Building Capacity to Provide Quality Special Education Services and Supports:

A Toolkit of Emerging Best Practices and Opportunities for Charter Support Organizations

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Introduction

pproximately 6.4 million students—roughly 13 percent of the student population between ages 6-21—receive special education and related services in public schools every year. While students identified as eligible for special education require supports and services to help them succeed academically, the great majority are able to achieve the same academic outcomes as their peers without disabilities.² An estimated 300,000, or just under 11% of the total population of students enrolled in charter schools, receive special education supports.3 It is critical, therefore, to examine the degree to which charter schools are meeting the needs of students with special educational needs. To meet our ambitious goals for the sector, charter leaders must dedicate themselves to creating excellent opportunities for students both with and without disabilities. Charter support organizations (CSOs) can play an important role in creating these conditions for success.

This toolkit is designed to support CSOs in assisting charter schools to successfully educate students with disabilities.⁴

The Legal Foundation for Special Education in Public Charter Schools

For charter schools—and CSOs—to create conditions for students with disabilities to learn at high levels, they must understand the laws and policies that govern provision of services to students with disabilities. Ultimately, the charter sector's commitment to all students, including those with special learning needs, is an important measure of the sector's commitment to equality of opportunity.

The legal framework that shapes special education in the charter sector involves laws and policies at the federal, state, and local level.

Federal Laws

At the federal level, the rules and regulations that guide how we approach educating students with disabilities grew out of the civil rights movement. Four key federal laws frame special education practice in U.S. public schools today:

Continuum of CSO Supports



• Provide basic guidance during initial charter application phase

- Identify relevant resources
- Advocate for policies that support creation of quality special education programs
- Offer sessions at annual conference
- Forward information about supports provided by other entities

Moderate Supports

- Provide application guidance regarding special education as part of incubation process
- Provide updates and advice regarding compliance
- Maintain robust resource library
- Develop related services professional referral
- Maintain a link for parents on website with Q & A about special education

Intensive Supports

- Operate special education collaborative or cooperative
- Conduct and disseminate research regarding best practices
- · Offer robust individualized technical assistance
- Conduct program quality reviews

¹ U.S. Department of Education, National Center for Education Statistics (2012), Digest of Education Statistics, 2011 (NCES 2012-001), Chapter 2.

² Quenemoen, R., (2009). Students with Disabilities: Expectations, Academic Achievement, and the Critical Role of Inclusive Standards-Based Assessments in Improving Outcome. In Lindsay Pinkus (Ed.) Meaningful measurement: The Role of Assessments in Improving High School Education in the 21st Century. Washington, DC: Alliance for Excellent Education.

³ Rhim, L., & Kothari, S (2018). Key trends in special education in charter schools: Secondary Analysis of the Civil Rights Data Collection. New York, NY: National Center for Special Education in Charter Schools. http://www.ncsecs.org/crdc-analysis-13-14/.

⁴ This toolkit captures data collected via 1) a brief survey of CSOs in fall of 2017, 2) discussions with CSOs regarding their level of support for special education, and 3) prior research on special education collaboratives.

- The Elementary and Secondary Education Act of 1965⁵ (ESEA), reauthorized as the Every Student Succeeds Act (ESSA) in 2016, is a federal statute designed to provide states, districts, and schools with additional funding to benefit low-income children. With a focus on these students, the law includes provisions related to school accountability, choice programs, and implementation of effective practices based on research.
- The **Americans with Disabilities Act**⁶ (ADA) is a federal statute that protects individuals with disabilities from exclusion, segregation, and unequal treatment. The ADA requires public schools that receive federal funding to provide individuals with disabilities ready access to programs and activities. This access requires schools to meet specific architectural standards and make reasonable accommodations to policies, practices, and procedures to ensure that both students and parents can readily access school facilities and programs.
- Section 504 of the Rehabilitation Act of 1973⁷ prohibits recipients of federal funds-including public schoolsfrom discriminating against individuals with disabilities. Under this Act, schools are required to provide students with disabilities educational supports to meet their unique learning needs analogous to their peers without disabilities.
- The Individuals with Disabilities Education Act⁸ (IDEA) establishes specific guidelines regarding educating children with disabilities and provides financial support to states to provide those services. The law assigns primary responsibility for implementing the law to states, which in turn largely delegate the responsibility to individual school districts (i.e., "local education agencies" or LEAs).

Section 504 and IDEA further establish structures that shape how public schools—including charter schools—educate students with disabilities. Three particular terms and concepts are important to understanding these requirements:

• Individualized Education Program (IEP). Under IDEA, LEAs must provide each child found to be eligible for special education with an Individualized Education Program (IEP). IEPs outline an individualized plan to meet the student's educational needs, including goals for student progress and the specific services the LEA will provide.

- Free Appropriate Public Education (FAPE). Public schools are responsible for providing students with disabilities a free appropriate public education (FAPE), defined as a continuum of services and supports to provide a student with a disability access to the general education curriculum, provided at no cost to the public-school parent.
- Least Restrictive Environment (LRE). The principle of LRE dictates that children with disabilities should, to the greatest extent that it is possible and meets the student's educational needs, be educated in the general education classroom alongside their peers without disabilities and provided with appropriate aids and supports, to maximize their access to the general education curriculum. LRE builds on the civil rights principle that separate is by definition not equal.

State Laws

Although most state charter laws grant charter schools waivers from all or most state education statutes, these statutes still influence the contexts in which schools operate. For the purposes of special education, the key policy that impacts charter schools' services to students with disabilities is the charter's status as an independent LEA (local education agency) or part of an existing LEA.9

The federal IDEA assigns responsibility for educating students with disabilities to state education agencies (SEAs), which in turn delegate most responsibility to LEAs. Consequently, whether a charter school is its own LEA or part of an existing traditional LEA determines the manner in which the school serves students with disabilities.

Charter schools that operate as independent LEAs are wholly responsible for providing a full continuum of services to students with disabilities, just like a traditional public-school district. Charter schools that operate as part of an LEA generally have access to a variety of services for students with disabilities through the district central office. Charter schools' legal status, as either an independent LEAs or part of an existing LEA, also shapes how they receive and allocate federal, state, and local for all students, including students with disabilities.¹⁰

⁵ Every Students Succeeds Act: https://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf.

⁶ The ADA Standards for Accessible Design 2010 is available from the United States Department of Justice, Civil Rights Division at https://www.ada.gov

⁷ Section 504 of the Rehabilitation Act of 1973 (Section 504): http://www.hhs.gov/ocr/504.html. The U.S. Department of Education document Frequently Asked Questions about Section 504 and the Education of Children with Disabilities is available at http://www.ed.gov/about/offices/list/ocr/504faq.html?exp=0.

⁸ Individuals with Disabilities Education Act (IDEA), 20 U.S.C., \$ 1400 Section 300.34 (2004) http://idea.ed.gov.

⁹ Green, P. C. & Mead, J. F. (2004). Charter schools and the law: Chartering new legal relationships. Norwood, MA. Christopher-Gordon Publishers; Heubert, J.P. (1997). Schools without rules? Charter schools, federal disability law, and the paradoxes of deregulation. Harvard Civil Rights-Civil Liberties Law Review, 32, 301–353; Rhim, L M., Ahearn, E., & Lange, C. (2007). Toward a more sophisticated analysis of the charter school sector: Considering legal identity as a critical variable of interest. Journal of School Choice 1(3).

¹⁰ For more details regarding how special education is funded in the charter sector, see the "Getting Lost While Trying to Follow the Money" and the NCSECS Charter School Special Education Finance Project. http://www.ncsecs.org/state-data.

Local Charter Agreements

A charter school's agreement with its authorizer is the most local and specific document that influences how a charter school approaches educating students with disabilities, and how it will be held accountable. Most charter agreements outline specific roles and responsibilities of both the charter school and the authorizer with regard to special education services.

When a charter school is an independent LEA, for example, the agreement typically contains a brief statement of assurances that the school will comply with IDEA and other state and federal laws. When a charter school is part of an existing LEA, the charter agreement may simply state that the traditional LEA will be responsible for providing special education and related services. However, in most cases, the local district and the charter school share responsibility for provision of special education. In this case, the charter agreement or supplementary documents detail how the charter school and the LEA will navigate what must be a collaborative approach to service delivery for each student with a disability.

Survey of Charter School Support Organizations

In preparation for the National Alliance for Public Charter Schools' CSO Master Class on Special Education in December of 2017, we conducted a survey focused on documenting the services provided by the CSO to charters in their state related to educating students with disabilities and areas where the CSO needs assistance. We surveyed 43 CSOs and received 23 responses. Note, not all states with charter school laws have a CSO and conversely, some states have more than one CSO. These data informed the agenda of the Master Class.

A Continuum of Supports

Across the 23 survey respondents, a continuum of supports was evident, with some CSOs providing intensive levels of support through multiple means, and others having very little or no ability to help charter schools build their capacity related to educating students with disabilities. Discussions with CSOs reveal that their place on the continuum is influenced by many factors, including but not limited to their size and financial resources, and the needs of charter schools in their community or state.

The California Charter Schools Association, for example, provides a high level of support to its charter schools related to special education services. The CCSA is a charter membership organization dedicated to building the policy environment needed to grow as quickly as possible the number of students in California attending high quality charter public schools. CCSA provides state and local advocacy, leadership on accountability, and a variety of operational and support services to its members. Specifically with regard to special education services, the CCSA has a full-time staff member dedicated solely to special education work, provides technical assistance regarding special education during the charter application phase, provides ongoing professional development opportunities to charter school staff specific to special education, shares best practices across the charter sector in California, reviews Memoranda of Understanding between charter boards and local school districts, and engages in local and statewide policy advocacy on behalf of charter schools and students with diverse learning needs. For more information, see: http://www.ccsa.org/advocacy/special-education-adv/.

Similarly, the New York City Special Education **Collaborative** provides a high-level of support regarding special education services in charter schools. A service of the New York City Charter School Center, the Collaborative is a membership program that aims to empower charter schools to develop world-class special education programs by providing training, professional development, resources, and support. The Collaborative currently includes more than 200 charter schools in the New York City area with active membership of school leaders, special education coordinators, counselors, social workers, and general education staff. The Collaborative employs multiple fulltime staff members with special education expertise whose time is dedicated solely to special education work. The Collaborative provides its members with technical assistance during the charter application phase, offers ongoing professional development opportunities with programming specific to special education services, offers quality reviews of charter schools' special education programs, and provides general advocacy and compliance support to all of its members. For more information, see: http://www .nyccharterschools.org/specialeducation.

On a continuum of high-touch to low-touch support, the Massachusetts Charter Public School Association provides a medium level of support to its charter schools. Since the Association's founding in 2001, it has played a critical role in advocating for and creating community among one of the nation's highest-performing charter sectors through public policy advocacy, sharing of best practices, and provision of resources and services to schools. As part of their Charter School Program National Leadership Activities grant from the U.S. Department of Education, the Association has three staff members who are dedicated solely to special education work, and provide professional development opportunities for charters specific to special education services. The Association does not provide a particularly high level of support during charters' incubation, application, or start-up phase, or advocacy efforts specific to special education. However, through its Model Demonstration Program, Capacity Building Network,

Summary of Findings from Survey of CSO

	CSO	Special Education Supports	Other Related Supports
High-Touch	California Charter Schools Association	Staff member with special education expertise Technical assistance during application phase Professional development opportunities Programming specific to special education	The Association shares best practices, provides authorizer advocacy, reviews and assists with MOU negotiations, and engages in local and statewide policy advocacy
	New Jersey Charter Schools Association	 Staff member with special education expertise Technical assistance during application phase Programming specific to special education Special education quality reviews 	The Association has a partnership with the NJ Special Education Collaborative
	New York City Special Education Collaborative	 Staff member with special education expertise Staff member solely dedicated to special education work Technical assistance during application phase Professional development opportunities Programming specific to special education Special education quality reviews 	The Collaborative provides advocacy and compliance support for schools related to special education
	Washington State Charter Schools Association	 Staff member with special education expertise Technical assistance during application phase Professional development opportunities Programming specific to special education 	The Association helped to form a special education collaborative for Washington State charter schools, the True Measure Collaborative
Medium-Touch	Arizona Charter School Association	Staff member with special education expertise Professional development opportunities specific to special education	AZCSA uses a variety of consultants to help its schools
	Charter Schools Development Center, CA	 Staff member with special education expertise Technical assistance during application phase Programming specific to special education 	The Center provides assistance with set-up of special education consortia
	Colorado League of Charter Schools	 Staff member with special education expertise Technical assistance concerning special education provided to applicants during the charter application phase Professional development opportunities specific to special education 	The CLCS is considering developing a collaborative
	FOCUS, DC	Staff member with special education expertise Technical assistance during application phase Professional development opportunities	
	Idaho Charter School Network	Staff member with special education expertise Technical assistance during application phase	The Network arranged a conference around special education issues
	Illinois Network of Charter Schools	 Professional development opportunities Programming specific to special education Advocacy related to SPED funding and policy at the authorizer and state level 	The Network convenes Special Education directors, case managers, and teachers every six weeks
	Louisiana Association of Public Charter Schools	 Technical assistance during application phase Professional development opportunities Programming specific to special education 	LAPCS incubated the Louisiana Special Education Collaborative, which ultimately broke away as its own 501c3
	Massachusetts Charter Public School Association	Staff member solely dedicated to special education work Professional development opportunities	The Association provides individual school, regional and statewide networking, problem solving and professional learning opportunities, as well as a Specialist Network with related service providers for Special Education staff
	Texas Charter Schools Association	Staff member with special education expertise Technical assistance during application phase Professional development opportunities	TCSA drafts special education policies for its member schools
	Utah Association of Public Charter Schools	Technical assistance during application phase	The Association provides trainers or mentors to schools that require help with their special education programs

Summary of Findings from Survey of CSO (continued)

	CSO	Special Education Supports	Other Related Supports
Low-Touch	Delaware Charter Schools Network	Professional development opportunities specific to special education	DCSN looking to create a collaborative/cooperative
	Georgia Charter Schools Association	 Technical assistance concerning special education to applicants during the charter application phase Professional development opportunities specific to special education 	GCSA does not have any staff with expertise dedicated to special education. GCSA and charter schools in Georgia would benefit from a connection to a collaborative or cooperative to support charter schools with regard to special education needs.
	Hawaii Public Charter Schools Network	Not working on this issue currently	
	Indiana Charter School Network	Professional development opportunities	The Network is planning to offer discounted special education planning and administrative services
	Michigan Association of Public School Academies	Not working on this issue currently	The Association previously convened a special education collaborative to provide support, communication, and coordination for charter schools and special education service entities
	The New Hampshire Alliance for Public Charter Schools	Technical assistance during application phase	
	New Mexico Coalition for Charter Schools	Technical assistance during application phase	The Coalition also reviews schools' special education plans and makes referrals to agencies with special education expertise
	Pennsylvania Coalition of Public Charter Schools	Not working on this issue currently	
	Thomas B. Fordham Institute—Ohio	Not working on this issue currently	

and its Specialist Network, the Association does provide ongoing networking opportunities for charter schools to work with special education staff, and problem solving and development opportunities specific to special education. For more details see https://masscharterschools.org/about-us /capacity-building-network.

The New Hampshire Alliance for Public Charter Schools, a charter membership organization in New Hampshire, provides a low level of support regarding special education services. The Alliance does not have the capacity to support a full-time staff member with special education expertise to assist its member schools. As the Alliance's staff explains, "As a very small CSO, we often depend on our Board members to help educate our charter school members on the issues related to special education in charter schools. "It does provide technical assistance to charter school applicants during the application phase, but often seeks out online resources or national experts to bolster its own expertise and capacity to support charter schools' special education services. In addition, the Association actively advocates on behalf of members in the state legislature,

including closely monitoring issues related to funding and district's compliance with relatively complex guidance related to educating students with disabilities who enroll in charter schools. For more information see: http://www. nhcharterschools.org.

Special Education Supports: CSO Self-Assessment

The following tool is designed to help leaders and staff within CSOs to identify charter schools' greatest needs related to successfully meeting the requirements of students with a wide range of disabilities; assess the degree to which the CSO currently supports charter schools in providing high-quality special education services; and strategize about ways to close the gaps between schools' needs and the CSO's current supports.

The tool consists of four parts. The first engages the CSO team in a needs assessment of the charter schools they serve, helping to identify schools' greatest needs related to successfully enrolling and supporting students with a diverse range of abilities. The framework for this needs

assessment will guide the CSO's self-assessment and gap analysis going forward.

The second part guides a CSO through a self-assessment of its current services and supports to charter schools related specifically to their provision of high-quality special education services and supports.

The third and fourth parts combine the needs assessment and self-assessment into a gap analysis designed to guide the CSO's future planning to build or accentuate its special education-related supports to charter schools.

Each part combines into the overview table on page 8 All of these parts—and the resulting table putting it all together—are designed ideally to be used by leaders and staff within CSOs who hold responsibility for supporting charter schools' special education programs.

Part I: Needs Assessment. What are the greatest needs for charter schools in our state to successfully enroll and support students with a diverse range of disabilities?

In the table on page 8, the first column provides a framework by which to categorize the range of needs that individual charter schools—and the sector as a whole—may have related to successfully serving students with special needs. For Part I, focus on the second column, checking those needs that best capture the needs of charter schools in your sector.

Part II: Self-Assessment. Using the table below and on page 8, identify the key touch points you currently have with charter schools related to their services for students with diverse learning needs. Then assess your current internal capacity to provide special education support to charter schools in your network. Each of these tables will inform your assessment of current capacity and services in the third column of the overview table on page 8.

Self-Assessment (A): What are our key touch points with charter schools' special education services? What support and/or services do we provide at each touch point?

Stage	Support and/or services provided
Pre-application	
Application/Incubation	
Start-Up/Incubation	
• Operations	
• Renewal	
• Other	

Self-Assessment (B): What is our internal capacity to provide special education support to charter schools?

- Staff member(s) with special education expertise designated to supporting schools specifically on special education services
- Staff member with special education expertise available to provide limited support to schools
- Robust resources available to provide to schools (e.g., materials, webinars, professional development opportunities)
- Limited resources and/or partnerships available to schools
- None/other (describe)

Part III: Bridging the Gap. What external expertise can we leverage to provide additional special education support to

charter schools? The list below provides some examples of expertise you may currently have within your organization, community or state—or those you may be able to leverage to extend your current internal capacity. Your responses below will inform your answers in the fourth column in the overview table on page 8.

- Existing special education cooperative/collaborative
- Strong relationship with local district to facilitate shared services
- Relationship with established non-profit vendor
- Existing education service agency (e.g., BOCES, ESC, ISD, or SELPA)
- Access to respected private attorneys or contractors
- Other (list)

Part IV: Resources. What internal and/or external resources can we allocate for special education supports? The list below provides examples of resources that you may be able to bring to bear to your CSO's support to charter schools on special education issues. Your responses below will help to populate the fifth column the overview table on page 8.

- Private philanthropic support
- Membership dues/annual subscription fees
- Charter School Program grant dollars
- State grants designed to improve outcomes for students with disabilities
- Other (list)

Putting It All Together: Building Capacity to Provide Quality Special Education Services and Supports

The table below enables you to transfer your responses to the questions in Parts I through IV (above) into a format that illuminates the match between your current services and charter schools' needs with regard to special education services, as well as to help to identify gaps that you can build on. In addition, it is designed to help facilitate planning for use of external and additional internal resources, to bridge those gaps, and to provide excellent special education supports to all charter schools in your network.

Program Review Tool for CSO Site Visits or Peer Reviews

If its staff has special education expertise or if a peer review team can be convened, CSOs can offer program reviews to assist schools in identifying their strengths and their potential areas for growth. This review could be conducted in coordination or support of the school leading a selfassessment using the "Assessing And Improving Special Education: A Program Review Tool for Schools and Districts in Rapid School Improvement." Following is a checklist that you can use to guide your visit and feedback to the school:

Key Data Points*

- Enrollment of students with disabilities, as measured by the percentage of students with an Individualized Education Program (IEP), relative to local district and state averages;
- Proportion of students with each disability classification (i.e., Specific Learning Disability, Emotional Disturbance, etc.) relative to local district and state averages;
- Percentage of students with disabilities according to educational environment (i.e., >80%, between 79%-40%, <40% of the day in general education classroom or other);
- Proportion of budget allocated to support special education and related services—as a general benchmark, students with disabilities generally represent 12.5% of the student population and 25% of the budget;
- Out of School Suspension rate of students with disabilities relative to peers without disabilities
- Expulsion rate of students with disabilities relative to their peers without disabilities;
- Rate of transfers of students with disabilities relative to local district and state averages;
- Rate of students retained each year to repeat a grade due to lack of adequate progress; and
- Proficiency level and annual growth of students with disabilities relative to their peers without disabilities.
- * Practically significant differences between charter schools and traditional public schools or students with and without disabilities should catalyze a discussion regarding strategies to ensure 1) the school understands its responsibilities related to educating students with disabilities and 2) has developed—or has an actionable plan to develop-capacity to enroll diverse learners and offer critical supports and services.

Key Resources and Support Tools

- California Charter School Association. (2016) Meeting the Needs of Every Student through Inclusion: A Qualitative Case Study of Ten California Charter Schools. http://www.ccsa.org/2016-Special-Education-Report.pdf.
- Center on School Turnaround. (2017) Assessing and Improving Special Education: A Program Review Tool for Schools and Districts in Rapid School Improvement. https://www.centeronschoolturnaround.org/resource/assessing-and-improving-special-education-a-program-review-tool-for-schools-and-districts-engaged-in -rapid-school-improvement/.
- Illinois Network of Charter Schools (2015). "Charter Acceleration Co-Op Design and Implementation Plan." Chicago, IL.
- Massachusetts Public Charter Schools Association, Capacity Building Network: https://masscharterschools.org/about-us/capacity-building-network.
- National Association of Charter School Authorizers. (2018). Charter School Authorizers Special Education Toolkit. http://www.qualitycharters.org/for-authorizers /special-education-toolkit/.
- National Center for Special Education in Charter Schools (2017). "Charter School Special Education Finance Initiative." http://www.ncsecs.org/state-data/.
- National Center for Special Education in Charter Schools: Interactive Report on Status of Special Education in Public Charter Schools Across the U.S. (2018). http://www.ncsecs.org/crdc-stats.
- · National Charter School Resource Center Special Education Page. https://charterschoolcenter.ed.gov/category/focus-areas/special-education.

$Observations/Interviews\ with\ School\ Leaders\ and\ Sample$ of\ Teachers

- What is the school's mission and how are students with disabilities incorporated into the mission?
- What strategy has the school developed to ensure it is prepared to offer students a full continuum of special education placements?
- Has the school hired qualified staff in order to provide services outlined in students' Individualized Education Programs?
- Has the school engaged appropriate related services providers (e.g., speech and occupational therapists, etc.)?

- Are front office personnel trained appropriately regarding enrollment and support of students with disabilities (i.e., are they equipped to offer parents accurate information)?
- How do general education and special education teachers interact and co-plan?
- What is the role of paraprofessionals?
- What is the school's approach to professional development and ensuring that all personnel support effective inclusive practices?
- How are parents engaged as partners?

		B		
	Part I	Part II	Part III	Part IV
Category	Charter School Needs	Current CSO Services	Source/Partner for Additional Services	Resources
Charter School Staff Qualifications & Expertise	 ☐ Hiring and retaining high quality teachers and paraprofessionals ☐ Hiring and retaining effective related services professionals (e.g., Occupational, Physical or Speech Therapists, School Psychologists) ☐ Other 			
Education Opportunities & Learning Environment	 □ Securing and maintaining appropriate facilities □ Conducting initial referrals and evaluations □ Developing quality IEPs □ Managing challenging behavior □ Providing and maintaining assistive technology □ Other 			
Effective Education Practices	 Developing a quality and compliant special education program Securing student records Providing effective accommodations and modifications Differentiating the curriculum Providing supports and services to students who have significant needs Helping general education teachers understand students' IEPs Other 			
Teamwork & Collaboration	 Involving administrators in IEP development/execution Engaging parents in development and/or delivery of the special education program Supporting school schedules that enable general and special education teachers to collaborate and plan together Other 			
School-Community Partnerships[v]	 □ Securing adequate funding to meet the needs of students with disabilities □ Enrolling and retaining a proportionate number of students with disabilities □ Adversarial relationship with authorizers or local district(s) □ Other 			