

**CONGESTION AT THE INTERSECTION OF FEDERAL
AND STATE POLICY IMPLEMENTATION:
AN ANALYSIS OF SPECIAL EDUCATION IN THE
CHARTER SCHOOL SECTOR**

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Abstract

In this paper, findings from a national study examining policies shaping special education in charter schools and strategies that stakeholders are developing to build charter schools' ability to educate students with disabilities are presented. A comprehensive legislative analysis and two state-level surveys comprise the study data. The study seeks to document 1) the policy context that shapes special education in charter schools and 2) the strategies that various stakeholders are using to build charter schools' capacity to deliver special education. Study findings suggest that a charter school's legal identity is central to implementation of special education policies in charter schools. A cross-state analysis of 25 states where there is triangulation of data from surveys of state directors of special education and state charter school officials and a review of state legislation suggests that there are few accountability mechanisms in place to ensure quality special education programs in charter schools. However, there continue to be a myriad of issues charter schools must address regardless of their legal identity. There appears to be little evidence of innovation in the development of non-traditional infrastructures to address special education in charter schools.

Objectives of Research

Special education in the charter school sector represents the intersection of two parallel, yet sometimes disparate, policies: one driven by a civil-rights based federal mandate and the other a market-based reform articulated in state statute. While federal special education legislation and charter school legislation are distinct, they inevitably intersect. Whether the intersection is harmonious or discordant depends upon a plethora of factors that influence the policy context in which charter schools operate.

Building on the literature documenting the challenges associated with providing special education in charter schools (c.f., Ahearn, Lange, Rhim, & McLaughlin, 2001; Fiore, Harwell, Blackorby, & Finnegan, 2000; Guarino & Chau, 2003; Lange, 1997; O'Neill, Wenning & Giovannetti, 2002; Rhim & McLaughlin, 2001), this mixed-methodology study seeks to document 1) the policy context that shapes special education in charter schools and 2) the strategies that various stakeholders are using to build charter schools' capacity to deliver special education. This paper presents a review of the relevant literature and results from a legislative review and two surveys of state-level officials responsible for special education and charter schools in states with charter school laws.

Theoretical Framework

Project Intersect, the research project guiding this study, is driven by the underlying assumption that federal and state policy factors interact with local practices to shape how special education is delivered in the charter school sector. The growing charter school sector is primarily a state-driven reform initiative. Individual states pass charter school laws that define the legal status of charter schools within the broader public school sector and articulate specific

parameters within which charter schools may operate. In turn, individual authorizers and charter school operators interpret and implement the state charter school law; thereby exerting their influence on actual policies and practices. However, the federal IDEA and state charter school laws ultimately shape the provision of special education and related services within charter schools. While authorizers and operators play a critical role in developing charter school policies and practices, state policy makers—specifically state directors of special education and state charter school officials—are responsible for interpreting and implementing IDEA and individual states’ respective charter school laws.

A discussion of the charter school concept, the role of special education in the charter sector, and the hypotheses underlying Project Intersect provide the theoretical framework for the study.

The Charter School Concept

Charter schools are a high profile component of the current wave of education reform. They have been part of the public education system since the first state charter school law was passed in 1991 and the first school opened the year after.¹ In the 2003-04 school year, there were just under 2,900 charter schools operating in 40 states and the District of Columbia enrolling approximately 698,000 students.

Charter schools operate as independent school districts (LEAs) or as part of traditional school districts under charters granted to individuals or groups (usually parents, teachers or community organizations). They are granted various degrees of autonomy that typically involve relief from select state or local laws or regulations. Charter schools cannot, however, be excused

¹ An overview of the characteristics of charter schools can be found in the 2004 final report of the evaluation of the U. S. Department of Education’s Public Charter Schools Program at www.ed.gov/rschstat/eval/choice/pcsp-final/execsum.html

from following federal laws. Adhering to the three major federal special education statutes—the Individuals with Disabilities Education Act (IDEA), Section 504 and the Americans with Disabilities Act (ADA)—poses substantial challenges for these typically small ventures with limited resources (Ahearn et al., 2001; Heubert, 1997).

Charter schools are one manifestation of a broader choice movement that is based on the premise that “market-based reforms” based on deregulation and parental choice will introduce competition into the public education system and foster improved school and student achievement (Lubienski, 2003; Sugarman & Kemerer, 1999). The issue of competition in the public school sector in the United States and other countries has been the subject of analysis in a body of literature that has grown rapidly since the start of charter schools. Analyses of the effects of this change in school organization and governance from total public control to a private-public combination have been mixed with little consensus on the effects of introducing a market element into the public schools (c.f. Fiske & Ladd, 2000; Hoxby, 2004; Loveless, 2003; Lubienski, 2003; Plank & Sykes, 2003; Bulkley & Fisher, 2002; Hess, 2002; Miron & Nelson, 2002; Nelson, Rosenberg, & Van Meter, 2004; Vergari, 2002; Zimmer et al., 2003). As Lubienski (2003) concluded, “There appears to be no direct causal relationship—counter to what market advocates have assumed—between bringing market mechanisms to education and inducing educational innovation” (p. 428). Similarly, although Bulkley and Fisher (2002) cite some innovative aspects of charter schools—the use of for-profit educational management organizations, a reduced influence of teacher unions, smaller school size and others—they conclude that it is unclear if such differences translate into changed classroom practices or student achievement.

Most of the states that have sponsored formal evaluations of their charter schools have documented wide variations in charter school operations and student outcomes.² In addition, conflicting conclusions of research on student achievement in charter schools has continued the controversy on this topic, especially the concurrent release in late 2004 of conflicting results in a report by the National Assessment of Educational Progress (available at <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2005456>) and a paper by a Harvard researcher (Hoxby, 2004).

A comprehensive summary and analysis of 38 studies on student achievement in charter schools completed in January 2005 by Bryan C. Hassel for the Charter School Leadership Council (a charter school advocacy organization) also found mixed results, although studies that followed students over time revealed more positive results for charter schools. A copy of this report is available on the Council's website: www.charterschoolleadershipcouncil.org.

The ongoing debate about the academic performance of charter schools provides a backdrop against which we contemplate the degree to which students with disabilities access and receive special education and related services in charter schools. In particular, questions about student outcomes corroborate the importance of discerning the degree to which charter schools are held accountable for educating students with disabilities.

Special Education in the Charter Sector

One area that is almost always neglected in studies examining charter schools is special education, a fundamental federally mandated component of school operations that charter schools, as part of the public education system, must offer (Heubert, 1997). Current special

² Copies of state studies are usually available on the state website or the website of the contractor. Examples include evaluations of Connecticut, Pennsylvania and Michigan at www.wmich.edu/evalctr/pubs/Evaluation%20Reports and the California evaluation at www.rand.org/publications/MR/MR1700/

education requirements arose out of a series of court decisions on civil rights violations that contributed to the 1975 passage of the federal law now known as the Individuals with Disabilities Education Act (IDEA). The right to special education was also protected under Section 504 of the Rehabilitation Act passed in 1973. Discrimination against individuals with disabilities, evidenced by the common practice of excluding them from attending school, was rendered illegal by the provisions of Section 504, while the IDEA provides funding for states and prescribes procedures for evaluating and providing services to students with disabilities. These federal laws (and related state laws) guarantee a free appropriate public education (FAPE) to all eligible children in the least restrictive environment (LRE). The laws and their regulations impose specific procedural and service delivery mandates that are complex and often a very costly part of a school's budget.

As documented in the few studies that have focused on the implications of special education in charter schools, states that adopted charter school laws in the early 1990s were usually silent on special education despite the fact that some of those laws require charter schools to target "at-risk" students and have improvement of student achievement as their major goal (Ahearn et al., 2001; Fiore, et al., 2000; Rothstein, 1999). The lack of attention to some specific legal issues in charter school laws makes it difficult to determine clear lines of responsibility. For example, a charter school's legal status within the public education system establishes the parameters of the school's responsibility for special education. A charter school is either a local education agency (LEA or school district) with high levels of responsibility for serving students with disabilities, or part of a traditional LEA which retains responsibility for students with disabilities who attend the charter school (Heubert, 1997; McKinney, 1998).

Although there are significant legal implications involved, such designation is difficult to ascertain from state laws and is often worked out in practice. This issue was a major focus of Project SEARCH (Ahearn, et al., 2001), and it is just beginning to appear as a subject of legal proceedings (O'Neill, et al., 2002).

There are only scant national-level data available addressing specific issues related to special education, (e.g., the number of students with disabilities who attend charter schools), (Nelson, et al., 2000) or the rationale parents follow in placing such children in a charter school (Lange & Lehr, 2000).

Project Intersect

Project Intersect is a national, three-year study of the intersection of special education and charter schools initiated in 2003. The Project is directed by researchers at the University of Maryland in consultation with the National Association of State Directors of Special Education (NASDSE) and Lange Consultants. Project Intersect is funded by a grant from the U. S. Department of Education, Office of Special Education Programs (OSEP).

Project Intersect builds upon the findings of Project SEARCH (Special Education as Requirements in Charter Schools) conducted by the National Association of State Directors of Special Education from 1999-2001.³ The Project SEARCH research team conducted a 15-state policy analysis and in-depth case studies of seven states. The analysis and case studies revealed that many charter operators struggle to understand their roles and responsibilities related to

³ The final report of Project SEARCH is available online at <http://www.nasdse.org/documents/ProjectSearch.pdf>

special education and that providing special education and related services in new autonomous charter schools raises multiple challenges.⁴

To be more specific, Project SEARCH revealed two central tensions or policy conflicts that influence special education in the charter sector: a) a conflict between the central premise of charter school autonomy and special education regulation and b) a conflict between the requirement for team decision-making regarding a child's needs related to special education and the primacy of parental choice in the charter sector. These tensions documented by Project SEARCH constitute major elements of the climate within which charter schools are struggling to meet their obligations to implement special education.

Project SEARCH also affirmed a key issue explored by Heubert (1997) regarding the importance of a charter school's legal identity. In an early legal analysis of charter school statutes and their implications for special education Heubert stressed that language in IDEA regarding legal responsibility dictates that a charter school's legal identity as an autonomous local education agency (LEA), or as part of a non-charter LEA, establishes the parameters of a charter school's roles and responsibilities related to special education. If a charter school is an autonomous district (i.e., an LEA), it is solely responsible for providing a full continuum of placements, whereas if a charter school is part of a district, the district as a multi-site entity is responsible.

⁴ Special education means specially designed instruction, at no cost to parents, to meet the unique need of a child with a disability. Related services means transportation and such development, corrective, and other supportive services (e.g., speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy) as required to assist a child with a disability to benefit from special education (For more detail, see P. L. 108-446, the 2004 reauthorized IDEA, at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ446.108.pdf)

A key finding that emerged from Project SEARCH was the significance of a charter school's "linkage" to an LEA. The term linkage refers to the nature of the legal relationship between a charter school and an LEA for the purposes of special education. Project SEARCH developed a typology of linkage to conceptualize this relationship: total-link, partial-link, and no-link. The typology depicts the degree of connection between a charter school and an LEA. Linkage is determined by formal state and/or district policies, or by informal negotiations between individual charter schools' operators and individual LEAs or similar administrative units or support systems. The link between a charter school and the local district structure defines most aspects of the charter school's responsibilities for providing special education and related services. Project SEARCH researchers emphasized that a clear understanding of the legal status of a charter school and the nature of its linkage to a traditional LEA relative to state law and policy is essential to coherent policy development and implementation in the charter school sector.

Related to the notion of linkage is the concept of a special education infrastructure. The Project SEARCH case studies revealed that whether through a linkage to an existing entity such as an LEA; or the creation of an alternative support entity such as a cooperative, charter schools, in the absence of internal capacity, benefit from affiliation with a special education infrastructure. Project SEARCH researchers defined a special education infrastructure as an LEA, an intermediate administrative unit, a cooperative, a community based non-profit, a comprehensive education service provider, or other external entity which provides a charter school with fiscal, human, legal and organizational capacity that is difficult to amass in a single school. Study findings did not recommend a specific type of infrastructure, but suggested that the

delivery of special education services can be enhanced when charter schools affiliate with a special education infrastructure.

Finally, Project SEARCH also documented that charter schools struggle with providing special education that, in some instances; forces charter schools to modify their core mission. Some charter schools believe they are created not to serve “all” students but to serve students with special interests or needs. Furthermore, charter schools; and especially autonomous charter schools; struggle to amass the human, fiscal, legal, and organizational capacity needed to meet the requirements of FAPE (Ahearn et al., 2001).

Project SEARCH findings reflect the status of special education in the charter sector in a limited number of states between 1999-2001. The purpose of Project Intersect is to build upon and expand the knowledge base established by Project SEARCH. The research questions driving Intersect grew primarily from Project SEARCH but were also influenced by other related research studies that examine special education in charter schools (i.e., Anderson et al., 2003; Fiore, et al., 2000; O’Neill, et al., 2002; Zimmer et al., 2002).

The focus of Project Intersect is the study of 1) the policy context that shapes special education in charter schools and 2) the strategies that stakeholders have developed to build charter schools’ capacity to provide special education. A key priority of the study is to document the special education “infrastructures” that charter schools have created (or collaborated with) in order to build their capacity to deliver special education. An underlying hypothesis driving the research is that charter schools have created or partnered with special education infrastructures to access (1) technical assistance, (2) a financial safety net, (3) legal counsel, (4) organizational

capacity, and/or (5) the multiple specialized instructional personnel charter schools require to deliver appropriate special education programs.

The Project Intersect research activities are driven by four overarching questions, each with a series of sub-questions. The four overarching research questions are:

1. How does state charter school legislation, including the authorization and the renewal process, influence access to special education and related services?
2. What are the characteristics of charter schools in the various states?
3. What issues related to special education are emerging in charter schools?
4. To what extent are charter schools accessing technical assistance and/or an existing or newly developed infrastructure to assist them in building capacity related to special education?

Project Intersect consists of four research activities in states with existing charter school laws. The research activities were designed to inform the intersection between charter school and special education law by surveying the most informed groups or those with a vested interest in the successful implementation of special education in charter schools. The activities include a legislative review; surveys of state directors of special education, state charter school officials, charter school authorizers, and charter school operators; case studies of special education infrastructures; and an analysis of extant student enrollment and performance data in a state with a substantial charter sector.

In this paper, results from the legislative review and state-level surveys are examined to determine the extent to which there is consensus among state-level policy makers regarding issues related to special education. Portions of the paper are drawn from three research reports

that delineate the methods and results for each of the data sources used for this paper (Ahearn, Rhim, Lange, & McLaughlin, in press; Lange, Rhim, Ahearn, & McLaughlin, in press; Rhim, Lange, Ahearn, & McLaughlin, in press).

Methodology

A legislative review and two state-level surveys comprise the data for the study. The legislative analysis consisted of a comprehensive review of all state charter school laws and related policy documents focused on discerning the degree to which states address special education in their charter school laws (N=41 which includes 40 states plus the District of Columbia). The review updates data culled from prior research studies and expands the depth and breath of the analysis regarding the status of the state charter schools laws and specific policy parameters (e.g., legal identity, state authorization processes, and accountability provisions) hypothesized to influence special education in charter schools.

Surveys of state directors of special education and state charter school officials were developed to verify and complement the legislative review. The project team selected Zoomerang™ as the online delivery method for the surveys. Zoomerang™ is an established provider of online survey tools, data handling and analysis packages. Subsequent follow-up was conducted over the phone and in-person. The purpose of the surveys was two-fold: (1) document state-level policies and procedures and (2) document additional state characteristics (e.g., technical assistance networks, accountability/ monitoring mechanisms) hypothesized to shape charter schools' capacity and in turn, the manner in which they provide special education and related services to students with disabilities.

The two surveys administered to the state officials were aligned to allow for the triangulation of the data. However, in the interest of brevity and in recognition that the two state officials have unique responsibilities that provide them with distinct pieces of data, both surveys contained questions that were unique to that respective survey. For instance, only state directors of special education were asked questions about special education enrollment and only the state charter school officials were asked questions about the types of charter schools created in their states. Due to asking only a single respondent the question, responses to these items cannot be verified. Nevertheless, the results for these questions are presented as general descriptors of the states that participated in the survey.

In order to triangulate the data collected from the three sources and identify agreement and disagreement between the two key state officials, we conducted a comparative analysis in the states for which we have data from all three sources. In all, state-level officials from 31 states responded to both surveys. However, due to a technical problem associated with conducting the surveys online, we were unable to confirm the state identity for six respondents to the Survey of State Officials. As a result, the cross-analysis provides a profile of the current policy context in 25 states with charter school laws as reported by state directors of special education and state charter school officials—the two state-level policy leaders most directly involved with developing and implementing policies that influence special education in charter schools. The analysis reveals policies and practices that have implications for students with disabilities enrolled in charter schools. Profiles of the states included in the 25 cross-state analysis and the remaining 16 states are presented below.

Table 1: Characteristics of States Included in Study and Those Not Included

State Characteristics	Cross-State Comparison Group N=25	States Not Included in Study N=16	All States with Charter Laws N=41
Law passed 1991-1997	19 76%	11 69%	30 73%
Law passed 1998-2004	6 24%	5 31%	11 27%
Less than 25 charter schools in state	11 44%	8 50%	19 46%
25-50 charter schools in state	7 28%	3 19%	10 24%
51-100 charter schools in state	4 16%	1 6%	5 12%
More than 100 charter schools in state	3 12%	4 25%	7 17%
Number of charter schools represented	1641 55%	1352 45%	2993 100%
Number of charter school students represented	342,697 50%	341,878 50%	684,575 100%

Data Sources: Center for Education Reform (January 2004); Project Intersect Legislative Review

Results

The cross-state analysis focused on four areas: 1) the status of the charter school sector, 2) legal identity and special education responsibility, 3) challenges and issues, and 4) charter school capacity building and infrastructures. Results from the analysis are presented below by topic area.

Status of the Charter School Sector

Understanding the characteristics of charter schools and their student populations is critical to providing context to the survey results and to understanding the role special education plays in charter schools. Questions were developed to provide more details about charter school characteristics. One or both of the state-level officials were asked to provide information about the status of charter schools in the following areas:

- Conversion versus new start-up schools;
- Virtual or cyber schools; and
- Schools developed primarily for students with disabilities.

In addition, state directors of special education (SDSEs) were asked to provide the number of students with Individual Education Programs (IEPs) enrolled in their state's charter schools.

Specific charter school characteristics that may have an impact on the implementation of special education are presented below.

New start-up charter schools versus conversion charter schools. Charter schools may be new start-ups or conversions of public or private schools. A new start-up school is one that is designed as a new school entity. It may offer a specific model of educational delivery (e.g., Core Curriculum, Hope Academies or Montessori), but the school does not have an existing staff or student body upon authorization.

A conversion school is a school that existed prior to becoming a charter school. In states where converting to a charter school is allowed, usually both public and private schools may convert to a charter school. There are procedures delineated in statute or policy that specify the

parameters of conversion. Generally students and staff remain with the school after it converts to a charter school.

The conversion or start-up status of charter schools has implications for training and technical assistance in special education. It is likely that conversion schools have an existing infrastructure for addressing special education and related areas. A recent evaluation of California charter schools documented these variable levels of capacity between conversion and new start-up schools (Zimmer et al., 2003). Though there may be issues that arise during the conversion stage, a converted public school has likely implemented special education law for some time. In contrast, a new start-up charter school may need to develop special education policies and procedures or identify the resources for either the design of a special education program or for an affiliation with an existing infrastructure.

State charter school officials (CSOs) were asked to report the number of new start-ups and conversions in their state to provide a context for the states included in the study and to further understand the types of schools being chartered. SDSEs were not asked to report this information. Not all of the state officials responded to all parts of the survey item. The number of respondents for each possible response is indicated on the table below. The types of charter schools, number of each type of school, the average number of schools per type, and the number of respondents is presented in the table below followed by summary findings.

Table 2: Types of Charter Schools—New Start-up Schools or Conversion Schools

Types of Schools (No. Respondents/Item)	Number of Schools	Average Number of Schools per Responding State	Range
New Start-up Schools (n=20 states)	885	44	1-199
Public School Conversions (n=22 states)	69	3	0-19
Private School Conversions (n=18 states)	32	2	1-19
Total Schools in Analysis (n=22 states)	986	45	-

Findings indicate that:

- The majority of charter schools are new start-up schools.
- The average number of new start-up charter schools is 44 per state with a range from 1 to 199.
- Public or private school conversions constitute very few of the existing charter schools in the 25 states studied.

Virtual/cyber schools. Only state charter officials were asked to provide the number of virtual/cyber charter schools operating in their states. According to the Education Commission of the States, a cyber or virtual charter school is an entity that delivers the majority of its instruction over the Internet instead of within a traditional brick and mortar building (<http://www.ecs.org/clearinghouse/44/13/4413.htm>). There is increasing interest in gathering data on cyber schools particularly as they relate to special education. The delivery of special education services and procedural issues that may arise when instruction is provided primarily through the Internet is of interest to special education policy makers and state special education officials.

Nearly all (n=23) of the 25 states included in the cross-state analysis reported data regarding the number of virtual/cyber schools in their states. There are a total of 45 operating

virtual/cyber charter schools in the 23 states. The number of cyber/virtual schools in each state ranges from 0 to 21.

Charter schools designed primarily for students with disabilities. Though charter schools cannot discriminate against students with or without disabilities in their enrollment practices, there are some schools whose programs are designed specifically to attract students with particular disabilities. In order to gain a better understanding of the extent to which these schools are operating in the charter school sector, state-level officials were asked to identify the number of these schools operating in their state.

Both state officials in 18 of the 25 states responded to the item regarding charter schools designed primarily for students with disabilities. In the 18 states, the number of these types of schools ranges from 0 to 16 with only one respondent indicating the state has more than two such schools. Survey findings indicate that:

- It appears that charter schools designed primarily for students with disabilities is a small niche of the charter school sector.
- There are several states where there is disagreement between the two state-level officials regarding schools designed primarily for students with disabilities.

Enrollment of students with disabilities in charter schools. Since state directors of special education are responsible for overseeing each state's special education program, only SDSEs were asked to report on the enrollment of students with disabilities in charter schools. SDSEs were asked specifically to provide the approximate number of students with individual education programs (IEP) enrolled in charter schools during the 2002-2003 school year.

Of the 25 states included in the cross-state analysis, only 12 SDSEs reported the number of total students with IEPs enrolled in their states' charter schools. To determine a percentage of

students with IEPs enrolled in charter schools, the number of students with IEPs reported by respondents was divided by the total number of students in charter schools for each of the 12 reporting states.⁵ As an inexact point of reference, across the nation, 11.5% of the entire public school population is identified as having a disability (U.S. Department of Education, 2002). Across the 12 states that reported the data, the percentage ranges from a low of 0% to a high of 15.33%. The average for the 12 states is 7.9%.

Legal Status Regarding Charter Schools and Special Education

Most state charter school laws are vague about key aspects (e.g., legal identity, finances, special education requirements and accountability issues) of charter school special education policy. State directors of special education and state charter school officials are in a position to clarify and provide insight into how states are interpreting charter school laws in relationship to special education.

The legislative review and the two state surveys provide data to assist in understanding four areas that are central to the implementation of special education in charter schools: 1) charter school legal status, 2) charter school linkage and responsibilities regarding special education, 3) the state funding of special education in charter schools, and 4) amended legislation or regulations.

Legal status. The legal status of charter schools may vary depending upon each state's charter school law. In some states, charter schools are legally and financially independent educational entities that must abide with the same requirements as local education agencies

⁵ The data on charter school enrollments were drawn from The Center for Education Reform website. CER is a pro-charter advocacy organization and it is credited with maintaining the most current and up-to-date accounting of national charter school statistics.

(LEA) or school districts. In other states, charter school law specifies that charter schools are a part of an existing LEA and in some states the legal status of a charter school depends upon the charter or the type of authorizer.

The legal status of a charter school has import for understanding special education within the charter school sector. It is likely that in those states where charter schools are their own LEAs or have the option to be an LEA, the special education responsibilities are similar to other LEAs in the state. However, in those states where charter schools are part of an existing LEA or have that option, it is less clear who holds responsibility for special education without looking at specific charters or agreements.

Charter school laws for each of the 40 states and the District of Columbia were reviewed to identify their legal status. The legislative review found four categories of LEA status: 1) charter schools can choose their status, 2) charter schools are LEAs, 3) charter schools are part of an LEA, or 4) charter school legal status depends on the authorizing entity. The legal status, as defined in each state’s charter school law, is reported below.

Table 3: Charter School Legal Status as per Legislative Review

Charter Schools Choose Legal Identity	Charter Schools are an LEA	Charter Schools are Part of an LEA	Charter Schools’ Legal Status Depends on Entity that Authorizes Charter
California, Washington, DC	Delaware, Indiana, Iowa, Michigan, Minnesota, Missouri, New Jersey, Ohio, Pennsylvania	Alaska, Colorado, Connecticut, Florida, Hawaii, Kansas, Maryland, Mississippi, Nevada, New Hampshire, New Mexico, New York, Oklahoma, Oregon, South Carolina, Tennessee, Virginia, Washington, Wyoming	Arizona*, Arkansas, Georgia, Idaho, Illinois, Louisiana, Massachusetts*, North Carolina*, Rhode Island*, Texas*, Utah, Wisconsin

*While the legal status depends upon the authorizing entity, most charter schools in these states are authorized by entities that result in the charter schools being their own LEA.

It was also of interest to determine the extent to which the state-level officials agreed upon LEA status because of the implications for policy and practice at the state education agency

(SEA) level. For example, if the state CSO believes that charter schools in the state are their own LEA and the SDSE believes that they are part of an LEA, state-level officials may give contradictory information resulting in inadequate service or, in some cases, they may put the charter schools in jeopardy of being out of compliance with the law.

Both state-level officials were asked to identify their state's legal identity for purposes of special education in their respective surveys. Both officials in 23 of the 25 states included in the cross-state analysis responded to the question on legal status. The survey findings indicate that:

- There was agreement on the legal status of the charter schools for purposes of special education in 18 of the 23 states.
- Nearly all respondents reported their state's legal status as that outlined in the state charter school law.

Legal responsibility for special education in charter schools and linkage to LEAs. The construct of "linkage" refers to charter schools affiliating to varying degrees with LEAs for purposes of special education (Ahearn et al., 2001). Charter schools' affiliation with an LEA for purposes of special education can occur on a continuum that ranges from a charter school being "totally-linked" with an LEA (e.g., being completely dependent) to being completely independent from an LEA (no-link). Charter school affiliation with an LEA may fall between the two points on the continuum, which is termed "partial-linkage."

Project Intersect researchers determined that the basis of the construct of linkage is who is responsible for providing special education services. In other words, separate from legal identity which dictates ultimate legal responsibility related to the IDEA, in practice, the notion of linkage depicts who actually provides special education and related services.

Linkage has implications for assigning responsibility for special education service delivery. Ideally, the SDSE and the state's CSO would identify the same linkage arrangement for their state, as they are important resources for charter schools. Their understanding of how the linkage works in the state can influence how well charter schools understand their roles and responsibilities.

Legal identity is the legal condition in which the charter school operates in relationship to special education. Linkage is how the legal responsibility for special education within the charter school is operationalized. While there was agreement between the state-level officials on their state's legal identity in 18 states, in only eight of those states was there agreement on linkage or how the legal identity is operationalized.

While the state charter school laws and regulations rarely specify "linkage" parameters, SDSEs and state CSOs are in a position to document how the affiliation occurs in their states. Therefore, both state-level officials were asked to respond to an item regarding "linkage" or special education responsibility. Survey results indicate that:

- In approximately half of the states there is agreement between the two state-level officials regarding linkage and responsibility for providing special education services (n=13), but there was no agreement in the other 12 states.
- In 10 states, both state-level officials agreed that "charter schools are solely responsible for providing special education services to students in charter schools" in their state.
- There was agreement in two states that "LEAs are solely responsible for providing all special education services to students with disabilities in charter schools."
- There was agreement in one state that "LEAs and charter schools are required to share responsibility for providing special education services to students enrolled in charter schools."

Table 4: State Officials Report of Responsibility for Special Education Services and Linkage to LEAs

Responsibility for Special Education	Both State-Level Officials Selected
Charter schools are solely responsible for providing special education services to students in charter schools.	10
LEAs are solely responsible for providing all special education services to students with disabilities enrolled in charter schools.	2
LEAs and charter schools are required to share responsibility for providing special education services to students enrolled in charter schools.	1
Responsibility is assigned in charter contract/agreement.	0
Provision of special education and related services can be a combination or adaptation of the preceding arrangements.	0
Other	0

Special education funding flow. One indicator of a charter school’s autonomy in regards to special education is the access the school has to state special education funds. States provide the majority of the special education dollars required to fund special education, with federal support under the IDEA covering approximately 15% (Parrish et al., 2004). In order to gain a better understanding of the level of financial autonomy for special education, both state-level officials were asked how *state* special education dollars flow to the charter schools.

In 24 of the 25 states, both state officials responded to the question about the flow of state special education dollars with respondents from 12 states being in total agreement about the flow of funds. However, for six states, state-level officials reported slightly different but potentially congruent understandings (i.e., state dollars flow directly to the charter or state dollars flow through the LEA but the charter school receives 100%). In only three states was there a strong contradiction between the state officials’ understanding of how state special education dollars flowed in their state. In those states where there is agreement:

- In five states state officials report that state special education dollars flow directly to the charter schools;
- In three states there was agreement that the flow of dollars is a combination of arrangements or is dictated by the charter agreement;
- In two states there is agreement that 100% of the dollars flow through the LEA to the charter schools; and
- In two states officials agree that the dollars flow to the LEA and that they provide services.

Amended legislation and additional regulations. Given the lack of specificity within the charter school laws concerning the party responsible for special education services and the ambiguity on funding, it might be expected that states would amend their laws or regulations to provide more direction. In fact, when the SDSEs and state CSOs were asked whether their state legislature had amended the state charter school law as a result of issues related to special education, 21 of the 24 states for which there are data from both respondents answered in the negative. There was disagreement between the two officials in three states with the director of special education responding that the law had been amended in one state and the charter school official indicating amended legislation in two states. Likewise when asked if the state had adopted regulations specifically to address special education in charter schools that differ from or go beyond the state's other special education regulations, in 17 states both state-level officials agreed that no regulations had been adopted and in one state there was agreement that regulations had been adopted.

Special Education and Accountability

Accountability is a core precept of the charter school concept and monitoring is a critical component of states' roles in district special education programs; yet, it is unclear how charter

schools are being held accountable for developing special education programs and, thereafter, monitoring the academic outcomes of their students with disabilities. There are several existing mechanisms either in special education procedures or in the chartering process that provide opportunities for oversight of special education in charter schools. These include the SEA's monitoring procedures, the charter authorization process, and the charter renewal process. State-level officials were asked about each of these to determine the extent to which they are utilized for accountability for special education in charter schools.

Status of monitoring. As specified in the Individuals with Disabilities Act (IDEA), the SEA is responsible for ensuring compliance with the law. This typically occurs through SEA monitoring of school districts that receive federal and state special education funds. State monitoring of LEAs mirrors the approach used by OSEP when it monitors the state agencies, now entitled "Continuous Improvement Focus Monitoring." It is a multi-year process that involves self-assessment, verification of special education student and fiscal data, onsite inspection of records and school visits, input from community members and the development of a plan to address any non-compliance issues or other problems identified. It is important to note that the state holds its LEAs responsible for IDEA implementation—schools of an LEA may or may not be chosen to be included in a specific monitoring activity. Therefore, charter schools that are LEAs will be directly monitored by the SEA, whereas charter schools that are schools of another LEA may or may not be directly involved in the process.

Only SDSEs were asked to report data regarding the status of monitoring special education in charter schools due to their intimate knowledge of their state's special education monitoring process. Specifically, they were asked whether their state had "any procedures

beyond [their] special education monitoring process for providing oversight of special education to charter schools.” SDSEs in 23 of the 25 states responded to the survey item. Survey results indicate that:

- SDSEs from thirteen states reported they do not have any procedures beyond what is currently implemented and ten SDSEs reported they do have additional processes for charter schools.

Requirements during authorization. Findings from the Project SEARCH study suggested that the charter authorization or application process is critical to identifying a charter school’s special education responsibilities and assessing whether or not a charter school has the capacity to provide special education services. The research team hypothesized that the degree to which states required charter schools to provide information prior to authorization would be an indication of the state’s interest in holding charter schools accountable for understanding the obligations associated with implementing IDEA.

State-level officials were asked to provide information about their state’s SEA requirements related to special education that were part of the authorization process. Specifically, they were asked to indicate whether their state requires applications to provide 1) a general assurance not to discriminate, 2) a specific assurance not to discriminate against students with disabilities, 3) general information about planned special education services or 4) specific information about planned special education services.

Both state officials responded to the survey item on SEA requirements in 23 of the 25 states. A summary of the results is presented in the table below. Findings indicate that:

- In all 23 states where both officials responded to the item, charter schools are required to provide some level of assurance or articulate a plan to deliver special education services.
- In 14 states, both state officials reported that applicants must provide a general assurance.

- In only a single state did both state officials report that applicants are only required to provide a general assurance to not discriminate against any group.
- In 11 states, there is a requirement for either a general or specific assurance.
- In only three states is there agreement that either general or specific information about planned special education services was required.
- In no states is there agreement about whether training was required during the charter authorization process.

Table 5: SEA Special Education-Related Requirements during Authorization

State Education Agency (SEA) Requirements During Charter School Authorization	Both State-Level Officials Selected	Both State-Level Officials Did NOT Select
Generates written documents specific to special education and charter schools	7	8
Provides special education training specifically for charter schools	8	5
Provides special education technical assistance to individual charter schools	13	4
Provides funds to other organizations to provide special education technical assistance to charter schools	2	17

Special education and renewal. The charter school renewal process provides yet another opportunity to hold charter schools accountable for the programs and services they provide for students with disabilities. In most states, charter schools must renew their charter every three to five years. The renewal process generally entails a charter school authorizer assessing a school’s status and achievement on multiple measures relative to the goals outlined in the charter contract.

Of interest is whether the charter renewal process is being used to review a school’s capacity for providing special education services. To help understand the role of the renewal process, state-level officials were asked whether a charter school’s record concerning the implementation of special education is a required component of the renewal process in their

state. Both state-level officials responded to this question in 24 states. A comparison of the two surveys finds that:

- There was agreement between the state officials in eleven states that special education is a component of the renewal process and agreement in one state that it is not.
- In one state there was agreement between the officials that they “do not know.”
- In nearly half the states (n=11), the state directors of special education and the state charter officials did not agree on whether records on special education implementation are a part of the renewal process.

Building Capacity and Infrastructure: Special Education in Charter Schools

The implementation of special education in any education setting is complex as it involves understanding many aspects of the educational system including state and federal finance, transportation, federal and state special education laws, monitoring and reporting, staff requirements, and other areas specific to serving students with disabilities. Findings from Project SEARCH indicated that most often charter schools need technical assistance and training in order to address all of the complexities of designing and implementing a special education program and to build the capacity needed to provide a quality program. Findings from Project SEARCH also suggested that tying to an existing infrastructure or collaboratively building an infrastructure to assist with special education implementation may be in the best interests of the charter schools and their clientele. State-level officials were asked several questions related to building capacity including questions on training, technical assistance, and providers of assistance.

The SEA is one of several groups that may provide technical assistance in special education to charter schools. However, the role they are playing and the extent of their involvement is unclear. Understanding the SEA’s role is important to consider as policy makers

address resource issues and potential technical assistance groups discuss the role they will play in providing information and assistance about special education.

To better understand the SEA role in providing special education-related assistance to charter schools, both SCSEs and state CSOs were asked to identify the types of assistance their state offered to charter schools in the area of special education. Six options including the “other” and “do not know” response categories were available for forced-choice selection. Respondents were asked to select all of the activities that applied to their state. It was considered agreement between the two state-level officials if they both selected one of the options or if they both did not select an option. Both state-level officials from all 25 states selected at least one of the areas listed on the survey. Table 6 reports the options and the number of states with agreement about assistance offered.

Table 6: Special Education Assistance Provided by the SEA to Charter Schools

Assistance Provided by State Education Agency (SEA)	Both Respondents Selected the Option	Both Respondents Did NOT Select the Option
Generates written documents specific to special educ. and charter schools	7	8
Provides special education training specifically for charter schools	8	5
Provides special education technical assistance to individual charter schools	13	4
Provides funds to other organizations to provide special education technical assistance to charter schools	2	17

A review of the findings indicates that:

- In most states (n=15), the state directors of special education and the charter school officials generally did not agree on the type of assistance their state is providing to charter schools.

- The highest level of agreement between the state officials was that their state provides “special education technical assistance to individual charter schools.”
- When only one respondent chose a category, it was usually the state director of special education who indicated that the state provides the service while their counterpart in the charter school office did not indicate that the service is provided.

Primary provider of special education technical assistance and training. As noted above, there are many possible providers of special education technical assistance and training for charter schools other than the state education agency (SEA). Determining who the primary provider is within the states not only furthers our understanding of the roles of the SEA, but also clarifies the role of authorizers, local education agencies, consultants, and others affiliated with charter schools. There are two distinct stages in the development of charter schools: the start-up stage when they are getting their programs and services in place, and the operational stage. Of particular interest is identifying the primary provider of services during the start-up stage. SDSEs and CSOs were asked to identify “what entity is the primary provider of special education technical assistance and training to charter schools during start-up.”

Also of interest is the number of states where the SDSE and the state CSO agreed on the primary provider of training and technical assistance. Since training during this period is critical to the development of a successful special education program, it is important for state officials to know the primary providers so they can refer charter schools to these resources. Responses were available from both state-level officials in 23 of the 25 states studied and are presented in Table

7. A review of the two surveys indicates that:

- In only eight of the 23 states did the two respondents agree on the primary provider of technical assistance and training during the start-up stage. Of those eight, in seven states the SEA or state-level special education administrator for charter schools is identified as the primary provider.

- When there was disagreement, SDSE generally identified the SEA as the primary provider and state CSOs generally identified the authorizers or an organization other than the SEA as the primary provider.

Table 7: Primary Provider of Special Education Assistance during Start-up Stage

Primary Provider During Start-up Stage	Both Respondents Selected the Option
SEA staff or State-level special education administrator for charter schools	7
Local Education Agency (if not the authorizer)	1
Charter school authorizer	0
Charter school association	0
Charter school resource center	0
The charter school	0
Intermediate Education Agency	0
Local non-profit that provides special education services	0
Special education cooperative	0
Education management organization (EMO)	0
In development	0
Other	0
Do not know	1

SEA offered or required technical assistance/training during authorization. Findings from Project SEARCH documented the need for special education training for operators and authorizers prior to a charter school opening for operation. As previously discussed, the complexities associated with developing and implementing a special education program are many and require a high level of knowledge about special education law and procedures.

State-level special education and charter officials were asked to identify the type of technical assistance or training their SEA offered or required during the authorization and

application stage. They were not asked to note whether the training was specifically designed for charter schools; thus the responses may include training offered to or required of all public schools. Respondents were provided with six areas of training and were asked to identify whether training was offered or required in each of the six areas. In 21 states, SDSEs and state CSOs responded to all of the choices offered. The areas of training are reported in the table below with the number of states where both state-level officials agreed the area of training was either offered or required of charter schools during the authorization stage.

Table 8: SEA Required/Offered Technical Assistance or Training during Authorization

Required/Offered Technical Assistance or Training (Number of states responding)	Both Respondents Selected Training Area is REQUIRED	Both Respondents Selected Training Area is OFFERED
Introducing general disability laws (n=21)	2	10
Establishing eligibility and the IEP process (n=20)	3	10
Providing special education services (n=19)	2	9
Monitoring and compliance (n=20)	2	9

Findings indicate that:

- In nine of the 21 states, the state-level officials agreed on whether training is offered or required for all six areas.
- In one state the two respondents agreed on four of the six areas.
- For the remaining 12 states there was agreement in only one area or there was no agreement across any of the areas.
- Very few states appear to be requiring training in special education during the authorization stage.
- There is a discrepancy between the responses of SDSEs and state CSOs with more state-level CSOs indicating that training is required in their state than did SDSEs.

SEA offered or required technical assistance/training during operation. The special education assistance requirements of charter schools may be different depending upon the school’s stage of development (i.e., start-up, operation, renewal). Therefore, state-level officials were also asked to identify the special education areas for which technical assistance or training was offered or required once the school was in operation. The same six areas provided in the authorization survey item were listed as possible areas of technical assistance or training for the question about assistance during the operational stage. Both the SDSE and the state CSO in 21 states provided responses to at least one of the areas in the survey item. The areas of technical assistance are listed in the table below with the number of states where both state-level officials agreed that technical assistance or training was required or offered in by their SEA once a charter school is in operation.

Table 9: SEA Offered/Required Technical Assistance or Training during Operation

Required/Offered Technical Assistance or Training (Number of states responding)	Both Respondents Selected Training in Area is REQUIRED	Both Respondents Selected Training in Area is OFFERED
Introducing general disability laws (n=21)	1	13
Establishing eligibility and the IEP process (n=21)	1	12
Providing special education services (n=20)	1	10
Monitoring and compliance (n=20)	2	5
Funding special education (n=20)	1	9
Reporting data to the state (n=178)	3	5

A review of the findings indicates that:

- There was agreement between state-level officials on whether training in an area is required or offered for at least one area in about half of the 21 states where both officials provided responses.

- Of the 21 states where both officials provided responses, there was agreement between the two respondents across all six of the listed areas of possible technical assistance or training in five states with an additional two states having agreement in five of the six areas.
- In general, states are not requiring training in special education during the school’s operational stage.

Organizations providing ongoing technical assistance/training. Charter school associations and resource centers generally were developed to assist charter schools in implementing a myriad of areas including special education. Of particular interest to Project Intersect are the other organizations that provide ongoing special education technical assistance or training to charter schools. The information can assist in delineating the major influences on the development of special education infrastructures within the charter school sector. The state-level officials were asked to select organizations or strategies that are being utilized within their states to “assist with the ongoing provision of special education.” The respondents were asked to select from a list of 10 potential organizations/strategies. Respondents could also add any organizations or strategies not listed.

The responses were examined to determine the states where both state-level officials agreed that either the organization or strategy was utilized by charter schools in their state or where both agreed they were not utilized (agreement for “not utilized” was determined by those not selecting the option). The organizations and strategies provided in the survey item and those that were added due to respondents’ specifying the area are reported in the table below.

Table 10: Organizations or Strategies Charter Schools Utilize for Special Education

Organizations or Strategies Charter Schools Utilize for Special Education (n=25)	Both Respondents Selected as Being Utilized in Their State	Both Respondents Did NOT Select as Being Utilized in Their State
Authorizer	10	4

Organizations or Strategies Charter Schools Utilize for Special Education (n=25)	Both Respondents Selected as Being Utilized in Their State	Both Respondents Did NOT Select as Being Utilized in Their State
Individual Consultants	8	8
State-level Special Education Administrator for Charter Schools	4	12
Education Management Organizations	4	16
Intermediate Education Agency	3	16
LEA (if not the authorizer)	2	14
SEA Personnel	1	22
Special Education Cooperative for Charter Schools	1	18
Local Non-Profit that Provides Special Education	0	18
Risk Pooling (insurance models)	0	22

A review of the findings indicates that:

- In the states where there was agreement between the two officials, they agreed that the authorizer (n=10) and individual consultants (n=8) are being utilized in their states.
- Few of the more “innovative” organizational arrangements or strategies were selected as being utilized.

Challenges for Charter Schools

Charter schools face many challenges as they go through the various developmental stages and while there is considerable anecdotal information there is little documentation of the extent to which the challenges actually persist through charter school start-up to the operational stage of school development. State-level officials were asked to select from a list of 18 special education areas those they believed are challenges primarily during the start-up stage (first three years of operation), those that are a continuing challenge to the schools, and those that were not a challenge. There was interest in understanding if the two state-level officials had similar perceptions of challenges.

The SDSEs and the state CSO responded to this question in 24 of the 25 states. The four challenges that were selected by both state-level officials in the greatest number of states are reported in the table below.

Table 11: Areas of Challenge Where State-level Officials Agree

Area of Challenge (No. of Respondents for the Response Item)	Both Selected as a Continuing Challenge	Both Selected as a Challenge During Start-up	Both Selected Not a Challenge	Both Selected Do Not Know
Having adequate funds to provide services to special education students (n=22)	11	1	0	0
Working with parents of children with disabilities (n=22)	10	0	1	0
Finding qualified related service personnel (n=22)	9	0	1	1
Knowing special education laws and regulations (n=23)	9	0	0	0

When all responses are reviewed, findings indicate that:

- There is little agreement between state-level officials on what is a continuing challenge and what is a start-up challenge with only six states where there was agreement between officials on 11 to 15 of the 18 possible challenge areas. In five states there is no agreement on any of the areas.
- Greatest disagreement between the two officials was in two areas. The first is "providing services for students in low incidence disability areas" where the SDSEs in 12 states reported it as a continuing challenge and two state CSOs had a similar report. The second is "implementing the IDEA discipline procedures" where seven SDSE indicated it is a continuing challenge and only one state CSO selected that response.
- In general, SDSE are more likely to report an area as a continuing challenge than state CSOs.
- While few SDSE reported that any of the areas are "not a challenge", three to six state CSOs selected "not a challenge" for nearly all areas listed.

Formal special education complaints. One of the indicators of whether charter schools are complying with federal and state laws concerning special education is the number of charter schools that are the subject of formal complaints to the state’s special education unit. A formal complaint is one that has been presented, in writing, to the state special education unit for action. The formal complaint process is delineated by law and, as such, there must be follow-through by the SEA when a formal complaint is made. Formal complaints do not include those made through conversations with state-level officials unless there is follow-up by written documentation [34 CFR §300.6600]. State-level officials were asked whether any charter schools in their state had been subject of formal complaints in the past three years. Both state-level officials in 24 or the 25 states responded to this survey item. Findings indicate that:

- Officials in 13 states indicated that charter schools have been subject of a formal complaint and in two states officials agreed that charter schools have not been subject to a complaint.
- In five states the charter school officials responded that they “do not know” if charter schools have been subject to formal complaints.

Counseling out of students with disabilities. One area of continual concern is the possible practice of “counseling out” students with disabilities from charter schools. Counseling out refers to charter schools’ informing parents of students with disabilities either overtly or subtly that the charter school is not the best placement for their child or that the schools cannot serve their children. Counseling students with disabilities out of attending a charter school would be a clear violation of the IDEA if the disability were the sole reason for the action. However, anecdotal information suggests that charter schools sometimes defend counseling out based on a perceived mismatch between the charter schools’ unique mission and the student’s needs. Though there are

anecdotal accounts of the counseling out of students with disabilities, there is little information to support whether it is widespread or specific to certain states. State-level officials were asked their opinion about the extent to which counseling out is an issue in their state. Both officials responded to the question in 24 states. Table 12 reports the responses where there was agreement between the officials. A review of the survey findings indicates that:

- Counseling out was reported as an issue in 12 of the states. There was agreement in six states that counseling out occurs and also agreement on the extent to which it is an issue. In six states there was agreement that counseling out occurs, but the two officials in these states reported it is an issue to different degrees.
- There was agreement between the state officials in two states that counseling out is “not an issue.”
- In six states both state-level officials responded that they “do not know” if it is an issue.

Table 12: Extent to Which State-Level Officials Believe Counseling Out is An Issue

Extent of an Issue and Level of Agreement (N=24)	Number of States
Both reporting it as a BIG issue	1
Both reporting it as SOMEWHAT of an issue	4
Both reporting it as a SMALL issue	1
Both reporting is as NOT an issue	2
Both reporting they DID NOT KNOW	6
Both reporting it as an issue but of differing degrees	6
One respondent reporting it as an issue, the other did not know	2
One official reporting it as an issue the other as not an issue	2
Total number of states	24

Discussion

An implicit goal of Project Intersect is to document trends and associations emerging at the intersection of state special education and charter school policies in order to 1) inform key

stakeholders who influence practice and 2) expand the base of knowledge for future research. The findings from the cross-state study have implications not only for the implementation of special education in charter schools, but also for discussion about the successful implementation of the underlying premises that guide chartering as a reform.

Charter School Characteristics and Implications for Policy and Practice

An analysis of the 25 states included in the cross-state study indicate that, though most states allow existing schools to convert to a charter school, charter schools are predominately start-up schools. In addition, the analysis revealed that, at this time, specialty schools such as cyber/virtual schools and schools designed primarily for students with disabilities provide a niche in the charter school sector.

Start-up charter schools. There are implications for accountability, oversight, and training when considering both of these findings. First, start-up charter schools present the challenges most often identified through prior research (Ahearn, et al., 2001; Finnigan et al., 2004; Heubert, 1997). Building capacity within a new organization for a complex system such as special education requires knowledge, resources, and skills most often found in existing infrastructures—be they newly developed for charter schools or those already in place in the public or private sector. The challenge for start-up charter schools is that special education is one of multiple “systems” for which new operators must become proficient. However, one difference between special education and the other systems is that special education is mandated by laws that protect the rights of students with disabilities; thus leading to a situation where the newly-formed schools must be able to execute special education on the first day of operation.

Therefore, the learning curve is steep but must be mastered prior to opening if the schools are going to be in compliance with the law and also have the capacity to ensure a quality program.

Charter schools providing a niche. Second, niche schools, though small in number, present their own unique challenges. By definition, a school that provides a niche in the market is likely to be less traditional and, as such, may test the precepts associated with common practice. For example, students with disabilities attending cyber or virtual schools may not be in a position to obtain special education services in a manner most often provided in brick and mortar schools. The associated issues may confound conventional practice and cause special education policy makers to rethink the procedural elements present in the laws designed to protect students with disabilities. Likewise, schools designed primarily for students with disabilities challenge the concept of least restrictive environment—a cornerstone of IDEA—and create a situation where parental choice and IDEA’s team-decision making may collide.

Equally important for policy consideration is the distinct needs of niche schools as they relate to special education. The advent of charter schools has provided new educational entities that were inconceivable not so many years ago. Entities such as cyber schools require policy makers be open to special education delivery models that vary from traditional approaches. Moreover, it requires a fresh look at how federal and state laws are implemented within educational models that were not imagined when the laws were written.

The findings related to enrollment suggest that many state directors of special education are not fully informed on the enrollment of students with disabilities in charter schools. Making closer connections at the SEA level is arguably central to forming policies and providing

documents that ensure that all start-up schools are held accountable and that niche schools have the necessary information and policy context for creating innovation.

Legal Status and Locus of Responsibility for Special Education

The legal status of charter schools is central to understanding the breadth and scope of their autonomy. Special education is just one of the most critical of the “educational systems” where a school’s legal status and how it is put into operation has implications for day-to-day practice. Thus, by examining the role of legal status and special education, charter school scholars may better understand how legal status affects several of the systems required to operate schools. State-level officials’ understanding about the role of legal status is important to consider as they are often at the fulcrum of policy decision-making that affects everyday practice in their states.

Agreement on charter school legal status. In nearly all states studied, state directors of special education and state charter school officials were in agreement about their state’s definition of legal status for charter schools. The finding may be a reflection of a maturing of the charter school sector from a time when there was little understanding of the role a charter school’s legal status played in assigning responsibility for special education (Huebert, 1997; Rhim & McLaughlin, 2001). That both state directors of special education and state charter school officials are in agreement as to the legal status of charter schools in their state is an indicator that consistent policy direction from the SEA is possible. It is an encouraging finding as the two officials surveyed typically have considerable influence on policy guidance for charter schools and/or for special education.

Alignment on legal status and responsibility for special education. There was also a high degree of alignment between how state-level officials defined legal status within their states and their assignment of legal responsibility for special education. Again, it is a positive indicator of the level of understanding regarding special education responsibility in charter schools by those at the SEA level who provide guidance on policy issues. If state-level officials can define the legal status in charter schools according to their states' laws and also understand the locus of control for legal responsibility for special education, state-level officials are in a strong position to provide guidance to charter schools, authorizers, and others associated with special education and charter schools.

Issues related to flow of state special education dollars. Another indicator of a charter school's autonomy is the funding arrangements for state special education dollars. The hope is that state-level officials are cognizant of how the dollars flow in their states, as special education funding is complex. In addition, special education is an expensive enterprise and one that there is little room for error when small educational entities are responsible for providing and financing the services. The survey findings confirmed that the state dollars are flowing in a manner consistent with each state's interpretation of charter schools' legal status. There was little ambiguity between the two types of state officials in their understanding of whether funds flowed directly or in total to charter schools or if any funds were retained by LEAs in states where charter schools are identified as their own LEA. However, in states where charter schools are a part of an LEA, there was often a discrepancy between how the state director of special education and the state charter school official perceived the funding flows. This has implications for charter schools in these states, as often these are the states where charter schools and LEAs

negotiate agreements on special education services. If the state-level officials are not in agreement on how special education dollars flow to charter schools, there is the possibility that either the LEA or charter school may receive conflicting information from SEA personnel. This may exacerbate the misconceptions of who should receive special education funds and how they are distributed.

Amended legislation or regulations. There was a high level of agreement between state-level officials in nearly all states that their state has not amended charter school legislation or regulations due to special education. While the finding cannot be construed to imply that changes are not needed nor can it be assumed that changes have not been attempted, it does provide information about the extent to which special education has been the focal point of changes to charter school laws. What is of interest is the considerable discussion that has ensued on special education in charter schools and the perceived difficulties of implementation juxtaposed against the finding that only one state has made a change to its charter school law or regulations in the area of special education. One possible explanation may be that though the charter sector has been effective at amending charter legislation in areas such as facilities, areas such as facilities are those in which the charter sector is forging new ground as there are often no laws or regulations that apply to this newest arrangement within the public education sector. In contrast, there is an extensive set of federal and state laws pertaining to special education, and charter school advocates may not perceive a need to address these in regulation. In addition, legislative avenues may be limited due to the nature of special education law. However, in states where there are issues relating to special education—either funding, assigning of roles, etc.—state-level

officials may want to explore legislative or regulatory changes, thus providing clarification in areas of the most confusion.

Role of Accountability Systems for Ensuring Quality Special Education

Findings from the cross-state study indicate that though accountability is a key precept of charter schools as a reform, there is little utilization of the embedded accountability measures inherent to the chartering process to ensure a quality special education program that adheres with state and federal laws. While most states require more than a general assurance that charter schools will provide special education, few states are using the authorization process for increased accountability by requiring specific special education program plans prior to a school opening. Yet, it seems a logical expectation that charter schools have a written plan prior to opening that outlines their approach to special education and their ability to implement both the law and provide a quality program. The cross-state analysis also found there was little agreement between state-level officials on the type of accountability measures that are required in their states thus creating a situation where the SEA is an ambiguous accountability resource, at best.

Likewise, the renewal process is another internal chartering mechanism for providing oversight and accountability. It is another avenue that can be used to ensure that charter schools are held accountable to implementing a quality special education program that adheres to the IDEA. By taking advantage of existing charter school accountability processes, accountability remains within the confines of the sector and uses the chartering conceptual framework to ensure quality and adherence to the laws. Moreover, by using the chartering processes to ensure quality special education, there is opportunity for innovation in approach to special education that may be more acceptable within the charter arena. By not using existing processes, those most often

involved in the authorization process (i.e., authorizers and SEAs) are missing a key opportunity to ensure special education is in place.

State special education monitoring, though not embedded in the chartering process, is another potential accountability avenue. Each state must have a special education monitoring plan in place that ensures LEAs are in compliance with IDEA. In recent years, many states have included a review of student outcomes as part of the monitoring process. About half of the states included in this study reported instituting additional monitoring practices specifically for charter schools. It may behoove other states to investigate the practices in these states to determine the effectiveness of this approach to ensuring quality special education in charter schools.

The emphasis on accountability and special education becomes even more important given the requirements of No Child Left Behind (NCLB) regarding specific student populations such as those identified as having a disability. Though NCLB was designed to hold schools accountable for the progress of sub-groups of students, the number of special education students in charter schools is often so small that they are not included in school-level accountability measures (i.e., Adequate Yearly Progress reporting).

When the findings from the cross-state study are considered within the context of NCLB implementation it is clear that, if states do not require any accountability plan related to special education prior to a charter school opening, and if the size of the special education population is too small for review through NCLB, and if states are not requiring that charter schools address special education in the renewal process, it is possible that there may be little formal accountability related to special education in charter schools in those states.

The implications for policy makers within SEAs and at the federal level are apparent. When considering that the majority of charter schools are new start-up schools, the importance of creating an accountability system for charter schools in the area of special education is critical. By adhering to one of the charter sector's underlying precepts, accountability, it may be possible to ensure charter schools open and operate with the necessary knowledge and skills central to quality special education. However, the challenge for both the charter school sector and special education policy makers is to design or employ current accountability systems that allow the spirit of innovation and deregulation inherent in charter school law to be embedded in any accountability measure.

There is a role for SEA personnel, state and federal policy makers, authorizers, and charter school scholars that includes implementing a creative approach to ensuring accountability and to designing special education models in keeping with changing delivery educational models that may be present in charter schools. State-level officials as well as charter school authorizers are at the intersection of policy and practice and in a position to address accountability within the spirit of the charter school framework.

Challenges and Issues When Implementing Special Education in Charter Schools

Findings from Project SEARCH, discussions with charter school advocates, and anecdotal information from charter school operators all support the notion that there are considerable challenges to implementing special education in charter schools. The challenges discussed often include those related to fiscal needs and operation, program, knowledge of the law, and counseling out of students with disabilities. However, prior to this study, there was only limited documentation of whether these are the real major challenges charter schools face and

whether these challenges are a function of opening a new school or are continuing challenges throughout the operation stage.

Challenges—During start-up or continuing. When state-level officials were asked to select from a list of special education challenges, there was little agreement between officials in their respective states as to whether certain areas are, in fact, challenges or whether they are a challenge during the start-up stage or a continuing challenge. It is possible that state-level officials are too removed from the day-to-day operation of charter schools to fully understand the issues facing charter schools in this area. However, if this is the case, it has implications for training and technical assistance.

Resources for training, guidance to authorizers, and policies often originate in the SEA. If state-level officials are not in agreement about the challenges regarding special education, the training and technical assistance opportunities may either be inappropriate or may not be addressed. The ability for SEAs to target training or to advise authorizers on training is important especially during periods of limited resources.

There has been concern voiced that charter schools may be “counseling out” students with disabilities. Though the evidence of counseling out is primarily anecdotal, there is sufficient concern to warrant examination of the issue. State-level officials were asked their opinion as to whether the practice is occurring in their state. They were not asked to provide evidence of the practice. In nearly all states, state-level officials report that counseling out is at some level an issue in their state. The finding suggests that there is a need for more study of the counseling out issue, the reasons it may be occurring and how best to work within the charter sector in ensure

the rights of students with disabilities are honored and that the charter schools have the capacity to fulfill their responsibilities.

Formal Special Education Complaints and Revocation Due to Special Education

One of the ways counseling out and other issues related to special education access and service are addressed is through the special education's formal state complaint process. State-level officials from more than half of the states studied agreed that charter schools have been subject to formal complaints in their state. The state directors of special education in an additional five states provided a similar report. Given they are the best source for this type of information; the finding suggests that charter schools are the subjects of formal complaints. What is unknown is the extent to which the number of complaints differs from traditional school districts and whether the complaints are associated with the chartering concept. It would be helpful for state directors of special education to keep records on charter school formal complaints so comparisons can be made and so that necessary training and technical assistance needs can be identified.

Though survey findings indicate that charter schools are subject to formal complaints, these complaints have apparently not risen to the level that affects a school's charter status. There were no states where special education had been the primary reason for a school's revocation. The finding has import for those who claim that special education may "bring down" a charter school. At this point, special education is not given as a reason for revocation. However, given the lack of accountability discussed above, the finding should not be interpreted as meaning charter schools are providing adequate or stellar services. Only when there is a more

informative accountability in place across all states will the role of special education program in providing a quality education in charter schools be more clearly understood.

Building Capacity and Infrastructure to Address Special Education in Charter Schools

The preponderance of start-up charter schools, the emergence of niche schools, the importance legal status plays in special education implementation, the role of accountability in ensuring quality programs, and the day-to-day issues facing those associated with charter schools all confirm the importance of building capacity for charter schools to provide quality programs. One of the central areas of focus for Project Intersect is to understand how capacity is being addressed within the various states—who is assisting in building capacity and where can more assistance be provided.

SEA's role in training and technical assistance. As noted above, very few states require more than assurances from charter schools that they will provide special education. Likewise, in very few states do state-level officials report that the SEAs are requiring assistance to charter schools during the authorization stage. In fact, there was a discrepancy in many states between the state director of special education and the state charter school official with the state charter school official reporting that special education training is a requirement in their state and the state director of special education reporting it is not a requirement. The lack of agreement between officials in those states has implications for training and for providing technical assistance. If, in fact, training is not required and the charter official believes it is, they may be less likely to fund or seek technical assistance in special education even if it is an area of need. In a similar manner, if the director of special education believes training is not provided, but in fact it is, it is likely the special education unit is having little influence on the information being

provided. In either case, there are implications for the allocation of state resources regarding special education training and the assignment of responsibility for providing the training.

Survey findings indicate that special education training is generally not required during the operational stage and in only half of the states is there agreement between officials that it is even offered during this stage. Again, there are implications for training when state-level officials are lacking agreement on whether training is required or offered in their state. The logical question that arises is: if state-level officials do not know if training is occurring or who is providing it, which entity is ultimately responsible for ensuring that proper training is provided?.

Primary provider of technical assistance and training. There is also little agreement between state-level officials within the various states when they were asked to identify the primary provider of technical assistance and training. Again, the finding suggests a problem for allocating state and private resources. Of concern is the lack of agreement between the two state-level officials who patrol the intersection between special education and charter schools. While the SEA may not be the primary provider of training and technical assistance, they are ultimately responsible for the implementation of special education in the state education system and they are in a position to guide those in need of these services. Charter schools often seek guidance from SEA officials in order to identify resources to assist them in all areas of school operation. If state-level officials are unclear or contradictory about who is providing special education training in their state, the charter schools are at a disadvantage in truly receiving the assistance they may need to fully implement a quality special education program.

When the findings regarding primary provider are closely reviewed, they reveal 15 states where directors of special education identified themselves as the primary providers of technical assistance and training to charter schools in the area of special education. The question arises as to what is considered technical assistance and the extent to which it is adequate to meet the needs of the schools. While directors of special education were more likely to identify their units as primary providers, charter school officials more often identified consultants and authorizers as the primary providers. This lack of agreement again has implications for charter schools. Is there a primary provider of technical assistance, or, by virtue of the lack of agreement, is this an example of where no one is actually providing the service?

Organizations and strategies utilized to build a special education infrastructure. Of particular interest is that when state-level officials were asked to identify all of the organizations or strategies charter schools are utilizing to assist with the ongoing provision of special education, very few state-level officials either agreed or identified independently organizations outside the traditional technical assistance models (e.g., SEAs and LEAs). While the charter school concept embraces innovation and new approaches to educational delivery and systems, findings from these surveys suggest that this type of innovation is not occurring in the realm of special education technical assistance. Rather, traditional models of assistance were most often identified. The highest level of agreement between the state-level officials was on what was *not* being utilized.

The finding raises the question as to whether special education is within the “reform” agenda of the charter school sector. Providing adequate training and assistance to charter schools in special education would seem to be an ideal arena for innovation—a new approach to sharing

knowledge and skills needed to develop a quality educational program. However, the cross-state study suggests that, instead, few new approaches are being developed or utilized.

Policy Implementation in the Charter Sector: Melding Existing Laws to New Conditions

The brief history of the charter school sector illustrates many of the policymaking tensions documented during other educational reform periods. For example, Berman describes a theory of compliance that contrasts school districts' "willingness and capacity" to implement reforms imposed by law (1982). He states that high capacity, high willingness districts are most likely to conform to the spirit of the law, but may violate the "letter of compliance," whereas districts that stress compliance are likely to have conflict and turmoil or mere symbolic implementation. While some low capacity districts can be forced to develop the necessary capacity many do not, resulting in increased bureaucratization and symbolic implementation. Berman concludes that a better situation might result from a differentiated implementation that holds all schools accountable for "uniform minima," but give incentives beyond that base. He also points out that local systems cannot be reformed unless central systems are also changed, and that local and central levels need to learn interactively. The responsibility of an SEA to implement charter schools as a new component of the public system and, at the same time, enforce the requirements of federal special education law will call on such approaches to policymaking.

McLaughlin emphasizes similar caveats drawn from the educational reform efforts of the 1980s (1987). She emphasizes the importance of local capacity and will, and notes that it is impossible to force compliance with the spirit of a law. Yet, she adds that a supportive approach alone also results in unsatisfactory implementation and recommends a balance of pressure and

support to focus attention on the objective and realize achievement of the reform. In addition, McLaughlin stresses the importance of the individual—the smallest unit in the change process. Such lessons are particularly pertinent to the charter school sector, especially in states where the local school district plays the role of authorizer.

The analysis of issues in the adoption of prior reforms provides perspective on the congestion that will arise when charter schools are added to an established state educational system heavily influenced by federal mandates. The essential differences between the older and newer components of the system, such as existing civil rights statutes and new reforms designed to expand parental choice and autonomy will not unexpectedly give rise to tensions at all levels. As Heubert (1997) describes in detail, an important source of such conflict is the application of pre-existing laws to the new entity. He details the interactions between federal special education mandates and state charter school laws and contrasts implementation expectations for traditional public schools versus charter schools. Examples of challenges involved include the effect that including students with disabilities may have on a charter school's mission, curriculum and instructional structure and the need to hire specially trained and certified personnel.

For charter school reform to succeed, charter schools require access to 1) strategies for coping with the procedural and record-keeping aspects of special education law and 2) mechanisms to fully incorporate into their operation the legal and operational expectations that the existing educational system has devised for compliance with these mandates. While ensuring the capacity to implement special education or any of the other systems critical to building a new school are aptly noted, the role of capacity building in a reform that originated with a premise of self-reliance must be discussed. The findings from the cross-state study clearly point out that

state-level officials are clear about the legal status of charter schools in their states, but there is less consistency on the challenges, technical assistance needs and providers. However, the construct of technical assistance is not inherent in the charter school concept. There is a contradiction that emerges from the findings and is further illustrated by Berman (1982) and McLaughlin (1987)—that is, to become self-reliant an organization must have the capacity to *be* self-reliant.

Special education provides an excellent laboratory for understanding how the contradiction plays out in the chartering reform. At this point, the findings suggest that capacity is not being expected or built during the authorization stage nor is it being expected when charter schools renew. Therefore, the charter sector is left with a situation of dependence upon a capacity-building model where charter schools build it as they go—one that relies on what McLaughlin (1987) terms the “supportive approach” and one that is unsatisfactory to building capacity. The larger question, of which special education is only an example, is whether charter schools can build the capacity to be independent, self-reliant, innovative institutions without addressing the role of accountability and capacity building prior to gaining a charter. The results from this study suggest that the sector has considerable room for growth in this area to finally reach its potential and promise.

References

- Ahearn, E., Lange, C., Rhim, L. M., & McLaughlin, M. J. (2001). *Project SEARCH: Special education as requirements in charter schools. Final report of a research study*. Alexandria, VA: National Association of State Directors of Special Education.
- Ahearn, E. A., Rhim, L. M., Lange, C., & McLaughlin, M. (in press). *Project Intersect research report #1: State legislative review*. College Park, MD: University of Maryland, Project Intersect.
- Anderson, L., Finnegan, K., Price, T., Adelman, N., Cotton, L., & Donnelly, M. B. (2003). *Multiple perspectives on charter school accountability: Research findings from charter schools and charter school authorizers*. Paper presented at the annual meeting of the American Educational Research Association, Chicago, IL.
- Berman, P. (1982). Learning to comply. *Peabody Journal of Education*, (60) 53-65.
- Bulkley, K. & Fisher, J. (2002). A decade of charter schools: From theory to practice. *CPRE Policy Briefs*. Retrieved online June 10, 2003 from:
<http://www.cpre.org/Publications/rb35.pdf>
- Center for Education Reform. (2004). *National Charter School Directory: Ninth Edition*. Washington, D. C.: The Center for Education Reform.
- Finnigan, K., Adelman, N., Anderson, L., Cotton, L., Donnelly, M., & Price, T. (2004). *Evaluation of the public charter school program: Final report*. Washington, D.C.: SRI International.

- Fiore, T. A., Harwell, L. A., Blackorby, J., & Finnegan, L. A. (2000). *Charter schools and students with disabilities: A national study*. Washington, DC: U.S. Department of Education, Office of Education Research and Improvement.
- Fiske, E. B. & Ladd, H. F. (2000). *When schools compete: A cautionary tale*. Washington, D.S.: Brookings Institution Press.
- Guarino, C., & Chau, D. (2003) Special education in charter and conventional public schools. In R. Zimmer, R. Buddin, D. Chau, G. Daley, D. Guarino, L. Hamilton, C. Krop, D. McCaffrey, M. Sandler, & D. Brewer (Eds.), (2003). (pp.161-173). *Charter school operations and performance: Evidence from California*. Santa Monica, CA: RAND Education.
- Hess, F. M. (2002). *Revolution at the margins: The impact of competition on urban school systems*. Washington, D.C.: Brookings Institution Press.
- 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.
- Hoxby, C. (2004). *Achievement in charter schools and regular public schools in the united states: Understanding the differences*. Retrieved on January 10, 2005 from:
http://post.economics.harvard.edu/faculty/hoxby/papers/hoxbycharter_dec.pdf
- Lange, C. M. & Lehr, C. A. (May/June 2000). Charter schools and students with disabilities. *Remedial and Special Education* (21) 141-151.

Lange, C., Rhim, L. M., Ahearn, E. A., & McLaughlin, M. (In press). *Project Intersect Research Report #2: Survey of State Directors of Special Education*. College Park, MD: Project Intersect.

Loveless, T. (2003). *The Brown center annual report on education: How well are American students learning?* Washington, DC: Brookings Institution.

Lubienski, C. (2003). Innovation in education markets: Theory and evidence on the impact of competition and choice in charter schools. *American Educational Research Journal* (40)2, 395-443.

McKinney, J. R. (1998). Charter school's legal responsibilities toward children with disabilities. *West's Education Law Reporter*, (126) 565-576.

McLaughlin, M. J., & Henderson, K. (1998). Charter schools in Colorado and their response to the education of students with disabilities. *The Journal of Special Education*, (32)2, 99-107.

McLaughlin, M. W. (1987). Learning from experience: Lessons from policy implementation. *Educational Evaluation and Policy Analysis* (9)2, 171-178.

Miron, G. & Nelson, C. (2002). *What's public about charter schools?* Thousand Oaks, CA: Corwin Pres, Inc.

Nathan, J. (1996). *Charter schools: Creating hope and opportunity for American education*. San Francisco, CA: Jossey-Bass Publishers.

Nelson, B., Berman, P., Ericson, J., Kamprath, N., Perry, R. Siverman, D., & Solomon, D. (2000). *The state of charter schools: Fourth year report*. Retrieved February 9, 2005 from <http://www.ed.gov/PDFDocs/4yrrpt.pdf>

Nelson, F. H., Rosenberg, B., & Van Meter, N. (2004). *Charter school achievement on the 2003 national assessment of educational progress*. Washington, DC: American Federation of Teachers.

O'Neill, P. T., Wenning, R. J., & Giovannetti, B. (2002). *Serving students with disabilities in charter schools: Legal obligations and policy options*. *169 West's Education Law Reporter 1* (Nov. 7, 2002) Retrieved February 9, 2005 from:
<http://www.naschools.org/uploadedfiles/ServingStudentswDisabilitiiesin%20Charter.pdf>

Parrish, T., Farr, J., Wolman, J., Anthony, J., Merickel, A. & Esra, P. (2004) *State special education finance systems, 1999-2000 part II: Special education revenues and expenditures*. Palo Alto, CA: The Center for Special Education Finance at the American Institutes for Research. Retrieved on February 120, 2005 from:
<http://csef.air.org/publications/csef/state/statepart2.pdf>

Plank, D. N., & Sykes, G. (2003). *Choosing choice: School choice in international perspective*. New York, NY: Teachers College Press, Columbia University.

Rhim, L. M., Lange, C., Ahearn, E., & McLaughlin, M. J. (in press.). *Project Intersect research report #3: Survey of state charter school officials*. College Park, MD: University of Maryland, Project Intersect.

Rhim, L. M., & McLaughlin, M. J. (2001). Special education in American charter schools: State level policy, practices and tensions. *Cambridge Journal of Education*, 31(3). 373-383.

Rothstein, L. F. (1999). School choice and students with disabilities. In S. D. Sugarman & F. R. Kemerer (Eds.), (1999). (pp. 332-264). *School choice and social controversy: Politics, policy and law*. Washington, D.C.: Brookings Institution Press.

Sugarman, S. D. & Kemerer, F. R. (Eds.), (1999). *School choice and social controversy: Politics, policy and law*. Washington, D.C.: Brookings Institution Press.

U.S. Department of Education. (2002). *Twenty-fourth annual report to congress on the implementation of the Individuals with Disabilities Education Act*. Washington, DC.

Retrieved June 1, 2004 from:

<http://www.ed.gov/about/reports/annual/osep/2002/index.html>

Vergari, S. (2002). *The charter school landscape*. Pittsburgh, PA: University of Pittsburgh Press.

Zimmer, R., Buddin, R., Chau, R., Daley, G., Guarino, D., Hamilton, L., Krop, C., McCaffrey, M., Sandler, M., & Brewer, B. (Eds.). (2003). *Charter school operations and performance: Evidence from California*. Santa Monica, CA: RAND Education.