



A Strategic City-Based Framework for Effectively and Efficiently Educating Students with Disabilities

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Lauren Morando Rhim



This paper¹ is the result of a collaboration with Pathway 2 Tomorrow: Local Visions for America's Future (P2T). P2T, along with its 78 partners, awarded 24 recipients across 14 states and the District of Columbia with stipends for innovative ideas to transform education outcomes in the U.S.

The goal of P2T's call for proposals was to hear local ideas with the potential to transform our education system and these proposals rose to the top through our rigorous review process. Over two months, P2T received 240 submissions across 39 states, representing all geographical regions with ideas to propel education initiatives at the state and local levels. Proposals came from policymakers, entrepreneurs, educators, parents, researchers, advocates, nonprofits, and business leaders.

The submitted proposals were reviewed by more than 30 cross-professional leaders based on established need as well as whether each proposal was research-informed, innovative, encompassed a clear path to implementation, and anticipated significant results.

1. When considered as a comprehensive strategy, the ideas we present are new and represent an expansion of basic concepts we outlined in a guest column for The Advocate in 2018. The concepts stem in part from distinct strategies emerging in cities (e.g., Newark, New Orleans, Washington, DC) in which a large proportion of students are enrolled in charter schools and research on portfolio districts published by the Center on Reinventing Public Education.

TABLE OF CONTENTS

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| INTRODUCTION | 5 |
| CHARTER SCHOOL CONTEXT | 6 |
| THE FRAMEWORK | 8 |
| #1: DYNAMIC PARENT INFORMATION SYSTEM | 10 |
| • Challenge: Parents need ready access to accurate and detailed information to make decisions related to public school choice. | 10 |
| • Key Components of a Dynamic Parent Information System* | 11 |
| • Implementation Details | 12 |
| #2: INTEGRATED SCHOOL-WIDE EXPERTISES | 13 |
| • Challenge: Schools have not generally developed adequate supports and services to attract and educate students who require more significant supports in inclusive settings. | 13 |
| • Key Components | 15 |
| • Implementation Details | 18 |
| #3: ADAPTIVE-WEIGHTED LOTTERY | 19 |
| • Challenge: Absent a centralized means to ensure that parents of students with disabilities can identify and access schools prepared to provide quality supports and services, responsibility for educating students with disabilities is not equally distributed across all schools in the city. | 19 |
| • Key Components | 20 |
| • Implementation Details | 21 |
| #4: RESPONSIVE AND EQUITABLE SPECIAL EDUCATION FUNDING SYSTEM | 22 |
| • Challenge: Systems of schools must distribute resources in a manner that ensures resources follow students but do not serve as an incentive to over-identify students or serve them in overly-restrictive settings. | 22 |
| • Key Components | 23 |
| • Implementation Details | 23 |
| #5: ROBUST HUMAN CAPITAL STRATEGY | 25 |
| • Challenge: Students with disabilities need committed school leaders and qualified general and special teachers as well as trained specialists, but there is a near universal shortage of qualified applicants. | 25 |
| • Key Components | 26 |
| • Implementation Details | 26 |

#6: SPECIAL EDUCATION CAPACITY-BUILDING AND COORDINATION INFRASTRUCTURE27

- **Challenge:** Systems of autonomous schools require access to highly specialized expertise that may be difficult for individual schools to develop or sustain.27
- **Key Components.**28
- **Implementation Details.**30

#7: NUANCED ACCOUNTABILITY SYSTEM ADMINISTERED BY THE CHARTER SCHOOL AUTHORIZER.31

- **Challenge:** Charter school authorizers have generally utilized relatively blunt instruments (e.g., absolute performance) to assess the quality of charter schools, thereby creating a disincentive for charter schools to serve students with disabilities, especially students who require more significant supports and services or who may not be able to meet state standards.31
- **Key Components.**32
- **Implementation Details.**33

ANTICIPATED OUTCOMES34

ACKNOWLEDGED CHALLENGES.35

KEY IMPLEMENTATION DRIVERS35

- **Catalytic Leadership and Political Will35**
- **Funding to Launch.**36

APPENDIX37

APPENDIX A: GLOSSARY OF ACRONYMS AND DEFINITIONS37

- **Acronyms37**

APPENDIX B: DEFINITIONS38

- **Key Terms.**38

INTRODUCTION

Charter schools' autonomy and flexibility provides them with the opportunity to find ways to close the performance gap between students with and without disabilities, but deep-seated, systemic challenges often cause individual charters to struggle to do so on their own. For cities with an established charter sector, we propose a city-wide, collaborative strategy involving all stakeholders to overcome these systemic challenges. By working together, charter schools can fulfill their potential with regard to educating students with disabilities. In the wake of the COVID-19 pandemic, identifying effective strategies to accelerate learning for students with disabilities and optimize the flexibility extended to charter schools is essential.

This brief introduces what we propose are critical components of a strategic, city-based framework, along with details regarding how this multi-pronged approach can drive systemic and sustainable change that will lead to better access and outcomes for students with disabilities. Each component has value independently, but when combined in a coherent manner so that each augments the others, the framework has the potential to ensure that students with disabilities have access to a robust continuum of educational opportunities in districts that have widespread public school choice and, in particular, charter schools.

If individual charter schools, regional government officials, authorizers, and funders work together to create a new system that spreads the responsibility, incentivizes schools to support students with disabilities, and nurtures talent to support these goals, charter schools can be agents of change for closing the gap between students with disabilities and the general education population.

Individual charter schools cannot solve this problem alone. It will take "It will take focused and disciplined collective action to dramatically improve how we educate students with disabilities in this country, and we need courageous charter and special education practitioners as well as advocates, parents, and philanthropists to collaborate to drive meaningful change.

Our objective in developing this solutions-based framework is to partner with key stakeholders to engage in a multi-year effort to adopt the strategy.

Based on nearly 50 years

of combined experience working in and studying the charter sector, Paul O'Neill and Lauren Morando Rhim co-founded the Center for Learner Equity, formerly the National Center for Special Education in Charter Schools, in 2013 to address the longstanding challenges charter schools have encountered when working to develop high quality special education programs. Over the last five years, we have published research and thought-provoking reports regarding the status of special education in charter schools, developed rich tools, and worked closely with policy makers, thought-leaders, and practitioners in robust charter sectors such as Boston, Denver, Los Angeles, Memphis, New Orleans, and Washington, DC to build their capacity to educate students with disabilities. In each of these cities, we have witnessed common challenges and had the opportunity to develop and refine our thinking about viable solutions. This experience informs the proposed blueprint.

CHARTER SCHOOL CONTEXT

Since the passage of the first charter school law in 1991, charter advocates and opponents alike have struggled to ensure that students with disabilities are able to exercise public school choice alongside their peers without disabilities. Nonprofit change agents such as New Schools for New Orleans and research organizations such as the Center on Reinventing Public Education have developed proposals that have led to important improvements (e.g., tiered funding² and incentives for schools to develop specialized programs³), but these efforts have historically only addressed part of the systemic problem.

The charter sector continues to grow, and there is mounting evidence that a) parents of students with disabilities are interested in charter schools, b) charter schools are struggling to fulfill their obligations to students with disabilities, and c) failure to provide quality special education and related services constitutes de facto discrimination against students with disabilities and represents a major vulnerability for a vibrant charter sector. This evidence signals that the field is in dire need of a practical solutions-oriented strategy to navigate these challenges.

Cities across the country with either large numbers (i.e., 50,000 or more) or large proportions (i.e., 30% or more) of students enrolled in charter schools⁴ are struggling to develop policies and practices that leverage the

2. <http://www.thecoweninstitute.com.php56-17.dfw3-1.websitetestlink.com/uploads/CI-Differentiated-Funding-Draft-1505855257.pdf>
3. <https://www.crpe.org/sites/default/files/crpe-bridging-district-charter-divide.pdf>; https://www.crpe.org/sites/default/files/Brief_PSDP_Strategy.pdf; & <https://www.crpe.org/publications/it-takes-city-how-portfolio-strategy-can-bring-schools-districts-and-communities>
4. http://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2014/12/2014_Enrollment_Share_FINAL.pdf



power of parental choice and school autonomy to improve outcomes while simultaneously educating students with a diverse range of disabilities. This includes cities such as Denver, Kansas City, Los Angeles, Memphis, Newark, New Orleans, New York, and Washington, DC. Charter schools in these cities, and, in general, their traditional district peers, are struggling to develop and effectively implement a coherent, effective, efficient, and sustainable approach to ensuring that all students with disabilities are able to exercise choice on par with their peers without disabilities and simultaneously access the full continuum of special education and related services guaranteed to them under federal law.⁵ The most tangible evidence of this challenge are a) legal complaints alleging discrimination filed against charter schools in cities such as New Orleans, Newark, New York, and Washington, DC, b) regular news stories alleging that charter schools discriminate against students with disabilities, and c) first-hand accounts from charter schools and charter management organizations across the nation with whom we have worked. Cities with large portfolios of autonomous schools, potentially including traditional, magnet, and charter public schools, need a blueprint to develop and sustain a full continuum of special education services based on leveraging both autonomy and flexibility. As the sole organization committed to ensuring that students with disabilities have ready access to charter schools that are prepared to enable them to succeed, we have a vision for a robust and multi-pronged framework that will optimize autonomy and flexibility to the benefit of students with disabilities. **We propose that stakeholders committed to the success of students with disabilities in urban school districts with a significant percentage of charter schools can leverage this framework to create an environment that will foster success.**

5. That is, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the Individuals with Disabilities Education Act.

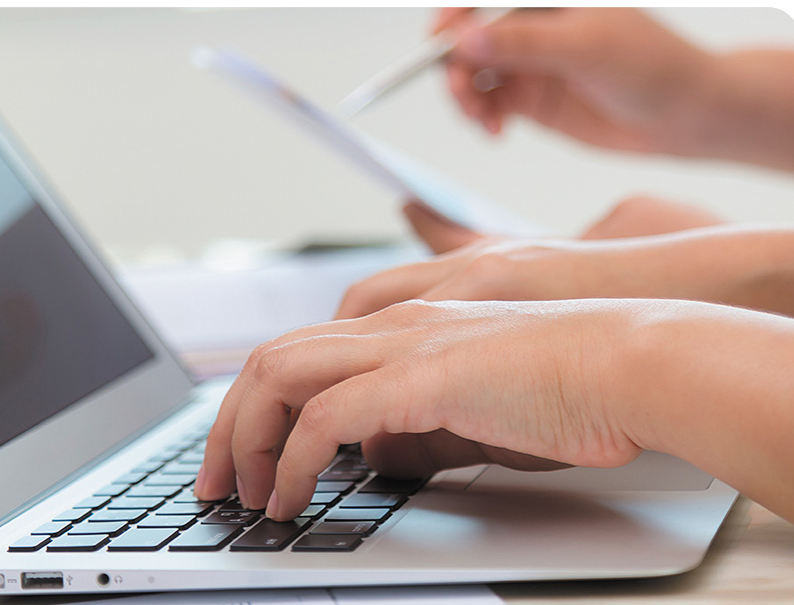


THE FRAMEWORK

While the vast majority of students with disabilities should be able to graduate and perform on par with their peers without disabilities, there is a significant and persistent gap between the performance of students with and without disabilities in public schools across the nation.⁶ The autonomy and flexibility extended to charter schools presents a unique opportunity to change this narrative, especially for poor, Black, and Latinx students with disabilities. However, cities such as Kansas City, New Orleans, and Washington, DC with significantly decentralized systems of schools require an intentional strategy to ensure that students with disabilities are provided access to charter schools and the supports and services they require to succeed.

Efforts to improve outcomes for students with disabilities are largely focused on meeting compliance requirements and adopting specific classroom practices that have been demonstrated to improve outcomes (e.g., Differentiated Instruction, Response to Intervention, Universal Design for Learning, and Positive Behavioral Supports).⁷ However, only minimal investments have been made in addressing **systemic challenges** that undermine efforts to ensure that students with disabilities are provided a high-quality education. We propose that, in cities with robust charter sectors, **a city-wide approach based on a framework that addresses specific challenges associated with decentralization** has the potential to break the log-jam of conventional and frequently ineffective special education improvement efforts. This city-wide approach is based on practices that are emerging or being considered in the charter sector, with implications for public school choice beyond charters (e.g., magnet schools and intra-district open enrollment).

6. Quenemoen, R. F., & Thurlow, M. L. (2019). Students with disabilities in educational policy, practice, and professional judgment: What should we expect? (NCEO Report 413). Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.
7. See, for example, www.CAST.org, www.swiftschools.org, or www.pbis.org, or the National Center for Systemic Improvement at Wested.





The framework consists of seven interconnected and interdependent components:

- 1) a dynamic parent information system;
- 2) integrated school-wide expertise;
- 3) an adaptive-weighted lottery;
- 4) adequate, responsive, and fair special education funding;
- 5) a robust human capital strategy;
- 6) an effective special education capacity and coordination infrastructure; and
- 7) a nuanced accountability system that recognizes growth for students with disabilities.

While each of these elements has value, the true strength of the framework is the manner in which the individual components interact to create the conditions for success. For instance, a more sophisticated lottery system can only work effectively if parents have ready access to information that will inform their decision making. The following sections introduce the challenge each element is designed to address and identify key components and implementation details.

#1: DYNAMIC PARENT INFORMATION SYSTEM



Challenge: Parents need ready access to accurate and detailed information to make decisions related to public school choice.

The ability of public school choice to function as a lever to improve outcomes for students is predicated on parents being equipped to make informed decisions regarding educational opportunities for their children.⁸ That is, parents must have enough information to identify which school or schools their child 1) is eligible to attend, and 2) will enable them to succeed. In order for parents to make informed decisions, they need ready access to dynamic information systems that help them match specific school characteristics with their unique children.

Uber and Lyft car services, Yelp, and the plethora of online dating services have demonstrated the ease of using current technologies to efficiently and effectively match supply with demand. Data collection and analysis efforts that previously would have been cost-prohibitive can be readily conducted using current data-mining technologies. Cities interested in providing all parents with adequate information to make informed choices about how and where their children will be educated should leverage technology to develop a dynamic, robust, and adaptable hyper-local parent information system.⁹ This system will serve as the foundation for parents to readily access information required to make informed decisions.

8. https://www.crpe.org/sites/default/files/crpe_how-parents-experience-public-school-choice.pdf.
9. Note that there are a number of national web-based school information platforms (e.g., Great Schools, Niche, and Public School Review). However, the systems are of limited use to parents of students with disabilities seeking detailed information about schools. An entrepreneurial city could create its own system or partner with existing national school review providers and special education parent information networks (e.g., ExceptionalLives) to build out a hyper-local version of the website for a specific geographic area. This could be achieved with local philanthropic support or in partnership with the local Chamber of Commerce as part of a larger economic development effort given the correlation between quality schools, real estate, and workforce recruitment efforts. Alternatively, the charter authorizer could charge each school a nominal per-pupil fee to maintain a robust online parent information system.

For parents of children with disabilities, the system requires an additional level of detail that will enable parents to identify the best school for their child given their unique learning needs. For instance, what is the profile of the students with disabilities currently enrolled at the school and what specialized expertise has the school developed for students who require more significant supports? Absent established expertise, what is the school's plan to ensure it can provide necessary accommodations and modifications in line with individual students' Individualized Education Programs (IEPs)? **As a foundation, the system would include an explicit statement regarding parent/student rights related to enrolling in public schools and being provided a free and appropriate public education (FAPE) as outlined in the Individuals with Disabilities Education Act (IDEA).**

Once a student is enrolled in a school, the IEP team makes decisions regarding supports and services to be provided. Cities committed to ensuring that parents are able to access accurate and timely information regarding educational programming will ensure that parents can be active and informed participants equipped to partner with educational professionals to determine the best options for students.

Key Components of a Dynamic Parent Information System*

Parents need access to information regarding general and special education specific characteristics of schools in order to inform their decision making process. This information should be shared in multiple languages.

General Components

- » School name and year founded
- » Grades served
- » Total enrollment
- » School day start and end times
- » Availability of before- and after-school care onsite
- » Focus (e.g., comprehensive or theme-based such as STEM or performing arts)
- » Demographics, including sub-groups
- » High-level performance data according to established city/state/national metrics disaggregated by sub-group
- » Distance from place of residence (GPS function that enables parents to calculate)
- » Transportation availability
- » Average class size

Special Education Specific Components

- » Percent of students with disabilities according to degree of inclusion (i.e., % of students in general education classrooms versus partial or substantially separate classrooms)
- » Specialists on staff or under contract (e.g., teachers and paraprofessionals)
- » Special education lead (e.g., Special Education Director)
- » Areas of established specialized expertise (e.g., sensory, behavioral, cognitive, and physical supports)
- » Number of dually certified teachers
- » Discipline data on students with disabilities by gender and race

*With a few exceptions, schools are already collecting these data for state and federal reporting purposes.

Implementation Details

- » **Timeline to implement:** 12-18 months to collect information, design, build, test, and promote the robust online platform (depending on access to relevant data)
- » **Policy changes:** None unless necessary to secure programmatic data from charter schools
- » **Fiscal implications:** Costs associated with collecting, analyzing, synthesizing, designing a highly accessible resource, and maintaining data regarding schools and either integrating content into an existing school rating/review website or creating a distinct parent information website
- » **Barriers to overcome:** Securing and maintaining accurate and up-to-date information regarding school programming



#2: INTEGRATED SCHOOL-WIDE EXPERTISE



Challenge: Schools have not generally developed adequate supports and services to attract and educate students who require more significant supports in inclusive settings.

Under IDEA, school districts are required to provide FAPE to students with disabilities (see **Appendix A** for a list of key acronym and **Appendix B** for a description of services and supports frequently provided to students with disabilities). In practice, they typically accomplish this in aggregate (i.e., across the local education agency/district) as opposed to ensuring that every individual school has the expertise and programs to serve every student with a disability. In practice, this has led to many students who require more significant supports being served in segregated classrooms or separate settings. Based on national data regarding educational environments, an average of 14% of students with disabilities spend less than 40% of their day in general education classrooms.¹⁰ However, the historical outcomes from these specialized programs, frequently referred to as center-based programs, have been abysmal and raise questions about the extent to which students' rights to FAPE and the right to be educated in the least restrictive environment (LRE) are being upheld.¹¹

Rather than developing highly-segregated programs that have not historically led to good outcomes for students with disabilities, cities should create a system to incentivize individual schools, particularly those that operate as their own LEAs, to develop not only the critical supports to educate the majority

10. <https://www2.ed.gov/about/reports/annual/osep/2017/parts-b-c/39th-arc-for-idea.pdf> 39th Annual Report to Congress on the Implementation of IDEA, Exhibit 29, page 49.

11. See for example, litigation stemming from the state of Georgia's Network for Educational and Therapeutic Support (GNETS), a statewide system for children with emotional and behavioral disorders and challenges in New York City's District 75.

of students with disabilities but also the integrated school-wide expertise needed to educate students who require significant supports in general education classrooms to the greatest extent appropriate in at least one area (see Appendix B for a description of proposed school-wide specialized expertise).

To navigate this fine line of developing critical expertise while avoiding overly-restrictive settings, cities or coordinating entities supporting charter schools can utilize data regarding past enrollment trends. This data can be used to allocate resources to incentivize and support the targeted development of integrated school-wide expertise (e.g., sensory or behavioral supports and services) to serve students who require more significant supports in the least restrictive placement.¹² This strategy would ensure that small schools, especially those operating as LEAs, not only develop the core capacity to educate the majority of students with disabilities but also develop school-wide expertise in at least one highly specialized area. This would allow parents of students with disabilities to exercise public school choice while ensuring that they are able to select schools with established expertise, thereby decreasing incentives for schools to create segregated programs.

It is important to note that this strategy provides more choice to students with disabilities than what is typically available in traditional public schools. However, in the interest of not diffusing resources to the point of undermining efforts to develop quality supports and services for students who require more significant supports, it does not guarantee that every charter school maintains the expertise necessary to educate every student with a disability. However, as outlined in the section regarding the adaptive-weighted lottery, charter schools that operate as an LEA must recognize that in accordance with federal civil rights statutes, they are ultimately required to provide a free appropriate public education to any student with a disability who enrolls either by providing the supports and services in-house or contracting with an external provider (e.g., another public school or a private school). One of the key values of cities being proactive about ensuring that all schools develop specialized expertise is ensuring parents can choose a school with established expertise that will enable their child to succeed.

12. In February of 2019, a working group of the Orleans Parish School Board presented a proposal to the board to adopt the existing Citywide Exceptional Needs Fund to shift from providing schools with funding based on student's individual needs to support what OPSB refers to as "Comprehensive Programming" to "support launch, expansion, and sustainability of highly specialized programming." Retrieved March 10, 2019 from: [https://www.boarddocs.com/la/nops/Board.nsf/files/B9AMSY5A9119/\\$file/19%20Board%20Cmte%20Mtg%20-%20CENF%20and%20DFF.pdf](https://www.boarddocs.com/la/nops/Board.nsf/files/B9AMSY5A9119/$file/19%20Board%20Cmte%20Mtg%20-%20CENF%20and%20DFF.pdf).

Key Components

Creating a robust continuum of special education supports and services in a city with significant charter sector options requires multiple steps to ensure that supply meets demand and students' civil rights are protected.

- 1) Track historical data to identify the number of students with specific disabilities by grade and geography.
- 2) Identify existing expertise and consequent opportunities for students who require significant supports to access schools with expertise according to distinct service and support areas (e.g., sensory, behavior, and cognitive supports) across the city (see Table 1 for the hypothetical model of a city with 30,000 students).
- 3) Ensure that all schools and respective oversight bodies (i.e., state education agency and authorizer) are aware of their responsibility to abide by federal and state statutes and regulations related to educating students with disabilities. This includes providing FAPE and LRE, either within the school or via contract with another school, to any student who elects to enroll in their school.
- 4) Identify gaps between enrollment (#1 above) and current expertise (#2 above) across the city.
- 5) Build on data regarding enrollment trends to appropriate and allocate funding to incentivize development and maintenance of integrated school-wide expertise. For example, this could mean training all staff on behavioral supports that enable students who require them to be educated in general education classrooms to the maximum extent appropriate, and ideally to spend the majority of their day in these classrooms.
- 6) Establish a rigorous peer quality review structure to proactively ensure that schools meet identified service standards (i.e., they can demonstrate the expertise required to provide high-quality special education and related services to students who require more significant supports).
- 7) Promote information related to integrated school-wide expertise as part of the parent information system (See Component #1) and adaptive-weighted lottery (see Component #3).
- 8) Track lottery preference, enrollment trends, and school-wide expertise to ensure that schools are maintaining expertise required to support students with more significant support needs and ensure that parents of students with disabilities are able to exercise choice.

TABLE I: City of Springfield (a hypothetical mid-sized district with total enrollment of 30,000 students)

| PROJECTED % OF STUDENTS WITH DISABILITIES: 13% | | | ELEMENTARY SCHOOLS (46%) | | MIDDLE SCHOOLS (23%) | | HIGH SCHOOLS (31%) | |
|-------------------------------------------------------|-----------------------|----------|--------------------------------------------------|------------|----------------------------------------------|------------|---------------------------------------------|------------|
| PROJECTED NUMBER OF STUDENTS WITH DISABILITIES: 3,900 | | | ASSUMPTION: 30 ELEMENTARY SCHOOLS @ 500 STUDENTS | | ASSUMPTION: 10 MIDDLE SCHOOLS @ 750 STUDENTS | | ASSUMPTION: 5 HIGH SCHOOLS @ 2,000 STUDENTS | |
| DISABILITY CATEGORY | % OF SWD ^A | # OF SWD | # BY | SCHOOLS W/ | # BY | SCHOOLS W/ | # BY | SCHOOLS W/ |
| SPECIFIC LEARNING DISABILITY (SLD) | 38.8% | 1,513 | 696 | All | 348x | All | 469 | All |
| SPEECH/ LANGUAGE IMPAIRMENT (SLI) | 17.3% | 675 | 310 | All | 155 | All | 209 | All |
| OTHER HEALTH IMPAIRED ^D (OHI) | 15.0% | 585 | 269 | All | 135 | All | 181 | All |
| AUTISM | 9.1% | 355 | 163 | 14 | 82 | 7 | 110 | 4 |
| INTELLECTUAL DISABILITY | 6.9% | 269 | 124 | 10 | 62 | 6 | 83 | 4 |
| EMOTIONAL DISTURBANCE | 5.7% | 222 | 102 | 8 | 51 | 4 | 69 | 3 |
| DEVELOPMENTAL DELAY | 2.5% | 99 | 45 | 4 | 22 | 3 | 30 | 2 |
| MULTIPLE DISABILITIES | 2.1% | 82 | 38 | 4 | 19 | 3 | 25 | 2 |
| HEARING IMPAIRMENT | 1.1% | 43 | 20 | 4 | 10 | 2 | 13 | 2 |
| ORTHOPEDIC IMPAIRMENT | 0.7% | 27 | 13 | 2 | 6 | 2 | 8 | 2 |
| TRAUMATIC BRAIN INJURY | 0.4% | 16 | 7 | 2 | 4 | 2 | 5 | 2 |
| VISUAL IMPAIRMENT | 0.4% | 16 | 7 | 2 | 4 | 2 | 5 | 2 |

A. Percentage based on national averages reported by the United States Department of Education.

B. Every school should anticipate enrolling and be prepared to provide accommodations and modifications for students with SLD, SLI, and OHI as well as students from the remaining disability categories who require personnel with less specialized expertise and be prepared to provide requisite supports and services.

C. Every school should be required to develop school-wide expertise in at least one area which may be appropriate for students with a variety of disabilities who require more significant support needs (e.g., schools with expertise in behavioral supports may be ideal for students with autism as well as students with emotional disturbance).

D. Students with “other health impairments” may include students who require limited supports as well as students who require significant supports.

Table 1 outlines how the development of school-wide expertise could be operationalized in the city of Springfield, a hypothetical mid-sized district with 30,000 students. Assume that 13% of the students have identified disabilities and the district serves 3,900 students, with a projected 46%, 22%, and 31% enrolled at the elementary, middle and high school level respectively. Based on national averages, we assume that the majority of students will have “high-incidence” disabilities (i.e., SLD, 38%; SLI, 17%; and OHI, 15%, ASD, 9%, ID, 7%, and ED, 6%). The remaining 7% of students will have disabilities categorized as low-incidence and who typically require more significant supports (e.g., DD, MD, HI, OI, TBI, and VI). Based on these assumptions, Table 1 outlines how many students we anticipate enrolling at each grade level (e.g., there will be 696 students with SLD enrolled in elementary schools in Springfield). Then, we project how many schools should develop school-wide expertise that will support schools’ ability to sustain high-quality supports for the purpose of educating every student in the least restrictive environment possible while also ensuring students have choice. As noted previously, all schools must be open to all students and all decisions regarding placement must be made with an IEP team, but some schools may partner with one another to access specialized services as opposed to developing specific expertise themselves. However, to reiterate, all schools will be required to develop expertise in at least one area to serve students **whose IEP team has determined they require more significant supports**. For example, based on the assumption that there will be 43 students with hearing impairments enrolled in schools in the city of Springfield, four elementary schools, two middle schools, and two high schools will be expected to develop and sustain expertise to support students with hearing impairments. Additionally, based on the assumption there will be 355 students with autism, 14 elementary schools, seven middle schools, and four high schools will be expected to develop and sustain school-wide expertise to support students with autism in the least restrictive environment. For the school that develops expertise to serve students with sensory impairments, the school may invest in specific assistive technology devices and training for all teachers.

Implementation Details

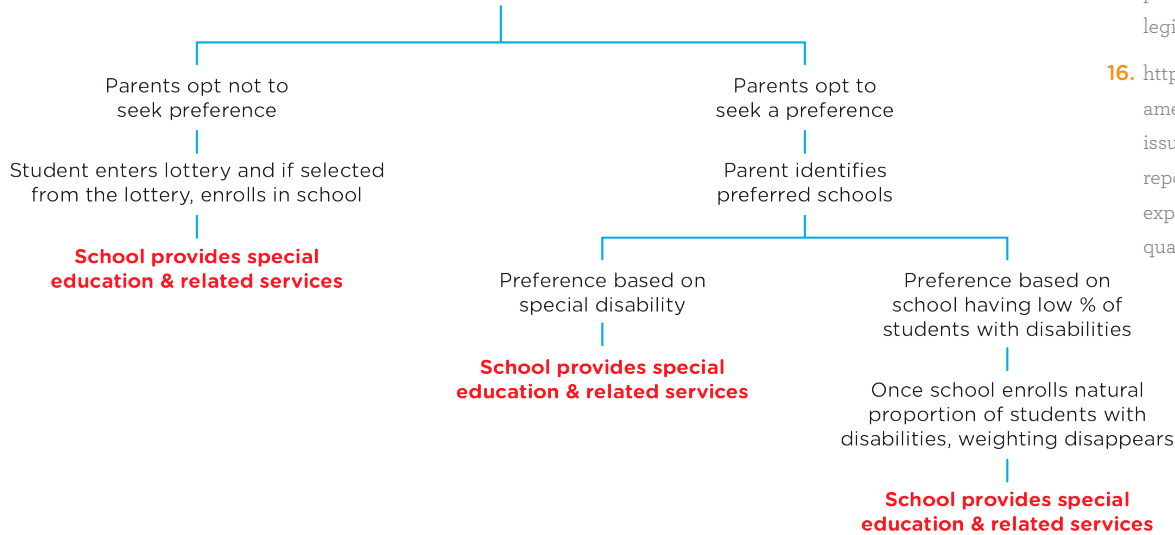
- » **Timeline to implement:** Three to five years to build robust school-level expertise and fully implement a weighted lottery that would facilitate parents accessing schools with specific expertise
- » **Policy changes:** None, except for charter schools that are autonomous LEAs, which may need to develop policy related to schools providing FAPE by contracting with another school with developed expertise
- » **Fiscal implications:** Costs associated with the development and operation of school-wide integrated specialized expertise and campaign to engage and inform parents of options
- » **Barriers to overcome:** Lack of engagement in and commitment to city-wide problem solving; potential resistance on the part of schools to developing and sustaining expertise; and guarding against schools defaulting to inappropriately segregated programming



#3: ADAPTIVE-WEIGHTED LOTTERY



Adaptive-Weighted Lottery



13. <https://www.americanprogress.org/issues/education-k-12/reports/2018/11/13/460771/expanding-access-high-quality-schools/>.

14. <https://www.crpe.org/publications/unifying-enrollment-guide>.

15. <https://www2.ed.gov/programs/charter/legislation.html>.

16. <https://www.americanprogress.org/issues/education-k-12/reports/2018/11/13/460771/expanding-access-high-quality-schools/>.

Challenge: Absent a centralized means to ensure that parents of students with disabilities can identify and access schools prepared to provide quality supports and services, responsibility for educating students with disabilities is not equally distributed across all schools in the city.

Universal enrollment systems are being adopted by cities across the nation to address concerns regarding equitable access to schools in cities offering parental choice.¹³ While each system is unique, common features include — but are not limited to — a standard application, common application deadline, and management of the enrollment lottery by a single, centralized entity.¹⁴ In line with state or individual authorizer policy, some of these lottery algorithms include weights to give certain groups preference in the lottery. For instance, the lottery in DC gives preference to siblings, whereas the Memphis lottery gives preference by geography. However, while permitted under federal law (see non-regulatory guidance released in 2014¹⁵) to date, universal enrollment systems have generally not incorporated preferences for students with disabilities.¹⁶

An adaptive-weighted lottery provides students with disabilities with a weighted admissions preference to access schools offering programs aligned with their unique needs, or schools that enroll fewer than the district average of students with disabilities to help bring the schools up to a “natural,” or proportionate, share of students with disabilities. Once schools have enrolled a proportionate share of students with disabilities, students can still access the school but the weighting would disappear.

As part of a multi-pronged investment in ensuring that students with disabilities can readily access schools of choice, an adaptive-weighted lottery would be a critical tool for distributing students in natural proportions, a means to advance the goal of inclusion, and a resource to schools prepared to offer high-quality programs. A robust accountability system (see Component #5) would ensure that schools develop programs or, alternatively, contract with external providers for the services and consequences (e.g., corrective action plans designed to improve the school’s supports and services for students with disabilities) for schools that fail to attract students with disabilities. This would also counter the current phenomenon emerging in high-choice districts such as New Orleans, Newark, and Washington, D.C., in which schools that serve students with disabilities well end up serving a disproportionately large number of such students. This phenomenon undermines the goals of inclusion and places an unsustainable financial burden on schools that educate students with disabilities well. Conversely, schools that do not develop programs or serve students with disabilities end up enrolling a disproportionately small number of students as parents are counseled out or self-select out of these schools. Over time, and in concert with capacity-building efforts and accountability systems central to the framework, schools would be required to develop requisite expertise to educate students with disabilities or risk loss of funding and, potentially, loss of their charter.

Key Components

An effective adaptive-weighted lottery would require the following components:

- 1) Authorizers expect all schools that are local education agencies to be able to readily serve the roughly 90% of students who have mild to moderate disabilities. In addition, every school is expected to develop school-wide expertise in one specific area (e.g., sensory or cognitive supports and services) to serve the 10% of students with more significant disabilities who require more specialized supports, with

the goal of maximizing the extent to which the student can be served in the least restrictive environment appropriate (for more details, see Component #2, Integrated School-Wide Specialization).

- 2) Parents have the option to enter the universal enrollment with/without identifying their child as having a disability. That is, they can enter the system blind as a safeguard against perceptions that sharing information about their child's disability might limit their choices, or elect to indicate their child has a disability in order to take advantage of the weighted lottery.
- 3) Parents have access to a dynamic parent information system (see Component #1) identifying which schools have developed integrated specialization. For example, this might mean identifying a school that has been trained to support students with emotional disturbance but students are served in inclusive settings, albeit with varying levels of push-in or pull-out supports.
- 4) Students with specific disabilities are provided a preference (i.e., weight) for programs that provide services outlined in their Individualized Education Program (IEP), but weighting disappears once schools have reached a "natural" proportion of students with disabilities.
- 5) Students with disabilities are provided with a preference (i.e., weight) to any school that does not have a "natural" proportion of students with disabilities. The weight disappears once a "natural" proportion is reached in the lottery.
- 6) An authorizer or alternative centralized coordinating entity (e.g., local education champion organization or state education agency) tracks lottery preference data to identify schools that are not being selected by parents of students with disabilities as a flag to examine policies and practices that may be discouraging these parents.

Implementation Details

- » **Timeline to implement:** Two to three years, given the need to build schools' capacity and develop an intentional community engagement campaign
- » **Policy changes:** Authorizer/school may need to amend state charter law to allow for a weighted lottery
- » **Fiscal implications:** Costs associated with developing new adaptive-weighted lottery algorithm and development of integrated specialized expertise
- » **Barriers to overcome:** Schools that have not developed adequate supports for students with disabilities may resist a lottery system explicitly designed to ensure that all schools serve a natural proportion of students with disabilities

#4: RESPONSIVE AND EQUITABLE SPECIAL EDUCATION FUNDING SYSTEM^{17, 18}



Challenge: Systems of schools must distribute resources in a manner that ensures resources follow students and both support and enable best practices.

Public schools—traditional and charter alike—receive their operating revenues from three primary sources: local property taxes, state per-pupil allocations, and federal aid programs.¹⁹ While acknowledging that lack of funding is a near-universal problem for all public schools as well as the importance of funding formulas supporting best practice rather than determining actual practice,²⁰ there are strategies evolving designed to ensure that dollars follow students but do not serve as an incentive to over-identify students or serve students in unnecessarily restrictive settings. For instance, the city of New Orleans has been particularly proactive in the area of special education funding, developing a progressive funding formula in 2014 that incorporated a weighted funding formula based on students' diagnosis and hours of services provided²¹ as well as a **city-based risk pool** that introduced an additional source of revenue and review for schools providing more significant supports. Such a progressive funding formula can provide schools with the financial support they need while mitigating the incentives for over-identification. However, challenges remain, in part due to limited resources in many cities and a general misalignment between desired practices and the manner in which dollars are distributed. Therefore, focused efforts to improve the

17. Section draws from *Getting Lost While Trying to Follow the Money: Special Education Finance in Charter Schools*, CLE's *Model Policy Guide* and special education funding policies evolving in New Orleans with specific acknowledgement of insight provided by Adam Hawf.

18. Note that states and districts have been working to develop effective funding systems to support the education of students with disabilities for decades. While it would be shortsighted to propose a city-wide approach to providing quality special education services, we acknowledge that this component is unique in that it will require significant commitments on the part of state and local policymakers committed to improving outcomes for students with disabilities.

19. U.S. Department of Education (2014). Revenues and expenditures for public elementary and secondary school districts: School year 2011-12 (Fiscal year 2012). Washington, DC: Institute of Education Sciences. Retrieved July 1, 2015 from: <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2014303>.

20. Kolbe, T. (2019). *Funding Special Education: Charting a Path that Confronts Complexity and Crafts Coherence*. Boulder, CO: National Education Policy Center. Retrieved [date] from <http://nepc.colorado.edu/publication/special-ed>.

distribution and allocation of dollars to provide effective supports and services to students with disabilities must be part of any coherent citywide strategy.

Key Components

An effective adaptive-weighted lottery would require:

- 1) Data regarding funding, service provision, placement, and enrollment trends
- 2) Funding formula alignment with best instructional practices (in other words, that incentivizes adoption of these practices) and incorporation of disability category and level and quantity of services outlined on student's IEP
- 3) Stakeholders buy-in to the collaboration required to drive legislation to introduce a new funding formula that ensures dollars follow students
- 4) Local city-based risk pool funded and administered by participating districts and schools
- 5) Peer review teams comprised of district, school, and parent representative that inform decisions regarding risk pool on a quarterly basis to ensure pool does not serve as an incentive to over-identify or serve students in more restrictive settings than appropriate

21. Cowan Institute. (2016)
A primer on differentiated funding. Retrieved March 10, 2019 from: <http://www.thecoweninstitute.com.php56-17.dfw3-1.websitetestlink.com/uploads/CI-Differentiated-Funding-Draft-1505855257.pdf>.

Implementation Details

- » **Timeline to implement:** 18–36 months to collect information regarding average costs, make policy changes, and engage stakeholders to build buy-in essential to effective implementation
- » **Policy changes:** Potential need to change or seek a waiver of state special education funding formula
- » **Fiscal implications:** Costs associated with collecting data regarding the cost of special education services and a system to track diagnoses and service provision in order to inform differentiated funding
- » **Barriers to overcome:** Efforts to ensure dollars follow students may lead to some districts/schools receiving fewer dollars, and these stakeholders may resist such changes

New Orleans Progressive Special Education Funding

2014-2015 CityWide Exceptional Needs Fund

The CENF is a special purpose fund created to help all public schools in New Orleans meet the needs of their students with IEPs, especially those who are not adequately funded through the state's High Cost Services allocation. The primary goal in creating this fund is to ensure that all public schools in New Orleans receive sufficient funding to cover the costs associated with serving students with significant disabilities.

In 2017, OPSB distributed \$1.3 million to 12 schools through the CENF. Applications for individual students ranged from \$14,000 to over \$100,000; the average award across the pool of applications is \$5,540 per student.

2016-2017 Citywide Differentiated Funding Formula

Under the CDFF, OPSB distributes state and local funding based on student's disability and hours of services provided. With a total of five tiers, the funds provide up to \$30,000 per student with a disability.

Source: Orleans Parish School Board. (2019). Specialized Programming Working Groups



#5: ROBUST HUMAN CAPITAL STRATEGY



Challenge: Students with disabilities need committed school leaders and qualified general and special teachers as well as trained specialists, but there is a near universal shortage of qualified applicants.

Leaders who lack a clear understanding of the complexities of educating students with disabilities or a commitment to high expectations for all learners, along with teacher shortages and turnover, are common challenges in both traditional and charter schools. These challenges can undermine efforts to build and sustain quality special education teams.²² While individual schools may leverage a variety of strategies to fill vacancies, the critical shortage requires a more comprehensive and sustainable strategy. This includes potential policy changes related to credentialing and reciprocity as well as rethinking staffing models to leverage the impact of the inevitably limited number of excellent educators. Building on emerging best practices and research related to leader and teacher recruitment and retention, a robust city-wide human capital strategy that incorporates intentional efforts to increase the quantity and quality of committed leaders, teachers, and specialists (including both traditionally and alternatively credentialed professionals) could reduce attritional challenges and build a better teacher workforce. Examples of strategies already being implemented include but are not limited to 1) formal partnerships with colleges and universities to develop focused pipelines,²³ 2) leadership fellowship programs that cultivate a commitment to high expectations for every student, 3) teacher apprenticeships and new staffing models that leverage highly-skilled lead teachers to build the skills of less-experienced teachers or provide an alternative pathway to certification,²⁴ and 4) targeted develop-your-own initiatives that train paraprofessionals to secure full teaching credentials.²⁵ While every city operates within a unique

22. Preparing and retaining effective special education teachers: Short-term strategies and long-term solutions. <http://cedar.education.ufl.edu/wp-content/uploads/2019/02/CEEDAR-GTL-Shortages-Brief-508.pdf>

23. NCSECS (2016) Chime Institute in Harmony with Student Needs. https://static1.squarespace.com/static/52fe4b069fc72abb0c8/t/5a78e43871c10b75414450a6/1517872185853/NCSECS.PP1.Chime_web%2Bcopy.pdf

24. NCSECS (2018). Centers of Excellence Project: Brooklyn Lab Charter Schools. [https://caldercenter.org/publications/reaching-further-and-learning-more-evaluating-public-impacts-opportunity-culture](https://static1.squarespace.com/static/52feb326e4b069fc0c8/t/5a57a46d0d92975070cd9180/1515693175214/COE%3A+Brooklyn+LAB; Benjamin Backes, Michael Hansen (2018). Reaching Further and Learning More? Evaluating Public Impact's Opportunity Culture Initiative. CALDER Working Paper No. 181 <a href=)

context shaped by the broader community's resources, building an intentional human capital strategy is critical to developing and sustaining successful schools.

Key Components

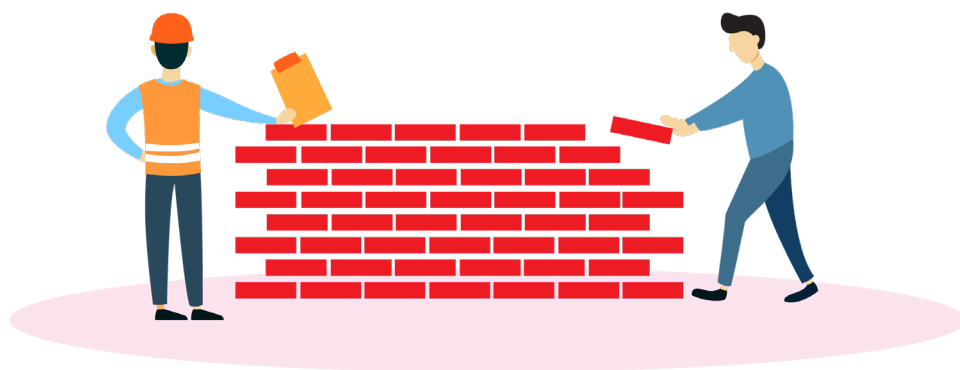
- 1) Data regarding specific teacher shortages (e.g., high-school special education teachers)
- 2) Commitment by key stakeholders (e.g., charter schools, authorizers, and charter support and special education advocacy organizations) to cultivating leaders who understand and embrace responsibility to create equal educational opportunities for all students
- 3) Knowledge of factors contributing to shortage (e.g., state regulations that may impede hiring of teachers or specialists or lack of financial support for teacher preparation programs)
- 4) Task force to develop actionable strategy to address regional human capital needs
- 5) Partnership with local institutions of higher education that prepare leaders, teachers, and specialists (e.g., Council of Chief State School Officer's Advancing Inclusive Principal Leadership State Initiative or Special Education Leader Fellowship ²⁶)
- 6) Citywide special education teacher and coordinator professional developing, coaching, and mentoring initiative
- 7) Technical assistance to schools and CMOs to adopt new staffing models that extend the reach of excellent special educators

25. Morrison, J., & Lightner, L. (2017). Putting paraeducators on the path to teacher certification. *Phi Delta Kappan*, 98(8), 43-47. <https://doi.org/10.1177/003171717708294>; Cowan, J., Goldhaber, D., Hayes, K., & Theobald, R. (2016). Missing elements in the discussion of teacher shortages. *Educational Researcher*, 45 (8), 460-462.
26. <https://ccsso.org/blog/ccsso-announces-principal-initiative-focused-boosting-achievement-students-disabilities>; <https://selfnola.org/>

Implementation Details

- » **Timeline to implement:** 24-36 months to conduct root-cause analysis, launch task-force, develop an action plan, and secure funds to launch leader, teacher, and specialist pipeline initiative(s)
- » **Policy changes:** Examine and, if appropriate, seek to address barriers to securing teachers/specialist credentials
- » **Fiscal implications:** Costs associated with conducting root-cause analysis and developing/launching strategic solutions
- » **Barriers to overcome:** Securing adequate buy-in from a diverse portfolio of schools regarding the value of collectively developing a robust human-capital pipeline that will decrease the instructional and financial costs associated with teacher turnover

#6: SPECIAL EDUCATION CAPACITY-BUILDING AND COORDINATION INFRASTRUCTURE



Challenge: Systems of autonomous schools require access to highly specialized expertise that may be difficult for individual schools to develop or sustain.

Specialized expertise related to educating students with disabilities is frequently held within large and small public school district central offices. This is because it is nearly impossible for an individual school to amass and sustain the instructional and regulatory expertise required to navigate the multiple complex layers involved with managing federal, state, and, in some instances, local rules and regulations. Lack of access to qualified personnel and limited resources can hinder individual schools' efforts to build sustainable capacity to educate students with disabilities. To date, charter schools have generally attempted to essentially muddle through by developing some degree of expertise internally or by affiliating with an external entity to bolster their expertise related to educating students with disabilities.

A streamlined, centralized special education infrastructure can ensure that charter schools have access to specialized instructional, regulatory, legal, and technical expertise, as well as robust professional development. However, care must be given to avoid recreating centralized bureaucracies that can drive up costs but do little to substantively improve student outcomes. There are currently special education collaboratives or cooperatives operating, or in the process of developing, in Buffalo, Denver, Nashville, New Orleans, New York City, Washington, D.C., and Washington state. In addition, districts such

as the Los Angeles Unified School District have negotiated collaborative-like relationships with charter schools within their boundaries in order to support their capacity to educate students with disabilities. Each infrastructure operates in a slightly different way, but in general the business model involves securing start-up funding to launch the organization — or expand an existing organization — after which membership schools pay a fee to the infrastructure in return for a variety of supports and services (see textbox below). Depending on the relative financial condition of the schools, the organization may need to supplement membership dues with philanthropic support or government grants/contracts.

Key Components

- 1) Robust needs assessment to determine the supports and services required by charter schools
- 2) Planning period to engage schools to build buy-in and solidify a business model
- 3) Clear and persuasive value proposition (e.g., the school will secure higher quality supports or realize economies of scale by joining a larger infrastructure)
- 4) Start-up seed/incubation funding
- 5) Sustainable revenue model (e.g., schools pay annual subscription/membership fee to join infrastructure)
- 6) Infrastructure is governed by representatives of charter schools and authorizer
- 7) Infrastructure manages integrated school-wide specialization development fund

Sample Special Education Infrastructure Menu of Services

Professional Development (PD)

- » Offer robust annual summer “boot camp”
- » Develop quarterly PD for special education coordinators and teachers
- » Offer annual “Special Education 101” training for general education personnel
- » Provide coaching and mentoring for special education coordinators and teachers

Technical Assistance

- » Host monthly networking meetings
- » Offer on-call, customized telephone support
- » Provide complex-case analysis and support
- » Provide support related to developing and managing Child Find teams
- » Serve as liaison to statewide Medicaid filing support structure

Human Capital Support

- » Develop and maintain online directory of service providers
- » Develop feeder pattern relationships with local colleges and universities that train special educators
- » Publish tools to support teacher and specialist recruitment, selection, hiring, and onboarding
- » Develop teacher and specialist performance metrics and evaluation tools
- » Develop legal counsel referral network

Parent Support

- » Develop resources to help parents of students with disabilities navigate the charter school enrollment process
- » Provide information sessions regarding uniform enrollment for parents of students with disabilities

Advocacy and Communication

- » Collaborate with traditional public schools on issues related to enrolling and educating students with disabilities
- » Serve as liaison to state charter association regarding special education issues
- » Maintain website and listserv for special education coordinators

Implementation Details

- » **Timeline to implement:** 12-24 months to conduct a needs assessment, secure start-up support, generate buy-in, and develop a strategic business plan
- » **Policy changes:** None unless the infrastructure is an extension of the district or an education service agency
- » **Fiscal implications:** Costs associated with start-up and effectively articulating value proposition to charter school leaders and special education directors
- » **Barriers to overcome:** Securing adequate buy-in from potential membership schools in the absence of rigorous accountability or provision of high-quality special education and related services



#7: NUANCED ACCOUNTABILITY SYSTEM ADMINISTERED BY THE CHARTER SCHOOL AUTHORIZER



Challenge: Charter school authorizers have generally utilized relatively blunt instruments (e.g., absolute performance) to assess the quality of charter schools, thereby creating a disincentive for charter schools to serve students with disabilities, especially students who require more significant supports and services or who may not be able to meet state standards.

Charter school authorizers have an explicit responsibility to ensure that charter schools fulfill the obligations outlined in their charter, including educating students with disabilities. However, in order to fulfill their responsibilities related to ensuring that students with disabilities can access charter schools, authorizers require far more nuanced performance metrics to track the progress of these students. Unfortunately, current high-stakes accountability structures often penalize schools that serve a proportionate share of students with disabilities or students with more significant support needs by failing to effectively track or reward schools for driving growth for students with disabilities. A more nuanced accountability structure would acknowledge and reward schools for providing high-quality supports and services to students with disabilities. It would also reduce existing incentives to counsel out students in an effort to meet high-stakes accountability systems based on absolute performance. Moreover, such a system would minimize the disincentive to enroll while simultaneously pushing schools to

maintain high standards for students with disabilities and valuing growth over absolute performance. Authorizers would use this data on an annual basis to provide targeted supports, feed information into the parent information system, and inform renewal decisions. A school that serves few students with disabilities or is unable to demonstrate growth for students with disabilities should not be renewed absent an explicit plan to ensure students with disabilities can access and succeed similar to their peers without disabilities.

Key Components

- 1) Authorizer, potentially in partnership with state education agency, tracks key special education data points (e.g., enrollment overall and by disability type, attendance, mobility, performance, growth, and discipline)
- 2) A nuanced accountability system that acknowledges the growth of students with disabilities as well as absolute performance rather than just compliance
- 3) Authorizer explicitly holds charter schools accountable for enrollment and progress of students with disabilities (i.e., persistently low enrollment numbers or lackluster results would trigger intervention and potentially revocation or nonrenewal)
- 4) Authorizer leverages data from the universal enrollment system (i.e., which schools are being selected or not selected by parents of students with disabilities) to focus program development efforts
- 5) Authorizer, potentially in partnership with the state education agency, uses its authority to hold schools accountable for providing FAPE and LRE (i.e., schools that fail to provide FAPE and LRE are at risk of losing their charter)



Implementation Details

- » **Timeline to implement:** 12-18 months to develop and roll out a nuanced performance framework that measures success with students with disabilities
- » **Policy changes:** Authorizer policy and potentially, state charter school law that explicitly measures progress and outcomes for students with disabilities
- » **Fiscal implications:** Costs associated with developing, piloting, and rolling out a new performance framework
- » **Barriers to overcome:** Development of productive relationships between authorizers and state education agencies to share data and ensure that accountability systems prioritize quality services over compliance or proficiency rates



ANTICIPATED OUTCOMES

The achievement gap between the more than seven million students with and 51 million students without disabilities is significant and persistent in public schools across the nation. The growth of the charter sector has introduced autonomy and flexibility, thereby creating new opportunities to accelerate the development and adoption of high-quality supports and services for students with disabilities. However, to date the sector has not fully optimized this opportunity, in part due to notable structural challenges that have diffused responsibility, stretched scarce resources, and limited accountability. As the country works to recover from the devastating effects of the COVID-19 pandemic, we must identify effective strategies, including optimizing the flexibility extended to charter schools, to accelerate learning for our most complex learners. We propose that a multi-pronged strategy to address these challenges will catalyze the development of effective, inclusive supports and services for students with disabilities in charter schools, and potentially in traditional public schools as well. A citywide, high-quality, cost-effective continuum of special education services will enable students with disabilities to exercise public school choice on par with their peers, thereby creating additional opportunities to decrease the perennial achievement gap between students who qualify for special education and their peers.

We challenge municipal leaders, charter school and special education advocates, and philanthropists committed to improving outcomes in highly decentralized systems to partner and explore the potential to adopt the framework in their city. We propose that our solutions-oriented framework provides a blueprint to develop an effective and efficient continuum of supports and services for students with disabilities in cities with a large number of—or a large proportion of students enrolled in—charter schools, and that it will enable the sector to reach its potential by leveraging the forces of autonomy and flexibility to increase opportunities for students with disabilities.

ACKNOWLEDGED CHALLENGES

Effectively implementing the framework will require that policymakers and practitioners overcome notable barriers to change outlined under each of the respective components. However, failing to address the challenges associated with successfully educating students with disabilities in cities with a large percentage of charter schools is a significant missed opportunity to improve outcomes for students with disabilities. Furthermore, not implementing these changes may further undermine the credibility of the charter sector as city after city experiences controversies associated with failure to ensure charter schools abide by crucial federal civil rights statutes.

KEY IMPLEMENTATION DRIVERS

In addition to the technical elements of the framework outlined above, there are key implementation drivers that we propose will be essential to successfully adopting the framework: catalytic leadership and political will and start-up funding.

Catalytic Leadership and Political Will

We anticipate that visionary leadership by a centralized entity (e.g., a mayor, authorizing district, or city-based quarterback organizations) that has both political will and skill as well as financial resources to invest in critical start-up functions (e.g., seeding creation of the parent information system, developing the adaptive-weighted lottery, and appropriating resources to build school-wide expertise to serve students with moderate to significant support needs) will be central to implementing the framework. The catalytic leader, whether an individual or an organization, will need to be able to articulate the value proposition to policy makers, school/network leaders, and funders, who experience has demonstrated are well versed in these challenges but generally resistant to changes that could reduce charter school autonomy. There are two aspects of the value proposition:

- 1) Students with disabilities have a civil right to exercise choice options that other students enjoy, and schools of choice represent a unique opportunity to create and provide effective supports and services for our most complex learners.

- 2) Charter schools' failure to fulfill their responsibility to uphold the civil rights of students with disabilities undermines the legitimacy of the charter sector, which was built on the proposition of improving life outcomes for historically marginalized students.

Funding to Launch

Significant funding is necessary to conduct city-specific needs assessments, develop key systems, generate stakeholder buy-in, develop a communication campaign, seek legislative changes, and build capacity for both schools and authorizers. In some instances, the investment would be modest and involve adapting an existing structure (e.g., the Family Resource Centers in New Orleans or My School DC in Washington, D.C.) or expanding existing procedures, for instance improving accountability structures. In others, particular components of the framework (e.g., robust parent information system, effective funding, or adapted weighted lottery) might require an entirely new structure, thereby involving a significant investment. Therefore, it is difficult to project the total cost to adopt the model aside from acknowledging that an infusion of start-up funding would be critical to thoughtful planning and implementation.

APPENDIX

APPENDIX A: GLOSSARY OF ACRONYMS AND DEFINITIONS

Acronyms

| | |
|-------|-------------------------------------------------------------------------------------------------------------------|
| ADA | Americans with Disabilities Act |
| ED | U.S. Department of Education |
| EIS | Early intervening services (could also be early intervention services— see Part 2: Definitions) |
| ESSA | Every Student Succeeds Act (the most recent reauthorization of the Elementary and Secondary Education Act [ESEA]) |
| 504 | Section 504 of the Rehabilitation Act of 1974 |
| FAPE | Free appropriate public education |
| FERPA | Family Educational Rights and Privacy Act |
| IDEA | Individuals with Disabilities Education Act |
| IEP | Individualized education program |
| LEA | Local education agency (school district) |
| LRE | Least restrictive environment |
| OCR | Office for Civil Rights |
| OSEP | Office of Special Education Programs |
| RTI | Response to intervention (see Part 2: Definitions) |
| SEA | State education agency |

APPENDIX B: DEFINITIONS

Key Terms

ACCOMMODATIONS

Changes in the administration of an assessment, such as setting, scheduling, timing, presentation format, response mode, or others, including any combination of these, that do not change the construct intended to be measured by the assessment or the meaning of the resulting scores. Accommodations are used for equity, not advantage, and serve to level the playing field for a student with a disability. To be appropriate, assessment accommodations must be identified in the student's Individualized Education Program (IEP) or Section 504 plan and used regularly during instruction and classroom assessment.

ACHIEVEMENT TEST

An instrument designed to efficiently measure the amount of academic knowledge and/or skill a student has acquired from instruction. Such tests provide information that can be compared to either a norm group or a measure of performance.

ALTERNATE ASSESSMENT

The term used for tests that gather information on the standards-based performance and progress of students whose disabilities preclude their valid and reliable participation in general assessments. Alternate assessments measure the performance of a relatively small population of students who are unable to participate in the general assessment system, with or without accommodations, as determined by the IEP team. There are different types of alternate assessments a state may adopt under the NCLB requirements. First, states must make available an alternate assessment based on grade level achievement standards. Then, there are two other alternates states may develop: the "alternate assessment based on alternate achievement standards" designed for students with the most significant cognitive disabilities and the "alternate assessment based on modified achievement standards" for students who cannot be expected to achieve grade level standards within one school year and who need a less complex assessment to demonstrate their knowledge of those standards.

AUTHORIZER

The office or organization that accepts applications, approves, exercises oversight and, after the period of approval, decides on renewal or revocation of a charter school. Some states use different terms for this role, such as sponsor.

AUTISM

According to the 2006 IDEA regulations 34 CFR §300.8(2)(c): (i) Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance

to environmental change or change in daily routines, and unusual responses to sensory experiences. (ii) Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (c)(4) of this section. (iii) A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in paragraph (c)(1)(i) of this section are satisfied.

CHARTER SCHOOLS

Charter schools are independent public schools designed and operated by educators, parents, community leaders, educational entrepreneurs and others. They are authorized/sponsored by designated local or state educational organizations who monitor their quality and effectiveness, but allow them to operate outside of the traditional system of public schools. Most states use the term "charter school" although there are other terms in use for this type of school, such as "community school" used in Ohio and "public school academy" in Michigan.

CHILD WITH A DISABILITY

A child evaluated in accordance with IDEA regulations §§300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as "emotional disturbance"), an orthopedic impairment, autism, traumatic brain injury, another health impairment, a specific learning disability, deaf blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services [34 CFR §300.8(a)(1)]. (See also STUDENT WITH A DISABILITY)

DEVELOPMENTAL DELAY

Child with a disability for children aged three through nine (or any subset of that age range, including ages three through five), may include a child: (1) Who is experiencing developmental delays, as defined by the state and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and (2) who, by reason thereof, needs special education and related services [34 CFR §300.8(b)].

In addition: A State that adopts a definition of developmental delay under §300.8(b) determines whether the term applies to children aged three through nine, or to a subset of that age range (e.g., ages three through five). A state may not require an LEA to adopt and use the term developmental delay for any children within its jurisdiction. If an LEA uses the term developmental delay for children described in §300.8(b), the LEA must conform to both the state's definition of that term and to the age range that has been adopted by the state. If a state does not adopt the term developmental delay, an LEA may not independently use that term as a basis for establishing a child's eligibility under this part [34 CFR §300.111(b)].

EARLY INTERVENING SERVICES

Early Intervening Services (EIS) is a new section of the 2004 reauthorization of the IDEA that provides that an LEA may use not more than 15 percent of the amount the LEA receives under Part B of the

IDEA in combination with other amounts (which may include amounts other than education funds) to develop and implement coordinated, early intervening services, which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment [34 CFR §300.226].

EARLY INTERVENTION SERVICES

The term ‘early intervention’ is used to describe the programs and services provided to infants and toddlers under Part C of IDEA who are experiencing developmental delays or have a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.

EMOTIONAL DISTURBANCE

Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance: (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors. (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers. (C) Inappropriate types of behavior or feelings under normal circumstances. (D) A general pervasive mood of unhappiness or depression. (E) A tendency to develop physical symptoms or fears associated with personal or school problems. (ii) Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under paragraph (c) (4)(i) of this section [34 CFR §300.8(c)(4)].

FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

Special education and related services that: (a) Are provided at public expense, under public supervision and direction, and without charge; (b) Meet the standards of the SEA; (c) Include an appropriate preschool, elementary school, or secondary school education in the state involved; and (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of IDEA §§300.320 through 300.324 [34 CFR §300.17].

HEARING IMPAIRMENT

An impairment in hearing, whether permanent or fluctuating, that adversely affects a child’s educational performance but that is not included under the definition of deafness in this section [34 CFR §300.8(c)(5)].

INCLUSION

Under special education, an approach that stresses educating students with disabilities, regardless of the type of severity of that disability, in the regular classrooms of their neighborhood schools and delivering special education and related services within the classroom to the extent possible.

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

An IEP is a written statement for a child with a disability that is developed, reviewed and revised in a meeting in accordance with IDEA regulations.

LEAST RESTRICTIVE ENVIRONMENT (LRE)

The IDEA requires that, to the maximum extent appropriate, school districts must educate students with disabilities in the least restrictive environment (LRE), i.e., in the regular classroom with appropriate aids and supports (referred to as “supplementary aids and services”) along with their non-disabled peers in the school they would attend if not disabled, unless a student’s individualized education program (IEP) requires some other arrangement. For further details on this concept, see the IDEA regulations at 34CFR §§ 114 through 120.

LOCAL EDUCATION AGENCY (LEA)

A public institution (often referred to as a school district) that has administrative control and direction of one or more public elementary or secondary schools. The term includes a public charter school that is established as an LEA under state law.

MODIFICATION

A change to the testing conditions, procedures, and/or formatting so that measurement of the intended construct is no longer valid and the score cannot be aggregated with scores from tests administered under standard conditions.

MULTIPLE DISABILITIES

Multiple disabilities means concomitant impairments (such as mental retardation-blindness or mental retardation-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness [34 CFR §300.8(c)(7)]

ORTHOPEDIC IMPAIRMENT

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child’s educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures)[34 CFR §300.8(c)(8)]

OTHER HEALTH IMPAIRMENT (OHI)

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that: (i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and (ii) Adversely affects a child’s educational performance [34 CFR §300.8(c)(9)].

QUALIFIED PERSONNEL

Under IDEA, qualified personnel means personnel who have met SEA-approved or SEA-recognized certification, licensing, registration, or other comparable requirements that apply to the area in which the individuals are providing special education or related services.

RELATED SERVICES

Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training [34 CFR §300.34(a)].

RESPONSE TO INTERVENTION (RTI)

RTI is a practice of providing high-quality instruction and intervention matched to student needs using data on the child's learning rate and level of performance to make important educational decisions about the necessity for more intense interventions or as part of evaluating eligibility for special education.

SPECIAL EDUCATION

Special education means specially designed instruction, provided at no cost to the parents, to meet the unique needs of a child with a disability, including-- (i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and (ii) Instruction in physical education. (2) Special education includes each of the following, if the services otherwise meet the requirements of paragraph (a)(1) of this section: (i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards; (ii) Travel training; and (iii) Vocational education [34CFR §300.39(a)].

SPECIFIC LEARNING DISABILITY

The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage [34 CFR §300.8(c)(10)].

SPEECH OR LANGUAGE IMPAIRMENT

A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance [34 CFR §300.8(c)(11)].

STANDARDIZED TEST

A standardized test is a test is administered with the same directions and under the same conditions (time limits, etc.) and is scored in the same manner for all students to ensure the comparability of scores.

Standardization allows reliable and valid comparison to be made among students taking the test. The two major types of standardized tests are norm-referenced and criterion-referenced.

STATE EDUCATION AGENCY

An SEA is the component of state government that is primarily responsible for the state supervision of public elementary and secondary schools.

STUDENT (CHILD) WITH A DISABILITY

In the Individuals with Disabilities Act, a child with a disability is defined as “a child evaluated in accordance with §§300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as “emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.”

Section 504 of the Rehabilitation Act of 1973 defines a “handicapped person” (outdated terminology) as “any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.”

TRANSITION SERVICES

A coordinated set of activities for a child with a disability that—

(1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(2) Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests; and includes—

- i. Instruction;
- ii. Related services;
- iii. Community experiences;
- iv. The development of employment and other post-school adult living objectives; and
- v. If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation. Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education [34CFR §300.43].