



IDEA Compliance

The Reimagining Red Clay Secondary Schools initiative presents an opportunity to strengthen educational programming, improve facility utilization, establish more coherent feeder patterns, and expand equitable access to college and career readiness opportunities. As the district considers changes to attendance zones, school configurations, specialized programs, and the development of the McKean Innovation Center, it is essential that implementation fully complies with the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA) as well as applicable Delaware special education regulations.

The McKean Innovation Center model provides opportunities to expand on the provision of special education and related services. The Individuals with Disabilities Education Act (IDEA) and state special education regulations outline the requirements for eligibility for services, development of Individualized Education Programs (IEPs) and the provision of specially designed instruction and related services (e.g., speech, occupational and physical therapy, counseling, psychological services). While these regulatory requirements will be followed across any setting, the following IDEA compliance report outlines considerations and opportunities for the McKean Innovation Center and feeder high schools organized around the core principles of the IDEA federal law including:

- Child Find & Timely Evaluation
- Free and Appropriate Public Education (FAPE) & Individualized Education Programs (IEPs)
- Least Restrictive Environment (LRE)
- Procedural Safeguards & Parent Involvement

Child Find & Timely Evaluation

The Child Find requirement includes the condition to establish a process for intervening when students are struggling with academic or non-academic skills as well as conducting unbiased psychoeducational and related service evaluations to determine eligibility for special education services. Interventions will continue to be provided through the Multi-tiered System of Support (MTSS) and may include reading or math interventions as well as non-academic interventions across several need areas (e.g., emotional regulation, social skills, behavioral needs). MTSS interventions will continue to be offered within the student's feeder/choice school. One important consideration will be the communication system between the feeder/choice school and McKean Innovation Center staff in order to inform staff of needs and interventions. This communication system is available through the iTrackerPro application of the Data Service Center which allows for tracking and progress monitoring of interventions which can be accessed by any staff member that teaches or supports the student. The main logistical consideration for MTSS has to do with the Problem Solving Team (PST) process that takes teacher/staff referrals for students who are in need of support. The PST will be hosted by the feeder schools (AI DuPont and Dickinson), and the Career Technical Education (CTE) teachers at McKean will need to submit referrals to the PST team for the appropriate school. One consideration

may be to have a PST liaison at McKean to facilitate this process and to invite the CTE teacher to attend the PST meeting virtually to provide feedback about concerns.

The requirement for timely evaluations includes the tracking of the evaluation process from the signature of the Permission to Evaluate (PTE) to the eligibility meeting. Per c, evaluations must be conducted with an eligibility meeting held within 45 school days or 90 calendar days whichever is shorter in duration. The Special Education Coordinator assigned to manage the student's eligibility process will coordinate the timeline between all evaluators. An important consideration is the coordination of the eligibility process across settings (both home school and innovation center as well as across classes). The observation requirement within the psychoeducational evaluation will need to be conducted across settings and will need to be coordinated between school psychologists at each setting, or the school psychologist assigned as the lead evaluator will require added time to conduct observations across settings. Depending on the amount of cross-building evaluations that need to take place, school psychologist caseloads may need to be adjusted in order to provide adequate time to complete all evaluation requirements.

Free & Appropriate Public Education (FAPE) & Individualized Education Programs (IEPs)

The provision of FAPE is a core component of the IDEA and is based on the development of the IEP as well as progress made toward IEP goals. The IEP team is developed by a collaborative team that includes the parent/guardian(s), student (for secondary level), general educator, special educator, CTE teacher, related service providers (based on student needs), school administrator/designee, and evaluators (if including eligibility discussion). The first consideration of the IEP team will include individualized decision-making regarding accessing the innovation center. This will be driven by the student's transition plan and career/employment goal.

Per DE Admin Code 14 § 925.7.2, secondary transition planning is required through the IEP process beginning no later than the first IEP in effect when a student turns 14 or enters eighth grade, whichever occurs earlier. A key opportunity of the innovation center model is the ability for IEP teams to align student's transition goals around the career field to the most aligned career pathway. This is a challenge in the current model as career pathways are not available across all feeder schools. With access to the innovation center, students with disabilities can have greater alignment of career pathway coursework with the transition plan goals and activities. It also allows for expansion of work-based learning opportunities for students with IEPs to provide hands-on training that can be captured through transition services and activities. Special education staffing including teachers, paraprofessionals and related service providers (e.g., speech, occupational, physical therapists, school psychologists) will be available at each setting in order to deliver special education and related services in academic and career pathway classes.

Questions have been raised about scheduling concerns and the impact of transportation to/from the innovation center on students' service times within the IEP. While it will take planning to coordinate services across settings, all specially designed instruction and related services times will be provided across the high school and innovation center settings. It is important to note that related services such as therapies or counseling can be provided across settings with service delivery tracked through the Related Services application through the Data Service Center. Specialized transportation and bus

accommodations will be provided with the innovation shuttle service and walkers who are transitioning to the innovation center will also be eligible for specialized transportation as determined by the IEP team. Depending on the type of transportation accommodations required and/or the need for modified curriculum expectations, some students may have a modified schedule when accessing the innovation center. This scheduling change may involve accessing a career pathway for a partial block vs. the full time period. Any determination regarding a modified schedule for the career pathway access would be made with the IEP team when considering transition goals and pathway coursework. An additional transportation consideration is the transfer of motor equipment between school sites. Due to the size of most gross motor equipment and the need for students to access the equipment for regular position changes, duplicate equipment between the high school and innovation center is needed along with storage space for this equipment.

The IEP team will continue to drive the type of services and supports that students need and how services are delivered (e.g., frequency, duration, location). All staff supporting the students must be aware of their IEP goals and services including Behavioral Support Plans (BSPs) and/or Safety Plans. Staff across settings will also need training in deescalation and personal emergency interventions as outlined in students' IEPs and BSPs. School psychologists and behavior analysts will continue to provide staff training and consultation on student BSPs across settings - similar to the evaluation process outlined above, it will be important to consider psychologist and behavior analyst caseloads with travel time for staff training. All sites will continue to have a Student Crisis Readiness Team that is trained in deescalation and personal emergency interventions for students who are in crisis. All settings must include intervention spaces and calm down/deescalation spaces in addition to storage space for materials and mobility equipment.

Extracurricular participation and support needed is also determined by the IEP team. While individual services are driven by the IEP, the innovation center structure provides the opportunity to expand specialized extracurricular programs such as Special Olympics Unified Sports and Best Buddies. Both AI DuPont and Dickinson high schools can expand these programs to create additional extracurricular opportunities for all students.

Least Restrictive Environment (LRE)

IDEA requires students with disabilities to be educated alongside students without disabilities to the maximum extent appropriate. The proposed realignment must not inadvertently increase segregation, reduce access to general education, or limit placement options. The principle of LRE drives IEP team decision-making around the setting for student's services. The continuum of settings includes support in the general education setting, services within a special education classroom setting (e.g., pull-out, self-contained) and specialized settings such as autism support classrooms and Meadowood program classrooms. The restructuring of the high schools provides an opportunity to restructure to have greater alignment of settings across the high schools and innovation center. For example, small group special education courses are currently offered for English, Mathematics, Science and Social Studies across AI DuPont, Dickinson and McKean; however, small group world language is offered at McKean only. Additionally, push-in or co-teaching support is offered by some high schools in core content and career pathways, but the availability is inconsistent based on staffing and caseload needs. It is recommended that the staffing plans for all sites include the ability to provide a small group course option as well as push-in/inclusive general education course sections. Additionally, each high school

has a special education small group support class (e.g., Academic Advisory, Reinforced Learning Lab), but they are inconsistent in focus and service delivery - some focus on transition planning and specially designed instruction while others focus on classwork/homework support. The innovation center plan allows for recalibration of these classes to have greater consistency.

Autism support classrooms will be available across all sites, and emotional support classrooms have the opportunity to expand from McKean and Dickinson to all sites. The Meadowood Program will be incorporated at AI DuPont with a focus on development of inclusive partnerships between Meadowood and AI DuPont staff to facilitate push-in opportunities across content areas. Students who are in need of off-bell transitions and modified scheduling as determined by the IEP team will continue to utilize these practices, but it will be important that all staff across settings receive communication about these accommodations via the Special Education Coordinators.

Procedural Safeguards & Parental Rights

The procedural safeguards including parental rights and procedures for state complaints and due process hearing will not be impacted by the innovation center. One consideration related to the IEP team is participation of all required parties. With the majority of CTE teachers being located at McKean, coordination will be needed between the Special Education Coordinators of the high schools with the administration at the innovation center in order to plan for release time for CTE teachers to participate in IEP meetings as required in DE Admin Code 14 § 925.8.1.6. There is also an opportunity to provide greater involvement of the Multilingual Learner (ML) teachers for students who are dually identified as multilingual learners who receive special education services. This process will utilize the DOE recommended consultation form for MLs as well as the possibility of ML teachers participating in the IEP meeting to coordinate language-based services. A final consideration related to the IEP team is case management which is typically provided by a special educator at the high school who coordinates with all team members. Case managers will need to communicate with the staff serving the student at the innovation center to ensure accommodations and supports are consistent across settings.

Additional Considerations

Outside of the IDEA core principles, some students with disabilities will have accessibility concerns due to mobility needs. Facilities accessibility is a core component of the American with Disabilities Act (ADA) and Section 504. All high schools involved with feeder change discussion and the innovation center have been reviewed for facilities accessibility. AI DuPont High School has an ADA report on file related to building accessibility. Additionally, the Facilities department has proposed the following renovations in preparation for a transition of Meadowood Program from McKean to AI DuPont:

- Ramp added to back of building to entrance outside of gym
- Enclosed ramp from first floor to cafeteria/lower level
- Accessible bathrooms near nursing suite

These items are already budgeted with planning underway through the Facilities Office. In addition to facilities accessibility, school safety is a key component for security of all students. All sites will utilize the [Red Clay Risk Assessment](#) procedures to assess student need. School administration will continue to plan for supervision of unstructured areas including hallways, cafeteria and bathrooms to reduce the risk of bullying or other safety concerns.

Conclusion

The Reimagining Red Clay initiative is not inherently inconsistent with IDEA or Delaware special education requirements. The proposed changes offer opportunities to improve educational access, strengthen secondary transitions, expand career and technical education, and create more coherent instructional pathways for students with disabilities. Reimagining Red Clay provides an opportunity to strengthen the district's commitment to inclusive education while modernizing its secondary school structure. The success of the initiative will depend not only on enrollment balance, facilities, and expanded academic opportunities, but also the district's preservation and enhancement of educational services for students with disabilities.

Before finalizing implementation, the district will complete a formal internal compliance review led by Special Education and Student Services in collaboration with School Operations, Facilities, Human Resources, Transportation, and College and Career Readiness. This review will be informed by the ongoing planning, oversight, and implementation guidance of the Meadowood to A.I. High Workgroup and the Student Services Workgroup, both established as part of the district's Reimagining Secondary Schools implementation process. These workgroups will play a critical role in identifying student needs, evaluating potential barriers, coordinating services and supports, and developing recommendations to ensure a successful transition for students with disabilities. Particular attention will be given to maintaining continuity of services, ensuring appropriate facilities and programming, supporting meaningful inclusion, and meeting all requirements under the Individuals with Disabilities Education Act (IDEA).

The district's guiding commitment will be that no student with a disability experiences a reduction in educational access, required services, or individualized supports as a consequence of the reorganization. Through proactive compliance reviews, meaningful family engagement, careful transition planning, and collaboration across district departments, Red Clay can implement the proposed changes while meeting its obligations under IDEA and advancing more equitable educational opportunities for all students.