LEA for entering into formal agreements with certified nonpublic schools or nonpublic agencies. The term of the contract shall not exceed one year. The contract shall specify the administrative and financial agreements between the LEA and the nonpublic school or nonpublic agency.
- (b) No master contract with the LEA shall be contingent upon nonpublic school or nonpublic agency individual contracts or agreements with parents.
- (c) The master contract shall, at a minimum, include:
 - 1. general provisions relating to modifications and amendments, notices, waivers, disputes, contractor's status, conflicts of interest, termination, inspection and audits, compliance with applicable state and federal laws and regulations, attendance, record-keeping, and reporting requirements;
 - 2. payment schedules to include, but not limited to payment amounts, payment demand, right to withhold and audit exceptions;
 - 3. indemnification and reasonable insurance requirements; and
 - 4. procedures and responsibilities for attendance and unexcused absences.
- (d) All master contracts shall be re-negotiated prior to June 30.

5 CCR § 3062



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Provision of Services NPA/S Option

- (e) Services may be provided through dual enrollment in public and nonpublic school or nonpublic agency programs to meet the educational requirements specified in the IEP. The master contract or individual service agreement shall specify the provider of each service. The individual with exceptional needs shall be formally enrolled in both nonpublic and public school programs. The nonpublic school or nonpublic agency shall be reimbursed by the LEA for services as agreed upon in the contract.
- (f) Substitute teachers shall be used consistent with the provisions of Education Code section 56061.
- (g) Nonpublic schools and nonpublic agencies shall provide contracting LEAs with copies of current valid California credentials and licenses for staff providing services to individuals with exceptional needs.
- (h) Nonpublic schools and agencies shall notify the SSPI and LEAs in writing within 45 days of any change in credential or licensed personnel. Failure to provide properly qualified personnel to provide services as specified in the IEP shall be cause for the termination of all contracts between the LEA and the nonpublic school or nonpublic agency.

5 CCR §3062



Provision of Services: Best Practices

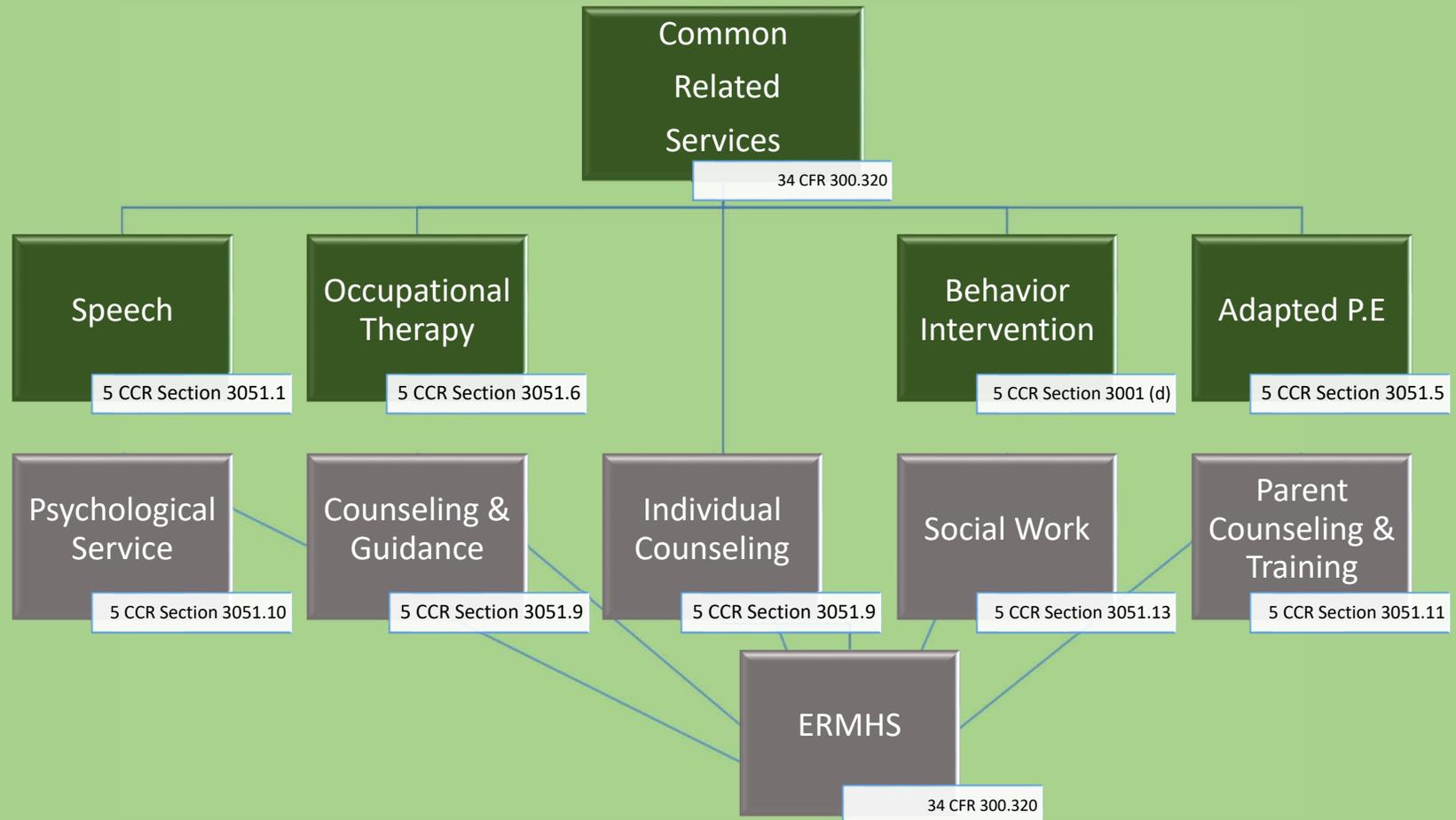
- IEP Goals/Services:
 - Must be unique to meet individual student needs
 - Must be ADA compliant
 - Should reflect what student needs in YOUR environment, at this CURRENT time
 - Must be provided by appropriately credentialed service providers (credential must match service provision)
 - Cannot be “monitor” or solely “consult”
 - Cannot be offered as an elective or “optional”
 - Goals should be monitored by Service Providers, not parents (or students)

Examples of Different Instructional Models

Different Instructional Models:

- One case manager oversees service providers for multiple sites
- In-person based on Master Agreement/days and times
- Virtual sessions scheduled
- Individual or small group in a Learning Center
- Services delivered in a public library (in a private meeting space) by service provider(s)
- Others?

Common Related Services (not an exhaustive list)



Related Services: Assessment



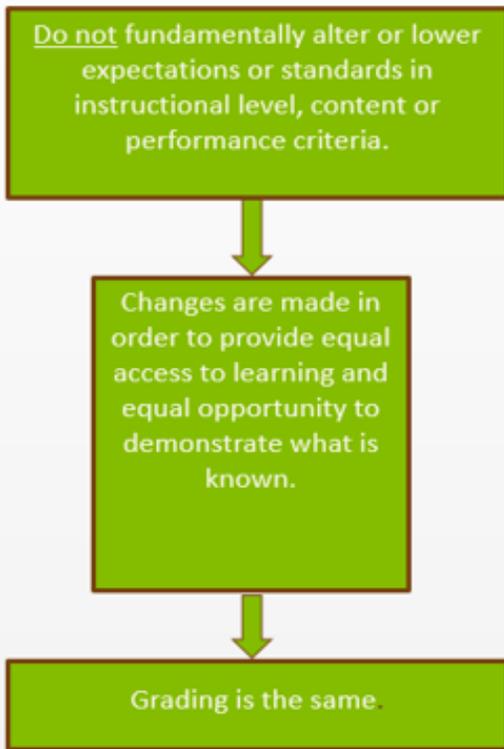
Related Services

- Related Services are determined based upon assessment needs.
- Once a student is eligible for Special Education services they may access related services, but must have a current assessment that determines need.
- If there is suspected need, a team may evaluate to determine if additional related services are required.

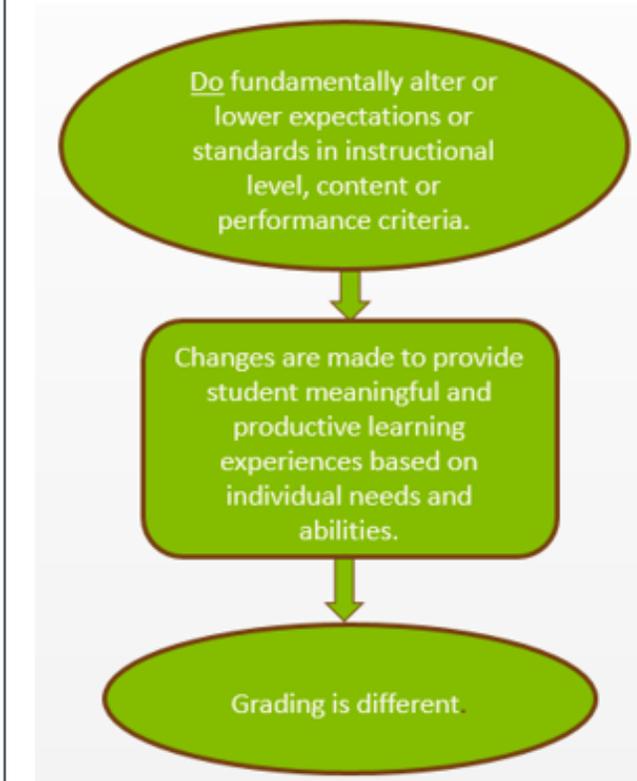


Curricular Adaptations

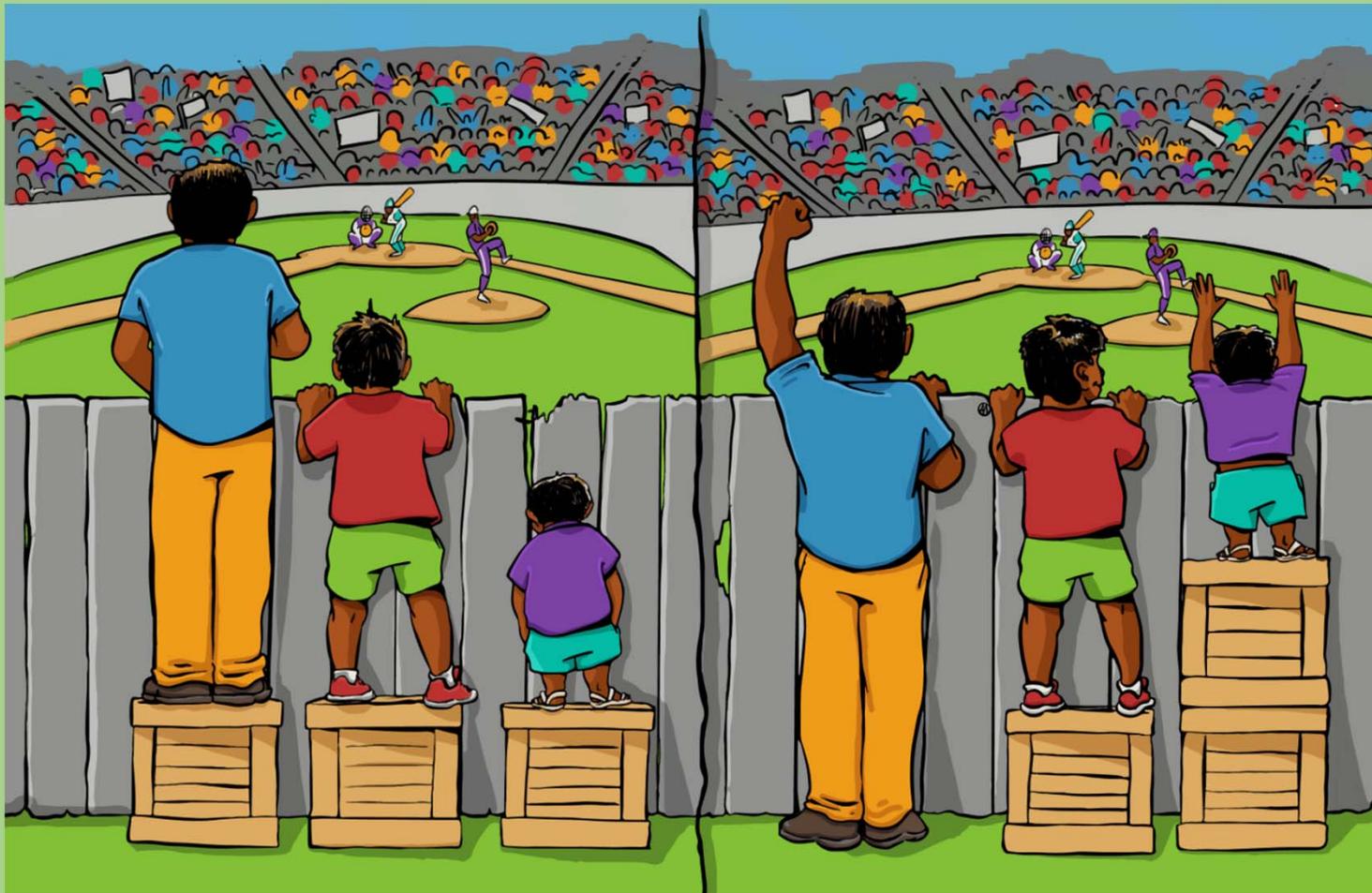
ACCOMMODATIONS



MODIFICATIONS



Accommodations Provide Equal Access



Accommodations & Modifications

Nine Types of Curriculum Adaptations

<p align="center">Quantity * ●</p> <p>Adapt the number of items that the learner is expected to learn or number of activities student will complete prior to assessment for mastery.</p> <p><i>For example:</i> Reduce the number of social studies terms a learner must learn at any one time. Add more practice activities or worksheets.</p>	<p align="center">Time *</p> <p>Adapt the time allotted and allowed for learning, task completion, or testing.</p> <p><i>For example:</i> Individualize a timeline for completing a task; pace learning differently (increase or decrease) for some learners.</p>	<p align="center">Level of Support *</p> <p>Increase the amount of personal assistance to keep the student on task or to reinforce or prompt use of specific skills. Enhance adult-student relationship; use physical space and environmental structure.</p> <p><i>For example:</i> Assign peer buddies, teaching assistants, peer tutors, or cross-age tutors. Specify how to interact with the student or how to structure the environment.</p>
<p align="center">Input *</p> <p>Adapt the way instruction is delivered to the learner.</p> <p><i>For example:</i> Use different visual aids, enlarge text, plan more concrete examples, provide hands-on activities, place students in cooperative groups, pre-teach key concepts or terms before the lesson.</p>	<p align="center">Difficulty * ●</p> <p>Adapt the skill level, problem type, or the rules on how the learner may approach the work.</p> <p><i>For example:</i> Allow the use of a calculator to figure math problems; simplify task directions; change rules to accommodate learner needs.</p>	<p align="center">Output *</p> <p>Adapt how the student can respond to instruction.</p> <p><i>For example:</i> Instead of answering questions in writing, allow a verbal response, use a communication book for some students, allow students to show knowledge with hands on materials.</p>
<p align="center">Participation *</p> <p>Adapt the extent to which a learner is actively involved in the task.</p> <p><i>For example:</i> In geography, have a student hold the globe, while others point out locations. Ask the student to lead a group. Have the student turn the pages while sitting on your lap (kindergarten).</p>	<p align="center">Alternate Goals ●</p> <p>Adapt the goals or outcome expectations while using the same materials. When routinely utilized, this is only for students with moderate to severe disabilities.</p> <p><i>For example:</i> In a social studies lesson, expect a student to be able to locate the colors of the states on a map, while other students learn to locate each state and name the capital.</p>	<p align="center">Substitute Curriculum ● <i>Sometimes called "functional curriculum"</i></p> <p>Provide different instruction and materials to meet a learner's individual goals. When routinely utilized, this is only for students with moderate to severe disabilities.</p> <p><i>For example:</i> During a language lesson a student is learning toileting skills with an aide.</p>

* This adaptation is an accommodation if the student can demonstrate mastery of the standard on an assessment. The key concept is: Will the student ultimately master the same material but demonstrate that mastery in alternate ways or with alternate supports? If standards are not fundamentally or substantially altered, then this adaptation is an accommodation to a learning or performance difference.

● This adaptation is a modification if the student will not demonstrate mastery of the standard on an assessment. If routinely utilized, these adaptations are modifications and require individualized goals and assessment.

Substantially altered by Diana Browning Wright with permission from Jeff Sprague, Ph.D. from an original by DeSchenes, C., Ebeling, D., & Sprague, J. (1994). *Adapting Curriculum & Instruction in Inclusive Classrooms: A Teachers Desk Reference*. ISDD-CSCI Publication.

Diana Browning Wright, *Teaching & Learning 2005*

NineTypes_inst05

Curricular Adaptations

- Personalized Learning
- Universal Design for Learning (UDL)
 - UDL applies the general idea that curriculum should be designed to accommodate all kinds of learners
 - The “planning for all learners” process completed in teams by content area, grade level to include specialists and is aligned to state/common core standards

Alternate Grading

- When deciding if an adaptation is an accommodation or a modification always ask yourself: Will the student ultimately master the same material but demonstrate that mastery in alternate ways or with alternate supports?
- If standards are not fundamentally or substantially altered, the grading can be the same for all students.
- Modifications require an IEP. The IEP should specify how the student will be graded.

Problem-Solving

- Attendance: In an independent study setting, attendance is work product. Be sure to have a system in place to examine why the student is not producing work and ensure your LEA is not missing Child Find obligations related to assessing students for Special Education.
- Mental Health Issues: Be sure that your LEA has a process for monitoring Mental Health needs of students, assessment (when needed) and provision of services.
- Others?

Resources

- <https://www.cde.ca.gov/sp/eo/is/>
CDE Independent Study guide
- <https://www.cde.ca.gov/sp/eo/is/faq.asp>
CDE FAQ's on Independent Study
- <https://www.cde.ca.gov/sp/se/sr/promoretntn.asp>
CDE Promotion, Retention and Grading
- <https://www.cde.ca.gov/sp/se/ds/>
CDE NPA/S list
- www.charterselpa.org
EDCOE Charter SELPA Website

Resources

- <http://www.snipsf.org/wp-content/uploads/2011/08/NineTypes.pdf>

Grid of Nine

- <http://www.cast.org/our-work/publications/2014/universal-design-learning-theory-practice-udl-meyer.html#.WnTm2nxG3IU>

Free UDL Book

- <http://www.udlcenter.org/>

UDL Center

- http://www.udlcenter.org/resource_library/videos/udlcenter/udl

UDL Video

Thank You

- If you have additional questions regarding this presentation please feel free to call the El Dorado SELPA:
 - 530-295-2462
 - 800-524-8100 x2462
- Additional resources are available at our website:
www.charterselpa.org

California
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We'd love to hear from you!



The survey can be
accessed via
Sched or using the
QR code.

Please make sure you complete the
conference survey so your name can be entered into a
drawing for an Amazon gift card.



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