



on implementing special education in charter schools.

## Primer for State Officials: Special Education Requirements and Including Students with Disabilities in Charter Schools

Lange, C. M., Ahearn, E. M., Giovannetti, E. A., & Rhim, L. M., Warren, S. H., (2004). *Primer for Charter School Operators on Special Education Requirements and Including Students with Disabilities in Charter Schools*. Alexandria, VA: National Association of State Directors of Special Education.



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# Acknowledgements

- This Power Point presentation was prepared for use in training related to the *Primers on Special Education and Charter Schools*. The Primers were developed by the SPEDTACS Project and funded by the U. S. Department of Education.
- The full Primer set can be downloaded from:  
[www.edgateway.net/specialedprimers](http://www.edgateway.net/specialedprimers)
- Further information is available by email from:  
[eileen.ahern@nasdse.org](mailto:eileen.ahern@nasdse.org)
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## Introduction to Charter Schools

- Are schools of choice.
- Are defined by state-specific charter school laws.
- Are typically exempt from some state and local laws.
- Are created by a developer.
- Operate in pursuit of educational objectives.
- Serve grades levels in K-12 depending upon charter.
- Are nonsectarian and do not charge tuition.
- Must comply with federal civil rights, auditing, and health and safety laws.
- Have written performance contracts.

## Historical Context

- Charter idea emerged in 1970s by Ray Budde
- Idea publicized by Albert Shanker from AFT\*
- First law passed in 1991 in Minnesota
- By 1995, 19 states had charter school laws
- By 2004, there were nearly 3,000 charter schools in 41 states serving over 6,000 students

\*American Federation of Teachers

## Charter Schools

- Vary according to state charter school laws.
- Are typically “authorized by a specific entity.
- Are approved for a set period and must have charter renewed by authorizer at end of the period.
- Typically have an authorizer who provides oversight.

## Public Schools or Private Schools?

- Charter schools are public schools.
- Charter schools are mainly funded by state funds.
- Typically, schools are funded according to enrollment.
- Typically do not receive capital funds for facilities.
- Schools are entitled to federal categorical funding such as Title I or special education.

# How Charter Schools Differ from Other Public Schools

Charter Schools are:

- Schools of choice where parents choose to have child attend.
- Typically exempt from some regulations required of other public schools.
- Often allowed autonomy for many, if not all, areas related to operating a school.
- Will be held accountable for performance goals or be closed.

## Charter Schools and Special Education

- Charter schools may not discriminate against or refuse entry on basis of disability status.
- It is estimated that 12% of students enrolled in charter schools are served under the Individuals with Disabilities Education Act.



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# Charter Schools and Special Education Basics

## The Need to Know

- Various SEA units or departments are called upon to be resources to charter schools.
- SEA personnel need to know how charter school law and special education laws intersect.

# What SEA Units are Charter School Resources for Special Education?

- Special Education (monitoring, policies etc.)
- Facilities
- Transportation
- Finance
- NCLB
- Health and Safety
- Accountability and State Testing

# Answers to Important Questions

- Can charter schools waive their responsibilities for special education? NO
- What are major legal concepts that underlie special education that SEA personnel should know?
  - Zero Reject
  - Individual Education Program
  - Free Appropriate Public Education (FAPE)
  - Least Restrictive Environment (LRE)
  - Due Process and Parental Involvement
  - Nondiscriminatory Evaluation

# Charter School Authorizers and Special Education

- Role varies from state to state
- Need to know state law in this area
- Know expectations of authorizers in your state concerning special education



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# SEA Assistance to Charter Schools and Their Authorizers

- Know your charter school law.
- Provide guidelines that explain responsibilities.
- Train division personnel on charter schools and special education.
- Provide training for charter operators and authorizers.
- Integrate charter schools into existing training efforts.
- Develop coordinated guidelines across units or departments.



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## Resources

- Handbook: *Charter Schools and the Education of Children with Disabilities*
- *Applying Federal Civil Rights Laws to Public Charter Schools*

Links at [www.uscharterschools.org](http://www.uscharterschools.org)



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# Key Policy and Procedural Issues on Charter Schools and Students with Disabilities for SEAs and Other Units

## Need for SEA Guidelines

- Coordinated guidelines across departments save time and resources for SEA.
- Guidelines ensure SEA is answering questions consistently.
- Being proactive ensures charter school operators have the information they need to serve students with disabilities.

## Action List for SEA Personnel

- Know your state charter school law.
- Determine special education unit's vision for working with charter schools.
- Manage the process around the implementation of special education in charter schools.

# Managing the Process

## Questions for the SEA Special Education Unit

- What additional resources will we need?
- How will different units work together to answer charter school and special education questions?
- What do SEA personnel need to know and who will train them?
- Who is responsible for answering questions in areas related to charter schools and special education and for providing specific training?
- What examples can we review from other states who are integrating charter school and special education laws?

## Other Considerations

- Understand inherent tensions between charter school law and special education law.
- Understand role of parental choice and special education team decision-making play.
- Seek a balance that meets needs of all students.
- Look for innovation of practice and policy.



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# Key Special Education Policies for Consideration by State Education Agency Special Education Personnel

# Areas for Considerations and Clarifications

- Responsibility for Special Education Service
- Parent Choice and Team Decision Making
- Change of Placement
- Staff Standards
- Individual Education Program Issues
- Capacity Issues
- Curriculum and Assessment
- Special Education Monitoring
- Child Find

# Areas for Considerations and Clarifications

- Data Responsibilities
- Least Restrictive Environment
- Facility Issues
- Transportation
- School Closure Issues
- Due Process
- State Accountability Issues
- State Resource Issues



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# Why SEA Special Education Personnel Should Address the Areas

- For consistent implementation across the state and within the agency
- Lightening the workload for SEA personnel
- Eliminating ambiguity for charter school operators and authorizers



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## Help for SEA Personnel

- Look to other states for resources and materials.
- Review materials available on the Primer website at [www.edgateway.net/specialedprimers](http://www.edgateway.net/specialedprimers)
- Check US Department of Education website for resources [www.uscharterschools.org](http://www.uscharterschools.org)



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# State Education Agency Assistance During Charter School Development Stages

# Life Stages of a Charter School

- Authorization and Application Stage
- Start-up Stage
- Operation Stage
- Renewal Stage
- Revocation or Closure Stage (for those who do not meet performance criteria)

# SEA Assistance During Authorization Stage

- Provide training to authorizers and operators on special education law and service delivery.
  - IDEA
  - Section 504
  - Other Applicable Laws
  - Finance
  - Individual Education Program (IEP)
  - Education Databases
  - Nondiscrimination Issues (enrollment forms, applications, etc.)
  - Negotiating special education service
- Ensure all parties know their role in the implementation of special education.
- Ensure all parties know which SEA unit can provide needed information.

## SEA Assistance During Start-up Stage

- Identify most challenging issues during charter school start-up regarding special education.
- Determine how enrollment issues concerning students with disabilities will be addressed.
- Train charter school personnel in their responsibilities for identifying students with disabilities.



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# SEA Assistance During Day-to-Day Operation

- Determine what SEA will do in conflict situations.
- Determine answers to the hard questions.
- Consider related services and resources for charter schools.
- Address feasible action when financial mistakes are made.
- Determine SEA role is school is closed.

## SEA and Technical Assistance (TA)

- Consider how technical assistance is provided
  - Help versus regulation
  - Knowledge versus regulation
  - Resources versus regulation
  - Training needs versus regulation
- Consider who needs TA
  - Operators?
  - Charter school personnel?
  - Authorizers? (who within authorizing agency)

## SEA and Technical Assistance (TA)

- Consider Differences in TA for Charter School versus Traditional Schools
  - Different Information?
  - Different Players?
  - Different Backgrounds of Players?
- Consider communication links to charter schools concerning special education
  - Who receives information
  - How information is presented
- Consider content in relationship to the charter school audience
  - Pre-existing special education knowledge
  - Differences in charter schools that might impact service