

**The Role of State Education Charter
Offices in Serving Students with Disabilities**
A Webinar for State Charter offices – Part 1

Presented May, 19, 2022
Full Transcript

- [Courtney] Welcome, everyone, to today's event. If you are not automatically muted, please do so. Please take a second to mute, I guess. I guess Zoom is not muting everyone. So, if you could take a second and mute yourself, we would really appreciate that. And we are just going to jump... I got muted.

Sorry about that. There we go. Okay. Zoom is revolting against us today already, guys. So, good morning or good afternoon depending on your time zone. Welcome to today's webinar on the "Role of the State Education Agency Charter Office in Serving Students with Disabilities."

This is the first of a two-part series on this topic. This event is being brought to you by the National Charter School Resource Center. NCSRC provides technical assistance to federal grantees and resources supporting charter sector stakeholders. NCSRC is funded by the U.S. Department of Education and is managed by Manhattan Strategy Group in partnership with WestEd.

Some quick norms for our discussion today. Please remember to mute yourself when you're not talking. It does look like Zoom is not muting people today. So, if you're not muted, please take a second to just click that button to mute yourself. You can utilize the chat for questions and comments throughout the session. And we will have time for Q&A.

And we would love for you to respond to the survey at the end of the session to tell us how we did. We will be going into breakout rooms later today in the session for some small group discussion. We encourage you to resist all urges to sign off when we go into those breakout rooms, and to really participate in the discussion with your peers.

While we are in the main room, the session is being recorded so that you and your peers may access it another time. By participating in this event, you are consenting to being a part of this recording. You know, at the Resource Center, we love an icebreaker. So, before we jump into our content, we thought we would start the day by sharing some good advice.

So, our icebreaker for today is, what's the best advice anyone has ever given you? And we're going to use a Menti poll to help record your comments to this question. So, you can either go to [menti.com](https://www.menti.com) and enter the code 71959085 or Austin from our team is going to share a link in the chat for you to take this poll.

So, we're going to give you a couple of seconds, but [menti.com](https://www.menti.com) or click the link that Austin shared in the chat and we'll see what wonderful advice you have to bestow upon all of us today. I am going to go to our Menti poll, see if anyone has had a chance to respond yet. There we go.

Oh, I love invest in good bedsheets. That is fantastic advice. I love that one. Breathe. How you respond determines your happiness. Keep thorough record. That's a great piece of advice for CSP grantees especially.

Be yourself. Oh, I can't see the bottom of that one. All right, perfect. There's some great advice. Everyone, continue to respond to this poll and we will share out the responses so you can have some wonderful advice in our follow-up email that we send you after this session.

And I am going to move us along. As I mentioned, this is part of a two-part series for SE grantees. Our goal in this series is to help you understand the distinct roles of each group listed on this slide and serving students with disabilities and to help you share ideas on the ways that you can work within your organization to improve how charter schools serve students with disabilities in your state and through your CSP grantee.

I'm joined today by two of my colleagues from the National Charter School Resource Center, Robin and Kelly, who are familiar names to everyone. And we're also joined by Beckie Davis from WestEd. Prior to joining WestEd, Beckie served as the director of the Office of Special Education at the South Carolina Department of Education. And here's our agenda for today.

We're focusing on the role of the SEA in serving students with disabilities, including how LEA status and other relationships that impact this work. We'll also pull back the curtain and take a look at the role of the Special Education Office within SEA. We'll spend some time in breakout rooms discussing and sharing how LEA status works in each of your states, what the Special Education Office monitors in your state, how you are providing support to charter schools, and what role the Special Education Charter Office in the charter office can play in the future.

Then we'll wrap up with some group discussion, key takeaways, and a preview of our next session on May 24th. And so with that, I'm going to pass this off to Beckie to get us started.

- [Beckie] Thanks, Courtney. So, here we go. IEP, LEA, IDEA, FAPE, LRE, BIP. Special education is full of acronyms and initialisms. In fact, we've sort of developed our own language. But the IDEA, the Individuals with Disabilities Education Act, is the federal law that ensures that the LEA, Local Education Agency, aka district, provides SWDs, Students with Disabilities, with a FAPE, a Free Appropriate Public Education, in the LRE, Least Restrictive Environment, through an IEP, an Individualized Education Program.

And the IEP is the critical component to all of special ed. It's the vehicle through which the student accesses the general curriculum. Next slide. So, the state's role under the federal law, the IDEA, is to ensure that all students with disabilities have available to them a free appropriate public education that emphasizes special education services that are designed to meet each student's unique needs and to prepare them for further education, employment, and independent living.

Another purpose that states serve under the IDEA is to ensure that the rights of students with disabilities and their families are protected. And then the state also is to assess and ensure the effectiveness of efforts to educate students with disabilities.

So, states fulfill this obligation using what's called a general supervision system, which is an accountability and support system. And that system monitors districts and assist districts in the implementation of the IDEA. In simple terms, this is an education accountability and support system. It directs attention toward achieving specific aims and goals.

It provides support and assistance to building the capacity of the system, the district, to achieve those aims and it holds the systems responsible for achieving those goals. Next slide. So, now let's talk about the district's role.

The LEA is the responsible unit under the law that ensures that each student with a disability will receive a free appropriate public education. Each LEA has to submit a plan that provides assurances that the LEA will meet all the requirements under the law for educating students with disabilities.

The LEA has to have policies and procedures in place that describe how it's going to carry out its duties under the IDEA. And the IDEA is very clear that students with disabilities who attend public charter schools and their parents

retain all of their rights under the law. In fact, section 300.209 of the IDEA says, "The LEA must serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools."

So, the unit that serves as the LEA or the district differs from state to state and we'll talk a little bit more about that later. And it's usually the fund in each state's charter law. In some states, the charter school itself might be the LEA. In others, the charter school may be a public school within a traditional district. And in still others, the public charter school may be part of a statewide charter network of some sort.

The LEA has to ensure that there's a continuum of alternative placements available to students in the charter world. These options include instruction in the gen ed setting, special ed classes, special schools, home instruction and instruction in hospitals and institutions. The district also has to ensure that all students with disabilities are educated to the maximum extent possible with students without disabilities and that special classes, separate schools, or other removals of students with disabilities from the regular ed setting occurs only if the nature and severity of the student's disability is such that the student cannot be supported and maintained in that regular class.

So, as part of the district's responsibilities, the district has to report data to the state regarding outcomes and things like achievement, graduation rate for students with disabilities, discipline, early childhood or post-secondary outcomes. Regardless of which sort of LEA the charter school falls under, the charter school remains responsible for adhering to all aspects of the IDEA.

And I think I am passing the baton to Kelly.

- [Kelly] Thanks, Beckie. So, Beckie was just talking a lot about LEAs. And we're going to take a second to really specifically dig into the LEA types that charter schools might serve. So, no matter what state you're coming from, it's important to really have an understanding of who serves as the LEA specifically for special education purposes because that impacts funding, it impacts programming and it does impact the autonomy that charter schools have in your state.

So, as Beckie said, under the IDEA, LEA is responsible for providing students with disabilities a free and appropriate education. And within the charter sector, it's important to recognize that there are three different types of LEA status,

which, again, varies depending on what state you're in. So, for charter schools, we're going to look at these three different LEA types.

First, a charter school might be part of a traditional LEA such as a school district, a charter school could also have a hybrid LEA status where they might serve as their own LEA specifically just for special education purposes, or a charter school might serve as its own independent LEA at all times.

So, we're going to walk through what each type of these LEA types mean and then talk specifically about how LEA status impacts services related to serving students with disabilities. So, let's dig into the first one. So, some charters may have a traditional... Oops, sorry, one second. I've got the wrong notes up. Some charter schools, like we said, and probably what's most common for many of you on the call today will serve as a traditional LEA, and that means that they will be part of a district LEA.

So, if they're part of the district LEA, then that means that they will get their funding passed through to them from their district rather than necessarily getting funding directly from the federal state or local sources that it's coming from. Oops, sorry, one second.

So, like all charter schools, a charter school that is part of a traditional LEA still has its own autonomy. However, because some of their funding is coming through their district LEA, that may mean that they have less autonomy when it comes to special education programming. We see this model of a traditional LEA as part of a district in states like Colorado, and Florida, and many others across the country.

The second type of LEA status is this hybrid LEA status. So, some charters may have a hybrid LEA status. And when a charter school has that hybrid status, the state's charter laws designate that charter schools are their own LEA except for when it comes to educating students with disabilities. So, this means that all state requirements that apply to LEAs apply to charter schools except for in this area of serving students with disabilities.

So, for example, schools in these states would get federal funding directly from the state and would be responsible for implementing federal programs except for when it comes to funding related to serving students with disabilities. In that case, the funding would be passed through to them from the district LEA. Finally, then, a charter school can serve as their own LEA. And when that happens, the charter school has all responsibilities for serving students with disabilities.

So, like all charter schools, a charter school that is its own LEA still has autonomy and flexibility when it comes to instruction, staffing, and curriculum just like other charter schools, but this also means that state and federal funding for special education flows directly to the school rather than through the district or authorizer. The level of funding may not always be fully adequate, though, given that individual schools can't pool their funding and redistribute like a larger district might be able to.

And in addition, sometimes there's administrative responsibilities that come with receiving this funding directly. There's no clear ideal LEA status for charter schools, and this is sometimes a pretty complicated topic. So, within your role as an SE grantee, what's most important is just that you have an understanding of how LEA status works in your state.

Then finally, we also want to recognize that who serves as the authorizer in your state is also different depending on where you're coming from today. So, although you might have differences in who authorizes charter schools in your state, the authorizer's role remains largely the same. So, as you know, the primary role of the authorizer is to hold charter schools accountable for meeting performance goals in areas like academics, finance, organizational health and compliance.

In the areas of serving students with disabilities, the authorizer's role is to ensure that charter schools are complying with federal and state laws for students with disabilities and providing equal access to charter schools for students with disabilities. So, while the state and the LEA are responsible for ensuring charter schools are complying with federal and state laws for students with disabilities, the authorizer also has that responsibility since they're responsible for ensuring that charter schools are complying with all laws.

So, in practice, the authorizer may not have the special education experience or they might not have the capacity that a large LEA or SEA does, and therefore sometimes the authorizer might want to leverage those resources from you all to ensure that students with disabilities have their needs met. I'm going to turn it back over to Beckie to talk more specifically about the charter school's role.

Beckie, I think you're still on mute.

- Thank you. So, we've talked about the state's role, and the state provides that oversight to the LEAs, the districts. And in the hierarchy of oversight and support, the state really does work primarily with the LEAs. Now, as Kelly has said in different states, LEAs have different makeups.

You may have a charter school that is its own LEA or the charter school may be part of some other type of LEA. But under the law, charter schools have the same responsibilities to students with disabilities and their parents that their traditional non-charter school peers do.

And this means that the IEP, the Individualized Education Program for students with disability must be implemented as it's written and that all special education and related services, all supplementary services and supports, accommodations, modifications, whatever is in the IEP that's designed to meet that student's unique needs must be provided.

The charter school is also responsible for what's called child fund, and that means they're responsible for locating and identifying any child with a disability that may be enrolled. They are responsible for initial and re-evaluations for IEP development and implementation. And again, depending on what type of system you have in your state, there may be ways to leverage support for these activities.

The charter school cannot unilaterally limit the amount of services or the types of services it provides to students with disabilities. Any change made to an IEP has to be based on that student's unique needs and be supported by data. This means that a charter school can't change the services and a student's IEP simply based on the charter's mission, philosophy, or program.

Again, all decisions for students with disabilities must be based on that student's unique needs and be supported by data. Next slide. So, when we look at the Special Education Office at your State Department of Education, remember that the state is responsible for overseeing the implementation of IDEA and the LEAs in the state.

And that this means in some states, the state works directly with the charter schools when they are an LEA themselves, and in other states, the state works with the LEA or authorizer of the charter school.

The state is responsible for collecting, analyzing, and reporting data on both compliance with the law and on the performance of students with disabilities. So, the state provides technical assistance, professional development, and other support to support the LEAs and their implementation of the law. And the state can be a great resource for things like evidence-based practices, high-leverage instructional practices across all areas, instruction, progress monitoring, database, individualization, and finance.

And I would encourage you to reach out and get to know your state's special ed folks because you're responsible for working with the same population of students. Let me come back to Kelly.

- [Robin] It's me.

- Sorry, Robin.

- So, now that you have a grounding in all of the different entities that are responsible for serving students with disabilities, in a few minutes, we're going to go into breakout rooms and we're going to strategize about what role you can play. And we know that that will vary depending on your context because you all have very different state contexts, different contexts with respect to LEA status with respect to authorizers.

And so we're sharing some potential strategies that you might consider, although we know that they're not going to work in every context, but this is some food for thought for our discussions when we go into the breakout rooms. So, first, you know, as we've emphasized and discussed already, it's important to understand LEA status in your state, to understand how it works so that you know what are the responsibilities of your sub-grantees and what are the responsibilities of the LEAs.

And this will help you to figure out how to support charter schools and serving students with disabilities, what their role is, and what kind of support they need. Second, we suggest communicating with the Special Education Office. You are performing oversight for some of the same schools as the Special Education Office.

So, it's really helpful for both offices to share information, understand where there are compliance gaps or needs for technical assistance in charter schools so that you can work together to find resources to build the capacity of charter schools and serving students with disabilities or to provide specific technical assistance.

Similarly, it's really helpful to communicate with authorizers because, again, both of you are engaged in oversight over some of the same schools. And so it's really helpful for you to share compliance information and any other information about the schools that you're seeing as you're doing your monitoring or as you're talking with schools in your state.

And that way, you can help the authorizers better understand how charter schools are supporting students with disabilities. And finally, you know, similar

to communicating with the Special Education Office and the authorizing office, it's helpful to provide any data that you have access to that they may not.

So, providing data to authorizers on any oversight that you've done, any performance data that you have on student subgroups, discipline data, data related to parent complaints are all really helpful information to share with both authorizers and Special Education Office. Next slide.

So, in a moment, we are going to transition into three breakout rooms to discuss how the roles of the different entities work in your states and what roles the SEA charter office is currently playing in supporting schools and serving students with disabilities and what role the office might play in supporting schools and serving students with disabilities.

And if you're a CSO, what role are you currently playing in supporting charter schools and serving students with disabilities? And we're also going to strategize about what roles you might play as well. So, we're going to go ahead and move into breakout rooms and discuss.

- Welcome back, everyone, from your breakout room. Hopefully, nobody got cut off by that husky end of the breakout. And Robin is going to lead us in some full group discussion on what you discussed.

- Thanks so much, Courtney. So, hopefully, you all had very rich discussions. I know that we did. What we found in our group was, of course, not surprisingly LEA status varied by state. Some charters were part of traditional LEAs and some served as their own LEAs.

And then when we talked about how the SEA Special Education Office monitors charter schools in both of the cases that we discussed, the district actually does the monitoring, and then if there are issues they are raised to the level of the SEA to address if there are compliance issues.

And then we talked about what role the SEAs were interested in playing, what are some of the things that they would like to do differently based on the ideas that they heard today. And we came up with some really interesting ideas. From Maryland, from Carol, she'd like to find a way to improve the technical assistance and professional development and do more to leverage the expertise of the special education department within the SEA.

And then Michael from Wisconsin, he would love to have a way to identify issues as they're occurring that's kind of outside of a compliance process so that he could, you know, identify issues that charter schools are experiencing and

serving students with disabilities and be able to respond rapidly and providing appropriate support either leveraging an outside organization, leveraging the Special Education Office or providing that support himself.

Also, Wisconsin is unique in that they have an entity called the Wisconsin Resource Center for Charter Schools that is specifically designed to provide technical assistance to charter schools, and they've done a lot of providing technical assistance on serving students with disabilities. So, that was the discussion in our group.

I'm going to turn it over to Kelly just to share the highlights of your discussion and any interesting ideas that people shared that they'd like to try to implement.

- Absolutely. I've got some of the same states in my room as well, so a little bit of overlap. In general, though, we talked about LEA status. It's all over the map. We've got folks who've got districts who serve as LEAs, independent charters serving as LEAs, mixes of those. And so it's definitely just a mix depending on where you're coming from.

And then, in general, where we were aligned is the Special Education Office kind of serves the same purpose in all states in my group where they're largely the compliance piece and where they're doing the monitoring and the compliance work. So, really great ideas. We got a little stuck in question three because there was so many great ideas already happening in some of these states specifically in Florida which kind of connects to the question that you talked about, Robin.

They are doing some awesome work with site visits coordinated with their SEA's SPED office that are not necessarily compliance-driven, but they're based on some dropout data that they've seen. So, kind of proactively doing some site visits before any sort of compliance issues come up. And they've also looped in the National Center on special education.

And that work will be at those site visits as well. And so I definitely encourage you to follow up with Florida if you're interested in that work. Maryland mentioned they've got some really specific sub-grant application requirements related to students with disabilities and their CSPs sub-grant application. And then, similar to Wisconsin that you already mentioned, Washington also has a unique collaborative called the True Measure Collaborative, which has really robust support for charter schools that for a low cost, they can be part of this collaborative.

And currently, they've got just about all of their sub-grantees that take advantage of that program that they have there. And so great ideas happening in my group related to this topic and encourage folks to follow up with others in the call to learn more.

- Great. So, some really interesting strategies there. A couple of states are leveraging outside organizations to provide technical assistance and support. Interesting idea of doing the coordinated site visits, which is similar to what we talked about, you know, sharing information between the charter school office and the Special Education Office. So, Beckie, what ideas did your group come up with?

- So, some of the things unique to this group were some of the areas that they're focusing on. Colorado is focusing on some of the civil rights concerns, the equity concerns about enrollment in charter schools and how to ensure equity and ensure that there is no discrimination based on disability.

Another topic that was discussed was retention and enrollment in charter schools, how do charter schools keep students. When we looked at how the special ed office and the charter office provides support, we were kind of on two different aspects, one is they both provide support sort of in a parallel manner, and then the other is there's more interaction and blended support.

And so we ended up kind of paraphrasing the last question to say, "If you could describe what you think is the perfect role for that, what would it be?" And it would be supportive, collaborative, focusing on student retention and growth. So, great ideas.

And even among the states that have similarities with how charters are sitting, still some differences in nuances within that.

- Great. So, Beckie, the role of the SEA or SEA charter office, the ideal role, your group said, should be collaborative, providing support and focused on student retention and growth?

- Yes.

- Interesting. So, there are definitely some common themes across the group of collaborating with the Special Education Office, finding more ways to provide specific technical assistance and support to schools. And does anyone like to add any additional ideas that we haven't already shared from your small group? Feel free to unmute yourself and go ahead and share an idea, anything that hasn't come up so far that we should maybe consider and thinking about the

role that an SEA or SEA charter office can play in supporting charter schools and serving students with disabilities.

Or feel free to put any ideas in the chat if you have them, anything that we haven't already discussed.

- [Woman] I appreciate hearing about this example in Florida of including... I think that's... I just blanked on his name.

Paul O'Neill in that group, the Center for Special Ed, who... I love that and I would love to learn more about it at some point. And I wonder if there's a conversation after that, again, back to my question of, are there ways to use the existence of an agile smart charter school operator and the current state of services to students with disabilities in some places and come up with some creative, better programming which is kind of a different conversation than our students with disabilities being served.

But I don't know. This would be a great group to brainstorm some of that, I think.

- [Adam] So, this is Adam Emerson from Florida. I can talk to you a little bit about what I shared in the breakout room because it is Paul O'Neill's group. They're called the Center for Learner Equity now, but they used to be the National Center for Special Education in Charter Schools. And I've been dying to work with them for a while. And it dovetails nicely with our goals, our CSP grant where they spent year one kind of doing a landscape analysis of what the needs were, what the strengths were in Florida's special education universal charter schools.

And so now they're kind of putting some of that into action by some one on one support, but we actually got down to the site visits this week in South Florida, specifically in Palm Beach County mostly because our Special Education Office here at the department reached out to me not long ago and said, "Gosh, there's a lot of charter schools with high dropout rates down in Palm Beach. Can we go down and talk to them?"

And so we did. That's what this week is doing. We had staff from our charter office down there. We got staff from our Special Education Office down there. And it's not a compliance or a non-compliance site visit. That was a site visit to go down and say, "Hey, listen, I mean, there's some high dropout rates going on here. We know you're good actors. We know you're trying to do right but what can we do to give you some support?" And it was Paul O'Neill's group that actually joined in on those site visits as well.

I mean, it's not mostly what the Center for Learner Equity is doing, but it was just... It fit in nicely with our work with them. They came down here. They got to do some one-on-one support with schools anyways. And this was a great way to do it before they got to be a real compliance issue, before they got to be a bad problem.

So, something we're really happy with how that's kind of unfolding right now.

- So, you did a coordinated site visit and then the Center for Learner Equity provided direct support to the schools around some of the challenges that you all observed?

- Correct, yeah. And in fact, we originally had the Center for Learner Equity wanting to come down, but I told them what was going on and they were like, "Well, can we come down too?" because Lauren Ritten said, "God, we'll have to send somebody down there on those site visits." So, we just made it happen. And that's actually going on as we speak.

- Great, thank you. Yeah, I think that's a really interesting strategy to do joint site visits with the charter office and Special Education Office, and then within entity that can also provide support if one of those two entities are not able or don't have the capacity. Peg shared that Colorado just passed legislation for a collaborative BOCES for charters to opt into instead of district special education services.

So, instead of the district providing special education services to the school, they would opt into a collaborative. Is that accurate, Peg?

- [Peg] Yeah. So, it gives the school an opportunity to have that LEA status just for the SPED portion of their school where they'll be opting in together to provide services collectively for scale. And, yeah, I mean, it's sort of exciting and sort of terrifying.

We're not quite sure why so many of the districts are super supportive of this. So, I think we're waiting to see how that turns out for our charters to have that level of responsibility to take that on.

But, yeah, it's a new twist that I think is going to provide opportunity for charters to really dig in and hopefully improve their special education services.

- So, is the idea that they're taking more ownership?

- Yes.

- Okay. Got it. That's really interesting. Thank you. Any other final thoughts that you want to share before we move on? Any other ideas that you didn't share in the breakout room or anything that you wanted to highlight that you thought was of interest? Feel free to take yourself off mute and go ahead and share or put in the chat.

Okay. So, we're going to go ahead and move on. Any questions so far about what we discussed? I think probably the questions are very context-specific and, you know, maybe folks will want to go back and discuss with their colleagues about some of the information that they heard today.

So, let us move on to key takeaways. So, some of the key takeaways from our time together today are that LEA status has a major impact on the way special education is structured in your state, as we talked about a lot, because it determines who's responsible for what and helps you to understand how you can support charter schools because it helps you understand what their responsibilities are.

As a state charter office or a CSO, it's really important to understand the roles of the different entities and serving students with disabilities. And that varies a lot by state. So, it's really important to explore how it works in your state and, you know, what are the roles of the different entities and what's the context and the players.

And once you understand these roles, then you can better leverage each of the different entities to figure out what role you might play in that space. As a state charter office, it's also really helpful to build relationships with these entities as we were talking about before through no joint monitoring or just communication about the same schools and sharing information so that you can better support the schools that you're both serving.

And then finally, there are some key levers that you can pull to support charter schools and serving students with disabilities effectively. And we talked about some of those ideas today. The key is really communication among the different entities so that you can all understand where there are compliance gaps and where charter schools need supports. But also, joint monitoring is another interesting strategy, providing technical assistance, providing professional developments.

All of those are helpful strategies that can support charter schools in improving how they're serving students with disabilities. So, next, we have a webinar next week that we're really excited about. It will be part two on "The Role of the

SEA Charter Office and Special Education Office in Serving Students With Disabilities."

It will feature a panel discussion with Colorado. We'll have Bill Kottenstette from the Charter School Office and Paul Foster from the Special Education Office talking about how they collaborate and some of the initiatives that they've worked together on. And then we'll also discuss CSP grantees' responsibilities related to serving students with disabilities.

And we'll strategize about how you might use CSP funding to support grantees and serving students with disabilities effectively.

- All right. Well, thank you, Robin, Kelly, and Beckie for leading us through our content today. As you know, we value all of your feedback. So Austin is going to share a link in the chat to take our surveys. So, please do take that.

And let us know if there's any additional support you guys need related to serving students with disabilities. If you are one of our CSSO SE grantees, there is a prior webinar related to serving students with disabilities where we talked...

Washington was one of the examples that we had in that. So, that is available in the Resource Center website. And we'll share out a link when we send out all the materials from this session. As a reminder, the Resource Center website is charterschoolcenter.ed.gov. And you can always reach out to us at contact-us@charterschoolcenter.org. And that does it for today.

Many thanks to all of you for signing on and taking time out of your busy days. We look forward to seeing you again on Tuesday. So, until then, have a great afternoon and we'll see you soon. Thanks, everyone.