

APA SUMMARY AND INFORMATION ON SPECIAL EDUCATION

Special Education 2019-2022

Background: APA's special education program focuses on teaching students identified with disabilities (SwDs) alongside their peers as much as possible. APA's results show that students learn well in mixed groups (SwDs and non-SwDs) and importantly, stigma for SwDs is reduced. APA's strategic staffing pattern is to have 2 adults in every elementary classroom - the teacher of record and an associate teacher, assistant teacher, or paraeducator. This allows for nearly every SwD to be placed into the general education classroom for most or all of their school day because there are supports in place to ensure their success there. Additionally, these supplemental employees teach small groups of reading and mathematics, under the supervision of certified teachers and special education teachers which provides the academic instruction SwDs often need - "specially designed instruction."

In 2020, the USBE claimed that the costs for these supplemental employees are unallowable as special education costs and demanded repayment of the funds. They maintained that APA "misused" state special education funds when it paid associate teachers or paraeducators for these assignments in the classroom or for teaching small groups composed of SwD and non-SwD. APA stopped using state special education funds for these costs as required by the USBE and is repaying 2.7 million dollars over ten years.

APA engaged in public comment and other efforts to encourage USBE to adopt rules that allowed these types of costs. USBE responded by adopting new rules that changed key special education definitions that supported their position against APA's program and which were not aligned with federal law. The Utah legislature sided with APA when it passed SB134 requiring the USBE to change their new definitions to align with federal law, and also required the USBE to provide a process for schools to educate SwD in mixed groups and document the services as allowable costs.

Important facts:

- APA's charter with Utah was never placed on probation or warning status as this issue was being vetted.
- APA was awarded the [Best of State](#) in Utah in Special Education in 2021 and 2022.
- APA's SwD performed above the state average in academic growth in every subject and every grade in 2023, and above the state average in academic proficiency in every subject and grade in 2024.
- Go [here](#) and [here](#) for more information on APA's special education program