

Charting the Course

Special Education in Charter Schools

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Foreword

It is a pleasure for me to comment on this important new book focused on charter schools and special education. As the opening sections describe, special education grew as a field from early assistance for struggling students in the 19th century to the extensive set of laws and regulations that now require every public school to meet the needs of students with disabilities. In 1991, charter schools came on the scene and, as public schools, also had to adhere to those requirements.

This book's five chapters, seven case studies, numerous charts, and appendices are highly informative. The topics covered include information about early charter leaders such as Albert Shanker and Ray Budde, as well as discussions about special education funding, programming, and administration of special education in the charter setting; start-up and close-down of charter schools; and the importance of individual education programs (IEPs) and Section 504 plans.

Charter schools are a part of the American public education system. Their contributions to the field of education as well as the problems that trouble them are important and need to be acknowledged and addressed. This book contributes to an understanding of the field and discusses the important work related to special education that must continue to support success in both charter and traditional schools throughout the United States.

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Charter Schools and Special Education

With Lauren Morando Rhim

Since the early 1990's, charter schools have sought to provide a public school choice option for parents and students in communities across the country. Although still a publically funded school, charter schools have distinct characteristics which differ from traditional public schools, namely exemption from certain state/local rules and regulations in exchange for increased accountability requirements.

Over the last two decades, 40 states and the District of Columbia have passed charter school laws. Charter schools are now serving two million students in 5,500 schools, nationwide.

As public schools, charter schools must comply with all federal education laws, including the Individuals with Disabilities Education Act (IDEA) and the Elementary and Secondary Education Act (ESEA). Despite this requirement, there have been reports that students with disabilities are underrepresented in charter schools. While the reasons for this under enrollment are debatable, some reports have indicated that charter schools do not have the capacity to identify, evaluate, and serve students with disabilities, particularly students with significant disabilities.

CEC believes that charter schools must reflect a commitment to free and universal public education, with equality and educational opportunity for all. As such, charter schools, the chartering agency and authorizer, and ultimately the highest governmental authority, must ensure that the rights of children and youth with exceptionalities are upheld.

Council for Exceptional Children, 2015

Public education in the United States was originally established as part of the Department of War in the early 19th century, when it became apparent that the United States could not sustain an effective military with large numbers of illiterate soldiers (p. ix, Cross, 2004). Over the years, public education grew in size and mission, reflecting the changes in the nation.

With the *Brown v. Board of Education* Supreme Court decision in 1954, public education entered a new era that prioritized equal access to public education for all students, especially those who had been marginalized in the system of racially segregated schools. Although the *Brown* decision dealt with segregation by race, it established an

Special Education Legislation and Funding

With Parker Baxter

The Individuals With Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), and the Family and Educational Rights and Privacy Act (FERPA) are the main laws affecting the education of students with disabilities. These laws apply to all schools in the United States that accept any form of federal financial assistance—which charters schools do, through funding that either comes directly from the federal government or flows through the authorizer from the state department of education or the local school district.

As discussed in Chapter 1, some charter schools act as their own district, or LEA, whereas others are part of a consortium or the authorizer is the LEA. There are different implications for charters that are stand-alone LEAs than for those that are part of a district LEA. In a few states, charters are treated as their own LEA only for special education purposes. LEA status is, with few exceptions, explicitly defined in state law and has major ramifications for how charter schools operate and are funded with respect to students with special education needs.

IDEA

There is an extensive history in the United States of denial of educational services for students with disabilities. Prior to 1975, it was legal to prevent students with disabilities from attending public schools. This type of discrimination changed with the passage of Public Law 94-142, the Education for All Handicapped Children Act, later amended and currently known as the Individuals With Disabilities Education Act, or IDEA. There are seven main components of IDEA. Each one is very important to understanding special education, and all are of equal importance.

- Zero reject
- Nondiscriminatory evaluation
- Free appropriate public education
- Individualized education program
- Least restrictive environment
- Parental participation
- Dispute resolution and due process

Supporting All Students: Instructional Programming and Administration

With Christy Wolfe and Kim Hymes

As discussed in Chapter 1, charter schools have a unique opportunity to provide innovative models of education reform and instructional strategies. The National Center for Special Education in Charter Schools (NCSECS) is one organization that brings together charter school organizations and special education advocacy groups to ensure that students with learning differences are provided equal access to these opportunities in the charter sector. NCSECS's goal is to advocate for students with diverse learning needs to ensure that if they are interested in attending charter schools, they are able to access and thrive in schools designed to enable all students to succeed.

One of the most important components of the education of students with disabilities is the concept of FAPE—a free appropriate public education. As discussed in Chapter 2, FAPE is one of the main components of IDEA; the intent is to ensure that public schools meet the educational needs of students with disabilities. Because charter schools receive public education funding, they are bound by law to ensure FAPE for their students with disabilities (see Table 3.1). This includes monitoring student progress, considering use of assistive technology, managing discipline issues, providing extended school year (ESY) support as needed (e.g., summer school), and incorporating the services of paraprofessionals and aides (34 C.F.R. §300.17). These aspects of FAPE, however, also provide some general guidance for charter schools interested in meeting the needs of all their students.

All students, not just those identified as having a disability, need to be monitored for their progress through the curriculum and provided with assistance if they are not meeting grade-level expectations. Progress monitoring can provide a clue as to the type of support needed for struggling students. It is essential when students are suspected of having a disability, as it will assist in determining eligibility for services, what sort of services to provide, and if these services are achieving the desired outcomes. All charter schools should strive to use information from student progress monitoring when making decisions about programming and placement, which not only benefits students but also helps teachers to plan instruction.

Individualizing Education: IEPs and Section 504 Plans

With Scott Bess and Christy Wolfe

As discussed in previous chapters, a student with a disability who is eligible to receive special education and related services does so via an individualized education program (IEP). A student with a disability who is not eligible for special education services but nonetheless requires accommodations in order to access the curriculum is supported via a Section 504 plan. Both IEPs and 504 plans are binding; charter schools are required to develop and implement plans appropriate to an individual student's needs. It is important to understand that IEP and Section 504 plans are more than paperwork compliance documents; they guide the programming and accommodations provided for students with disabilities.

IEPs

As Creighton Martin and Hauth have noted (2015), “The cornerstone of special education is instruction that is specifically designed to meet the unique needs of students with disabilities” (p. 84). The IEP is a written document that sets forth the special education services that eligible students are to be offered as a part of their individualized programming and related services under IDEA. The IEP provides a comprehensive statement of the educational needs of a child with a disability and the specially designed instruction and related services to be employed to meet those needs (*Burlington School Committee v. Massachusetts Department of Education*, 1985). The IEP is developed in response to needs demonstrated by the student (e.g., via behavior, academic struggles, language issues) and describes how those needs will be met (e.g., behavior plan, academic intervention, communication or assistive technology support). The student's educational plan, as described by the IEP, is developed through the collaborative effort of the parents, the student with a disability, school personnel, and service providers—together, *the IEP team*.

There is no single “master” form for an IEP. Within states, and even within school districts within a state, schools use different forms and methods of compiling the components of a student's plan. However, there are nine required elements all IEPs must include (Bateman & Herr, 2006; see Table 4.1).

Starting Up and Closing Down

With Karega Rausch, Kristin Hines, and Brandon Brown

Across the United States, charter schools are figuring out what special education will “look like” in their distinctive educational settings, delivery models, and curricula. As discussed in Chapter 1, uniqueness and individuality are characteristics that are embraced by both charter schools and special education on a very basic level. Special education teachers are versed in multiple methodologies and pedagogies, continually filling their “teaching tool kits” with a variety of strategies, interventions, and techniques in hopes of finding something there that works for each individual student. Charter schools embody this same innovative and problem-solving spirit but from a more systemic perspective. Charter schools are also trying something different, as entire schools and for a large number of students. Sometimes charter schools succeed, and sometimes they fail.

One of the most striking aspects of the charter school movement is school closure. Authorizers hold charter schools accountable for performance or schools are closed. Charters can be revoked if schools do not live up to their agreement. The closure of charter schools presents a challenge for the national charter school movement because school closure is a new experience for many. The public is used to thinking of schools as fixed entities in a community; school closure is considered shocking and disruptive. Prominent members of the charter movement have supported the use of accountability as a fundamental way to ensure the success of charter schools. The idea of opening a new business seems just as normal to most people as a going out of business sale. But the idea of opening a new public school or closing one has been unheard of until recent years.

How charters choose to navigate special education issues could prove to be a pivotal question in the future success of the movement. Future predictions of population growth depict continually climbing numbers of students identified as having some kind of disability (Samuels, 2016). In early 2016, the Centers for Disease Control and Prevention reported that more than one in seven children in the United States had a mental, behavioral, or developmental disorder (Bitsko et al., 2016). Data like these are hard to ignore and paint a vivid picture of the future services that all public educational environments will need to provide.