

Meeting the Challenge to Serve All Students: Charter Schools and Special Education

Slides 1, 2, &3

PEGGIE: Hi, this is Peggie Garcia from the National Charter School Resource Center. I'd like to welcome all of you to the webinar. So, I'd like to apologize. It looks like we're getting a couple of questions in through the chat: Unfortunately, with the Adobe platform that we're using, you have to call in to hear the teleconference. You have to call in to the 1-800 number. The National Charter School Resource Center is a federally funded operation and we are funded to promote effective practices, provide technical assistance, and disseminate resources that are critical to ensuring the success of charter schools throughout the country. So we're really pleased to have this webinar on special education for charter schools, as it seems to be a topic of great interest.

We have approximately two hundred people registered for this webinar, so there will be quite a number of people on the phone. In order to ensure that the quality of the recording is good for people who want to access the archived version, we encourage you to put your phones on mute, either using the mute button on your phone or using the star-six feature to mute or unmute your line. You're welcome to enter any questions you have during the webcast in the chat on the left-hand side of your screen. It looks like many people have accessed that already.

Also, on the left-hand side of your screen there's a file share pod. There are two files there that you can download at any time during the webinar if you'd like. One is the slide set. If you did not receive the slides when I sent the reminder this morning, you can download the slides there. The second is an AIR report that Allison Gandhi will be discussing later in the webcast. So both of those are available for your download—you just have to click on the file that you want to download, select the file, click "save to my computer," and then it will start downloading on your computer.

This webinar is being recorded. An archive will be available after the



webinar at www.charterschoolcenter.org. It typically takes us two or three days to get the webinar online, so by Monday we should have the archive available for your viewing if you'd like to revisit the webinar. You can also raise your hand on the very lower hand corner there's a little blue guy. You can use that to raise your hand and I will call on people during the question-and-answer. I won't interrupt the speaker. So during the question-and-answer later in the webinar, if you'd like to ask a question over the phone, you're welcome to raise your hand to do that. But again, to preserve the quality of the audio recording, the best choice is always to enter your question into the chat. So I think that's it for technical concerns.

Slide 4

Today we are really pleased to welcome two very distinguished presenters, Lauren Morando Rhim is an independent education consultant specializing in pressing public K through twelve education issues, including targeted school improvement efforts, state and district support for dramatic change initiatives, special education charter schools, and virtual schools. She offers strategic technical assistance, program planning, facilitation, research, and evaluation services to state departments of education, school districts, and nonprofits committed to creating high-quality public schools for all students. Prior to forming LMR consulting, Lauren Morando Rhim was a senior consultant with Public Impact, an education, policy, and management consulting firm, and a faculty research associate in the College of Education at the University of Maryland—College Park.

Our second presenter is from the American Institutes for Research, Dr. Allison Gruner Gandhi, and she leads several projects for the Office of Special Education Programs in the U.S. Department of Education and is also the data director for the New York state special education audit project. So we welcome both Dr. Rhim and Dr. Gandhi to the webinar. If you could again put your phones on mute, and I will be muting people selectively as well to make sure that we preserve the audio quality of the recording. So, at this point, I'm going to turn it over to Dr. Rhim. Welcome.

Slide 5

LAUREN: Thank you very much. It's a pleasure to be here. Thank you, Peggie.

PEGGIE: Could you speak up a little bit, Lauren?

LAUREN: Sure. Can you hear me okay now?

PEGGIE: Maybe even a little bit louder.

LAUREN: Sure. Is that better?

PARTICIPANT: I'm sorry. I'm trying to log into your webinar. I can't see your PowerPoint or anything. I'm stuck on this Adobe Acrobat Connect Pro.

PEGGIE: Can you send an e-mail to pgarcia@air.org?

LAUREN: So, I have about twenty, twenty-five minutes with you all this afternoon, and I think it's important before I even start to say that I'm going to give you a very broad-brush overview of some of the issues you need to be considering. My [Inaudible] target audience is that we've got primarily charter school operators and maybe some authorizers on the phone and that's what I'm going to gear my conversation to. But before I get in I want to emphasize that there's no way that I can tell you everything you need to know about special ed in the time we have, and that my presentation can hopefully give you some of the key questions you need to ask and things you need to think about, but that really what you need to do is to make sure you have someone on staff who knows special ed or someone that you have access to who knows special ed rules and regulations that can help you address the issues, because many of these issues are very specific to your state and to your district and even to your individual schools. So, I just wanted to have that little caveat [Inaudible] I'm going to go over some guiding principles that for me are the foundation of what you need to be thinking about when thinking about educating students with disabilities in charter schools.

Slide 6

[Inaudible] As Peggie spoke about, I did research in my capacity at the University of Maryland and then also when I was at Public Impact continuing to do research. And so I'm going to be drawing from that research and talking to you and then share with you briefly some

promising practices that have come out of the research that I've done and finally the last section of the PowerPoint that I'm not going to spend much time on are lists of guiding questions with references and resources. The guiding questions are to help you think about the things that you need to be thinking about. There's no right or wrong answer necessarily to the guiding questions, but frequently what I found when I was doing research and working with charter schools is that new charter operators in particular didn't always know the questions they should be asking. And so, the purpose of the guiding questions is to help you think about those questions in order to figure out what the right answer is for your particular situation.

The references and resources, most of the research I'm going to be sharing comes from my work at the University of Maryland, which worked in close collaboration with the National Association of State Directors of Special Ed, and I would point you to NASDSE because they've got a number of resources on their website as well as the U.S. Charter School's website that summarize and present some key resources and advice to help you as you're trying to navigate these issues. So let's jump right into the webinar.

Slides 7 & 8

So, in thinking about special ed in the charter sector, for me there are four key principles that you should keep in mind. The first one is, follow the law. So with the exception of state and district rules explicitly waived for charter schools, charter schools are by definition public schools and, as a result, they are required to abide by the same rules and regulations as traditional public schools: Americans With Disabilities Act, Individuals with Disabilities Education Act, NCLB, and section 504, for instance. So when in doubt, defer to the law and understand what the law says you can and can't do.

Slide 9

Second principle is to make smart decisions based on your knowledge of the law. So decisions related to educating students with disabilities must ensure that students are provided a free, appropriate public education in the least restrictive environment. If you spend any time in the special education world, those are two phrases that you know are

the core tenets of special ed. Free and appropriate, these principles are complex and have been the focus of extensive litigation, including multiple influential Supreme Court cases. That if you're interested in really diving in deep and understanding the meaning of the terms *appropriate* and *least restrictive*, those Supreme Court cases can help you understand that there's no one set definition, because it's highly contextual. Second one, free and appropriate public education, aims to ensure that children with disabilities will receive, without cost, the services and programs selected by the individualized education program team to meet students' individual needs. I'll come back to the IEP team in just a second, but I just want to walk through these key definitions. *Appropriate* is interpreted to include very broad continuous services and supports required to allow a child with a disability to access the general education curriculum. I left out the part about LRE and that was an oversight on my part, but least restrictive environment, a starting point for least restrictive means that the default is that all children are educated in the general ed setting, that's a general ed classroom alongside their peers who do not have disabilities. When a child is not able to succeed in that general ed classroom with the necessary support, then you would think in the IEP setting—IEP team setting—to have a discussion about more restrictive environments. But this is an important contrast to when we first had special ed laws on the books and the setting you would generally presume that children would start outside of the general ed and essentially earn the right to come in. It's a very different mindset now. So, the beginning presumption is that all children belong in the least restrictive environment in the general ed classroom and then they're pulled out as needed to provide services.

Slide 10

The third guiding principle to keep in mind as you're making decisions about educating students with disabilities is developing a plan; and when I refer to a plan, I'm talking about the individualized education program. An IEP is what outlines a student's present performance goals, annual and short-term objectives, the special ed services they will receive, as well as the related services to be provided. This is the core. When in doubt about what you need to provide to a child with a disability, the IEP is the central location, it's what all teachers who work with a child with disabilities should be familiar with their IEP, what

services, what accommodations they are to receive. Related special ed services are generally the services they receive in the general education classroom or, if it needs to be in a more restrictive environment in a pull-out environment, the typical accommodations and modifications to help them access the general ed curriculum. Related services are those additional services, things like transportation to and from school, maybe physical therapy or occupational therapy or speech therapy, but additional services are provided by generally outside service specialists. IEPs are developed by a team comprised of teachers, specialists, parents, perhaps other professionals as needed and the student when appropriate. This team piece is a core part of the IEP. Decisions related to the IEP are not made by a single person. They need to be made by a team in close collaboration with the parent. That's a very important part. So these are all the obligations related to related services and LRE as codified in the IEP.

Slide 11

The fourth principle to keep in mind is that you need to implement the plan. It's not enough to have the plan, you need to make sure that your school is implementing the plan for every child with a disability. So all decisions related to educating students with disabilities must reflect what is on the child's IEP. So, as kind of a rule of thumb, when in doubt, any questions about educating a child with a disability, when in doubt, defer to what is written in the IEP and, if you have bigger questions, understand the laws that are underlying the decisions made in the IEP. Schools are responsible for ensuring that students with disabilities receive the supports and services outlined in the IEP.

So those are the four guiding principles that I just wanted to share and put out on the table before we dive a little more deeply about what this looks like in the charter sector.

Slides 12 & 13

I'm going to share some of the research now that has come from my work when I was at Maryland and at Public Impact. First research is— There are four different areas— three different areas, rather, I wanted to share. One is regarding enrollment, the second is regarding

opportunities that the charter sector presents for children with disabilities, and the third is to talk about the challenges. The challenges are both at the policy level as well as the implementation level and also to acknowledge that frequently charter operators struggle to navigate policy issues while simultaneously trying to negotiate the day-to-day implementation issues. And it's important to recognize as a charter school, you are essentially building the plane while it's flying, but that doesn't mean that you aren't responsible for building a high-quality plane as it's flying. You need to—in planning your charter school and then operating your charter school—keep in mind those guiding principles and make sure that you're abiding by them in educating students with disabilities.

Slide 14

The first piece of research relates to enrollment. And I just wanted to confirm, charter schools are serving students with disabilities. Now, the rate at which they're educating students with disabilities ranges from a low of zero percent to a high of a hundred percent, based on research that I did and surveys we did when I was at the University of Maryland. That zero percent is alarming, obviously, but it's also important to acknowledge the hundred percent and that there are charter schools that have been developed solely or primarily for students with disabilities.

Slide 15

Continuing regarding enrollment, there isn't any recent national definitive analysis of enrollment of students with disabilities. I think when we see newspaper articles and journal articles that make reference to enrollment, it's usually from a single state. But typically have questions when I see those statistics. It's important to really understand what they represent. The information I'm representing is from a survey we did, and I recognize it's dated, but I share it because it's what I have confidence in. This research— We conducted a survey in 2003–2004. We had students with disabilities representing ten percent of the charter school population at the time, and that was less than the national average for all public schools, which is eleven-point-five percent according to the United States Department of Ed in the annual report to Congress regarding implementation of IDEA. And it's

important to recognize that there are multiple factors that influence enrollment in the charter sector. So, for instance, unlike a child *without* a disability, when a child *with* a disability makes a decision to go to a charter school, yes, there's parental choice, but there's also the IEP team that has influence on what the child does. Also, there's state and district special ed as well as general ed funding issues that could influence decisions that can serve as an incentive for children to stay or to leave and attend a public school.

[INTERRUPTION]

I'm going to keep going, even though there's noise. And then there's also state and district special ed policy, which I'm going to get to in more detail in a minute regarding the legal status. Then there's also lack of knowledge on the part of charter schools. So, I share all of this, not to make any kind of judgment or evaluation about enrollment in special ed, but it's very important that when you start talking about enrollment figures, to acknowledge that there are multiple factors that influence whether or not children with disabilities enroll in charter schools. And it's not just a matter of a charter school operator saying yea or nay, or a district saying you should or you shouldn't go. So, I share that to have a contextual piece in terms of interpreting enrollment data. But again, charter schools are public schools and have an obligation to enroll children with disabilities that are interested in enrolling in their school.

Slide 16

So, I'm going to talk about opportunities and challenges. And I present this slide to recognize that there are challenges associated with both and that you're dealing in an environment that has some policy challenges associated with developing and offering high-quality special ed programs in the charter sector, but at the same time there are opportunities to create really exciting new programs, but there's an inherent tension in addressing the challenges while trying to leverage the opportunities to create really high-quality programs for students.

Slide 17

Let's go over the opportunities first. So, in a charter, a charter is not a

particular kind of school. A charter is an opportunity. And so in that opportunity to create a new school, you have the opportunity to create a mission-driven school that includes students with disabilities by design, rather than as an add-on, and that's what we've seen when we've seen really exciting successful charter schools that have done really well with their students with disabilities. It's because right from the beginning of offering their charter school, it wasn't "We're going to create this charter school that does A, B, C and, oh, by the way, we should make sure that kids with disabilities can be included." Where we've seen high-quality charter schools educating students with disabilities is when from the beginning, from the very first planning meeting, they said "Okay, how are children with disabilities going to be a part of our plan? How do they fit in with our mission?" And that's an incredible opportunity that's in contrast to traditional public schools that may have been in operation and have many patterns of practice that were in place, even before we had a commitment to educating students with disabilities in the first federal laws that focused on that.

The second opportunity is to develop innovative service division models and that you've got an opportunity in a new environment to do things differently and you can do it quickly. Traditional public schools are many wonderful things, but they're not fast and they're not necessarily willing to take risks and try to do things differently, which is one of the promises of the charter sector, is to say "Wow, we've got a child that walks into our school with this disability, let's see how we can make that work or what new services." It's not "How do we provide services? Because, well, we've had ten other children who had similar disabilities and this is the way we're always done things." So I think it's important to recognize that opportunity and also as charter operators to think about not necessarily saying this is the way we typically do this and adjusting it to individualize it, but to say with each child with a disability, "What is the best way to serve that child and make sure that child has access to the general ed curriculum in our school?" Those are exciting opportunities.

And also it's to cultivate special ed infrastructures and those are means of essentially pooling resources and figuring out the best way to serve students. So, what we've seen in the charter sector, we've seen things like the special education cooperatives that are small-scale and have been tried in places like DC and Louisiana now and also in

Indiana with Ball State and the Charter School Resource Center is [Inaudible] about co-ops, but also other infrastructures would be local resource centers that provide services or innovative relationships with districts or outside private contractors like maybe Easter Seals or a local hospital that could provide services. And also, with each opportunity to try different structures to serve students with disabilities, comes the opportunity to track the effectiveness and the financial stability and sustainability. As school districts face increasing pressure to decrease the cost of special ed,, charter schools are well positioned to try to do new and innovative things around educating students with disabilities, absent the typical trappings of a traditional public school that has lots of structures that can be very difficult to change.

So, the final opportunity I see in growing in the charter sector and what we've seen in our research relates to providing online and hybrid-slash-and-blended learning and when I say online, it means virtual, so a child is sitting in front of a computer terminal where with hybrid you could have a combination of online learning, but also brick-and-mortar. So, there are multiple schools and—increasing numbers of schools across the country that might have a combination of maybe fifty percent of the curriculum is delivered live in a typical brick-and-mortar setting, but the other fifty percent may be through online, and those are very specialized or individualized classes. Those could be exciting opportunities for all students, but in particular for students with disabilities. The key part of special ed is individualized, and online and hybrid blended learning extends the opportunity to provide additional individualized learning and presents exciting opportunities for students with disabilities. NASDSE presented—or published—a report a couple years ago looking at exactly that issue, special ed in virtual charter schools. If you're interested in that aspect of the charter sector, I would encourage you to look at that report that NASDSE produced.

Slide 18

So, shifting from opportunities to challenges. There are challenges associated with implementing special ed in the charter sector. And there are four that we've identified in our research and that are borne out in multiple years of doing the research in different states and working with different charter schools. The first challenge is legal identity. I'm going to go into that in greater depth in upcoming slides,

but I'm going to briefly talk about the other three challenges, autonomy and regulation, parental choice, and then federal, state, and local funding systems.

The charter sector— the core tenet of the charter sector is the bargain of autonomy in exchange for accountability. The challenges are associated with combining a highly regulated program such as special education with an autonomous deregulated environment. It's not to say that it can't be done, but it's important to acknowledge that challenge, and to be intentional about how to overcome it. Okay, we're working in a deregulated environment, but we still need to abide by these regulations. A key part of abiding by those regulations goes back to the core principle I spoke about in the beginning with understanding the law. If you're going to figure out how to provide a high-quality special ed program in the charter sector, you need to understand the regulations. What my experience has been in working and in providing [Inaudible] technical assistance is that frequently the perception is that the special ed box, the rules and regulations are very small. In fact, when you start to dig around, the box of regulations is actually larger; I mean box in terms of room that you have to move and make decisions and how you provide services. But frequently when you work at the district level, you've got federal laws, state laws, district laws, and then school-level policies and practices that can really narrow the interpretation. With each level of the system comes a narrowing of the understanding of what you can and can't do related to special education. One of the first steps is maximizing autonomy is to understand the size of the box and really getting a handle on What do the regulations say about what you can and can't do? and Where do you in fact have room to take advantage of the autonomy you have?

[INTERRUPTION]

The next challenge I talk about [Inaudible] is the inherent tension between parental choice and team decision making. Again, there's no resolution to this challenge, but it's important to be aware of it. So, if you have a child with a disability who wants to enroll in the charter school, a parent may be choosing that and making that choice outside of the IEP—the IEP team, rather. Depending on the situation in the home district, that may be the right setting for the child, but conversely, it may not be the right setting for the child. That decision, the balance

of parental choice and team decision making, has to be highly individualized based on what's right for the student. But as a charter operator, it's important to be aware of that tension, because there could be instances where the parental choice is not the best choice for the child. Conversely, there could be times when the team—the IEP team's decision is based on factors other than what's best for the child. It could be connected to funding policies and they could show there's a disincentive for children to leave the district. Again, every situation is individualized and it's important to be aware of the challenge in order to be intentional about your decision making in terms of running your special ed program in your school.

The fourth challenge is simply the challenge of navigating complex federal, state, and local funding systems and the incentives and disincentives that they introduce when making decisions. Charter schools, I believe the latest statistic I've seen is that, in general, charter school are funded at sixty percent that of traditional public schools. And so, special ed funding is generally a source of tension and there's never enough funds to provide all the services you want to provide. In the current funding environment, the tension is even greater. So again, the challenges aren't presented because I have a solution to the challenge, but it's important for you as operators to be aware of these different pieces in order to figure out how to navigate them based on your local context.

So, having identified the four challenges, I'm going to dive a little bit deeper regarding legal challenges, because they really—that is really the overarching umbrella that you need to understand as charter operators in order to provide special ed services in your school.

Slide 19

What do I mean by legal status? Legal status is, What is the legal identity of your school? So, is your school identified as a local district or local education agency, a single school district, or alternatively, are you identified as a school that's part of an existing district? And frequently it's connected to who your authorizer is. Your state laws dictate either that you are part of a district, your own district, or I think in twelve states you can decide based on who you apply to get your charter from. In general, charters that are granted by local education

agencies, by local districts, when they serve as authorizers, they generally are granting charters that function as part of the local districts. There are exceptions to that, but that is a generalization. Conversely, charter schools that are granted by state education agencies or other chartering entities such as institutions of higher ed, college or university, nonprofits, or designated charter agencies such as the DC charter school board or in Colorado they've got a charter authorizer that is outside of the traditional structure. They typically are granting charters that are considered their own local education agencies. For purposes related to special ed, charter schools that are their own district are wholly responsible for filling obligations assigned to districts under IDEA. Conversely, charter schools that are part of a district *share* responsibility for fulfilling obligations outlined under IDEA. So if you are your own district, you are wholly responsible, and wholly responsible means you're responsible for connecting child find, for evaluations, providing services, when the child is in the school transition services, the whole gamut of services and obligations outlined under IDEA. The converse of that is that you share responsibility. I'm going to go a little bit deeper into each of these to tease them out so you understand what the difference is.

Slide 20

A charter school that is its own district, you're responsible to develop policies and procedures to provide required special education and related services to students with disabilities. You've got to develop internal special ed infrastructure or identify potential external partners that can provide capacity. So that means that you need to figure out, you need to develop all of your policies, you need to figure out what your special ed program's going to look like, and then you're going to figure out how to deliver the services. So this means that if you are creating a charter school that is its own LEA, as you're planning that charter school, you need to make sure and think about all these issues and it needs to be showing up in your budget also, that's an important piece.

Slide 21

If your charter school is not a standalone district and you're part of a district, you're going to share responsibility for delivering services to

students with disabilities with either your authorizer or your district. The key issue is articulating roles and responsibilities and understanding the notion of shared means that you've got a clear understanding of who does what, when, and where the division of labor is, this is an important part of that shared responsibility. There is no right or wrong way and that's a question I'm frequently asked, "Well, I'm going to start a charter. Is it better to be part of an LEA or our own LEA?" There isn't any right or wrong answer, but there are pros and cons to both.

Slide 22

If you are in a position and you need to make a decision, you need to be aware of those pros and cons. Alternatively, if you're in a state where you don't have a choice, you still need to be aware of the challenges, the pros and the cons.

So if you're your own LEA, the positive is that you have autonomy, you can make all decisions on your own within the broader parameters of the federal law, and this gives you a very clear option to be innovative and do things differently. The negative is that you have lack of scale. In general, charter schools tend to be smaller, so you don't have the scale of having a whole district that might serve 10,000 students to distribute costs across or develop economies of scale. Costs can be a real challenge in charter schools that are their own LEAs. You also may have limited depth and breadth of expertise. So you don't have a district central office and a special ed administrator and curriculum supervisors that can help you address some of the issues that you're working on regarding special ed. And then you also have limited access to external supports. So, as a district—as your own standalone district—in order to get access to a variety of external supports, you would need to join them, so that may be local associations or different groups that may provide services to individual districts. For instance, you've got intermediate service districts or BOCES or ESCs, so you've got to figure out how you can access those external supports if you're your own district, that access may not be in place.

If you're part of a local district, the positive or the pro is that you have access to the depth and breadth of expertise and the economies of scale the districts can enjoy. So, for instance, if you have a child who has a visual impairment, you may be able to tap into the fact that there

are ten children in the district that have visual impairments and there is a designated teacher in the district that provides those services. That's in contrast to if you're your own LEA, that you would need to be able to just hire the portion that you need. So there are difficulties with that. The negative of being part of an LEA is that there's lack of autonomy. You're going to have to be fitting into the local district's rules and regulations about how they deliver special ed services and there can be ambiguity between the roles and responsibilities of who does what, and that can be difficult. So if you're part of a local district, it's essential that right from the beginning you work to form a productive partnership with them around how you're going to serve students with disabilities. And as I mentioned, part of that lack of autonomy is that you're going to have to cope with existing practice that's already in place. It may be a truly great practice and you can benefit from it, but if you're part of a district that doesn't have a strong special ed program, you're going to have to navigate fitting into that district while providing high-quality services. So those are the pros and cons of the LEA status.

Slide 23

I walked through the policy challenges and now I'm going to walk through the implementation challenges. I'm conscious of the time, so I'm going to go fairly quickly. The challenges we've seen in the research, first is the knowledge gap. Frequently, charter school operators start schools and there's a knowledge gap between what they know and what they need to know. Frequently that gap is not even knowing what questions they need to ask, and that can be a challenge when implementing services. Then there's navigating the relationship with the authorizer. This can be particularly true if you're part of a local district and your authorizer is going to be involved in your service provision. Next is simply the challenge of the charter school characteristics. They tend to be small, mission-driven, new, with limited resources. In order to provide a high-quality special ed program, you need to know how to deal with those challenges. On the one hand, they're very positive in some of the development of new programs, but they can also be a challenge when you're trying to provide specialized services to children with disabilities.

Next are the authorizer characteristics. If you're working with an authorizer that's inexperienced, you're having to be a pioneer and help

educate them about what their role is as you're doing it. So, it adds to the complicated nature of building the airplane while you're flying it. And also the authorizer may play multiple roles. They're an authorizer, they're providing technical assistance, they can be providing services, but then they're also going to make decisions about whether or not you get to keep your charter school.

Again, limited resources is always a pressing issue, especially with the state of economy and state of state education budgets right now and what we're facing with ongoing budget cuts.

And finally is the evolving infrastructure. The charter sector is still relatively new and the various entities designed to support charter schools are evolving and that can be an added challenge for charter schools that are starting and trying to figure out "Where do I get help to figure out how to do this?" and that infrastructure may not be in place. In states like Minnesota and Massachusetts or Colorado, lots of states that have had charter schools for many years, there's much more of an evolved infrastructure in contrast to newer states, such as New Hampshire, that has only had charter schools for a couple of years, there isn't as much of an infrastructure, and that can be a challenge.

Slide 24

Specifically, the special ed infrastructure, this definition I included because I realized I was using the term a lot, we've seen in doing the research with NASDSE, we came to define a special ed infrastructure as a local education agency, an intermediate administrative unit, a cooperative, a community-based nonprofit, or a comprehensive education service provider, or other external entity that provides a charter school with fiscal, human, legal, and organizational capacity that is otherwise virtually impossible to amass in a single school. The notion of an infrastructure is particularly important for charter schools that serve as their own LEA. You cannot amass all that capacity inside the school unless you create a very large charter school. So you've got to think intentionally about where you're going to access that infrastructure outside of your school.

Slides 25 & 26

So, I'm going to keep going and talk about some of the promising practices we've seen in the research that we've done and then hopefully we'll get to have time for questions. The first one is related to school mission and vision. What we found is that in the charter schools that had successful special ed programs, the first step to that was leadership that was committed to the philosophy of inclusion, not the kind of a, you know, a general "Oh yes, we believe in education for all," but a true, authentic belief in the notion of inclusion and educating all students, and also, an explicit and authentic commitment to the tenets of IDEA as opposed to simple compliance. And you can tell that very quickly when you get inside a school, when you're talking to people, are you talking about simple compliance or are you talking about wow, what is the best way to educate this child with a disability and in theory doing the right thing for kids you're going to be compliant along the way. But the leading edge should not be just compliance, it should be what is the right thing to do for kids, and that's what special ed is all about.

Slide 27

The second promising practice that we saw, schools that were successful with children with disabilities were successful because they gave strong support for teachers, and specifically data-driven instructional decisions, and that decisions about kids with disabilities were being made based on the data, and strong response-to-intervention programs is an example of this. What interventions work with a child? What did they respond to? What additional services do we need to help the child improve? And What level of supports for the student and the teacher? in order to make decisions about the best instruction possible helps you identify where students are in order to individualize and also to inform and improve instructional practice.

The next one is related to strong support for teachers, the broad scene of targeted and relevant professional development. The charter schools that were being successful with students with disabilities were providing relevant professional development, not just general, they're saying "Okay, these are the students in the school, these are the services they need, these are the interventions we want to use," and

that information drove the professional development provided to teachers in order to enable the teachers to be successful with the students.

Slide 28

The next piece of promising practice that we saw was customized student services. Services were effective, not segmented instructional practices. So what we saw in the charter schools that had success with their students with disabilities was that individualized instruction was a core part of the school overall, not just for students with disabilities. That was a guiding premise of the school itself, was to meet all students based on where they were in order to provide the services that they need, and then it carries over. That “normalization” of special education benefits all children, but also in particular students with disabilities who aren’t separated and segmented to receive their services, but it’s a core part of the general education in the classroom. Overall, the best instructional practices for children *without* disabilities benefit children *with* disabilities. So, to look at it backwards, is that generally when we came across a school that was successful with kids with disabilities, they were successful with all their students and students not just who demographically would be predicted to be more successful, but even students that were high-poverty students. There are close parallels, that a good school is a good school and good practice is good practice for all students, not just children with disabilities. So again, going toward that not segmenting population, thinking about “Oh, well, this year we’re going to focus on our general ed kids and next year we’ll focus on our special ed population.” If you’re looking at your school and creating a high-quality school, you need to think of it as all pieces of the same puzzle and that high-quality instruction benefits all students, and that’s what we saw in the schools that were successful with students with disabilities.

Finally, a safe and supportive environment. The children felt that it was a safe learning environment. They weren’t getting bullied, they weren’t getting picked on, they weren’t getting segregated as a child with special needs and that those environments were better instructional environments and students were more successful.

Slide 29

I want to share an example here, Chime Elementary and Middle School is a charter school in California outside of L.A., and I'm going to skip over the details of this slide, but I presented this slide just to present a profile of a single charter school that has gotten a fair amount of attention for being very successful for children, not only with a high percentage of children with disabilities, but also children with very severe disabilities, and they have an inclusion model that really when you walk into the classroom and there are two teachers in every classroom team-teaching it's seamless and you can't tell who the general education teacher is and who the special education teacher is. In the case study on the CRPE website, the Center for Reinventing Public Education, goes into much greater depth about Chime, but I just put this slide in to give you all a quick profile of a charter school that's been very successful in educating children with disabilities and reflecting a lot of the characteristics and the promising practices I shared, such as special ed and educating children with disabilities being a core tenet of the school from the beginning as opposed to an add-on.

Slides 30, 31, 32, 33, & 34

So, I've kind of rushed through some of the content and as I said in the beginning I can't present all of the information. There's no way in a quick webinar to present everything you need to know, but hopefully I presented some of the broad-brush findings and guidance based on the research. The next few slides are the guiding questions that I referred to, to think about, that if you're going to be starting or extending a charter school, to think through these steps and ask these questions. You all have the slide presentation, so I'm not going to go through those questions.

Slides 35–38

Then a series of references and resources. The references are the underlying research that I presented and I would strongly encourage you all to look at the primers that were published by NASDSE under the resource page, the National Association [Inaudible] Special Ed, the primer [Inaudible] in special ed in charter schools that really walks through for authorizers, operators, and state education folks, things to

think about when looking at building special ed programs in charter schools.

Slide 39

My final slide is questions, if you have any, and I'm going to turn it back to Peggie to handle any questions.

PEGGIE: I think Allison is going to go right into her slides right now.

Slides 40 & 41

ALLISON: Hi, everyone, this is Allison Gandhi. I'm going to spend really just about two minutes here just describing some of the resources that we have available on our website about this topic and so then hopefully we can move into some questions. So actually I'm just going to go into the next slide.

Slide 42

This shows you a screen shot of the website. As you all probably know, the website address is www.charterschoolcenter.org and on the top of the page we have a number of trending focus areas, and one of those is special education. So, if you go to that page, you'll see a number of resources on special education in charter schools. So, what we have on this page on the right, we have some key links. So, these are just links that will direct you to other websites that contain some of the latest and most relevant information on special education. And so, examples include the National Dissemination Center for Children With Disabilities and the National Center on Response to Intervention, then if you scroll down to the center of this page we've posted a number of articles and reports about implementing special education in charter schools. So, these include—some of the topics that they cover include—things like navigating legal issues, securing funding, understanding state policy, and also some best practices.

And I also wanted to mention that some of the resources really are just about special education in general and they're applicable to really all types of schools, including charter schools. But some of them are sort of uniquely geared to some of the challenges that charter schools face,

specifically in implementing special education. And then finally, I just wanted to point out on our website, we've recently posted a new study that we conducted here at the National Charter School Resource Center, and this is a study of special education cooperatives, which is one of the types of infrastructure that Lauren described earlier. So, we interviewed representatives from nine special education cooperatives around the country to find out about how they started up their organizations, how they sustain themselves, and what some of the challenges are. And so this report identifies what some of the essential factors are for ensuring the successful start-up and sustainability of a special ed co-op and it also describes some of the important decisions that would need to be made if you're interested in starting a cooperative of your own. And I know Peggie mentioned this earlier, but I also wanted to point out that report is available also just right here on the webinar directly, in the file share box to the bottom left of your screen, so you can download that directly here if you would like.

So, that was my brief description of the resources available. I think we have about 15 minutes left, so I'd like to see if we can move to questions.

Slide 43

I think a number of you have been posting questions already in the chat, which is great. So I'm going to try to go through some of these and either Lauren or myself will answer them. I'm going to scroll up a little bit because I noticed a number of you were sharing information about the status of your state policy in terms of whether charters can be, if they're their own LEA or if they share responsibility with an LEA. Someone asked how many states have charter schools that share responsibility with a local school district. Lauren, you can jump in, but I just wanted to say that the latest information about that is on the National Alliance for Public Charter School's website and I actually did just recently look at that for another project. Eleven states have charter schools as their own LEAs—these are the numbers I have, but it may have changed—sixteen have policies that state charter schools share responsibility with the LEAs, and fourteen states have policies that state that charter schools can actually be either, so you can make a choice whether or not to affiliate with an LEA for special ed purposes or not.

LAUREN: To add to that, the analysis that we did when I was at Maryland, we took a slightly different swatch and we looked at charter schools—and this is a couple years old—but at the time, sixty percent of charter schools were LEAs and forty percent are part of an LEA. The state-level lens, while informative, also some states like Texas, California, Florida, and Arizona have far more charter schools than other states. So, that’s why, when we were at Maryland, we did that analysis to get a sense of not just how many states had what policies, but actually in practice how many charter schools were those two identities.

ALLISON: One of the questions here, quickly, about a resource for research-based interventions. I just wanted to mention again the National Center on Response to Intervention, which is one of the links on our website. This includes a list of research-based instructional programs as well as tools for progress monitoring and screening students. And then, let’s see... Actually, I wanted to go back to one of the questions, this came in advance of the webinar and it’s kind of— Someone brought it up now asking the difference between a consortium and a cooperative, and I wanted to see if Lauren might be able to expand a little bit on the different types of special education infrastructure that charter schools can affiliate with to develop their capacity for providing special education services, and what are some of the pros and cons for these different types of infrastructure? Lauren, is that something that you could discuss?

LAUREN: I can comment briefly. You all have done, the Resource Center has done, the most recent research on co-ops, so I would also turn it back to you all, but the quick response is that it varies, it depends. So, you know, if you’re in a district and the district sees the value of the charter school, because the charter school is serving a particular niche population that’s got interest, then the local district might be the great infrastructure that fits really well. The converse of that is, you’re in a district and there’s animosity and the district doesn’t want to help you and the district may actually do things differently, but it’s not a good relationship, then that infrastructure doesn’t work. So any one infrastructure isn’t necessarily good or bad, it all depends on the details of it. So the cooperative structure—and actually I’m not sure if there’s a legal difference between a consortium and a cooperative and I don’t know what it is—but if someone else does, I’d love them to weigh in.

But really, the basic concept though is, what I think of as an insurance model, is that you have a group of organizations that are coming together to pool resources and the theory being that if they pool their resources they can extend the value of their dollar to buy services and expertise. And so, whether it's called a consortium or a cooperative or a collaborative, for me conceptually they're all essentially the same thing in that you come together, share resources in order to stretch the value of your dollar.

And one thing that I did see from a couple years ago—or, more than a couple years ago, a number of years ago—we did some research in Colorado where they had an insurance model where charter schools were required to participate and I know one of the take-aways from that research was that a key piece of any of these relationships is the voluntary nature of it, in that a charter school in order to have that relationship work, the charter school needs to come into it and see the value of the relationship and the value of their contribution that they get back as much as they give into it. I know the model has changed in Colorado since then, but at the time there was some frustration because the charter schools were being required to pay into this insurance pool to get services from the district, but they didn't really have a lot of control over the dollar amount or the services provided or the people providing the services. So I know that was not...and they've changed it since. So, I would say a key piece is the level of control and autonomy that individual members have over the relationship.

ALLISON: Yeah, I mean, I agree and that's something definitely we found in our report about the cooperatives is that one of the—I mean, over and over again, what we heard was, these are very hard to develop and then sustain over time, and the key factor that keeps them going is the commitment from the members and the willingness to put in the resources and the work that it takes to keep it going. And you're right, I think consortium and cooperative are in some ways interchangeable, the words, probably a consortium would be more what we would label sort of a more high-intensity cooperative because everyone is really more committed and sharing resources, whereas there could be more of a low-intensity cooperative where there are lower barriers to entry, we would call it. So just kind of low dues to pay to be a member and you don't really have to participate as much as maybe on a more high-intensity cooperative.

Okay, I'm reading another question about speech not being accepted in the special education pupil count. I'm not sure. This may be specific to a particular district or state or school, but generally federally in terms of data counts, a student who has a speech impairment is considered a student with disabilities and is eligible for services under IDEA. And so that should be included in the special education pupil count.

Another question that came up in advance of the webinar had to do with students with high or severe needs. What does a charter school do if a student with very high severe needs wants to enroll and they don't feel like they have the resources or expertise to educate that student? Lauren, do you want to take that question?

LAUREN: Yes. I wish I had an answer—I wish I had a good answer—that would be satisfying. Actually, this is where I don't know that charter schools are all that much different than traditional schools. I live in a small rural community, and this is a challenge the traditional district struggles with. So I say that, as much as it feels unique to charters, it's not. It's a universal challenge of educating children with complex needs. So, with that said, on a more practical level, the first question I'd ask is, Are you your own LEA or are you part of an LEA? If you're part of an LEA, then I would have a conversation with your special ed director in your district to say "This child is coming to our school and we're happy they're coming, we can serve them, but we need extra help and what do we do? What provisions are in place in the district to do that?"

If you are your own LEA, then I would say you'd be making a call to the state, because many states have risk pools in place for exactly this type of situation, and the federal legislation authorizes those type of risk pools. So the next step would be to find out, Is there a mechanism in the state, and I know in my state there's a trigger point, that up to X dollars the school is responsible, but if a child needs services above those dollars, it triggers the state funding and they fund ninety percent of all those additional dollars—those extreme cases, I think, is what they call them.

The third thing that I would recommend also is the idea of putting aside some surplus. Again, traditional districts do this as well, or traditional schools, is to develop a special ed surplus fund and to put aside

dollars. If you have a year where you don't use all the dollars you had allocated or that you intentionally budgeted to put them in the special education fund, in kind of a rainy day fund, to put aside some funds in anticipation of those high costs. Because your costs are going to go up and down depending on the students, and again, it depends on what your state law says. There are some funds you can do that with and others that you can't and to be aware of that. But that is one, not unlike personal savings, is to put some money aside in anticipation of that. I started out by saying there's no great answer, that is a challenge for all schools, as to how to come up with the funds to provide services to a child who has very significant needs.

ALLISON: Thank you. I believe we have a couple more minutes. Does anyone else have any questions they want to ask over the chat or by raising their hand? One question that just came in, "If all pupil funding should follow the student?—Sorry, I'm losing the question. Seems that federal IDEA funding including Medicaid should flow to the charter school; is this your understanding?"

LAUREN: I hesitate to say much about Medicaid. I believe Medicaid more clearly follows the student who's getting the services. With federal IDEA funding, what many districts—and this is where the LEA status is important again—if a charter school is part of a local district, what many districts do with the federal funding simply isn't that large, so what many districts do is they pool their federal funding to buy services that benefit all the schools. So it might be technology specifically for students with disabilities or an itinerant visual impairment teacher, but they pool it to benefit all the schools. Now, where this becomes a problem...Or, they might buy professional development for all their special ed teachers in the whole district, the theory being that if they—just for hypothetical numbers—if they sent a hundred dollars to each of the schools, the schools can't do that much with a hundred dollars. But if the district pools the hundred dollars and they have five hundred dollars, then they can buy some good professional development that will benefit all the schools. So frequently what they do with their federal dollars is they pool those dollars. Where that becomes a problem is, for instance, if they pool it to provide professional development and that professional development isn't relevant to the charter school, because a charter school is a different instructional model. And then it's a matter of negotiating with the district to say well, the way you're using the

federal dollars doesn't benefit our school. We either want the dollars or we need to figure out a way that you'll provide a service that benefits the school. So, yes, in theory the dollars that the district has the discretion to provide services instead of dollars, so that's where forming a good relationship with your district can be important, so that's a productive conversation. If you're your own LEA, the dollars would definitely go to the school.

ALLISON: Okay. Thank you. And we have, let's see, one more question. This is a question about identifying students with special needs, especially if they are older and have been out of school. It says IEPs are typically expired or never provided and what's our responsibility for identifying a student as in need of special services? Again, Lauren, jump in, but I would say IEPs typically don't just expire. The student would have to be declassified from special education at some point in their past, so it's really individual...it will really depend on the student's situation. If it was never provided, but an IEP exists, technically it is your responsibility to carry out on the provisions of an IEP. If an IEP never existed, then anyone can initiate a referral. It's really up to either a parent who can initiate the referral or a teacher if they believe the student might need some additional special education services. Again, you would need to really consult with someone on your staff or affiliate with someone within the district or in some kind of infrastructure to help navigate those referral and evaluation procedures.

LAUREN: I agree. The one thing I would add to that is, the question says, "Regardless of IEP status, we handle academic delays the same way." That statement would be a red flag, because the whole purpose of an IEP is the individualized nature of the services, and so if all children are being served in the same way and they're being successful, I guess it could be okay, but I would be cautious of framing it in that way, "regardless of IEP status," that could raise some questions about due process for a child with a disability. Maybe the services you are providing are enabling the child to succeed, so it may meet that individual child's needs, but it's the "regardless of IEP status" that I would be careful of and make sure it's more nuanced as opposed to broad-brush decision making, and it could just be the way you phrase your questions. But I would step back and think about that to make sure that things are as individualized as they need to be.

ALLISON: So we're right at the end of our time. I hope that we've answered most of the questions that have come up in the chat. I know some other questions came up in advance of the webinar, so we wanted to encourage you to e-mail us your questions if you don't feel like they were answered or if you have additional questions.

Slides 44 & 45

You can send them to charterschoolcenter@air.org. I wanted to thank Lauren Rhim for sharing her expertise with us and also thank all of you for participating and for asking such good questions. A recording of the webinar is going to be available on the website by Monday of next week I believe, so that's March 21st, and then finally at the end of the presentation you're going to be directed directly to an evaluation, and we'd like to ask you to fill out that evaluation. Your feedback is very much appreciated. It will help us to continue to provide useful information and services in the future. So, thanks again. We hope all of you have a nice afternoon.