

Policy Forum

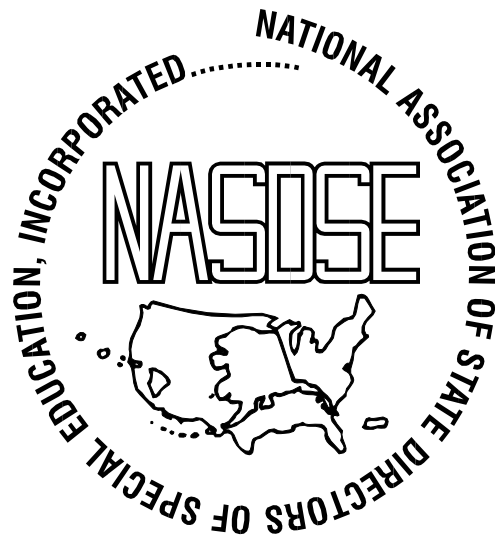
Charter Schools: Research on Special Education

**Convened
June 23-25, 2003**

**Proceedings Document
November 2003**

Prepared by:

**Terry L. Jackson
Project FORUM at NASDSE**



Project FORUM at National Association of State Directors of Special Education (NASDSE) is a cooperative agreement funded by the Office of Special Education Programs of the U.S. Department of Education. The project carries out a variety of activities that provide information needed for program improvement, and promote the utilization of research data and other information for improving outcomes for students with disabilities. The project also provides technical assistance and information on emerging issues, and convenes small work groups to gather expert input, obtain feedback and develop conceptual frameworks related to critical topics in special education.

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Background and Objectives

This document reports on the background, purpose and implementation of a policy forum entitled, *Charter Schools: Research on Special Education*, held in Alexandria, Virginia on June 23-25, 2003. Included in the proceedings document are policy, practice and research recommendations generated by the participants. Project FORUM at the National Association of State Directors of Special Education (NASDSE) convened this policy forum through its cooperative agreement with the U.S. Department of Education's Office of Special Education Programs (OSEP). Project FORUM facilitates communication among a broad range of stakeholders on critical issues and obtains input on topics related to improved outcomes for children and youth with disabilities.

Westat provided supplemental funding through another OSEP-supported project on charter schools.

The objectives of this meeting were to:

- Review research findings on charter schools and students with disabilities.
- Identify research-based national, state and local policies and practices that support or hinder charter schools in serving students with disabilities and that impact outcomes for students with disabilities in charter schools.
- Develop recommendations for future research, policies and practices to improve the ability of charter schools to serve students with disabilities and to improve outcomes for those students.

Preparation for Policy Forum

Project FORUM and NASDSE worked closely with OSEP to select participants whose knowledge of, and experience in the field of charter schools or special education would contribute to accomplishing the policy forum's objectives. Invited participants included directors of charter schools, charter school consultants, state and local directors of special education, state education agency (SEA) staff and consultants, principals, researchers and parents. The participant list can be found in Appendix A.

Project FORUM and NASDSE developed the policy forum agenda, in collaboration with OSEP, to accomplish the objectives of the meeting. The agenda can be found in Appendix B.

Overview of Policy Forum

The policy forum was held on June 23-25, 2003 in Alexandria, Virginia at the Embassy Suites Hotel. The opening session began with a dinner on Monday evening, June 23. Joy Markowitz, Director of Project FORUM, welcomed the participants and Patty Guard, Deputy Director, Office of Special Education and Rehabilitative Services (OSERS) and Dean Kern, Director, Office of Innovation and Improvement made opening remarks. After participants introduced themselves, Kathryn Chandler from the National Center of Educational Statistics and Lee Anderson from SRI International gave short presentations.

Continuing on Tuesday morning, June 24, Cheryl Lange, President of Lange Associates gave a presentation on the early days of public school choice research. Tom Fiore from Westat gave a presentation on his research for the Department of Education on how charter schools are serving students with disabilities. Gary Miron from Western Michigan University followed with his study on the findings from the state evaluations of charter school reform and Carol Trivette from the Puckett Institute presented on her project on charter school policy and practices. Lauren Morando-Rhim, University of Maryland presented on Project INTERSECT and Project SEARCH and Eileen Ahearn presented on the history of research on charter school policy issues.

Participants spent the remainder of Tuesday and Wednesday engaged in small and large group discussions focusing on the status of policy and practice in regard to charter schools and students with disabilities, knowledge gaps and directions for future research. The concluding task for participants was indicating their individual choice of priority research recommendations that were generated from the earlier discussions. Patty Guard and Bill East closed the meeting with concluding remarks.

A summary of each presentation and small group activities follows.

Opening Remarks

Patty Guard – Deputy Director, OSEP

I want thank all of you for being here and thank the Project FORUM staff for planning this meeting, along with Kelly Henderson, Project FORUM's Project Officer and Stephanie Lee, Director, OSEP who is unable to be here. Charter schools provide an important choice option for students with disabilities. OSERS has a history of funding research and outreach work on charter schools. In the mid 90's, the office funded a field-initiated research project on choice opportunities for students with disabilities, and through Project FORUM some guidance documents were published for state and local charter school operators. Beginning in 1997, OSERS collaborated with the Office of Educational Research and Improvement (OERI)¹ to fund charter school projects. An example is the study lead by Tom Fiore that looked at research on charter schools for students with disabilities. The findings from that study were presented at the Charter School Summit in September 2000. In 1998, we supported the field-initiated research collaboration between NASDSE, University of Maryland and University of Minnesota, called Project SEARCH. Last year, OSEP awarded two directed research grants to continue to examine the policy and practice issues related to serving students with disabilities in charter schools. This policy forum is an exciting opportunity for you to think about the most recent research on charter schools and identify practices and research recommendations. I will be back on Wednesday to hear those recommendations, and Kelly and I will make sure those recommendations are presented to Stephanie Lee.

¹ In November 2002, OERI was subsumed under the Institute of Education Sciences (IES) at the U.S. Department of Education.

Dean Kern- Director, Public Charter Schools Program

First, I would like to say welcome to this meeting. I am very appreciative to have been invited and have the opportunity to learn more about the special education issues charter schools nationally are facing.

Tom Fiore's research in 1998-99 was the stimuli that lead the Department to host the first national summit for charter schools serving students with special needs. The *Successfully Serving Students with Disabilities in Charter Schools* summit was extremely successful, providing an opportunity for State level special education technical assistance providers, charter developers and the US Department of Education to share information and practices in meeting this growing concern.

We are currently planning a second summit for 2003. I hope to gather some guidance, topic suggestions and information from this meeting on what needs to be highlighted at the next national charter schools summit as states and charter authorizers continue to address the needs of their charter schools serving students with disabilities.

At the 2000 Summit, each state was requested to bring a state team and to examine its technical assistance and monitoring in the area of charter schools and students with disabilities. The goal of this first summit was for states to walk away with specific strategies for addressing the needs of charter schools serving students with disabilities in their own state. Working at the Colorado Department of Education as a Senior Consultant for charter schools at that time, I had the opportunity to develop one of the first State level charter schools and special education directors advisory committees, an outcome of our state team attending the first national summit.

The committee was composed of several district directors of special education, charter school administrators, and charter operators. The Colorado advisory committee worked as a "think tank", with the goal of figuring out how to assist the State, its districts, and their charter schools in the delivery and monitoring of special education services. Another example from the summit that the state of Colorado found particularly useful in this task and customized for statewide specific distribution was the Project SEARCH information. Based upon the information contained in the Project SEARCH report, the advisory committee decided that a more in-depth analysis of what was happening for students with learning disabilities attending Colorado charter schools was needed and subsequent technical assistance developed from those findings.

Again, I am looking forward to our discussions over the next couple of days and the topics for research that are suggested.

Presentations

Kathryn Chandler - Program Director, National Center for Educational Statistics (NCES)
- Overview of the 1999-2000 Schools and Staffing Survey (SASS)

NCES is the statistical arm of the U.S. Department of Education. We conduct surveys and gather basic statistics. While some people look to us for research, we really are the "bean counters" of

the Department. We have an important role in providing the context in which education takes place.

One of the main NCES data collections is the *Schools and Staffing Survey (SASS)*. SASS is the nation's largest sample survey of public and private elementary and secondary schools. Four SASS collections have been completed—the first in 1987-1988 and the most recent in 1999-2000. The next will be done in 2003-2004. The goal is to keep SASS on a four-year cycle. SASS was created to examine staffing issues (e.g., teacher qualifications, professional development in the schools). Data are collected from districts, schools, principals, teachers and library media centers. In 1999-2000, our sample covered four sectors: traditional public schools, private schools, Bureau of Indian Affairs (BIA) schools, and public charter schools.

In my talk tonight I will tell you what we know from SASS about traditional public schools vs. public charter schools. Our basic sampling unit is the school. For public schools, we survey a sample of teachers, the principal and, if there is one, the library media center; then we link with the district. For charter schools, we survey the school, the principal and a sample of teachers. We did not have a district questionnaire for public charter schools because not every charter school is part of a traditional school district. Because the information was important, we did insert some of the "district" items into the school questionnaire.

The type of information we get from SASS is how teachers get to be teachers, what type of professional development they have, how qualified they feel in terms of their teaching experience and their professional development, and what they teach. We also do a follow-up survey with a subset of the teachers to find out what they are doing one year later.

Below are some of the SASS findings for public charter schools. Information in parentheses is comparison data for traditional public schools. All of these findings come from *Schools and Staffing Survey, 1999-2000: Overview of the Data for Public, Private, Public Charter, and Bureau of Indian Affairs Elementary and Secondary Schools*, NCES 2002-313.

Public Charter Schools:

- 53% are in central cities (24% of traditional public schools)
- 58% are elementary schools (72%)
- 58% have < 200 students (18%) 62% have a teacher salary schedule (96%)
- Of those with a salary schedule:
 - \$26,977 for "BA no experience" (\$25,888)
 - \$46,314 for "highest step" (\$48,728) Average class size:
 - Elementary self-contained classes—21.4 students (21.2)
 - Secondary departmentalized classes—23.7 students (23.4)
- Program offerings in elementary charter schools:
 - 63% offer extended day programs (47%)
 - 52% offer special instructional approaches (17%)
(e.g., Montessori, self-paced instruction, open education, ungraded classrooms)
 - 33% offer talented/gifted program (72%)
- Program offerings in secondary charter schools:
 - 31% offer advanced placement (AP) courses (51%)

- 31% offer talented/gifted programs (60%)
- School safety (as reported by teachers):
- 11% report being threatened with injury (10%)
- 5% report physical conflicts among students as a serious problem (5%)

The SASS data set is available for restricted use. Researchers must apply for and receive a license to obtain restricted-use data. The restricted-use data sets allow researchers to link the interconnected data sets. That is, school data can be linked to district data, teacher data, and library media center data.

Public-use data is abridged to preclude identifying individuals (e.g., state identifiers and stratum codes are removed, salaries are reported by category, school district data do not link to other survey components and district policy data appears on the school file). Data should be available in Fall 2003.

Other information and resources regarding questionnaires, SASS publications, technical information, instructions for obtaining data and frequently asked questions can be found at the SASS website: <http://nces.ed.gov/surveys/sass>

To ask questions about SASS: sassdata@ed.gov

Editorial Note: In response to a question about the number of teachers in charter schools who have students with IEPs, Kathryn Chandler later provided Project FORUM with the following table.

Table 1
SASS 1999-2000: Number of Teachers with IEP Students
in Public Charter and Traditional Public Schools

	Public Charter School Teachers	Traditional Public School Teachers
No IEP students		
Number (unweighted N)	4,346 (709)	536,261 (6,532)
Weighted Percent	24.9%	18.0%
One or more IEP students		
Number (unweighted N)	13,131 (2,138)	2,448,521 (35,554)
Weighted Percent	75.1%	82.0%

Lee Anderson - Program Manager, SRI International - Charter Schools and Charter Schools Authorizers: Findings from the National Evaluation of the Public Charter Schools Program.

SRI International has been doing a study of the public charter schools program for the past four years. I am going to present findings from the second cycle of data collection that took place in 2000-2001. These findings are also available in the printed Executive Summary.

The evaluation is based on data collected from charter schools, charter school authorizers and state charter school coordinators. SRI is building on many of the data collection efforts of RPP International's Study of Charter Schools. (RPP published its fourth year report in 2000, the same

year that SRI released its first year report.) Between RPP, the Schools and Staffing Survey (SASS), and SRI, there are descriptive data on charter schools nationally each year from 1995-96 to 2001-02.

The main contribution of SRI's current work is the evaluation of federal support for charter schools in their planning and early implementation stages.

SRI is also working on a sub-study of student performance, comparing performance in charter schools to student performance in non-charter schools. We are assessing student performance by examining whether charter schools and non-charter schools are meeting the performance standards set for them by states. There are a lot of methodological challenges in measuring student performance in charter schools. Part of the challenge is doing a careful analysis, but also making sure that the student performance findings and comparisons are not over-interpreted or misinterpreted.

The last time we constructed a sampling frame for the charter school survey (Summer 2001), there were about 2,200 charter schools. Today, there are about 2,700. Determining the universe of charter school authorizers has been another contribution of SRI's work. The largest number of charter school authorizers are local school districts, but nationally they charter relatively fewer schools compared to state education agencies and institutions of higher education.

When it comes to the racial make-up of the teaching staff at charter schools, the majority of teachers are white. With regard to the racial make-up of students in charter schools, there are more White students than African-American or Hispanic students. However, over time there has been a slight decrease in the number of White students and a slight increase in the number of African-Americans and Hispanic students.

Nationwide, there was not a big difference in the number of students who receive special education services in charter schools compared to the number in traditional public schools. The same is true for students who are English language learners.

Cheryl Lange - President, Lange Associates - *Public School Choice Research: Early Days*

I want to focus on the early days of public school choice research that began in the early 1990's. Over the past 13 years, the phrase *public school choice* (options for students) has taken on several different meanings. It used to be when we talked about school choice, it meant options or open enrollment. Now public school choice includes public charter schools as well as other types of school choice options. In fact, today many are using the term "school choice" in reference to school vouchers. As a result, it is more difficult for researchers to examine the issues and not "silo" the different educational options that are available to students.

Just to give you a historical perspective—in 1990, Jim Ysseldyke received a grant to study open enrollment. Charter schools had not yet been developed. Open enrollment allowed students to move to any district in the state of Minnesota. Dr. Ysseldyke wanted to understand the impetus for students with disabilities and families of students with disabilities to choose open enrollment—what was the underlying reason and its impact on districts. It became apparent in

1990 that this was not going to be the only public school choice option in Minnesota. In 1993, we began looking at charter schools and alternative programs, in addition to the open enrollment program. At that time, Minnesota was one of the few states where alternative schools were schools of choice. In 1996, the state legislature contacted us to do an evaluation of Minnesota's charter schools. We dovetailed that evaluation with other work we were doing on charter schools and students with disabilities. In 2002, we began an investigation of alternative schools around the country. It is within that context that these comments are provided.

One thing we know about charter schools is that they are variable. What is a charter school law in one state may be very similar to an alternative school law in another state. During the early years, we examined three specific issues: participation, access and reasons for enrollment, and outcomes.

In Minnesota, the proportion of students with disabilities in charter schools was considerably higher than the national average. This started to change when the law in Minnesota changed. What we learned is that you must look at the underlying structure of the law to help understand how it might impact participation for students with disabilities.

Findings from our survey of all charter school participants in Minnesota indicated that the reasons parents enrolled their child with a disability in a charter school were: class size, staff, academic programming and special education services. Parents also reported high levels of satisfaction, but when directors of charter schools were surveyed, they reported providing minimal services. There was a dissonance between parents' satisfaction and the amount of services provided.

A common thread ran through all of these studies—those investigating open enrollment, alternative schools, and charter school—was a desire on the part of parents for a new environment for their child. The special education community has not focused on why parents believe that having a new educational environment is significant and how this may or may not have import for the traditional school. The other finding was the role of relationships in choice decisions. We found that having a positive relationship within the school seems to overcome the whole issue of services for the student.

One of the areas that have not been addressed thoroughly within charter schools is whether they attain better outcomes than their peers in traditional schools. This is one of the next important areas of research and hopefully will be addressed in the future.

Tom Fiore -Westat - *How Charter Schools are Serving Students with Disabilities*

My research for the Department of Education examined how charter schools are serving students with disabilities. The process began with a review of the literature and an analysis of the state charter school laws. Data collection, which occurred between March 1998 and June 1999, consisted of site visits to 32 schools in 15 states. We spoke with 151 parents, 196 teachers and 164 students in addition to administrators in every school.

I thought that it would be interesting to talk about my impressions of this study, since I have previously presented the findings. What I got from this study is that most charter schools were working hard and making do with limited resources. Charter schools tended to avoid serving students with severe disabilities unless it was part of the school's mission. However, most of the parents were happy with the services received from charter schools, despite limited special education and related services. Furthermore, students with disabilities were well integrated into the general education programs, mostly by necessity rather than design.

With regard to curriculum and instructional methods in charter schools, there was not a huge difference compared to traditional public schools. There was not much evidence of outcomes either, particularly for students with disabilities, which was surprising given the emphasis on accountability in charter schools.

Why do parents of students with disabilities choose charter schools? The most frequently cited reason was dissatisfaction with the previous non-charter school. For students, the most frequent response was to increase their opportunity for academic success.

Some of the common positive characteristics that differentiated charter schools from the other local public schools included small size, low student-teacher ratio, extra help from teachers, flexibility in programs, focused curriculum and parent satisfaction.

However, not all of the characteristics common to charter schools were considered positive. Many administrators reported having problems finding and keeping qualified staff, classrooms were cramped and only a few schools had adequate libraries or materials for students to use for projects. My impressions were that curricula or instructional approaches used in public charter schools were not unique compared to those in other public schools, although sometimes they were locally unique. Other issues that impeded the provision of appropriate services for students with disabilities included determining a student's disability status, getting forthright information from parents about their child's disability and obtaining records from the student's previous school.

A few schools that reported not providing any special education services and not labeling or identifying students with disabilities. This was even the case in schools that actually recruited students with disabilities. At schools that provided special education services, in almost every case, parents reported a very positive experience with the identification/evaluation and IEP process compared to their previous non-charter school.

In regard to actual special education services in charter schools, there was at least one special education teacher in most schools and most or all of the instruction was commonly provided by general education teachers. Half of the charter schools provided no transportation and about a third were not fully accessible to students with disabilities.

Teachers and administrators in about half of the schools reported being successful with students with disabilities. When talking with parents about success of their child, they reported improved academic performance, improved behavior and attitude, increased self-esteem and motivation, and integration into the overall life of the school.

Some of the barriers reported by charter school administrators included limited funding, lack of other resources, lack of qualified staff, high turnover, lack of extra curricular activities and, in some cases, limited instructional approaches used by teachers.

Gary Miron - Principal Research Associate, The Evaluation Center, Western Michigan University - *Findings from State Evaluations of Charter School Reform*

My research examined the differences between charter schools and traditional public schools in four states—Illinois, Pennsylvania, Michigan, and Connecticut. First, remember that you cannot generalize across charter schools within a city, within a state, or between states. Also, I think it's important to obtain audited data from schools, not just self-reported data obtained from telephone interviews.

The prevalence of students receiving special education services in charter schools in the four states was lower than the prevalence of students receiving these services in non-charter schools, but there were some interesting differences between states. For example, in Connecticut, 10 percent of students in charter schools were receiving special education services compared with 12.8 percent in non-charter public schools. Michigan had the lowest percentage, with 3.7 percent receiving special education services in charter schools and 12.3 percent in non-charter public schools. Pennsylvania and Illinois were somewhere in between. We also found differences in terms of the nature of the disabilities—children with moderate to severe disabilities were less likely to be in charter schools.

A closer examination of school level data and prevalence figures should provide insights into some important policy factors that could better guide services for students with special needs in charter schools.

Why do differences exist between charter schools and traditional public schools in the prevalence of students with disabilities? One likely factor for why parents of students with special needs are not attracted to charter schools is because charter schools' marketing materials emphasize only inclusive education. For many parents that is not attractive because their child may require a fuller range of services. Also, in a small number of charter schools, students with disabilities are "counseled out." Another possible reason for differences is that charter schools are good at remediating the needs of the child—taking them off the IEP. This is most likely to happen in lower elementary schools where children with mild disabilities, such as speech and language disorders, develop out of—or overcome—their disabling condition.

Other factors that can influence prevalence rates between states are funding formulas. For example, prevalence rates were higher in Connecticut where charter schools have no financial disincentive to take a child with special needs since full funding for actual special education costs are covered by the local district. Connecticut is one of the few states where charter schools are not considered an independent local education agency (LEA).

The funding formula for special education varies from state to state. In Pennsylvania, the money (75 percent of the average district cost) for a student with mild disabilities receiving special

education follows the child. Therefore, there is a financial incentive for charter schools in this state to educate students with mild disabilities. Ohio has a very sensitive funding formula—6 different categories of funding, depending on the nature of the disability and the amount of remediation service that is needed. In Michigan, the LEAs report that only 20 percent of the costs of special education services are covered by state or federal funds; charter school funding comes a year late, so there is not a great incentive to provide special education services.

The number and types of authorizers in a state can also be related to prevalence rates. For example, LEAs are more likely to approve schools that address at-risk students or students with special needs. Schools that do not focus on these fringe groups are more likely to be chartered by other authorizer types such as universities or state boards. Therefore, states with multiple authorizer types are more likely to have charter schools with lower prevalence rates.

Charter schools face a number of obstacles in providing special education services including inexperienced staff, high administrative costs, large proportion of budget allocated for facilities, and shortage of certified personnel.

Findings from our state evaluations indicate that special education is a problem area for both charter schools and traditional public schools. Charter schools are thought to improve traditional public schools two ways: through competition and by developing and sharing innovative practices. A third way in which charter schools can improve the public school system as a whole is by pushing forward difficult policy issues such as cyber instruction and special education. For example, cyber schools, which are an exciting and important innovation, will become an important part of traditional public schools within the next 10 years. But, if it were not for charter schools pushing the issue of innovation, we would not be venturing out into this area.

Carol Trivette - Puckett Institute- *Charter School Policy and Practices Research Project*

Since the Charter School Policy and Practices Research Project is in the early stages, I will talk about what our plans are for the project. Overall, the project will provide evidence concerning (a) how children with disabilities are included and supported to learn in charter schools by comparing the academic and social achievement of children who are in newly-established or converted schools and longer-established charter schools as well as (b) how the schools compare on the issues of inclusion, academic support, and learning outcomes during various phases of development and operation of a charter school.

The Project has several *major areas of investigation*: selection of schools, recruitment, eligibility, access and services provided, role of special education, general curriculum, and student achievement. We have a strong interest in issues related to academic success, including ways to measure success beyond the use of standardized testing (e.g., social accomplishments, portfolios).

Specifically, there are *six major research goals*:

1. To gain a better understanding of how families of students with disabilities and charter schools become aware of each other and why the two groups choose to connect.

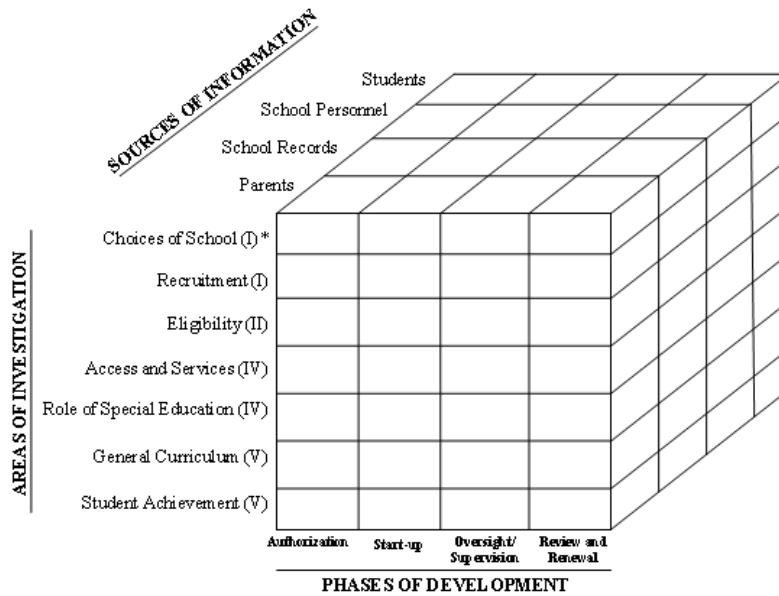
2. To examine local school policies and practices concerning initial and continued eligibility of students with disabilities for special education and related services.
3. To understand where and how various state-level policies (e.g., state charter legislations, special education legislation) influence the access and delivery of special education and related services at the local charter school level.
4. To determine how the developmental phase of a charter school influences various issues related to students with disabilities and support provided to these schools.
5. To determine the academic and social experiences of students with disabilities and how these experiences are related to academic and social achievement, and what factors influence success for students with disabilities in charter schools.
6. To disseminate and promote the utilization of research information to inform practices at the state and local charter school level.

Globally, we are trying to determine if the schools' developmental stages influence the experiences and accomplishments of students with disabilities. There are a number of ways to examine the issues of where a school is in its development. For example, how does being a new, independent school or a conversion school impact students with special needs? Also, how does the school's developmental stage (e.g., authorization, start-up, oversight, review and renewal) as well as the school's policies and practices impact students with special needs? How is the school responding to the demands and the requests from families, when it is in a start-up phase versus a renewal phase?

This project is examining these questions using a multi-method data collection approach. Quantitative data will be collected through national surveys administered to charter schools across the country. Surveys will be administered to directors/principals, staff, and parents/students.

Figure 1 displays the design used for the collection of the survey data. Using Robert Yin's case study methodology, students/parents and teachers will be systematically selected and asked to participate in more in-depth interviews to answer "how" and "why" questions concerning the participation of students with disabilities in charter schools. Figure 2 displays the case study design.

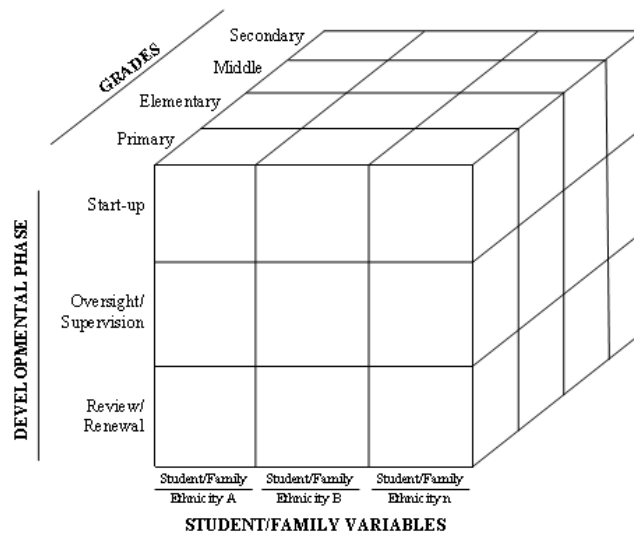
Figure 1



*Numbers correspond to the research goals

Figure 2

Basic Matrix for Conducting Family/Student Case Studies



Lauren Morando Rhim - University of Maryland - *Project Intersect*

Project Intersect, an OSEP funded project, is an outgrowth of two previous research projects—Project SEARCH and SPEDTACS. Project SEARCH was a three-year qualitative study,

consisting primarily of seven state case studies. The Project examined special education in charter schools, as well as state-and district-level policy issues. SPEDTACS built on Project SEARCH by convening meetings with a variety of stakeholders to translate the research into practical technical assistance documents for charter schools. While SPEDTACS is a technical assistance (TA) project, the process of developing TA documents reconfirmed the critical policy tensions identified by Project SEARCH and identified answers to key questions raised by state, local and school level policy makers regarding special education.

The key finding from Project SEARCH and SPEDTACS is that state charter school policies define the legal status of a charter school in terms of responsibility to IDEA. Is a charter school its own LEA or part of an LEA? The answer to this question is critical for understanding a charter school's responsibilities. If it is part of an LEA and therefore shares responsibility for IDEA, there is likely to be bargaining and negotiating between the charter school and the LEA.

Closely associated to the legal status of the charter school is the issue of linkage. We discovered that charter schools are to varying degrees linked to LEAs. This linkage is important in terms of the school's capacity to provide special education services. For example, linkage provides a charter school with access to an LEA's legal office, professional development training and human resources. If the school is not connected or linked, then it must do everything on its own and there are serious implications in terms of capacity and resources. The major finding from Project SEARCH is that charter schools are more prepared to meet their IDEA responsibilities when they are affiliated with an infrastructure—some kind of special education structure that a charter school can associate with that will enhance its capacity to provide special education services.

The finding that infrastructure is important led to the new study, Project Intersect. It examines the infrastructure available to a charter schools, how a relationship is formed with the LEA and whether its voluntary or mandatory, how funds are provided, how contracts are negotiated, and how charter schools and LEAs share resources.

The analytic model for Project Intersect will examine the relationship among three sets of variables in charter schools, special education, and policy and procedures. The variables include:

- features of charter school law (e.g., LEA status, linkage);
- characteristics of charter schools (e.g., size, age, new vs. converted, special vs. focused); and
- type of special education technical assistance infrastructure.

Project Intersect will consist of five activities and we are currently engaged in the first activity—a state policy analysis. This involves a legislative review of the status of state laws and includes surveying two populations—state directors of special education and state charter schools officials. The purpose of the surveys is to establish baseline data regarding the current status of state policies relative to special education in charter schools and specifically related to the states' role in providing technical assistance.

The second activity is the authorizer component. Because authorizers are so critical to what goes on in charter schools, it is important to understand how special education fits into the authorization application process.

The third activity will be an implementation analysis. The analysis will entail a national representative survey of charter school operators. The purpose of this activity is to document how charter schools are building capacity to deliver special education services and determine how these findings correlate with what we know from the state-level analysis. A key aspect of this survey will be to identify the infrastructures that charter schools are affiliating with for the purposes of providing special education. Examples of organizations or administrative structures that we anticipate being identified by the charter school operators are: LEAs, special education cooperatives, education management organizations, and risk-pooling arrangements.

Analysis of the state infrastructure is the fourth activity. We will conduct eight to 10 case studies of the infrastructures. The case study sites will be identified through the surveys described above. The purpose of the case studies will be to investigate how the charter schools affiliate with the infrastructures including information such as: what services do the infrastructures provide? How was the relationship negotiated? How does the charter school pay for the services provided?

The final activity is dissemination—getting the information out to the field through a series of research and policy briefs geared to policy makers, as well as practitioners.

Eileen Ahearn - Senior Policy Analyst, Project FORUM - *Charter Schools and Special Education: Policy Considerations*

From our perspective at NASDSE, we have been very active in looking at the policy aspects of special education in charter schools. What has to be remembered is that charter schools are a part of a governance reform of schools in this country with broad and specific policy implications for states, for the federal level and for schools. We looked specifically at the problems that can arise when students with disabilities attend charter schools.

The first NASDSE activity on this topic was a comment on the protocols to be used for the national four-year study of charter schools funded by the U. S. Department of Education in 1996-2000. Then, we did a summary of the first year report of the national study as a Project FORUM document. Almost no data came out of that study about children with disabilities. That study was done in the time when most people involved with charter schools thought that they would not have to worry about special education because it would not be a major issue for them. But that was not the case. As I say to charter school people, special education is not a problem until it's a problem, and then it's a big problem. At the very beginning with a lot of very ideological people starting charter schools, the idea was "I know what these kids need and I will meet their needs with my curriculum package." In the early 1990s, the idea that charter schools are part of the public school system and have to conform to the requirements of IDEA frequently was not mentioned by authorizers or applicants, and most state education departments were not very involved in helping charter school people in this area.

In 1997, the NASDSE Board of Directors set up a committee to bring this issue before the state directors of special education because, in the end, they are the ones who own the responsibility for implementing IDEA in their states. With their support, we were funded to do two federally funded projects--Project SEARCH and the SPEDTACS Project.

Project SEARCH was a three-year qualitative research study. We started off with a policy scan of 15 states. We did a brief report of that policy scan, looking at the policy issues and how they are related to special education in charter schools. We used the findings from that scan and did case studies of seven states and a report of the special education cooperative for charter schools in the District of Columbia. We compiled our policy findings and made recommendations.

I want to talk about the major policy findings of that study. The overall issue we identified is the basic policy tension between charter schools and special education. People in charter schools at all levels need to talk about it because it isn't going away and it isn't going to change. The tension is between the commitment to autonomy that the charter school movement offers, and the regulatory approach of special education requirements. Parental choice is the basic tenet of the charter school movement. IDEA team requirements are very procedural and very prescriptive and do not provide for final decision making by any one person. It is clear from policy and law that basic decisions made for students with disabilities through the evaluation and IEP process must be made by a team. No one member of that team can veto the team, so conflict or tension can arise in making decisions for students with disabilities in a charter school. We think it is important to understand this tension, because it forms the climate within which special education has to be implemented in charter schools. Any time we present on Project SEARCH, we try to emphasize the importance of understanding this climate within which everything has to happen.

Another policy finding from Project SEARCH is the importance of understanding the legal identity of a charter school. A charter school that is its own LEA has an entirely different set of legal responsibilities than a charter school that is part of an LEA. There is a big difference and the implications have to be understood. In the District of Columbia, an applicant for a charter school has to make a decision to be their own LEA or to be a part of the D.C. public schools for special education. The same thing is true for California.

Any time people from charter schools call me for help related to special education in a charter school, the first question I ask them is whether their school is its own LEA or part of an LEA. I am always shocked at how many schools have no idea what I am talking about, because the issue of a charter school's legal identity is not clear in most state laws and it is only gradually being addressed in some state policies. Yet, it determines the level of responsibility the charter school has for special education. The linkage concept is related to legal identity and helps to explain the implications further. A charter school that has a total link to an existing LEA has a very different level of responsibility for special education compared to a no-link school that is out on its own and has a different set of burdens. We will get more information from the current studies that are being conducted (especially the Intersect Project) on the issue of how charter schools get the help that they need for special education. Last but not least of the major findings from Project SEARCH is the knowledge gap that exists and the importance of addressing that lack of good working knowledge about special education for people involved in charter schools.

Project SEARCH made a set of ten recommendations and here are five of the major ones:

- It is important that there is clarification and training on legal status of charter schools.
- There should be some kind of assigned role for authorizers and applicants regarding students with disabilities.
- There should be access for charter schools to the special education infrastructure.

- There is a need for development of state policies to incorporate charter schools into state structures.
- There should be technical assistance to develop capacity to deliver special education to charter schools.

We took the last recommendation to heart in the project that we are currently working on, the SPEDTACS Project. SPEDTACS (Special Education Technical Assistance to Charter Schools) is a good example of taking research recommendations and building on them. We have the team that worked on Project SEARCH working on this project as well, and we have partnerships with the Authorizers Association and the Charter Friends National Network. Our purpose is to develop some resources that could be used by all parties involved in charter schools to enhance the inclusion of students with disabilities in charter schools. We have a lot of people involved in helping us. We started our activity with a series of state team meetings to identify the need. The state meetings focused on reviewing the documents we call Primers. We had participants from all parts of the charter school movement in the states that participated. We had to have this lengthy and useful process because there is nowhere to go and look this up—it does not exist. There is currently no good technical assistance material that is useful for all charter schools related to special education, which is what we are trying to build. We will design three Primers, one for authorizers, one for charter school operators and one for state officials. It will look at the needs of knowledge and recommendations on actions for special education at all of the life stages of a charter school. This has been a valuable and lengthy process that will produce documents that are now at the draft stage. The last activity on the SPEDTACS Project will be to develop a web-based training program that will evolve from the Primers, and we are working with the U.S. Charter Schools website on helping us attend to the instructional and the technical aspects of making that happen.

The next step will be to find a way to take these materials that we are currently developing from a national perspective and work towards getting them state specific. One of the things that everyone who has done any work with charter schools recognizes is “it depends on the state.” So, that is what we are doing now and hope to do in the future. It is our goal that the policy issues related to students with disabilities in charter schools get continued attention, because they are evolving dramatically.

Additional resources and information on special education in charter schools can be found in Appendix C.

Small Group Activities

After the presentations, participants were separated into three small groups of 10-12 people. Each of the groups was assigned to a private meeting room and a Project FORUM facilitator. One person from each group recorded the group’s discussion, while another person reported out to the total group. All groups were given the same two discussion questions. Following is a combined list of the three groups’ answers to the two discussion questions. It is important to note that the statements in each section below do not pertain to all charter schools, due to variation among state charter school laws and variation in charter school practices.

What we have learned from research?

- State charter school policies and laws vary, making it difficult to generalize across the country (i.e., the responsibility for educating students with disabilities varies according to state charter school law).
- Students with low incidence or severe disabilities (e.g., severe mental retardation, profound deafness) are not as likely to attend charter schools as students with less severe disabilities (e.g., LD, speech/ language problems).
- Data not available on the quality of programs or outcomes (i.e., student achievement) for students with disabilities in charter schools, only data on parental satisfaction.
- Special education challenges faced by charter schools are not unique.
- Diversity among states is great in terms of how charter school issues are being addressed and change is very rapid.
- Technical assistance has improved—grown from nothing to something—and there is a conscious effort by SEAs and LEAs as well as charter organizations to address technical assistance needs.
- Inconsistencies between special education and charter school laws create policy tensions and must be addressed.
- National estimates of the number of students in charter schools are poor and there is no national data on students with disabilities in charter schools.
- Comparisons between charter school and traditional school data (e.g., staffing and enrollment of students with disabilities) may be inappropriate because data are collected in different ways.
- Funding formulas and allocated revenues for students with disabilities in charter schools vary tremendously within and across states.
- Anecdotes and preliminary research indicate that parents of students with disabilities move to charter schools because they are dissatisfied with traditional public schools.
- When relationships between families and charter schools are good, families are satisfied with charter school services.
- Many charter schools are not identifying students as having disabilities even though these students are enrolled in charter schools.
- Some charter schools are specifically designed to serve students with disabilities.
- Charter schools do not always know their obligations about educating students with disabilities.
- Charter school models may be innovative in a particular area or region, but nationally charter schools are not offering innovative educational models.
- Charter schools sometimes “counsel out” students with disabilities based on judgment of “goodness of fit.”

What are the knowledge gaps?

- Not all charter schools are able to disaggregate student data (e.g., by ethnicity and race) for research purposes.
- In some jurisdictions, data are not available on how charter schools compare with traditional public schools in areas such as suspension, expulsion and graduation.

- Money used to support special education service is not being tracked within charter schools.
- Information about funding formulas for special education in charter schools is not readily available.
- There is no national information about the charter school reapplication and renewal procedures.
- Special education cooperatives, such as the Washington, D.C. Public Charter School Cooperative for Special Education, are providing services in some places, but there is little information about such cooperatives and their effectiveness.
- Whether a charter school has the status of an LEA has implications for its operation, but the implications have not been clearly examined in many states.
- Outcome data are not available comparing general education students and special education students in charter schools.
- Information is not available about how charter schools document what they know about their students with disabilities.
- In many charter schools, the following data are not available on students with disabilities: trends, patterns or distribution of disabilities; the number who enter with IEPs; and the number who leave charter schools and are identified as special education eligible.
- It is not known if parents of students with disabilities choose charter schools because they are innovative programming or instruction or for other reasons.
- Policy clarification is needed from the federal government for charter schools and special education, as well as the implications of the No Child Left Behind Act (NCLB) for charter schools and special education.
- There is no national charter school special education data source.
- Comparisons between charter school and traditional public school compliance with IDEA need to be conducted.
- The relationship between type of charter school authorizer and quality of IDEA implementation should be examined.
- Ensure that charter schools can access all special education funds to which students with disabilities are entitled.

The same three small groups later made recommendations for policy, practice and future research. Following are combined lists of the three groups' recommendations.

Policy Recommendations

- Explore the feasibility of disaggregating extant data (i.e., state-reported special education data) by charter schools/non charter schools.
- Conduct an analysis on the implementation of federal charter school policy as it intersects with IDEA, and its impact at the state and local levels in such areas as funding and eligibility.
- Explore the flexibility of state monitoring of IDEA in charter schools.
- Change the federal definition and use of the term "local education agency" (LEA) as it pertains to charter schools.
- Clarify how state special education funds flow to charter schools, differentiated by LEA/non-LEA status.

- Address the funding time lag, particularly as it affects small charter schools.
- Ensure that charter schools money follows the student.
- Clarify federal- and state-level policy regarding parental choice and team decision-making.
- Provide state policy guidance for all stages of the charter school life cycle (e.g., application, authorization, start-up, operation, monitoring/oversight, and renewal or revocation).
- Clarify implications of NCLB for special education in charter schools (e.g., minimum group size for AYP reporting, use of alternate assessment).
- Require applicants for charter schools to specify how start-up funds will be used for special education services.
- Clarify policy regarding level of instructional accommodation a charter school must provide for students with disabilities.
- Examine how special education accountability can be infused into charter schools.
- Provide incentives from the U.S. Department of Education's Public Charter School Program for states to support best practices in charter school special education (e.g., increased funds for dissemination).
- Include charter schools in the state's continuous improvement focused monitoring planning (CIFMP) process and pay special attention to charter schools that are dependent on LEAs for specialized services.
- Clarify how a charter school determines if it has provided appropriate special education accommodations.

Practice Recommendations

- Require a description of the charter school's planned special education system/framework as part of the chartering process.
- Assist charter schools with sharing information about best practices and recording successes.
- Include in teacher preparation curricula information about working with English language learners (ELLs) and students with disabilities in charter, alternative and choice schools.
- Hire at least one staff person for each charter school, regardless of the size of the school, to be the point person for special education issues. This person should have appropriate background and experience, and be responsible for ensuring that professional development takes places for faculty, board members and parents on a regular basis.
- Ensure that technical assistance and outreach is available for charter schools from the SEA, LEA or other appropriate entities on issues related to special education (e.g., conflict resolution, negotiation skills, specific IDEA requirements).
- Identify and maintain a connection between the special education infrastructure and the charter schools, including data and fiscal management system, human resources, facilities, transportation, etc.
- Develop a state, district and school-level plan for recruiting and retaining special education teachers in charter schools.
- Separate technical assistance and monitoring functions for charter schools.
- Help charter schools form cooperatives to access cost-effective special education services.

Unlike the policy and practice recommendations, the recommendations for future research were prioritized by the participants. Twenty-six participants were given five votes, represented by five stickers, and instructed to use their stickers to indicate their highest priority recommendations. Following is the prioritized list of research recommendations, with the total number of votes noted at the end of each recommendation.

Research Recommendations

- 1) Identify areas for flexibility in implementing IDEA based on current research and data, and fund demonstration projects in charter and traditional schools to examine the flexibility. – 18 votes
- 2) Examine the effectiveness of special education in charter schools by type of authorizer, LEA vs. non-LEA status and type of infrastructure the school has access to (e.g., cooperatives, consultants). – 13 votes
- 3) Conduct longitudinal research on students with disabilities in charter schools at the national and state level, including the collection of data on student characteristics and school characteristics. – 11 votes
- 4) Examine expenditures related to students with disabilities in charter schools. – 11 votes
- 5) Examine outcomes of students with disabilities educated in charter schools using multiple measures (e.g., academic achievement, social well-being and satisfaction levels) and compare to students in traditional public schools. – 10 votes
- 6) Examine the cooperative model for the provision of special education services in charter schools and other models. – 8 votes
- 7) Examine the mechanisms of parent choice in IEP team decision-making (e.g., boundaries between choice and IEP procedures in schools of choice). – 8 votes
- 8) Examine the outcomes of students with disabilities in charter schools in relation to charter school characteristics and student expectation. – 8 votes
- 9) Examine how state officials and authorizers address special education issues during the application and renewal process. – 7 votes
- 10) Study effective innovations for educating students with disabilities in charter schools. – 7 votes

- 11) Describe the workforce in charter schools (e.g., teachers, paraprofessionals, related service providers) especially in regard to qualifications and experiences related to special education, and compare with traditional public schools. – 5 votes
- 12) Study the degree to which students with disabilities are counseled into or out of charter schools. – 3 votes
- 13) Examine the impact of the funding formula on the scope and quality of special education services in charter schools. – 2 votes
- 14) Determine how authorizers are monitoring special education in charter schools. – 2 votes
- 15) Examine the impact of the federal requirement for charter schools to participate in state accountability systems on enrollment of students with disabilities (including ELLs) in charter schools. – 2 votes
- 16) Conduct a study to determine whether students with disabilities in charter schools had an IEP the previous year. – 2 votes
- 17) Determine how charter schools are addressing or planning to address AYP reporting for students with disabilities? –1.5 votes
- 18) Construct a national database on key characteristics of students with disabilities and special education practices in charter schools. – 1 vote
- 19) Examine the reasons students with disabilities leave charter schools.
- 1 vote
- 20) Examine the reasons special education teachers leave charter schools. - - 1 vote
- 21) Study the provision of special education services to ELLs with disabilities in charter schools (e.g., models and best practices). – 1 vote
- 22) Compare staff development in charter schools with traditional public schools.
– 1 vote
- 23) Compare the student evaluation process and the initial placement of students with disabilities in charter schools with traditional public schools. – .5 vote
- 24) Examine special education issues in virtual charter schools. – 0 votes

- 25) Identify recruitment and outreach strategies used by charter schools to target students with disabilities (Caveat: Will NCLB requirements affect the use of these strategies?). – 0 votes
- 26) Conduct research on the type of special education services provided to students with disabilities in charter schools and who provides the services. – 0 votes
- 27) Examine the type of services (e.g., monitoring and technical assistance) provided by SEAs and LEAs to support charter schools (e.g., Project Intersect). – 0 votes

Closing Remarks

Patty Guard - Deputy Director, OSEP

I would like to thank everyone for participating in the policy forum. Stephanie Lee sends her expressions of appreciation and her regrets for not being able to participate in the forum due to prior commitments. The recommendations made at this forum are a source of valuable information. OSEP will closely examine the recommendations in order to develop our research evaluation agenda, priorities for technical assistance, professional development, monitoring and improvement, and policy. This information falls into two major areas: the implementation of IDEA in charter schools and the implications for students with disabilities. It is important for authorizers to understand how to implement IDEA and what it means to support its delivery to charter schools. There are also huge infrastructure issues, issues with charter schools involvement with No Child Left Behind (NCLB), and issues with accountability systems. In addition, there are many issues related to funding and data provided for students with disabilities in charter schools.

Bill East - Executive Director, NASDSE

I would also like to thank everyone for participating and providing their expertise in what should be happening to assist charter schools and public education entities to work together to better serve children with disabilities. I am pleased with what was said and we will look closely at the recommendations to see what we can do with them

Appendix A
Participant List

Appendix A

Participant List

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Appendix B

Agenda

Appendix B

Agenda

Monday, June 23, 2003

- 6:00 Buffet dinner served in hotel
- 6:30 Welcome from Project FORUM - Joy Markowitz
Greetings from OSEP - Patty Guard
Greetings from Charter Schools Office - Dean Kern
- 6:45 Review of agenda and packet - Joy Markowitz
Participant introductions
- 7:10 Presentations [Approx. 20 minutes each, with time for reactions and questions]
Kathryn Chandler, National Center for Education Statistics
Lee Anderson, SRI International
- 8:00 Review of Tuesday's agenda - Joy Markowitz
- 8:10 Adjourn for day

Tuesday, June 24, 2003

- 8:30 Continental breakfast
- 9:00 Opening and introductions of those not present Monday – Joy Markowitz
- 9:15 Presentations [Approx. 20 minutes each, with time for reactions and questions]
Cheryl Lange, Lange Associates
Tom Fiore, Westat
Gary Miron, Western Michigan University
- Break at midpoint
Carol Trivette, Puckett Institute
Lauren Morando Rhim, University of Maryland
Eileen Ahearn, NASDSE
- 12:00 LUNCH [provided in hotel]
- 1:00 Description of small group activities – Joy Markowitz
(Participants will work in pre-assigned small groups to answer the following questions.)
- *What are the most important things we've learned from research and other sources that pertain to policy and practice?*
 - *What are the knowledge gaps?*
- 2:30 Break

- 2:45 Reporting out in large group
- 3:15 Second small group session
- *Recommendations for policy based on what we know*
 - *Recommendations for practice based on what we know*
 - *Recommendations for future research (filling the research gaps)*
- 4:15 Reconvene in large group to assess progress and make plan for Wednesday
- 4:30 Adjourn for the day

Wednesday, June 25, 2003

- 8:00 Continental breakfast
- 8:30 Discussion and revision of Tuesday's recommendations - Joy Markowitz
- 9:30 Third small group discussion (additional recommendations)
- 10:30 Break for hotel check out
- 11:00 Additions to research recommendations and prioritization activity
- 11:30 Closing remarks and next steps - Patty Guard, OSEP
- Bill East, NASDSE
- Joy Markowitz

Appendix C

Special Education in Charter Schools Federal and State Education Agency Resources

Appendix C

Special Education in Charter Schools Federal and State Education Agency Resources

U. S. Department of Education Office for Civil Rights:

Applying Federal Civil Rights Laws To Public Charter Schools: Questions & Answers. Available online at:

http://www.uscharterschools.org/pdf/fr/civil_rights.pdf

ERIC:

Public Charter Schools and Students with Disabilities. ERIC Digest E609

Available online at:

http://www.ericfacility.net/databases/ERIC_Digests/ed455656.html

Colorado Department of Education:

Colorado Charter Schools Special Education Guidebook. Available online at:

<http://www.cde.state.co.us/cdechart/download/SpecialEdGuidebook.pdf>

Consolidated Federal Programs: Questions and Answers. Available online at

http://www.cde.state.co.us/cdeunified/qa_Charter.htm

Colorado Charter Schools Best Practices Guidebook: Sample Special Education and Section 504 Compliance Plan For Charter and Renewal Charter Applications. Available online at:

<http://www.cde.state.co.us/cdechart/download/SpedCompliancePlan.pdf>

Fast Facts--How is Special Education Provided in Charter Schools in Colorado?

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