

STATE OF NEVADA

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STATE PUBLIC CHARTER SCHOOL AUTHORITY

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BRIEFING MEMORANDUM

TO: SPCSA Board
FROM: Patrick Gavin and Angela Blair
SUBJECT: Agenda Item # 12—Special Education Memorandum of Understanding
DATE: September 29, 2017

Background:

The Special Education Memorandum of Understanding (MOU) was established once the NV Department of Education (DOE) designated the State Public Charter School Authority (SPCSA) the Local Education Agency (LEA) to outline certain responsibilities between the SPCSA and the charter schools that we sponsor.

Goals and Objectives:

Since the SPCSA is not a school district, we found it necessary to have a clear understanding of what the expectations were since our Executive Director has to annually sign a Special Education assurance document for the DOE as well as all of the county school district's Superintendents. The SPCSA currently requires that each school's administrator representative sign the assurance document for their school, but DOE requires the SPCSA's Executive Director's signature for their records.

By signing the assurances, the SPCSA is stating that we, as the designated LEA, has policies and procedures in place as required by Part B of the IDEA. (20 U.S.C. 1411-1419; 34 CFR 300.101 through 100.163 and 300.165 through 300.201). All policies and procedures established in and administered by the LEA will be consistent with the approved state's Program Plan, Nevada Revised Statutes, and Nevada Administrative Code, Chapter 388, and all other applicable statutes, regulations, program plans, and applications.

Compliance of Federal and State Requirements:

Since the SPCSA is being held accountable for all Federal and State laws surrounding IDEA, 504, and OCR and our staff is not physically present in our schools on a daily basis, we must share this accountability with our schools.

Our schools make decisions on a daily basis that we may or may not be privy too concerning all aspects of the assurances. Not complying with Federal and State laws would affect all funding sources from the Federal Government (IDEA Part B and Early Childhood monies and the State Special Education weighted formula monies).

As the SPCSA's portfolio of schools has increased from year to year, our schools have experienced a tremendous growth in their eligible Special Education student population. Furthermore, an increase in low incident eligibilities such as hearing and vision impairments and intellectual disabilities and high need students with autism spectrum disorders to serious emotional disturbance eligibilities.

Unfortunately with this growth comes an increase in state complaints and due processes being filed with the NV Department of Education. This could be for a variety of reasons which include the charter schools not planning for the capacity and specific needs of their special education students to trying to make their special education students' Individual Education Programs (IEPs) "fit" their school model and/or schedules all of which are against the Federal and State laws which protect disabled students.

Our former Director, Steve Canavero and our council from the Attorney General's office at the time, agreed that our charter schools needed to understand and plan for the unlikely event of having a state complaint and/or a due process being filed against them and the possible financial obligations that they may have to incur. Therefore, the MOU included Section 7 entitled "Compliance with Indemnification and Financial Obligations".

Recommendation:

Staff recommends approval of the updated MOU and requests that the Authority authorize the Chair to execute the MOU upon receipt of the document from each charter school.