

The Nuts and Bolts of Special Education: What Do Charter School Educators Need to Know?

Part 1

EILEEN:

I'm Eileen Ahearn. I've been working with charter schools for many years to help them develop and implement the things that they need to do to be successful with students with disabilities.

I'm pleased to have the opportunity to record this webinar of the conference presentation entitled "Nuts and Bolts of Special Education: What Do Charter School Educators Need to Know?" It is designed to answer that question in the title of the slide.

First, let's go through the plan for this webinar. My goal today is to go through how special education fits into a charter school and then review a brief history of special education and some of the requirements of special education. Also, I'd like to discuss some topics of concern. Of course, we will not be able to have a Q & A here since this was designed to be delivered at a conference. But the final slide in the presentation does have my contact information, and I would be glad to answer any questions for anyone who would like to contact me at any time.

This webinar is really a brief overview that will cover special-ed[ucation] requirements as well as the background of special education and issues that are prominent today. It is important for everyone who works in a charter school to have an accurate, basic understanding of special education, and this webinar is designed to address that need. So let's get started.

The Nuts and Bolts of Special Education: What Do Charter School Educators Need to Know?

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Building the Capacity of Charter Schools:
Effectively Serving Students With Disabilities

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Topics to be Covered

- How special education fits into a charter school.
- A brief history of special education.
- A review of some requirements of special education.
- Some topics of concern.
- Discussion and Q & A.

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First, let's take a look at the big picture. How do charter schools fit into the American public education system?

The United States Constitution says that “powers that are not specifically delegated to the federal government are reserved to the states.” And education is one of those powers—one of those areas that states have primary control over. [This is] not to say that the federal government doesn't exercise some control because in the years since the Constitution was adopted, there certainly have been some things that the federal government has done, specifically connected to providing funds to states and providing those funds with some strings attached, so that there are some federal requirements that have been brought into what is originally a total state [Audio skips]. Special education is one of those areas because the main law for special education is basically a funding law with some requirements attached.

Over time, each state has set up a department of education in some form in order to educate the children of the state. [Pause] So the state department of education is known as a state education agency. And the term *SEA* is the common term used for that.

There is also a generic term that refers to the districts that the state departments set up in the states. Each state has different words that it uses to name those districts, but generally the term that's used as a generic term is the local education agency [LEA], or the district.

There are sometimes intermediate districts; that's what ID stands for. And there are other kinds of support organizations that states have attached to their districts. But essentially there's an SEA and an LEA, and then that LEA sets up one or more schools

The Big Picture

Structure of the American education system:

- SEA
- LEA (and sometimes IDs)
- Schools

How do charter schools fit into the public education system?

- It depends on many factors, e.g. state law, authorizer, type of charter
- Retrofitting is what happens!

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to run the education for a specific geographic area of the state. States have many different names for these components of their system. But each state does set up a similar structure.

This static hierarchy was the model until 1991 when the first charter school was approved in Minnesota as part of the public education system. Forty-one states and the District of Columbia now have charter schools, so they are part of the public education system.

Let's see how charter schools fit into this hierarchy. It really depends on a number of things. One or more factors such as the state charter school law might describe how the charter school fits into their system. Or the authorizer granting the charter may be in charge of that. Or the type of charter school, such as a start-up or a conversion school, may also dictate the way in which the charter school fits into the system. But there is one aspect of a charter school that is primary when it comes to special education, and that is the legal identity of a charter school.

A charter school is either its own LEA, or it is part of the LEA that they are located in and that usually has authorized that charter school. The state location of a charter school is most important because each state can decide how charter schools fit into its own system. And it really is up to the state to design the way in which they have incorporated charter schools as part of their public system.

[The] legal status that we're referring to, [which] is an important concept in the definition of what a charter school is, is either as a part of a district that exists already in the state or it's its own district. That's what LEA stands for. So a charter school is either one of those two options: either a district or a part of a district.

Legal Identity of a Charter School For Special Education Purposes

Legal Status:

A charter school is *either* its own LEA or part of another LEA for special education purposes.

Linkage:

The continuum of linkage, reflected in state law, policy, charter applications and charter agreements, spells out how legal identity is enacted.

LEA status and linkage shape the design and implementation of special education in a charter school.

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The concept of linkage is an important way to understand how the district identification plays out in the work of the charter school. It is a continuum of linkage reflected, but it's reflected in the state law and in policy. Charter applications—charter agreements—all spell out how the legal identity is enacted in a state. Again, it varies from state to state, and there are many nuances of the way in which this happens.

It is important to understand what it means, what the continuation is. So where an LEA charter is its own LEA, it's responsible for all the requirements of special education. It can hire its own staff, contract with a private firm or its own school district even.

If a charter school is part of an LEA, it does not have the full responsibility for special education. Its district is the responsible party. And the connection between this type of school and its district is defined in three different ways.

First, using the linkage terminology, we call the connection no link between the charter school and the district if the charter school is its own LEA. In that case, the charter school has to implement all the requirements of special-ed[ucation] and owns that responsibility.

On the opposite end of the continuum is a total link. That is the term used when the charter school is part of the district that is responsible for all of the aspects of special education. The district owns the responsibility, and the charter school has little to no choice in the way in which special ed[ucation] is delivered in their school.

In the middle of this continuum and between the two ends, there are a variety of arrangements that some charter schools have made that we call a partial link.

This is when the charter school is part of the district, but they have negotiated an agreement where the charter school has certain responsibilities, the district has other responsibilities, and they divide in whatever way they feel comfortable, the responsibilities between the two entities.

The problem is that there are many charter schools that fall in this middle partial link status that do not have a good written agreement that clarifies the way in which the responsibilities will be carried out between themselves and the district that they belong to because the school district owns the responsibility, but the charter school has to be a part of that and that should be written and clearly understood by both parties before the school opens its doors. It is really important to understand that LEA status and linkage shape the design and implementation of special education in a charter school, so the way in which it is designed and set up is very important.

Now let's look at the implications of this. One of the important aspects that you need to understand about [is] the legal status of charter schools. For LEA charter schools, it is important to note that the charter school, again, has full responsibility for implementing IDEA [Individuals with Disabilities Education Act] and all of the state special-education regulations as well. The charter school may hire its own staff or contract with another agency or organization for special-ed[ucation] services that the students need. The charter school will also be monitored by the state education agency in the same manner as any other district in that area.

As you probably know, the federal government monitors the way in which each state implements special education. And each state is responsible for monitoring its districts as to how they provide special education. In the case of a charter school that is its

Critical Implications of LEA Status

- For LEA charter schools:
 - ◆ The charter school has full responsibility for implementing IDEA and state special education laws and regulations.
 - ◆ The charter school may hire its own staff or contract with another LEA or an organization for special education services.
 - ◆ The charter school will be monitored by the SEA in the same manner as any other LEA.
- For charter schools that are part of an LEA:
 - ◆ Arrangements for service delivery in the charter school vary widely, but responsibility remains with the district.
 - ◆ The charter school needs to negotiate a detailed special education operations contract with the LEA.
 - ◆ Maintaining positive working relationships with LEA special education staff is critical.

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own district, it will be monitored directly by the state and that is a formal procedure.

For charter schools that are part of an LEA, the arrangements for service delivery in the charter school vary widely, but the responsibility remains with the district. Again, the variation is a very important thing that both sides need to understand. So the charter school needs to negotiate a detailed special-education operations contract with the LEA.

Maintaining a positive working relationship with LEA special-education staff is also a critical element. So you can see with charter schools that are part of an LEA, the administrators really need to have some good negotiation skills in order to make sure that they set up an arrangement that is equal and acceptable to both sides.

There are some states that have a format for doing this. One I would refer you to, if you're interested, is the state of Maryland. Go to the website, to the [Maryland Department of Education](#), and look for their [primer](#) on special education. In the back of that book, there is an outline for what the contract between the school districts and its LEA needs to cover. That is a handy model if you're looking for an example of what those contracts should cover.

Now we're going to move into how charter schools fit into the education system and how the history of special education has developed over the years. This really will be just a brief review of the major special-education laws so that you have general picture of federal requirements. It is important to note that every state also has its own special-education laws that implement the federal laws, and they frequently have additional requirements.

A Mini-History of Special Education

- **Before the 1970's:**
 - ❖ Exclusion of students with disabilities
 - ❖ 1965 –ESEA
 - ❖ Bureau for Education of the Handicapped (now OSEP)
 - ❖ Eventual change to using "people-first language"
 - ❖ Extensive litigation
- **1970's:**
 - ❖ 1973 – Section 504 of the Rehabilitation Act
 - ❖ 1974 – Family Educational Rights and Privacy (FERPA)

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Prior to 1970, millions of students with disabilities in the United States were refused admission to public schools. It was not unusual for a principal to tell the parent of a seriously handicapped child that the child had to stay at home because the public school could not accommodate that child.

In 1965, the Elementary and Secondary Education Act [ESEA] was passed. It was the first federal law to fund selected populations. It started the Title I program, which provided funding to children who lived in poverty, and it also had some special-education grants, known as 89-313 grants, for what they call handicapped children.

This law is now named the NCLB [No Child Left Behind]. If you've been in education, you've been implementing it for the last number of years. It established all of these basic points that have been expanded upon as years have gone on.

The ESEA also created the Bureau for the Education of the Handicapped, although there was no federal requirement to educate such children at that time. The bureau has evolved and become what is now known as the Office of Special-Ed[ucation] Programs, or OSEP. It was renamed in 1990, and it has responsibility for checking on the implementation of the IDEA law in all parts of the country.

A special note about terminology. The use of the term *handicapped* was common in the 1900s. And yet, toward the end of the 1900s, the use of the term *people first language* grew up. The recommendation was to avoid dehumanizing children, so as to address them as people with disabilities, rather than disabled people. So a child is a child first. And the common recommended way to refer to children with disabilities is just that way. Children with disabilities or a child with autism—the child comes first. That's a

recommended procedure for people first language to respect the child as a child first.

Much litigation during this period led to the establishment of a federal constitutional right for the education of children with disabilities, and it remains to this day. In the 1970s, the Rehabilitation Act of 1973 was another piece of legislation that touched on special education. Section 504 of that act was enacted with little fanfare, but it did protect qualified individuals from discrimination based on disability. This law is still in effect, and it does allow for the identification of students with disabilities who are not eligible under the major special-education law but still need some special-education or related services and accommodations.

Another law that was passed in the 1970s was the Family Educational Rights and Privacy Act. It's really important for everyone in a charter school to understand that the records pertaining to students with disabilities—and, indeed, pertaining to all students—have very strong protections, and the school is responsible for ensuring that those records are appropriately handled. [Pause]

In 1975, the Education for All the Handicapped Act was enacted, and this, indeed, is the major federal special-education law. It was known as Public Law 94-142 and was renamed in 1990 as the Individuals with Disabilities Education Act, or IDEA. The law mandates that all school districts educate students with disabilities. The first set of regulations connected to this law were [was] released in 1977.

The law is supposed to be reauthorized, that is, reviewed by Congress and amended, if necessary, every five years. But it never makes that deadline. It has been reauthorized four different times with major changes each time: 1986, 1990, 1997, and the most

Mini-History (cont'd)

- ◆1975 - The Education for All Handicapped Children Act known as P. L. (Public Law) 94-142 - since renamed the Individuals with Disabilities Education Act (IDEA)
- 1990's and Beyond :
- ◆1990 - Americans with Disabilities Act (ADA) that adopted education requirements from Section 504
- ◆2001 Reauthorization of ESEA as No Child Left Behind (NCLB)

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recent, 2004. But the law does not ever lapse. It is permanently authorized; Part B is permanently authorized. So the law will stay in effect until the Congress gets around to reviewing it and reauthorizing it. It keeps getting extended until the reauthorization is completed and the next five-year cycle starts.

The Americans with Disabilities Act was passed in 1990. It adopted parts of the Section 504 regulations, and this led to the beginning of 504 plans being written for students who did not qualify under IDEA. Section 504 regulations require a school district to provide a free appropriate public education [FAPE] to each qualified student with a disability who lives in the school's jurisdiction regardless of the nature or severity of the disability. So that right was reaffirmed. Students eligible must get a plan written by the school to provide either regular or special education and related aids and services designed to meet the individual needs of the child as adequately as the needs of nondisabled students are met.

There are different criteria and different rules from what is a major operation under IDEA, but it does provide especially for accommodations for students who do not have eligibility under the major special-ed[ucation] law. There are no funds connected with Section 504, but if a child has an IEP [individualized education program] under IDEA, they are considered covered already when it comes to the 504 law.

The reauthorization of the Elementary and Secondary Education Act as No Child Left Behind in 2001 included students with disabilities in all additional requirements, including participation in all state or district assessments that had also been required under the IDEA act that was revised in 1990. The achievement of academic proficiency by 2014 was also a requirement. But, at the moment, with the delay

in the reauthorization of these laws, the federal government is making some changes to the requirements in the nature of some flexibility being granted to states for certain provisions of the No Child Left Behind Act.

So it's important for anybody who works in a charter school to understand and realize that it's an important event that is being stopped at before... [Audio skips] There are needed changes in that law that will not be made until the formal reauthorization is done.

So let's look at an overview and a summary of how special ed[ucation] developed historically. There is extensive litigation, and what I've given you is just a little bit of a feeling for how much legislation there is. But there has been extensive litigation, that is, court cases, connected to all of these laws in special education.

Special education has truly earned the descriptor of litigious. It is a very litigious part of running a school. There are extensive details contained in each of the laws and their related regulations. And the adoption in each state of at least one special-ed[ucation] law implementing IDEA means that people who work in charter schools need to have a basic orientation to the requirements so that there is no violation of the laws that can bring problems to the schools.

[End of chapter 1]

Mini-History (cont'd)

- Historical overview:
 - ❖ Importance of the extensive litigation in special education based on the many laws that apply to the education of students with disabilities — special education has earned the descriptor of "litigious."
 - ❖ Extensive details contained in each of the laws and their related regulations.
 - ❖ The adoption in each state of at least one special education law implementing the IDEA.

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Part 2

EILEEN:

Now let's get into the nitty-gritty of what special education is all about and how it works. First, the process.

There are basic steps in the IEP process. First, the referral of a child for an evaluation is a formal event. If the child is having difficulty in school in some area, the parents or the teacher or other individual close to the child can formally refer the child for an evaluation under IDEA to determine their eligibility for special education. There must be an evaluation, as the law says, in all areas of suspected disability after parental consent is obtained. The parents can refuse the idea of an evaluation, and it would not be performed if the parent did not sign the consent form.

A team of professionals and the parents—the parents belong to that team, and it is known as an IEP team—must meet and review the findings of the evaluation and decide whether indeed that child is eligible under the law, and, if so, what other services that child needs. The determination of the child as a child with a disability is defined specifically in the law.

The final step in the overall process is the IEP is written, that's the individualized education program is what that means; it is the special-ed[ucation] plan. It's written within 30 days, including especially designed instruction and the related services to be provided.

[Pause]

Special Education Requirements

- Basic Steps in the IEP Process:
 - ❖ Referral of a child for an evaluation to determine eligibility for special education (verbal or in writing).
 - ❖ Evaluation in all areas of suspected disability after parental consent is obtained.
 - ❖ Determination of the child as a "child with a disability" as defined in IDEA.
 - ❖ IEP written within 30 calendar days including specially designed instruction and related services to be provided.

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After that, the IEP is implemented. But, again, the parent has to approve that first. The IEP must contain goals and sometimes specific objectives. There is a requirement that the progress the child makes on the goals as stated in that IEP must be discussed with the parents or at least the parents must be notified of the progress toward the achievement of those goals annually.

The IEP gets reviewed at least once a year, or more often, if parents or the charter school ask for a review. Anyone at any time in the school or in the family can ask for a review if they feel that there is a reason to look at something that either isn't working or something new that needs to be provided to the child.

And then the final step, basically, is that the IEP is reevaluated at least once every three years unless the parents and the school agree it is not necessary. Parental consent, again, is required for this reevaluation.

So these are the major components or steps in the process of referring a child, finding the child eligible for special education, and deciding what program and services will be provided to that child.

Now let's talk about some special-ed[ucation] concepts that are derived from the provisions in the law. You will see just from the first two on the list that special education is prone to a lot of the use of acronyms. We will try not to use them without defining them.

The first one is a free appropriate public education. This is a basic requirement of special education. The law states that a child who is found eligible for placement in services under the IDEA will be afforded a free appropriate public education.

Requirements (cont'd)

- ❖ IEP implemented after parental approval.
- ❖ Progress measured on goals as stated in the IEP and parents informed of progress toward achievement of the child's annual goals.
- ❖ IEP Reviewed at least once a year or more often if parents or the school ask for a review.
- ❖ IEP reevaluated at least once every 3 years unless parents and the school agree it is not necessary. Parental consent is required for a reevaluation.

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Important Special Education Concepts

- FAPE—free appropriate public education
- LRE – least restrictive environment
- Definition of 'special education'
- Definition of 'child with a disability'
- Definition of related services
- Disproportionality/Overrepresentation
- Independent Evaluation
- Procedural Safeguards
- Due Process Hearing
- Transition services

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The second point in this list is somewhat related to the first one, and that is LRE, or least restricted environment. It refers to the requirement that every school district, including charter schools that are their own LEA, must ensure that they will have available a continuum of alternative placements—this is a very important phrase—that the school is able to provide whatever that child needs along the types of placements that would meet that child’s needs. The continuum runs from full-time placement in a regular education classroom to a much more restrictive environment, and the general progression is from regular class to perhaps a special class, maybe a resource room before that, a special school, home instruction or hospital, and even a private day or residential institution. That is a requirement for a child who needs that level of service.

[The] definition of special education: it means specially designed instruction at no cost to a parent for the child to meet the unique needs of a child with a disability. It includes instruction in the classroom, in the home, and in other settings. It also mentions that it includes instruction in physical education, so that’s supposed to be a part of every child with a disability. The program should include special education and physical education.

The specific definition of a child with a disability is a child who has been evaluated according to the IDEA requirements and found eligible under an IDEA category—we’ll talk about those categories in a minute—and who, by reason thereof, needs special ed[ucation] and related services. That phrase *by reason thereof* means that the evaluation has shown that the child needs special education and/or related services.

Let’s talk about related services for a moment—a very important part of special education and one that

charter schools get involved with, usually even if they're part of a district. Related services means transportation and such developmental, corrective, or other supportive services as are required to assist a child with a disability to benefit from special education. It includes such areas as speech and language pathology and a number of other services. And it also can include school nurse services, social work services, and parent counseling and training. We'll talk about those categories in a minute.

Related services is something that is part-time additional types of services so that charter schools that are their own LEA frequently have to find ways to contract with other people to provide those parts of a child's educational plan. And the arrangements between a charter school and its district, when it is part of a district, is very often around the arrangements to try to get these services delivered appropriately in the charter school by the district.
[Pause]

The term *disproportionality and overrepresentation* is just a term that people at charter schools should be familiar with. It's related to the responsibility that states provide information to the federal government on the racial and ethnic composition of the children who are in special education. And, indeed, if there is found to be some disproportionality between the district representation of a particular ethnic group or racial group and there is overrepresentation in special education, the state will have to put in a corrective action and change that in some way in order to make sure that they are not disproportionately targeting specific groups or inclusion special-ed[ucation] classes. Indeed, the charter schools are asked frequently to give to their district—if they're part of a district—the information about this, and those that are on their own have to report to the state on the racial and ethnic makeup of their special education population.

An independent evaluation is something that a parent can request if that parent disagrees with the findings of the evaluation provided by the school. The independent evaluation must be provided at no expense to the parents, and it must be reviewed and considered by the school's IEP team and before making a recommendation for a program for the child.

The term *procedural safeguards* is a very important term in special education. It is generally a document that describes what the parent is entitled to and how the school will provide that to the parents that are in their district. It is a requirement that all of the legal rights of a child and the legal rights of the parent of that child be carefully documented in this particular document.

After the last reauthorization of the law, the federal government produced a model form for procedural safeguards that states could use to either recommend that their districts use or recommend changes in the way in which the state makes its procedural documents. The procedural document that's a model is 47 pages long. So you can just imagine the specificity and the requirement that all of these legal rights be carefully documented so that parents know what their rights are and what they can do to get attention to their needs.

A due process hearing is a very well-known part of special education because parents have the right to file a complaint if they do not agree with either the IEP team's recommendations or, indeed, the way a program is being implemented. They can reject the plan and ask for a hearing.

Now there are a lot of other resolution strategies that schools and districts and states have available so that the due process hearing hopefully will only be a last

resort that, indeed, if there are disputes between the parents and the school, those disputes can be handled at a less extensive legal process.

The law now requires that a school offer the parents a resolution hearing so that the first step would be to sit down and talk about what the problem is and make sure that everybody understands what the issues are and tries to solve them. If, indeed, the parent does not wish to participate in that or that does not lead to a resolution, there are other steps that can be taken.

States are required to offer mediation services. And that is the work of a single mediator, or sometimes they have group panels that work in this area. The mediator tries to help both sides come to a resolution of whatever the presenting problem is.

So, special education is a very, very litigious process. And all of the requirements for carrying out and meeting the letter of the law around due process hearings and dispute resolution is a very important part of the knowledge that both the principal in the school and the special-ed[ucation] staff need to be well aware of.

And, finally, in this list—and there are other issues, but these seem to be the most important ones, the ones talked about the most—[is] the requirement for transition services. There are two types of transition that that term refers to in special education. There's transition from preschool to kindergarten, and that is not as prominently an issue for charter schools since most charter schools start at kindergarten and do not have preschool programs, but a few do. Transition service at that age is just to make sure that whatever services the child received as a preschooler will be reviewed, and, if necessary, an appropriate plan drawn up for services at the kindergarten level.

The more important aspect of transition is for students before they graduate—students in high school. And the law requires that the specific planning of transition services for any student that will need support after graduation should start at age 16.

It's critical that the student be involved in this planning and that there is a specific plan drawn up to designate what types of support services the student will have after high school. It is important that the school try to involve in those meetings that discuss these issues any of the staff from adult service agencies that might need to get to know this child or that the child may need services from in the future. So that is a very important requirement for all charter schools that cover high school age categories.

Okay, let's move to the categories of disability—the types of disability that are covered in the IDEA law. And they are very specific.

There are essentially 14 of them, although we've always said 13; sometimes it depends on how they're listed. But these are the categories under which a child is eligible for special education: autism; deaf-blindness; deafness; developmental delay, which is a special category for children age three to nine who do not sit specifically under one of the categories but do have special education needs; emotional disturbance; hearing impairment; intellectual disability, which is the term now used for mental retardation, which is a term that is no longer used when discussing this; multiple disabilities; orthopedic impairment; other health impairments; specific learning disability, and specific learning disability is the largest category, [in which] almost half of all the children found eligible for special ed[ucation] fall into that category; speech and language impairment, [which] is a very important category, and it's frequently a part of other categories; traumatic brain injury; and visual impairment,

IDEA Disability Categories

- Autism
- Deaf-blindness
- Deafness
- Developmental delay
- Emotional disturbance
- Hearing impairment
- Intellectual disability (cont'd)

Disability Categories (cont'd)

- Multiple disabilities
- Orthopedic impairment
- Other health impairment
- Specific learning disability
- Speech or language impairment
- Traumatic brain injury
- Visual impairment, including blindness

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including blindness. State special-ed[ucation] laws do add to the definition of each of these categories and specify the requirements for eligibility under that category.

So, again, it's very, very important that the state special-ed[ucation] law also be well known to those who are responsible for implementing special ed[ucation] in a charter school of that state.

There is also a descriptor among these categories for high-incidence and low-incidence disabilities. I mentioned in passing that the specific learning disability constituted almost half of the number of children who are identified under this law. That is a highest incidence disability. High-incidence disabilities are generally referred to as the three major disabilities: specific learning disability, speech and language disability, and emotional and behavior disorders. They are the most occurring.

Charter schools are often accused of having only this category of disability represented in their special-ed[ucation] population and not the low-incidence type of disabilities that usually require more intensive programs. It is really important to understand that this is currently a very hot topic, and it is one that we will talk about before the end of this session.

Now let's talk about the critical issues that are currently more talked about in terms of implementing special-ed[ucation] programs.

The first one relates to the enrollment of students with disabilities in charter schools. There are currently two class action suits pending against [the] New Orleans and District of Columbia Public School systems for not enrolling appropriately students with disabilities in their charter schools. It is very difficult to understand this issue without taking a quick look at the way in

Critical Issues

- Enrollment of students with disabilities in charter schools: pending litigation in New Orleans and DC
- Charter schools designed for students with disabilities
- Parental rights and the Procedural Safeguards Notice
- Assessment of students with disabilities

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which charter schools have had to cope with accusations that they do not willingly serve kids with disabilities.

Charter schools, as those of you who work in charter schools know, must not select their children. They are required to recruit and then to accept any child that comes to the school whose parent wants to enroll that child unless they have not enough seats. And then they must use a lottery to select the children without any reference whether or not they have a disability.

That is a basic requirement of charter schools. However, the way in which children have come to charter schools, there are accusations that charter schools are in some way discouraging children with disabilities from coming to the schools, especially those with the more serious disabilities. This is a very, very current and important issue for charter schools to be aware of.

Some states are passing laws that require that there be a certain quota of children with disabilities in charter schools and that charter schools have evidence that they service all types of students with disabilities. So there are comparisons between charter schools and traditional schools concerning the treatment of significant disabilities.

There are also charter schools just designed specifically for children with disabilities. And it's really interesting to note that this is a relatively small component of the charter school movement, but it does get some attention because of the unique nature of these schools.

When we did a research study about five years ago, it's probably the only document that was written about this topic—charter schools designed for students with disabilities—we identified 71 schools in the country

that had such a nature: that they actually in their descriptive materials talked about being designed to provide special services for children with disabilities.

There are issues around this whole topic, especially the special-education community saying to the general public that they feel it is resegregating—too separate a setting—if all of the children in the school have disabilities. So it is a very critical issue at the moment.

We've already mentioned parental rights and the procedural safeguard notice. This really is a very important issue. And parent rights, again; they are an equal member of the IEP team. They are entitled to progress reports. And they have the right to make complaints at any point they feel their child is not receiving appropriate services. It cannot be stressed enough how important that area is.

And then the last one we want to talk about at this time is assessment. I would hope that everyone involved in charter schools is aware of their state's policy as to the new Common Core State Standards. Has your state adopted the [Common Core] State Standards? If so, what is it doing to change the assessment of students with disabilities?

The No Child Left Behind law, which is the Elementary and Secondary Education Act, requires that every child be assessed for accountability once a year—every child in the public education system. There are now federally funded projects that are developing new assessments that will be aligned with the Common Core [State] Standards.

It is critical that charter schools be aware of what their state is doing in this area. Has your state adopted [the] Common Core [State] Standards? If so, be sure you go on the Web and find out what are the activities

they're doing to make that transition to the Common Core [State] Standards, which are of a higher difficulty level than almost every state's existing state standards.

There are projects that are developing the new assessments that are aligned with the Common Core [State] Standards, And they will be implemented in the 2014–15 school year. A whole new set of assessments is coming, too. So it's really critical that states help their school districts and their schools prepare for this.

There are a lot of special-ed[ucation] issues related to this as well. The new assessments—there will only be one general-ed[ucation] assessment developed by the two special consortia that are developing the assessment, and then there are two other consortia that are developing the only special-ed[ucation] assessment that will be available, and that will be for the children with the most significant cognitive disabilities. These students are the most handicapped children that there are in the system, and they are essentially about 1 percent of the population, frequently referred to as the 1 percent cadre of students. So there will be a new assessment for children with the most significant cognitive disabilities and a new assessment for all other students.

It's important to note that all of the children who are not significantly involved will have to take the general assessment. The level of difficulty is going to be an important point. The change of curriculum to meet the needs that children will get appropriate instruction to meet the new assessments is a very important issue for charter schools.

Okay, let me close with a few points. First, additional information. There are handouts for this that were attached to this session, and they are available to those of you who are listening to this as a recorded session. There are recorded materials from almost all of the sessions at the conference, and there are related materials. When you look through the webinar setup, you will see reference to downloads. You are able to download the four attachments that were provided to the people at the conference that gave them further information on the topics that were covered.

The handouts for this session are [as follows:]

- Questions and answers about IDEA purposes and key definitions
- The basic special-ed[ucation] process in much more detail than I covered it
- Special education in charter schools nuances in implementation about the LEA status of charter schools
- References and resources on special education in charter schools, which is a set of links for further information

So there are available materials from other sessions at the conference that you may be interested in as well. You can download the PowerPoint and the attachments for each of the sessions.

[There is] one further closing point that I'd like to make, and it is about the policy tension between charter schools and the traditional education system. There is an overriding climate issue that must be taken into account. A central tenet of IDEA is that a team, made up of professionals and parents, determines what is best in the educational interests of the child. The nature and intensity of special education services, and the setting in which it will be

Additional Information

- Handouts in the binder for this session are:
 - Questions and Answers about IDEA: Purposes and Key Definitions
 - The Basic Special Education Process
 - Special Education in Charter Schools: Nuances in Implementation
 - References and Resources on Special Education in Charter School
- Availability of recorded materials for other sessions

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delivered, rests with the IEP team as a group of people. However, charter schools challenge that foundational decision-making principle of special education by asserting the primacy of parental choice. Because they have been created to offer educational choices to parents, charter schools assume that parents should be able to freely make choices about where and how their child is educated.

These two differing philosophies can bring conflict. It is really critical that this policy tension be recognized because it will always exist, and it is important for those who staff charter schools to understand this and learn to operate in this climate so that, in essence, they will always seek solutions to problems by keeping the best interests of the students as the primary focus at all times.

Thank you very much.

Discussion/Q&A

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