

POLICY TITLE: <u>Special Education Audit Policy</u>	
ADOPTION/EFFECTIVE DATE: <u>March 18, 2013</u>	MOST RECENTLY UPDATED: <u>October 15, 2018</u>

PURPOSE

The purpose of this policy is to identify and address public charter schools that may not be equitably serving students with disabilities. discriminatory practices that may be potentially occurring against students with disabilities that may trigger additional monitoring from DC PCSB. This policy establishes the data and practices that comprise the criteria DC Public Charter School Board (DC PCSB) staff will review to initiate special education audit procedures for each non-compliant school.

The School Reform Act of 1995 (D.C. Code § 38-1802.03 *et seq.*) requires DC PCSB to monitor the progress of each public charter school in meeting the goals and student academic achievement expectations stated in its charter agreement, adherence to health and safety regulations, and compliance with applicable laws, including those pertaining to the education of students with disabilities, such as Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), Part B of the Individuals with Disabilities Education Act (20 U.S.C. § 1411 *et seq.*), and the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 *et seq.*).

POLICY

Criteria for Special Education Audit Procedures

DC PCSB staff regularly reviews data and school practices to determine whether public charter schools are compliant with local and federal laws pertaining to students with disabilities.¹ A school-cases- may be subjected to such audits: a special education audit for meeting one or more of the following criteria.

- The out-of-school suspension rate of students with disabilities is higher than the rate of their non-disabled peers.
- The expulsion rate of students with disabilities is higher than the expulsion rate of their non-disabled peers.

¹ Students with disabilities are defined as students with Individualized Education Programs (IEPs) or 504 Plans enrolled at PK-12 public charter schools or adult public charter schools that are obligated to provide special education services.

- Manifestation determination hearings have not been held for all students with disabilities, when applicable, before a suspension or expulsion.
- The enrollment of students with disabilities is less than 7% 8.5% of the total enrollment.
- Disproportionality of a singular disability classification (i.e.e.g., sSpecific Learning dDisability, Emotional Disturbance,) etc.), as measured by any one disability classification that comprises 75% or more of the total population of students with disabilities.
- A special education level of need (i.e., Level 1-4) comprises 75% or more of the total population of students with disabilities.
- No students are classified as receiving Levels 3 or 4 of special education services.
- The rate of transfers of students with disabilities is higher than the rate of their nondisabled peers
- The rate of re-enrollment of students with disabilities is lower than the rate of their non-disabled peers.
- The rate of mid-year withdrawals of students with disabilities is higher than the rate of their non-disabled peers.
- A community complaint reviewed by DC PCSB staff alleges a systemic issue with the provision of special education services or concern for the safety of students with disabilities.
- A school receives poor feedback on a Qualitative Site Review (QSR) Report regarding special education instruction (e.g., school receives scores of all ones and twos in the Classroom Environment and Instruction domains of the Danielson Framework for Teaching).
OSSE's compliance finding(s) issued for IEP timeliness (ie. Concern with Initial Eligibility, Reevaluation)
- In addition to the specific criteria listed above, DC PCSB may conduct a special education audit of a public charter school at any time and for any reason if DC PCSB deems such an audit necessary to ensure the school is compliant with the requirements of the law and its charter regarding the provision of services to students with disabilities.

Procedures Following Potential TriggerSpecial Education Audit Procedures

~~On a monthly basis, DC PCSB staff will review data related to each metric listed above, among others. However, some schools may be considered outliers, particularly those schools with a higher proportion of students with disabilities. For these schools, and any others, PCSB staff may conduct random audits of special education data throughout the school year. There are no prescribed audits for the listed triggers since each instance of concern will be reviewed on a case by case basis. The audits could include any one, or a combination of, the following:~~

In the event that a school's data or practices indicate that a school may not be equitably serving students with disabilities, each instance of concern will be reviewed on a case-by-case basis. There is no prescribed audit process. If a school meets one or more criteria listed in this policy, one or a combination of the following procedures may apply:

- Pre-Audit Warning

DC PCSB staff may notify the school's staff of its concerns before identifying the school for an audit. This first communication may not require a specific action from the school, but the school may be audited later if it continues to meet the criteria for an audit procedure.

- Desk Audit

DC PCSB staff may conduct a desk audit, which is a secondary review of relevant information, if the school meets one or more criteria. The school will be asked to provide a written rationale for the data or practice as well as other supplemental documentation. Based on the information reviewed, DC PCSB will close the audit with recommendations or pursue further action.

- On-Site Audit

DC PCSB staff may conduct an on-site audit if the school meets one or more criteria. DC PCSB staff will visit the school to review the files of students with disabilities, interview staff, and/or conduct special education observations. Based on the information reviewed, DC PCSB will close the audit with recommendations or pursue further action.

- Board-to-Board Meeting

DC PCSB Board Members may meet with the school's board to discuss special education data and trends, community complaints, and/or the findings of a special education audit.

- Notice of Concern

The Board may issue a Notice of Concern if the school continues to meet one or more criteria, if the issue demonstrates a lack of compliance with local and federal special education laws, and/or if the school's actions are deemed systemic. Notices of Concern are taken into consideration during each school's five- and ten-year charter reviews, the charter renewal process, and enrollment ceiling increase requests. The Notice of Concern will provide a timeframe for the school to correct the issue. Uncured Notices may lead to further Board action.

- Comparison of accuracy of special education data between a school's student information system and data in ProActive

- ~~Communication between PCSB and OSSE to determine whether the identified trigger has resulted in OSSE resolving the concern~~
- ~~Interviews with a school's Special Education data manager or other persons responsible for student data~~
- ~~Special Education Desk Audits completed by PCSB staff~~
- ~~Request of the school team to complete a Special Education Quality Assurance Review (part of Special Education Performance Management Tool)~~
- ~~Special education site visit and/or observations~~

Board Approval Acknowledged By:

Rick Cruz
DC PCSB Board Chair

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