

PROJECT INTERSECT – RESEARCH REPORT #3 SURVEY OF STATE CHARTER SCHOOL OFFICIALS

MARCH 2005



U.S. Office of Special
Education Programs

The U.S. Department of Education's
Office of Special Education Programs (OSEP)
is committed to positive results
for children with disabilities.

Project Intersect is an IDEAs that Work project



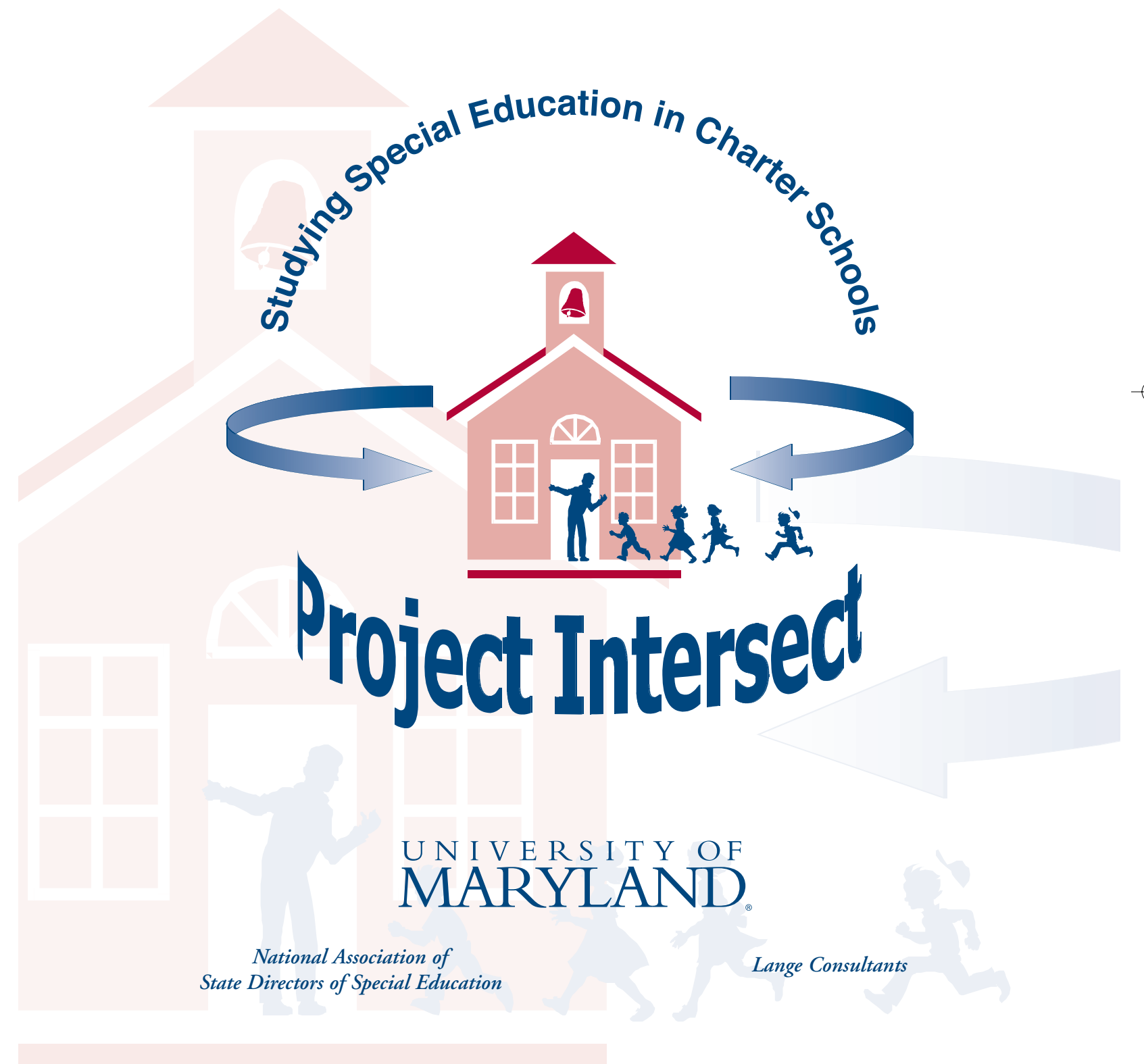
Project Intersect: Studying Special Education in Charter Schools
1220 E. Benjamin Building
University of Maryland, College Park
College Park, Maryland 20742-1161
tel: 301.405.6494 fax: 301.304.3996

www.education.umd.edu/EDSP/Projectintersect

Any or all portions of this document may be reproduced and distributed without prior permission,
provided the source is cited as:

Project Intersect, (March, 2005).
Research Report #1. College Park: University of Maryland
Project Intersect, The Institute for the Study of Exceptional Children and Youth.
Retrieved [today's date] from: www.education.umd.edu/EDSP/Projectintersect

Funding for this research was provided by the U.S. Department of Education, Office of Special Education Programs (Grant # H324D020025). The opinions expressed in this paper are those of the authors and do not necessarily reflect the views of the U.S. Department of Education or the Office of Special Education Programs.



PROJECT INTERSECT

STUDYING SPECIAL EDUCATION IN CHARTER SCHOOLS

Research Report #3: Survey of State Charter School
Officials

March 2005

Lauren Morando Rhim, University of Maryland, College Park
Cheryl M. Lange, Lange Consultants
Eileen M. Ahearn, National Association of State Directors of Special
Education
Margaret J. McLaughlin, University of Maryland, College Park

Institute for the Study of Exceptional Children and Youth

University of Maryland, College Park

1220 E. Benjamin Building

College Park, MD 20742-1161

(301)405-6494

www.education.umd.edu/EDSP/Projectintersect

ABSTRACT

Funding and delivering appropriate special education programs is arguably one of the most challenging and constant issues facing all public education systems. As the charter school sector grows into adolescence, special education remains a daunting challenge for many schools in this new and evolving segment of public education. This report presents the findings from a survey of state-level charter school officials and is one of several reports to be produced related to the activities of *Project Intersect*. The surveys were designed to document the policy context that shapes special education in charter schools and the strategies that state-, district-, and school-level policy leaders are developing to build charter schools' capacity to provide special education. The survey documented the current special education policy context in 33 of 41 states with charter school statutes.

Key themes that emerged from the survey, which will be further explored through subsequent data collection strategies, are the diversity of policies and practices between, and even within, states related to special education in the charter sector; the degree of local discretion involved with operationalizing legal identity and consequent responsibility; and an apparent lack of knowledge on the part of some state officials regarding issues related to special education in the charter sector. The survey also documents that most charter schools share, to some degree, their responsibilities related to special education with a local education agency. Both state-level officials and charter school authorizers are emerging as key providers of both technical assistance and the ongoing provision of special education services in charter schools.

Providing special education and related services to students with disabilities who opt to enroll in charter schools is difficult and will most likely continue to be difficult in the future. Nevertheless, as the charter school sector continues to grow, policy makers have a responsibility to consider what factors help or hamper the development of adequate special education programs in charter schools and what strategies various stakeholders are developing to boost charter schools' capacity related to special education. The Survey of State Charter School Officials contributes new data to the discussion of special education in the charter sector.

TABLE OF CONTENTS

<i>Abstract</i>	<i>iii</i>
<i>Table of Contents</i>	<i>v</i>
<i>Introduction</i>	<i>1</i>
<i>Project Intersect: Studying Special Education In Charter Schools</i>	<i>2</i>
Methodology	6
Survey Development	7
Procedures	7
Participants	7
Data Analysis	8
Results	8
State Charter School Legislation and Special Education	9
Characteristics of Charter School Legislation as It Relates to Special Education	9
Legal Identity	9
Charter School Linkage to a Local Education Agency	10
Regulations to Address Special Education in Charter Schools	12
Amended Charter School Legislation	13
Flow of State Special Education Dollars to Charter Schools	13
Considering Special Education during the Application/Authorization Stage	14
The SEA Role in Providing Training and Assistance in Special Education	16
State Education Agency Offered and Required Training	17
Special Education in Charter School Accountability Policies and Procedures	21
Disaggregating Student-Level Data for Charter Schools	21
Charter School Renewal Process	22
Charter Revocations Due to Special Education	22
Charter Schools Characteristics	23
New Start-Ups	23
Public School Conversions	23
Private School Conversions	25
Cyber Schools	25
Charter Schools Primarily or Entirely for Students with Disabilities	25
Issues Related to Special Education in Charter Schools	25
Challenges	26
Counseling out	29
Formal Complaints	29
Building Charter Schools' Capacity to Provide Special Education and Related Services	30
Primary Technical Assistance Provider	31
Infrastructures to Enhance Charter Schools' Ability to Provide Special Education	31
Discussion and Implications	33
Charter School Legislation	34

Local Discretion and Amorphous Responsibility	35
Technical Assistance: Capitalizing on Opportunities	36
Lack of Accountability May Emerge as a Liability	36
Characteristics of Charter Schools	37
Emerging Charter Issues Have Implications for Technical Assistance	37
Building Special Education Capacity in Charter Schools	38
<i>Limitations</i>	39
<i>Summary</i>	40
<i>References</i>	41
<i>Appendix A: Survey of State Charter School Officials</i>	44
<i>Appendix B: Survey Procedures</i>	53

INTRODUCTION

The charter school sector has officially entered its adolescence, and we can now reflect on more than a decade of research tracking the evolution of its goals and growth. By definition, charter schools are granted varying degrees of autonomy from state and district regulations; yet, due to their status as fundamentally public entities, they must abide by all applicable federal statutes, including the Individuals with Disabilities Education Act (IDEA).¹ The IDEA is the core federal law that stipulates that all children with disabilities have a right to a free and appropriate public education (FAPE) in the least restrictive environment (LRE). Research has documented that educating students with disabilities can be a particularly challenging task in charter schools, not unlike in traditional public schools (Ahearn, Lange, Rhim, & McLaughlin, 2001; Anderson et al., 2002; Finn, Manno, & Vanourek, 2000; General Accounting Office, 1995; Guarino & Chau, 2003; Henig, Moser, Holyoke, & Lacireno-Paquet, 1999; Nelson et al., 2000; McLaughlin & Henderson, 1998; O’Neill, Wenning, & Giovannetti, 2002; Zimmer et al., 2003). However, there are indicators that states, districts, and charter schools are using a variety of strategies to build their capacity to provide special education programs within the parameters articulated by IDEA (Ahearn et al., 2001). Examples of strategies are establishing service contracts with local districts, creating cooperatives, and forming risk pools.

This report presents findings from a survey of state-level charter school officials conducted as part of a larger national research study: *Project Intersect*. The following sections introduce *Project Intersect*, its theoretical framework, the Survey of State Charter School Officials, and its results.

¹ The Individuals with Disabilities Education Act was recently reauthorized and is now entitled The Individuals with Disabilities Education Improvement Act (The Individuals with Disabilities Education Improvement Act of 2004).

PROJECT INTERSECT: STUDYING SPECIAL EDUCATION IN CHARTER SCHOOLS

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

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 1998 to 2001.² 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 school operators struggle to understand their roles and responsibilities related to special education and that providing special education and related services in new autonomous charter schools raises multiple challenges.

To be more specific, *Project SEARCH* revealed two central tensions or policy conflicts that influence every aspect of 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 defines the charter school's roles and responsibilities related to special education. If a charter school is an autonomous district, it is solely responsible for providing a full continuum of

² The final report of *Project SEARCH* is available online at http://www.nasdse.org/project_search_doc2.pdf.

placements whereas if a charter school is part of a district, the district as a multi-site entity with resultant pooled resources and economies is responsible.

Project SEARCH also documented that charter schools struggle to provide 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 (Ahearn et al., 2001). Furthermore, charter schools, especially wholly autonomous charter schools, struggle to amass the human, fiscal, and organizational capacity needed to meet the requirements of FAPE. However, 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. 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 special education. *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.

Finally, interrelated 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, in the absence of internal capacity, charter schools benefit from affiliation with a special education infrastructure. *Project SEARCH* researchers defined a special education infrastructure as a local education agency, an intermediate administrative unit, a cooperative, a community-based non-profit, a comprehensive education service provider, or other external entity that provides a charter school with fiscal, organization, and human capacity that is virtually impossible 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 was enhanced when charter schools affiliated with either an existing infrastructure (i.e. LEAs, intermediate districts) or developed their own infrastructure, either collectively or independently.

Project SEARCH findings reflect the status of special education in the charter sector in a limited number of states between 1999 and 2001. The

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, in the absence of internal capacity, charter schools benefit from affiliation with a special education infrastructure.

purpose of *Project Intersect* is to build upon and expand the knowledge base established by *Project SEARCH*. The research questions driving *Project Intersect* grew primarily from *Project SEARCH* but were also influenced by other related research that examined special education in charter schools (i.e., Anderson et al., 2002; Fiore, T. A., Harwell, L., Blackorby, J., & Finnigan, K., 2000; O’Neill et al. 2002; Zimmer et al., 2003).

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) administrative expertise, and 5) the multiple specialized instructional personnel charter schools require to deliver appropriate special education programs.

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

- The research activities of Project Intersect 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 authorization and renewal processes, influence access to special education and related services?*
 - 2. What are the characteristics of charter schools in 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?*

1. How does state charter school legislation, including authorization and renewal processes, influence access to special education and related services?
2. What are the characteristics of charter schools in 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?

The growing charter school sector is primarily a state-driven reform initiative. Individual states pass charter school laws that define the legal status of their charter schools and articulate specific parameters within which charter schools may operate. In turn, entities that have the authority to grant charters (i.e., authorizers or sponsors) and charter school operators interpret and implement individual state charter school laws, thereby translating policies into practices. Federal laws pertaining to students with disabilities, most notably the IDEA along with state laws, also shape the provision of special education and related services within charter schools.³ State directors of

³ Related services are supportive services which are required to help a student with a disability benefit from special education. Examples of related services include but are not limited to:

special education and state charter school officials are responsible for interpreting and integrating state special education and charter school policies.

Based upon prior research (Ahearn et al., 2001; Anderson et al., 2002; Fiore, et al., 2000; Fiore, Warren & Cashman, 1998; Heubert, 1997; O'Neill, et al, 2002; Zimmer et al., 2003), the *Project Intersect* team hypothesized that a number of specific factors contribute to or influence how special education is implemented in charter schools. These factors include the:

- Charter school's legal identity/status,
- Charter school's linkage to a local education agency,
- Age and size of a state's charter school sector,
- Type of authorizer,
- Charter school's status as a conversion or new start-up school,
- Involvement of state education agency (SEA) and local education agency (LEA) special education personnel in the state charter school sector,
- Amount and type of technical assistance available to a charter school,
- Charter school's experience with educating children with disabilities,
- Accountability mechanisms that apply to charter schools for general and special education, and
- Charter school authorization and renewal procedures.

Project Intersect will consist of a total of four research activities in states with existing charter school laws. *Project Intersect* is collecting data from multiple sources to describe the variation among states in terms of these factors and seek to identify potential correlations. For instance, data from multiple sources will be analyzed to document whether there are connections between type of authorizer and amount and type of special education technical assistance offered to charter schools.

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 high stakes in the successful implementation of special education in charter schools. The four research activities include:

1. A legislative review;
2. Surveys of state directors of special education, state charter school officials, charter school authorizers, and charter school operators;

speech pathology, psychological services, physical and occupational therapy, counseling and rehabilitation counseling services and transportation. Schools are required to provide all related services which are included in a student's Individualized Education Program (IEP).

The survey of state charter school officials was developed to document the policy context that shapes special education in charter schools and the strategies that state, district, and school level policy leaders are developing to build charter schools' capacity to provide special education.

3. Case studies of special education infrastructures; and
4. An analysis of extant student enrollment and performance data in a state with a substantial charter sector.

The research activities were designed so that each successive activity is more focused and draws from a more refined, purposeful sample of states, schools, and organizations. All study instruments will be reviewed by a Participant Advisory Team (PAT) consisting of 15 advisers representing special education, charter schools, and special education in charter schools.⁴

This report presents findings from the Survey of State Charter School Officials. The specific survey methodology, results, and discussion are presented on the pages that follow.

METHODOLOGY

The data presented in this research report were obtained using a single web-based survey of state charter school officials in states with charter school laws. The survey of state charter school officials was developed to document the policy context that shapes special education in charter schools and the strategies that state-, district-, and school-level policy leaders are developing to build charter schools' capacity to provide special education.

State charter school officials differ by state in terms of their title and amount of time dedicated to the position, but in general, these individuals are responsible for guiding SEA charter school policy development and implementation. As the shepherds of state charter school policy, state charter school officials have a unique perspective regarding how their state's charter schools are addressing their responsibilities related to special education.

The following sections describe the survey development process, survey procedures, survey respondents, and data analysis. The appendix contains a copy of the survey and an extended description of the survey procedures.

⁴ The purpose of the Participant Advisory Team (PAT) is to enhance the relevance of the research project and the utility of products for key stakeholders by including these stakeholders in the research design process. At the start of the research study, 15 individuals from across the nation who are knowledgeable about special education, charter schools, or special education in charter schools were identified and invited to serve on the PAT. Advisory team members were asked to provide input on instrumentation, planning, and research activities during the three years of the project.

Survey Development

The survey of state charter school officials was developed based upon the four central study questions and related sub-questions. The *Project Intersect* team developed a forced-choice response survey containing 28 items that collectively inform the research questions. The survey content and format was reviewed by the Participant Advisory Team. Efforts were made to align the survey of state charter school officials with a parallel survey of state directors of special education (Lange, Rhim, Ahearn, & McLaughlin, 2005) in order to allow for the eventual triangulation of the data from two state-level perspectives. The survey questions are presented in Appendix A.

Procedures

We surveyed the universe of state charter school officials. The list of state charter school officials was developed in collaboration with officials from the U.S. Department of Education, Office of Innovation and Improvement. *Project Intersect* research associates verified the list and collected e-mail addresses by checking state department of education websites and telephoning state charter school offices. Every effort was made to identify the primary individual employed by the state department of education responsible for developing and managing state charter school policy.

The *Project Intersect* team selected a web-based delivery method for the survey based on 1) awareness that the target population regularly uses e-mail and 2) research documenting that Internet surveys present an efficient method of conducting surveys (Best & Krueger, 2004; Dillman, 2000). An established provider of web-based survey tools and data handling and analysis packages—Zoomerang™—was selected as the vehicle for online delivery. The survey was launched in August of 2003. Following the recommendations of Dillman (2000), *Project Intersect* personnel 1) sent an introductory e-mail to participants three days in advance of sending the actual link to the online survey, 2) launched the e-mail survey in August of 2003, 3) mailed multiple reminder e-mails, and 4) telephoned non-respondents. Paper and pencil copies of the online survey were provided to participants who were unable to complete the online survey. Responses to the paper and pencil version were entered into Zoomerang™ by project staff.

Participants

Forty states and the District of Columbia have charter school laws, and the state charter school officials in these states comprised the survey population. Thirty-three (81%) of the state charter school officials or their designees

Thirty-three (81%) of the state charter school officials or their designees completed the survey.

completed the survey. The majority of the respondents to the survey were state directors (56%) or assistant directors (6%) of charter schools or work full-time as staff members (16%) in a charter school unit or office. The remaining respondents were staff members in another unit with part-time responsibility for charter schools (13%) or described themselves as having a title “other” (9%) than those identified in the survey. More than three quarters of the respondents had at least two years of experience in their current position in the charter school office.

The high response rate limits potential bias associated with the non-respondents. However, given the small population of state charter school officials, generalizability is not necessarily a goal. Rather, the purpose of the survey is to grasp the status of policy issues influencing charter schools nationwide.

Data Analysis

The data collected via Zoomerang™ were entered into an Access™ database. The *Project Intersect* team analyzed all responses collected in the “other” category of the forced choice questions to determine whether it was appropriate to recode the responses. The research team re-coded responses if the write-in responses 1) had the same meaning as one of the forced choice responses or 2) created a cluster of alike responses that justified the creation of a new code. Each survey question was analyzed for frequency and distribution tables were developed to aid the analysis. Where appropriate, the data tables are presented in the findings section to enhance the description of the data. Comprehensive analyses of all *Project Intersect* surveys will be conducted once data collection is concluded. These analyses will examine potential relationships between key variables, such as age and size of individual state’s charter school sectors and specific special education policies and practices.

RESULTS

Results from the Survey of State Charter School Officials are organized by the project’s overarching research questions. To reiterate, the four areas investigated were:

1. State charter school legislation and special education,
2. Characteristics of charter schools in each state,
3. Emerging issues in charter schools, and

4. Building special education capacity in charter schools.

Each section includes the central research question, relevant supporting questions, and a summary of the key related survey findings. The results section is followed by a discussion section.

State Charter School Legislation and Special Education

The charter school movement is fundamentally a locally driven reform initiative; yet, the parameters within which charter schools must operate are established in state charter schools statutes. The manner in which these laws address special education set the basic framework for how special education will be delivered in charter schools. A central research question driving *Project Intersect* pertained to each state's legislation, its policies and practices, and how each state addresses special education in charter schools. Survey questions were developed to provide a framework for answering the overarching question. The related questions include:

1. What are the characteristics of charter school legislation as it relates to special education?
2. How is special education addressed during the application/authorization and operational stages?
3. How is special education addressed in charter school accountability and renewal processes?

Survey items that address the overarching research questions are presented in the pages that follow and are organized by sub-questions.

Characteristics of Charter School Legislation as It Relates to Special Education

Survey topics directly related to legislative characteristics are 1) charter school legal identity related to special education, 2) the linkage between charter schools and LEAs, 3) the existence of charter school regulations pertaining to special education, 4) amended charter legislation regarding special education, and 5) the flow of special education dollars to charter schools.

Legal Identity

Due to language in IDEA that identifies a local education agency (LEA) as the entity responsible for implementing the law, a charter school's legal status for purposes of special education determines its legal responsibility related to implementing the IDEA. Charter schools are either part of a LEA or they are their own independent LEA. Legal identity appears to be relatively straightforward but, in practice, legal identity is somewhat fluid in some states

Legal identity appears to be relatively straightforward but, in practice, legal identity is somewhat fluid in some states and subject to other factors, such as who authorizes the charter school or negotiations during the charter application process

and subject to other factors, such as who authorizes the charter school or negotiations during the charter application process (Ahearn, Rhim, Lange, & McLaughlin, 2005). A question to be answered through *Project Intersect* pertains to how key policy actors (i.e., state-, district-, and school-level) interpret the legal identity of charter schools for purposes of special education. State charter school officials were asked to identify the legal status of the charter schools in their state.

For purposes of special education, 14 of the 31 respondents reported that their state laws dictate that charter schools are part of an LEA; 8 states reported that charter schools are their own LEAs; and 5 states reported that schools can choose their legal status. In three of the responding states, legal status is dependent upon who authorizes the charter school. Table 1 presents the survey question and responses related to legal identity for the 31 respondents.

TABLE 1: CHARTER SCHOOL LEGAL STATUS FOR PURPOSES OF SPECIAL EDUCATION

For purposes of special education, what is the legal identity of charter schools in your state? (Select ONE)	Responses n	Responses % of n
Charter schools in my state are part of an LEA	14	45%
Charter schools in my state are LEAs	8	26%
Charter schools can choose to be their own local education agencies (LEAs) or part of an LEA	5	16%
Either LEA or Part of LEA, authorizer dependent	3	10%
Other*	1	3%
Do not know	0	0%
Total	31	100%

*Other response: "For federal entitlement and discretionary funds only"

Source: Survey of State Charter School Officials: Project Intersect, 2003

Charter School Linkage to a Local Education Agency

The construct of "linkage" reflects how a charter school actually provides special education and related services to students with disabilities. The notion of linkage emerged from *Project SEARCH* (Ahearn et al., 2001), which found that due to both state charter school statutes and evolving school-level practices, charter schools affiliate to varying degrees with LEAs for purposes of special education. The *SEARCH* team documented that charter schools affiliate with an LEA along a continuum from total-linkage to no-linkage, with the majority of charter schools falling into the broad category of "partial-linkage."

The SEARCH team documented that charter schools affiliate with an LEA along a continuum from total-linkage to no-linkage, with the majority of charter schools falling into the broad category of "partial-linkage."

To quantify the notion of linkage nationwide, the survey of charter school officials asked the respondents to identify how charter schools in their states are “linked” to LEAs for the purpose of providing special education and related services. For the purposes of this survey, the concept of linkage is represented by who is responsible for provision of special education and related services.

In 13 (39%) of the responding states, charter schools are solely responsible for the provision of services. In six states (18%), LEAs and charter schools share responsibility. Four states (12%) reported that the LEA retains responsibility for providing all special education services, and five states (15%) reported that responsibility is a combination or adaptation of the aforementioned options or that responsibility is assigned in the charter contract. Five of the state officials (15%) either did not know or reported that responsibility is assigned in a manner “other” than those articulated in the survey. Table 2 presents a summary of the survey data related to linkage.

Cross referencing the question regarding legal identity and linkage according to responsibility for provision of services reveals the relationship between legal status and linkage. Of the 13 state officials that reported that charter schools are solely responsible for provision of special education, 8 reported that the charter schools in their state are independent LEAs or that charter schools can choose their legal status, while 5 reported that the charter schools in their state are part of a local district. Of the six states in which LEAs and charter schools share responsibilities, state officials in four states identified the charter schools as operating as part of an LEA, one state identified charter schools as independent LEAs, and one identified legal responsibility as defined by the authorizer. The four state officials that reported that responsibility is shared all reported that charter schools in their states are identified as part of the LEA.

**TABLE 2: CHARTER SCHOOL LINKAGE TO LEAs FOR
SPECIAL EDUCATION SERVICE DELIVERY**

How are charter schools in your state linked to LEAs for the purpose of providing special education and related services to students with disabilities? (Select ONE)	Responses n	Responses % of n
Charter schools are solely responsible for providing special education services to students enrolled in their school.	13	39%
LEAs and charter schools are required to share the responsibility for providing special education services to students enrolled in charter schools.	6	18%
LEAs are responsible for providing all special education services to students with disabilities enrolled in charter schools.	4	12%
Provision of special ed and related services can be a combination or adaptation of the preceding arrangements.	3	9%
Responsibility is assigned in charter contract/agreement.	2	6%
Do not know	1	3%
Other*	4	12%
Total	33	99%**

*Other response: (“Districts fund c.s. students in private SE schools”)

** Total does not equal 100% due to rounding.

Source: Survey of State Charter School Officials: Project Intersect, 2003

Regulations to Address Special Education in Charter Schools

In addition to the legislative process, state policy makers can focus and interpret laws via the regulatory process. The survey included a question related to regulation to discern the degree to which states are utilizing formal regulatory channels to address special education issues. Three states (9%) have developed regulations, 27 states (84%) responded that they have not created regulations, and two state officials (6%) responded that they did not know whether their state has created regulations. Table 3 presents a summary of responses related to regulations.

**TABLE 3: REGULATIONS RELATED TO SPECIAL EDUCATION
IN CHARTER SCHOOLS**

Has your state adopted regulations specifically to address special education in charter schools that differ from or go beyond your other special education regulations? (Select ONE)	Responses n	Responses % of n
Yes	3	9%
No	27	84%
Do not know	2	6%
Total	32	99%*

**Total does not add up to 100% due to rounding.*

Source: Survey of State Charter School Officials: Project Intersect, 2003

Amended Charter School Legislation

To assess the degree to which states have used the legislative process to formally address issues related to special education, the survey contained a question regarding amendments to charter school statutes. Only three state officials (9%) reported that their legislature has amended their state charter school statute related to special education. Twenty-eight states (88%) have not amended their statutes related to special education. These findings do not capture whether there have been efforts to change the law but show that there has not been legislative action that led to amendments related to special education. Table 4 presents a summary of the survey data related to charter school amendments.

**TABLE 4: CHARTER SCHOOL LAW AMENDMENTS RELATED
TO SPECIAL EDUCATION**

Has your state legislature amended the charter school law as a result of issues related to special education in charter schools? (Select ONE).	Responses n	Responses % of n
Yes	3	9%
No	28	88%
Do not know	1	3%
Total	32	100%

Source: Survey of State Charter School Officials: Project Intersect, 2003

Flow of State Special Education Dollars to Charter Schools

Public schools receive funding for special education from three sources: the federal government, the state departments of education, and the local

district. On average, states contribute about 45% of the cost of special education, while local districts contribute about 46% and the federal government contributes the remaining 9% (Parrish, Harr, Anthony, Merickel, & Esra, 2003). However, there is considerable variation among specific states. Future surveys will ask charter school operators to report how federal and state dollars flow to their schools.

Whether directly from the state or through the district, approximately half of the responding states' charter schools maintain control of their state special education dollars. This is in contrast to the district retaining control of the state special education dollars.

Of the responding states, seven (22%) reported that state special education dollars flow directly to the charter school and eight (25%) reported that the dollars flow through the district, but that charter schools receive 100% of the state monies. Whether directly from the state or through the district, approximately half of the responding states' charter schools maintain control of their state special education dollars. This is in contrast to the district retaining control of the state special education dollars.

Only two (6%) of the states reported that state special education dollars flow through the district and that the district retains a set percentage of the money. The states that indicated that the district retains a percentage of state dollars reported that districts retain 4% or 5% of the state monies for the purpose of covering their administrative costs associated with working with charter schools. In six (19%) of the states, state special education dollars flow to districts which then provide special education services in charter schools. An additional six (19%) of the states noted that state special education dollars flow in a number of different manners or that the flow is dictated by individual charter school agreements. Table 5 presents a summary of the survey data related to state special education funding.

Considering Special Education during the Application/Authorization Stage

To discern how special education is addressed during the application and authorization process and, subsequently, once charter schools are operating, state officials were asked questions focused on documenting the 1) requirements related to special education during the application process 2) role of the state education agencies in providing training and technical assistance, and 3) requirements pertaining to training.

Requirements associated with special education prior to opening. The charter authorization process is a charter school authorizers/sponsors primary opportunity to determine whether potential charter operators are aware of their responsibilities related to students with disabilities and prepared to address these responsibilities. However, the degree to which states actually require potential operators to address special education is unknown. The survey asked what operators are required to assure related to special education during the application process.

TABLE 5: STATE SPECIAL EDUCATION DOLLARS

How do STATE special education dollars flow to charter schools? (Select ONE)	Responses n	Responses % of n
STATE special education dollars flow directly to charter schools.	7	22%
STATE special education dollars flow through the LEA but charter schools receive 100% of the amount.	8	25%
STATE special education dollars flow through the LEA and the LEA retains a set percentage for administrative costs.	2	6%
STATE special education dollars flow to the LEA and the LEA provides special education services to charter schools.	6	19%
Special education funding flow can be a combination or adaptation of the preceding arrangements or dictated by the charter agreement.	6	19%
Do not know	2	6%
Other (Not Specified)	1	3%
Total	32	100%

Source: Survey of State Charter School Officials: Project Intersect, 2003

State Charter School Officials were permitted to select multiple responses related to what their state requires of applicants during the authorization process. Twenty-six states (81%) require charter applications to provide, at a minimum, a general assurance to not discriminate against any group and 25 (78%) of the states require that applicants specifically articulate assurances not to discriminate against students with disabilities. Twenty states (63%) request that applicants articulate at least a general plan of how they anticipate addressing special education requirements while 14 (44%) require applicants to provide specific information about their plans to provide special education. Five states (15%) also require applicants to attend training on special education. However, four states (13%) responded that they do not require any information related to students with disabilities or special education services during the charter authorization/application process. Table 6 is a summary of the data related to requirements during the authorization and application process.

When the data are analyzed according to how individual state officials responded to all of the options, a total of seven state officials reported that their state requires general and/or specific *assurances* regarding not discriminating but do not require a general and/or specific *plan*.

TABLE 6: STATE REQUIREMENTS DURING AUTHORIZATION/APPLICATION PROCESS

What does your state REQUIRE of charter schools during the charter authorization/application process? (Select ALL that apply)	Responses n	Responses % n
General assurance to not discriminate against any group	26	81%
Specific assurance to not discriminate against students with disabilities	25	78%
General information about planned special education services	20	63%
Specific information about planned special education services	14	44%
Attendance at training on special education	5	16%
Nothing is required related to students with disabilities or special education services	4	13%
Do not know	0	0%
Not yet developed	0	0%
Other*	5	16%
Total	32**	***

*“1st yr review prior to sped \$\$\$ disbursement”

“State doesn't charter; most LEAs require info”

“A to follow State & Fed regs re: student /disabilities

“Special Education Manual of Procedures is required”

“Methods of coordinating with LEA for sped”

**Multiple responses possible from single respondent

***Respondents were instructed to select all the options that apply to their states and as a result, the total percentage is greater than 100%.

Source: Survey of State Charter School Officials: Project Intersect, 2003

Special education is a state responsibility that state education agencies (SEAs) delegate to local districts and subsequently hold districts accountable for implementing.

The SEA Role in Providing Training and Assistance in Special Education

Special education is a state responsibility that state education agencies (SEAs) delegate to local districts and, subsequently, hold districts accountable for implementing. In recognition of the fact that special education originates as a state responsibility, state officials were asked what their state department is providing in the way of special education-related technical assistance to charter schools. Table 7 presents the summary of the relevant survey data.

The role that an SEA assumes related specifically to special education in charter schools varies by state. In 18 states (56%), the SEA provides technical assistance to individual charter schools. In 16 (50%) states, the SEA generates written documents to assist charter schools related to special education, and in 12 states (38%) respondents noted that they provide special education training specifically for charter schools. Across these first three categories, 11 (34%) state officials reported that their state provides all three types of technical assistance to charter schools. SEAs are not conducting all the special education-related training in-house; five (16%) of the SEAs are sponsoring

other organizations to provide special education related technical assistance to charter schools.

TABLE 7: SEA ASSISTANCE TO CHARTER SCHOOLS

What does your SEA do to assist charter schools in the area of special education? (Select ALL that apply)	Responses n	Responses % n
Provides special education technical assistance to individual charter schools	18	56%
Generates written documents (e.g., manuals, Frequently Asked Questions documents) specific to special education and charter schools	16	50%
Provides special education training specifically for charter schools	12	38%
Provides funds to other organizations to provide special education technical assistance to charter schools	5	16%
In development	2	6%
Do not know	0	0%
Other (specify)*	2	6%
Total	32**	***

* “TA to LEA Sp. Ed. Directors about charters”
“General tech. assistance”

**Multiple responses possible from single respondent

***Respondents were instructed to select all the options that apply to their states and as a result, the total percentage is greater than 100.

Source: Survey of State Charter School Officials: Project Intersect, 2003

State Education Agency Offered and Required Training

State charter school officials were asked to identify the areas in which they offer or require technical assistance or training during both the authorization and application process and once charter schools are operating.

Offered or required training during authorization and application process. Participating states generally offer but do not require training related to special education during the authorization process. Approximately 30% of the state officials reported that their states require technical assistance and training during the authorization and application process related to disability laws, providing special education, monitoring and compliance, and reporting to the state. Fewer states are requiring training related to establishing eligibility and the IEP process and funding special education. More than half of the states are offering but not requiring technical assistance and training related to disability laws, establishing eligibility, providing special education services, monitoring and compliance, funding special education, and reporting data to the state. Table 8 presents a summary of the data related to whether

Participating states generally offer but do not require training related to special education during the authorization process.

training is required or being offered and in what areas the technical assistance and training is being provided.

TABLE 8: TRAINING DURING AUTHORIZATION/APPLICATION PROCESS

In which of the following areas does the SEA offer or require technical assistance or training during the AUTHORIZATION/APPLICATION PROCESS? (Select ONE response for each area)	Required During Authorization/ Application % (n)	Offered But Not Required During Authorization/ Application % (n)	Do Not Know % (n)
Introducing general disability laws (IDEA, ADA, Section 504)	33% (10)	60% (18)	7% (2)
Establishing eligibility and the IEP process	21% (6)	68% (19)	11% (3)
Providing special education services	33% (9)	59% (16)	7% (2)
Monitoring and compliance	32% (9)	61% (17)	7% (2)
Funding special education	22% (6)	67% (18)	11% (3)
Reporting data to the state	35% (9)	54% (14)	12% (3)

Source: Survey of State Charter School Officials: Project Intersect, 2003

Amount of training time required prior to opening. A second survey question related to training asked the state officials to quantify how much training is being required prior to opening. The majority of the respondents (n=24) noted that they do not require any training related to special education prior to charter schools opening. Of the six states that reported they do require training prior to opening, one requires a half a day or less, three require about one day, and two require two days or more. Table 9 presents a summary of the data related to total days of training required.

TABLE 9: TOTAL DAYS OF TRAINING REQUIRED BEFORE OPENING

How many total days of special education training does your state REQUIRE of charter representatives PRIOR TO OPENING their school? (Select ONE)	Responses n	Responses % n
Half day or less	1	3%
About a day	3	9%
Two days or more	2	6%
None	24	75%
Do not know	2	6%
Total	32	100%*

**Total does not add up to 100% due to rounding.*

Source: Survey of State Charter School Officials: Project Intersect, 2003

Offered or required training after opening. In recognition that states may be developing different support networks for applicants versus charter schools that are actually operating, the survey contained a second set of questions related to whether states are offering or requiring special education related training once charter schools are operating. These questions revealed a somewhat different landscape than the question pertaining to training prior to opening. Nearly half (n=14) of the responding states require operating charter schools to attend training related to monitoring and compliance and eleven require training related to reporting data to the state. These numbers appear to indicate a focus on ensuring that charter operators are aware of specifically issues related to compliance. However, some states also require training related to introducing general disability laws (n=4), establishing eligibility and the IEP process (n=6), providing special education (n=6), and funding special education (n=9).

In addition to increased requirements related to training, once charter schools are operating there appears to be more opportunities to voluntarily obtain special education related training or technical assistance. Training related to introducing general disabilities laws is offered in 23 of the responding states, 22 of the states offer training related to establishing eligibility and 21 offer training related to providing special education services. Only 13 of the states reported that they offer training related to monitoring and compliance, 16 offer training related to funding, and 14 offer training related to reporting data to the state. Table 10 presents a summary of the data related to training and technical assistance once charter schools start operating.

The questions regarding training prior to opening and after opening did not ask respondents to indicate if the training was *specific* to charter schools. Therefore, the responses do not stipulate whether the training is specific to special education and charter schools or if it is the training provided and required of all schools or school districts.

In addition to increased requirements related to training, once charter schools are operating there appears to be more opportunities to voluntarily obtain special education related training or technical assistance.

TABLE 10: TRAINING AFTER CHARTER SCHOOLS START OPERATING

In which of the following areas does the SEA offer or require technical assistance or training during the OPERATION? (Select ONE response for each area)	Required During Operation % (n)	Offered But Not Required During Operation % (n)	Do Not Know % (n)
Introducing general disability laws (IDEA, ADA, Section 504)	14% (4)	79% (23)	7% (2)
Establishing eligibility and the IEP process	20% (6)	73% (22)	7% (2)
Providing special education services	21% (6)	72% (21)	7% (2)
Monitoring and compliance	48% (14)	45% (13)	7% (2)
Funding special education	31% (9)	55% (16)	14% (4)
Reporting data to the state	41% (11)	52% (14)	7% (2)

Source: Survey of State Charter School Officials: Project Intersect, 2003

Amount of training time required after opening. When asked how much training is required once charter schools are operating, 25 of the respondents reported that no training is required. Of the states that reported that a specific amount of training is required, one reported that half a day or less is required, two reported that about one day is required, and two reported that two days or more are required.

TABLE 11: TRAINING TIME REQUIRED AFTER OPENING

How many total days of special education training does your state REQUIRE of charter representatives ONCE CHARTER SCHOOLS ARE OPERATING? (Select ONE)	Responses n	Responses % n
Half day or less	1	3%
About a day	2	6%
Two days or more	2	6%
None	25	76%
Do not know	3	9%
Total	33	100%

Source: Survey of State Charter School Officials: Project Intersect, 2003

Special Education in Charter School Accountability Policies and Procedures

Accountability is a core tenet of the charter school model; yet, little is known about how charter schools are being held accountable for educating their students with disabilities. The notion of assessing accountability for special education in charter schools is further complicated by the practical reality that many charter schools—similar to small traditional public schools—are not required by NCLB to report the test scores of sub-groups, such as students with disabilities, due to small sample sizes and consequent concerns about privacy. The survey contained the following two questions designed to document accountability for special education: 1) are states reporting disaggregated charter school student-level data and 2) is special education considered during the renewal process? Future surveys of charter school authorizers and operators will investigate more specific aspects of special education accountability in charter schools.

Disaggregating Student-Level Data for Charter Schools

The No Child Left Behind Act of 2001 dictates that public schools must disaggregate their state assessment data when reporting academic performance. However, little is known regarding the degree to which charter schools are aware of or complying with the accountability requirements of NCLB. State charter school officials were asked whether the charter schools in their state disaggregate student performance data (e.g., state test results, attendance, and participation) for students with disabilities at the charter school level. The majority (n=26) of states reported that they disaggregate student performance data for students with disabilities at the charter school level. Three state officials reported that charter schools in their state do not disaggregate data for students with disabilities at the charter school level and four reported that they do not know. (See Table 12)

Accountability is a core tenet of the charter school model; yet, little is known about how charter schools are being held accountable for educating their students with disabilities. The notion of assessing accountability for special education in charter schools is further complicated by the practical reality that many charter schools—similar to small traditional public schools—are not required by NCLB to report the test scores of sub-groups, such as students with disabilities, due to small sample sizes and consequent concerns about privacy.

TABLE 12: DISAGGREGATING DATA

Does your state disaggregate student performance data (e.g., state test results, attendance, and participation) for students with disabilities at the charter school level? (Select ONE)	Responses n	Responses % n
Yes	26	79%
No	3	9%
Do not know	4	12%
Total	33	100%

Source: Survey of State Charter School Officials: Project Intersect, 2003

Charter School Renewal Process

Accountability for outcomes is embodied in renewable charter contracts. When charter schools apply for renewal, authorizers typically assess whether the charter school has met the goals and objectives outlined in the charter contract. State officials were asked whether special education is a component of the charter renewal process. In 19 of the responding states, a school's record regarding special education *is a required component* of the charter renewal process. In nine of the states, special education *is not a required component*, and five of the states reported that they don't know whether special education is a required component. Table 13 contains a summary of the data.

TABLE 13: SPECIAL EDUCATION IN THE CHARTER RENEWAL PROCESS

Is the record of how a charter school has implemented special education a required component of the charter school renewal process? (Select ONE)	Responses n	Responses % n
Yes	19	58%
No	9	27%
Do not know	5	15%
Total	33	100%

Source: Survey of State Charter School Officials: Project Intersect, 2003

Charter Revocations Due to Special Education

To document the extent to which special education issues translate into problems that impact charter renewal, or potentially revocations, charter school officials were asked to report whether any charters in their state have been revoked due to special education. The majority of state officials (n=31) reported that special education has not been the sole cause of revocation, and two reported that they don't know. When interpreting this finding, it is germane to consider the prior finding that only 19 of the responding states consider special education during the renewal process. See Table 14 for a summary of the data.

The majority of state officials (n=31) reported that special education has not been the sole cause of revocation...

TABLE 14: CHARTER REVOCATIONS RELATED TO SPECIAL EDUCATION

Have any charters in your state been revoked due ONLY to special education issues? (Select ONE)	Responses n	Responses % n
No	31	94%
Do not know	2	6%
Yes, specify the number of charters revoked	0	0%
Total	33	100%

Source: Survey of State Charter School Officials: Project Intersect, 2003

Charter Schools Characteristics

An underlying hypothesis of *Project Intersect* is that whether a charter school is a new start-up, a public or private school conversion, or a cyber school may influence the manner in which special education is implemented. The Survey of State Charter School Officials asked respondents to identify the types of charter schools that have been created. Table 15 presents a summary of the state-level responses related to types of charter schools operating in states. Overall, the majority of charter schools are new start-ups.

New Start-Ups

New start-up charter schools are schools that are created as opposed to being converted from an already existing organization. Of the 25 state charter school officials who responded to this question, on average, there are roughly 40 new start-up charter schools operating in their state. However, the number of start-up schools operating ranged from 1 to 199 and the mode was between 11-15 schools. These data document that there is a great deal of variance across the states in terms of the overall number of charter schools operating.

Public School Conversions

A public school conversion charter school is a school that existed as a public school prior to becoming a charter school. Across the 27 responding states, officials reported that on average, there are approximately 3 charter schools that were converted from traditional public schools operating in each state, with the range being from 0 to 19.

Of the 25 state charter school officials who responded to this question, on average, there are roughly 40 new start-up charter schools operating in their state. However, the number of start-up schools operating ranged from 1 to 199 and the mode was between 11-15 schools.

TABLE 15: TYPES OF CHARTER SCHOOLS

Of the charter schools currently operating in your state, how many are conversion schools (i.e. traditional public or private schools that converted to charter school status) versus new start-ups? (Enter numbers in the boxes below, or enter "Don't know.")		
	Responses n	Responses % n
New start-ups		
1-5	3	12%
6-10	0	1%
11-15	6	24%
16-20	3	12%
21-30	3	12%
31-40	3	12%
41-50	1	4%
51-100	4	16%
101-200	2	8%
Total	25	100%*
Public school conversions		
	Responses n	Responses % n
0	11	41%
1-5	11	41%
6-10	4	15%
11-15	0	0%
16-20	1	4%
Total	27	100%*
Private school conversions		
	Responses n	Responses % n
0	18	78%
1-5	3	13%
6-10	1	4%
11-15	0	0%
16-20	1	4%
Total	23	100%*
Of the charter schools currently operating in your state, how many are cyber or virtual charter schools? (Enter a number in the box below, or enter "Don't know")		
	Responses n	Responses % n
0	22	71%
1	3	10%
3	2	7%
5	1	3%
6	1	3%
8	1	3%
21	1	3%
Total	31	100%

* Responses do not add up to 100 due to rounding.

Source: Survey of State Charter School Officials: Project Intersect, 2003

Private School Conversions

Private school conversion charter schools are charter schools that operated as a private school prior to applying to become a charter school. A number of state charter school laws specifically prohibit private school conversions. Even the states that allow private school conversions are not experiencing a rush of conversions. Of the 23 responding states, 18 reported that none of their operating charter schools is a private school conversion. In the five states that reported specific figures regarding private school conversions, the number of these schools ranges from a low of 0 to a high of 19.

Cyber Schools⁵

Cyber schools, also referred to as “virtual charter schools,” are a small but growing segment of the charter school sector. Of the 31 responding state charter school officials, only nine reported that there are cyber/virtual charter schools operating in their states. Of these states, the number of cyber schools ranged from one to 21, with the mode being one.

Charter Schools Primarily or Entirely for Students with Disabilities

Charter school officials were asked how many charter schools in their state are designed primarily or entirely to serve students with disabilities. Of the 33 respondents, only 6 states reported that there charter schools designed primarily or entirely to serve students with disabilities operating in their state. Within these 6 states, the number of these schools range from a low of 1 to a high of 16. Twenty states reported that there are no charter schools operating primarily or entirely for students with disabilities, and three of the state officials noted that these types of schools are specifically prohibited in their state. Seven state officials reported that they either did not know whether there are special education schools in their states or that such data are not available.

Issues Related to Special Education in Charter Schools

State-level officials represent a single perspective of the practices of public schools. While they presumably don't have extensive knowledge of the day-to-day operations of charter schools, they are uniquely positioned to

⁵ 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>

understand broad trends emerging in their individual states. Accordingly, state charter school officials were asked to 1) identify what they perceive are the key challenges facing charter schools in their state, 2) quantify the degree to which “counseling out” students with disabilities is a concern, and 3) document whether charter schools have been the sources of complaints related to special education.

In order of their frequency, the special education issues that are primarily a challenge during start-up identified by 30% or more of the respondents were: 1) understanding special education finance, 2) finding qualified special education teachers, and 3) providing an accessible facility.

Challenges

Prior research has documented that special education can be a daunting challenge for charter schools, yet little is known about precisely what aspects of special education charter schools find challenging and how special education is being incorporated in key charter school practices. Based on monitoring of charter schools, complaints received, and other data, state charter school officials were asked to identify what special education-related issues they perceive to be a challenge during charter school start-up and once charter schools are operating.

In order of their frequency, the special education issues that are primarily a challenge during start-up identified by 30% or more of the respondents were: 1) understanding special education finance, 2) finding qualified special education teachers, and 3) providing an accessible facility. Table 16 presents a general summary and Table 17 presents a summary according to frequency of the identified challenges.

State officials identified substantially more special education issues that are ongoing challenges than those that are a challenge primarily during start-up. In order of their frequency, the special education issues that are continual challenges for charter schools that were identified by at least 50% of the respondents were 1) having adequate funds to provide services to special education students, 2) knowing special education laws and regulations, 3) working with parents of children with disabilities, 4) obtaining IEP files from sending schools, and 5) finding qualified related service personnel.

No single issue was identified as “not a challenge” by more than 30% of the states. The five issues that the greatest number of states identified as “not a challenge” were 1) providing transportation for students with disabilities, 2) providing professional development, 3) understanding special education finance, 4) providing services to students with low-incidence disability areas, and 5) incorporating students with disabilities in NCLB requirements.

...special education issues that are continual challenges for charter schools that were identified by at least 50% of the respondents were 1) having adequate funds to provide services to special education students, 2) knowing special education laws and regulations, 3) working with parents of children with disabilities, 4) obtaining IEP files from sending schools, and 5) finding qualified related service personnel.

**TABLE 16: CHALLENGES RELATED TO SPECIAL EDUCATION
IN CHARTER SCHOOLS**

Based on monitoring of charter schools, complaints you have received, or other data, to what extent is each of the following areas a challenge for charter schools? (Select ONE response for each area)	Challenge Primarily During Start-up (i.e., 1 to 3 Years)	Continuing Challenge	Not A Challenge	Do Not Know
Understanding special education finance	32% (10)	42% (13)	23% (7)	3% (1)
Finding qualified special education teachers	30% (10)	45% (15)	12% (4)	12% (4)
Providing an accessible facility	30% (9)	30% (9)	27% (6)	13% (4)
Understanding monitoring and compliance requirements	26% (8)	45% (14)	19% (6)	10% (3)
Obtaining IEP files from sending school	23% (7)	52% (16)	16% (5)	10% (3)
Implementing the IDEA discipline procedures	23% (7)	39% (12)	19% (6)	19% (6)
Knowing special education laws and regulations	22% (7)	59% (19)	16% (5)	3% (1)
Implementing the IEP	19% (6)	45% (14)	16% (5)	19% (6)
Working with LEA or other special education provider	19% (6)	47% (15)	19% (6)	16% (5)
Providing transportation for students with disabilities	17% (5)	34% (10)	28% (8)	21% (6)
Having adequate funds to provide services to special education students	16% (5)	63% (20)	9% (3)	13% (4)
Providing professional development for special education teachers	16% (5)	39% (12)	26% (8)	19% (6)
Finding qualified related service personnel	16% (5)	50% (16)	19% (6)	16% (5)
Following due process procedures	16% (5)	42% (13)	19% (6)	23% (7)
Providing services for students in low-incidence disability areas	16% (5)	32% (10)	23% (7)	29% (9)
Modifying the school's core curriculum for students with disabilities	14% (4)	38% (11)	21% (6)	28% (8)
Working with parents of children with disabilities	13% (4)	58% (18)	13% (4)	16% (5)
Incorporating students with disabilities in NCLB requirements	13% (4)	42% (13)	23% (7)	23% (7)

Source: Survey of State Charter School Officials: Project Intersect, 2003

TABLE 17: START-UP AND CONTINUING CHALLENGES

Rank Order of Challenges (n=32) by Percent of Respondents Reporting	
Start-Up Challenges (i.e., 1st Three Years)	Continuing Challenges
1. Understanding special education finance - 32%	1. Having adequate funds to provide services to special education students - 63%
2. Finding qualified special education teachers -30%	2. Knowing special education laws and regulations - 59%
3. Providing an accessible facility - 30%	3. Working with parents of children with disabilities - 58%
4. Understanding monitoring and compliance requirements - 26%	4. Obtaining IEP files from sending school - 52%
5. Obtaining IEP files from sending school - 23%	5. Finding qualified related service personnel - 50%
6. Implementing the IDEA discipline procedures - 23%	6. Working with LEA or other special education provider - 47%
7. Knowing special education laws and regulations- 22%	7. Finding qualified special education teachers - 45%
8. Implementing the IEP - 19%	8. Implementing the IEP - 45%
9. Working with LEA or other special education provider - 19%	9. Understanding monitoring and compliance requirements - 45%
10. Providing transportation for students with disabilities - 17%	10. Following due process procedures - 42%
11. Having adequate funds to provide services to special education students - 16%	11. Incorporating students with disabilities in NCLB requirements - 42%
12. Providing professional development for special education teachers - 16%	12. Understanding special education finance - 42%
13. Finding qualified related service personnel - 16%	13. Providing professional development for special education teachers - 39%
14. Following due process procedures - 16%	14. Implementing the IDEA discipline procedures - 39%
15. Providing services for students in low incidence disability areas - 16%	15. Modifying the school's core curriculum for students with disabilities - 38%
16. Modifying the school's core curriculum for students with disabilities - 14%	16. Providing transportation for students with disabilities - 34%
17. Working with parents of children with disabilities - 13%	17. Providing services for students in low-incidence disability areas - 32%
18. Incorporating students with disabilities in NCLB requirements- 13%	18. Providing an accessible facility - 30%

Source: Survey of State Charter School Officials: Project Intersect, 2003

Counseling Out

“Counseling out” is a term used to describe the process of implicitly or explicitly advising students with disabilities, and their parents/guardians, not to enroll in a school. When asked the extent to which counseling out students with a disability is an issue for charter schools in their states, a combined total of 23 states reported that counseling out is an issue. When broken down by degree, 4 states reported that counseling out is a “big issue,” 8 reported that it is “somewhat of an issue,” and 11 reported that it is a “small issue.” Only three state charter school officials characterized counseling out as “not an issue,” and seven reported that they “do not know.” (See Table 18.)

Counseling out is a term used to describe the process of implicitly or explicitly advising students with disabilities, and their parents/guardians, not to enroll in a school.

TABLE 18: COUNSELING OUT

In your opinion, to what extent is the counseling out of students with disabilities an issue for charter schools in your state? (Select ONE)	Responses n	Responses % n
A big issue	4	12%
Somewhat of an issue	8	24%
A small issue	11	33%
Not an issue	3	9%
Do not know	7	21%
Total	33	99%*

**Responses do not add up to 100% due to rounding.*

Source: Survey of State Charter School Officials: Project Intersect, 2003

Formal Complaints

Formal complaints by parents are frequently the first line of accountability in special education. State charter school officials were asked whether charter schools in their state have been the subject of formal complaints to the state special education unit. Of the responding states, 22 reported that charter schools have been the subject of complaints, 5 reported that charter schools had not been the subject of formal complaints, and 6 responded that they do not know. These findings suggest that in the responding states, special education challenges may be translating into non-compliance in some schools. However, the data do not reveal the degree to which the rate of complaint is in proportion to that of traditional public schools. Table 19 presents a summary of the relevant data.

TABLE 19: FORMAL COMPLAINTS

In the past three years, have any charter schools been the subject of formal complaints to the state special education unit? (Select ONE)	Responses n	Responses % n
No	5	15%
Do not know	6	18%
Yes	22	67%
Total	33	100%

Source: Survey of State Charter School Officials: Project Intersect, 2003

State officials were asked to identify the specific areas that have been the focus of special education complaints. Of the 23 responses from state officials who reported that they have received complaints, 17 of the complaints pertained to “provision of special education services.” Other areas that have been the source of complaints were “due process” (n=2) and “provision of related services” (n=1). Table 20 presents a summary of the complaint data.

TABLE 20: AREAS OF COMPLAINTS

If your response was YES to the previous question, in what areas were the complaints? (Select ALL that apply)	Responses n	Responses % n
Provision of special education services	17	74%
Due process	2	9%
Provision of related services	1	4%
Denial of access to the charter school program	0	0%
Qualifications of special education teachers	0	0%
Access to charter school facilities	0	0%
Do not know	1	4%
Other*	2	9%
Total	23	100%

*Other responses: “Provision, qualifications of sped teachers,” “Confidentiality”

Source: Survey of State Charter School Officials: Project Intersect, 2003

Building Charter Schools’ Capacity to Provide Special Education and Related Services

Project SEARCH defined a special education infrastructure as an entity that can provide human, fiscal, legal, and administrative capacity in the area of special education.

Project SEARCH defined a special education infrastructure as an entity that can provide human, fiscal, legal, and administrative capacity in the area of special education (Ahearn et al., 2001). Examples of special education infrastructures are LEAs, special education cooperatives, community-based organizations, or education management organizations. *Project SEARCH* did not identify or recommend a specific type of infrastructure but found that the

delivery of special education services is enhanced when charter schools affiliate with an existing infrastructure (e.g., LEAs or intermediate districts) or develop their own infrastructure either collectively or independently.

Based primarily on the findings from *Project SEARCH*, *Project Intersect* is seeking to document to what extent charter schools are accessing technical assistance and/or an existing or newly developed infrastructure to build capacity related to special education. Two survey questions were designed to answer the overarching question from the perspective of state charter school officials: 1) who is the primary provider of technical assistance to charter schools, and 2) what are the organizations/strategies charter schools are utilizing to assist with the ongoing provision of special education services in charter schools?

Primary Technical Assistance Provider

State charter school officials were asked to identify what entity is the primary provider of special education technical assistance during start-up. According to frequency, SEA personnel emerged as the most common providers of special education technical assistance during start-up with six of the respondents identifying state-level administrators of special education and five identifying other state-level staff. Charter school authorizers emerged as the next most common primary provider of special education-related technical assistance, with eight of the responding state officials identifying authorizers. Far fewer state officials identified these entities but according to frequency, the next three most common primary providers identified were intermediate agencies (n=2), charter school resource centers (n=2), and LEAs that are not authorizers (n=2). Table 21 presents a summary of the pertinent data.

SEA personnel emerged as the most common providers of special education technical assistance during start-up with six of the respondents identifying state-level administrators of special education and five identifying other state-level staff.

Infrastructures to Enhance Charter Schools' Ability to Provide Special Education

State Charter School Officials were asked to identify which organizations or strategies charter schools are utilizing to assist them in the ongoing provision of special education services in their schools. The two most common infrastructures to which charter schools are turning for assistance are charter school authorizers and individual consultants. The majority of authorizers are local districts. Little is known about who is providing consulting services to charter schools or criteria charter operators are utilizing when selecting special education consultants.

The two most common infrastructures to which charter schools are turning for assistance are charter school authorizers and individual consultants.

**TABLE 21: PRIMARY PROVIDER OF SPECIAL EDUCATION TECHNICAL ASSISTANCE
DURING START-UP**

What entity is the PRIMARY PROVIDER of special education technical assistance and training to charter schools DURING STARTUP? (Select ONE)	Responses n	Responses % n
Charter school authorizer	8	25%
State-level special education administrator for charter schools	6	19%
SEA Staff (new code)	5	16%
Intermediate education agency or unit (e.g., ISD, BOCES, SELPA)	2	6%
Charter school resource center	2	6%
LEA (if not the authorizer)	2	6%
The charter school	1	3%
Do not know	1	3%
In development	1	3%
Charter school association	0	0%
Local non-profit that provides special education services	0	0%
Special education cooperative	0	0%
Education management organization (EMO)	0	0%
Other (specify)*	4	13%
Total	32	**

**Other responses: "Others contract with outside providers" "Authorizers and/or EMOs" "Dependent on the specific applicant's plan" "TA and training are provided by different sources"*

***Response rates are greater than 100% due to multiple responses from individual respondents.*

Source: Survey of State Charter School Officials: Project Intersect, 2003

In order of frequency, the following entities also serve as special education infrastructures to charter schools during operation: 1) a state-level special education administrator for charter schools, 2) an intermediate education agency or unit (e.g., ISD, BOCES, SELPA), 3) education management organizations (EMOs), and 4) local non-profits. Other emerging infrastructures which five or fewer state officials reported that charter schools are utilizing are: 1) LEAs that are not the authorizer, 2) charter school cooperatives, and 3) SEA personnel. (See Table 22.)

TABLE 22: SPECIAL EDUCATION INFRASTRUCTURES

BESIDES charter school associations and resource centers, what organizations/strategies are charter schools in your state utilizing to assist with the ONGOING provision of special education services in their schools? (Select ALL that apply)	Responses n	Responses % n
Authorizer	21	64%
Individual consultants	20	61%
State-level special education administrator for charter schools	13	39%
Intermediate education agency or unit (e.g., ISD, BOCES, SELPA)	9	27%
Education management organizations (EMOs)	8	24%
Local non-profit that provides special education services	7	21%
LEA (if not the authorizer)	5	15%
Special education cooperative for charter schools	4	12%
SEA Personnel	2	6%
Risk pooling (insurance model)	0	0
Do not know	3	9%
Other *	2	6%
Total	33	**

*Other responses: “Bureau of Indian Affairs” “CS association”

** Response rates are greater than 100% due to multiple responses from individual respondents

Source: Survey of State Charter School Officials: Project Intersect, 2003

DISCUSSION AND IMPLICATIONS

Educating students with disabilities can be a daunting challenge for traditional public schools and, not unsurprisingly, it has emerged as a key challenge in the nascent charter school sector. The research on special education in charter schools has documented fundamental policy tensions associated with merging special education legal requirements with the core charter sector tenet of autonomy. It has also revealed practical challenges associated with providing appropriate special education programs to the diverse array of students with disabilities opting to enroll in charter schools that frequently have focused missions and curricula (Ahearn et al., 2001; Heubert, 1997; O’Neill et al., 2002). However, little is known nationally about the status of specific policy factors that influence charter schools’ capacity to provide special education or what strategies state-, district-, or school-level policy leaders are developing to ensure that students with disabilities can access charter schools and receive services required to enable them to succeed in the charter sector. The purpose of *Project Intersect* is to document the policy contexts and their influence on special education

practices and explore the emerging structures that charter schools are creating or accessing to bolster their capacity to deliver special education and related services.

The Survey of State Charter School Officials documented the current special education policy context in 33 of 41 states (40 states and the District of Columbia) with charter school statutes. Findings from the Survey of State Charter School Officials provide an understanding of the current status of knowledge and practice within state charter school units and the role the SEA is taking, or alternatively not taking, related to special education in charter schools. However, the survey is only one data source used to answer *Project Intersect's* overarching research questions and the findings must be interpreted with that understanding.

The broad themes emerging from the survey data are the diversity of policies and practices between, and even within, states. For instance, while there are two key categories of charter schools—part of an LEA and independent LEA—the implications of LEA status related to actual responsibility and provision of services vary within these two categories. Nevertheless, the survey did quantify the various policy environments as they are understood by state charter school officials and provides a base for comparison to future analyses of surveys of authorizers and operators. The survey also documented that in some instances (e.g., counseling out, formal complaints, and renewal issues), some state charter school officials, presumably the individual responsible for maintaining a broad understanding of charter school policies and practices, are not well versed in issues related to special education in charter schools. The final section explores principal survey findings through the lens of their potential implications for practice according to the four broad research questions:

- How does state charter school legislation, including the authorization process, influence access to special education and related services?
- What are the characteristics of charter schools in each state?
- What issues related to special education practices are emerging in charter schools?
- How are charter schools building special education capacity?

Charter School Legislation

Within the parameters of charter school legislation, the survey findings regarding legal identity and linkage, legislative and regulatory movement, technical assistance, and accountability have implications for practice that need further consideration.

Local Discretion and Amorphous Responsibility

Charter schools may comprise their own independent district or part of a larger district, and their legal status is fundamentally defined by state charter school statutes. The survey documented that while some states assign all charter schools as one or the other type of legal entity, in just over a quarter of the participating states, the state grants charter schools some flexibility to determine their legal identity based on who authorizes the school or negotiations conducted as part of individual charter agreements. While legal status appears to be an objective construct, when considered in concert with the construct of linkage, the terrain grows muddy. For instance, 8 (26%) of the states dictate that charter schools are their own LEAs; 14 (45%) dictate they are part of an LEA; and 8 (26%) provide charter schools and their authorizers some latitude regarding deciding legal status. However, 13 (39%) of participating states report that charter schools are *solely* responsible for providing special education services. In 5 of these 13 states, charter schools are legally defined as part of a local district. These data appear to indicate that while the state statute defines legal status, localities are being granted some discretion to determine how to operationalize legal status and responsibility for provision of special education services.

The absence of a dictate regarding legal identity or responsibility for special education may provide charter schools with flexibility but may potentially leave them vulnerable due to the high stakes attached to special education compliance. It is unclear what steps state policy leaders are taking to ensure that charter schools are prepared to assume this sizeable responsibility. Furthermore, it is unknown at this point to what degree states and, subsequently, districts can wholly delegate legal responsibilities associated with special education.

The notion of shared responsibility is arguably amorphous and potentially difficult to navigate. If districts and charter schools share responsibility, where does one entity's responsibility end and the other's begin? Who is responsible for monitoring federal and state policy developments? In the worst case scenario, who is ultimately responsible for ensuring FAPE and LRE should compliance issues arise? Federal and state policy leaders responsible for developing and implementing both special education and charter school policy need to be cognizant of the heterogeneity and local choice and their potential impact on school-level practice. The data pertaining to regulations reveal that states are not using formal channels to address special education issues but rather, apparently leaving it up to SEA personnel, authorizers, and charter schools to navigate the landscape regarding legal identity. State charter school officials are uniquely positioned to proactively

While legal status appears to be an objective construct, when considered in concert with the construct of linkage, the terrain grows muddy.

...while the state statute defines legal status, localities are being granted some discretion to determine how to operationalize legal status and responsibility for provision of special education services.

develop policy or assist authorizers to ensure that charter schools are capable of compliance with the core tenets of the IDEA. The data pertaining to capacity building may be an indication that SEAs and authorizers are using informal policy tools such as technical assistance to assist charter schools in complying with the IDEA.

A small contingent of states require charter school operators to attend special education trainings, but the majority require little of applicants, thereby essentially missing an opportunity to engage preventive solutions when an operator is highly motivated to meet the authorizer's requests.

Technical Assistance: Capitalizing on Opportunities

The survey documented that charter schools are offered varying degrees of technical assistance and training during different phases of their operations. The charter school authorization process is the prime point of contact during which authorizers are charged with assessing an applicant's ability to operate a successful charter school. Few states require charter schools to attend training or require detailed plans regarding special education from charter applicants. These data appear to indicate that states are not requiring authorizers to capitalize on the authorization process to ensure that potential applicants 1) understand their responsibilities related to special education and 2) can provide special education and related services. A small contingent of states require charter school operators to attend special education trainings, but the majority require little of applicants, thereby essentially missing an opportunity to engage preventive solutions when an operator is highly motivated to meet the authorizer's requests. These data do not reveal to what degree the required or offered training 1) is specific to charter schools or 2) is being taken advantage of by charter school operators.

Lack of Accountability May Emerge as a Liability

A core tenet of the charter school concept is accountability, and this drive for accountability aligns with the requirements of the No Child Left Behind Act of 2001. However, the survey documented a potential disconnect related to accountability for students with disabilities, which may potentially emerge as a liability for charter school operators.

...the survey documented a potential disconnect related to accountability for students with disabilities, which may potentially emerge as a liability for charter school operators.

The survey documented that while all states are required to disaggregate data related to students with disabilities in charter schools, seven (21%) of the responding state officials reported that either they do not disaggregate the data or they do not know whether their state requires the data to be disaggregated. Furthermore, only 19 (58%) of the responding states consider special education during the renewal process. To ensure that charter schools are accountable for the academic outcomes of their students with disabilities states should consider requiring that charter school authorizers explicitly consider special education programs as a component of renewal. The reality that many charter schools do not report student outcome data for students due

to the confidentiality issues associated with small sub-group size further erodes accountability. Given the purported prominence of accountability in the charter school sector, the lack of apparent accountability for students with disabilities who opt to enroll in charter schools is problematic.

Characteristics of Charter Schools

States generally permit a range of types of charter schools (e.g., private and public school conversions, cyber schools, and those designed specifically to serve students with disabilities), but in the participating states, the majority of charter schools are new start-ups. As new organizations, start-ups frequently struggle with basic system development and the need to climb a steep learning curve in order to amass the technical knowledge and skills necessary to operate a public school. The type and origin of charter schools are characteristics that state policymakers and charter support organizations need to consider when developing training and technical assistance opportunities. For instance, whereas training for traditional schools may presume a certain level of existing knowledge, training for charter schools may need to start at a more basic level to make information accessible to new operators. Policy leaders should be cognizant of the potential unique challenges associated with start-up charter schools. In particular, new start-up schools may need additional guidance and training in order to amass the capacity required to provide appropriate special education and related services.

Emerging Charter Issues Have Implications for Technical Assistance

The laundry list of continuing challenges also has implications for state technical assistance and training practices. For instance, when asked to indicate in which areas technical assistance is required, state officials noted that required technical assistance focuses on compliance areas such as monitoring and compliance and reporting data to the state. However, when asked to identify ongoing challenges, monitoring and compliance was mid-way down the list of challenges, after having adequate funds, knowing special education laws and regulations, working with parents, and obtaining IEP files from sending schools, just to name a few. It is conceivable that state officials perceive that existing technical assistance systems address compliance requirements, but an alternative inference is that there is a disconnect between what states offer and what charter schools need.

The survey data related to counseling out and formal complaints revealed that state officials are mindful of counseling out and issues related to providing services that are generating formal complaints to some state

The survey data related to counseling out and formal complaints revealed that state officials are mindful of counseling out and issues related to providing services that are generating formal complaints to some state departments of education.

departments of education. When considered together, these data raise concerns about the degree to which some students with disabilities may not have access to charter schools due to either 1) being counseled away from charter schools or 2) electing not to enroll or leaving charter schools due to lack of services. Regardless of the reason, these findings indicate a need for greater attention to teaching charter operators about their legal responsibilities related to open enrollment for all students and ensuring that charter schools are prepared to provide a free, appropriate public education in the least restrictive environment.

In order to help charter schools build capacity, key stakeholders, such as state charter school officials and state directors of special education, must be familiar with the key challenges charter schools are facing related to special education. Furthermore, if states and authorizers are going to assume responsibility for providing technical assistance to charter schools, they need to be cognizant of charter schools' unique requirements.

Building Special Education Capacity in Charter Schools

The data reveal simultaneously encouraging and discouraging findings regarding the multiple means charter schools are accessing to increase their capacity. The encouraging finding is that whether charter schools are accessing existing technical assistance networks or states are developing unique opportunities, it appears that there are opportunities to obtain technical assistance should charter operators seek assistance.

...whether charter schools are accessing existing technical assistance networks or states are developing unique opportunities, it appears that there are opportunities to obtain technical assistance should charter operators seek assistance.

Considering the underlying reform goals of charter schools, the potentially discouraging or problematic finding is the prominence that existing structures (i.e., SEAs and LEAs) play in providing charter schools, training, and ongoing assistance related to provision of special education services. The primacy of SEAs and LEAs is potentially an indication of a growing trend wherein efforts to support charter schools are bringing these newly autonomous schools back within the fold of traditional public education structures, including the various bureaucratic dysfunctions charter school advocates are seeking to disassemble (Palmer & Gau, 2003; Sugarman & Kuboyama, 2001).

The initial tenet of the charter school sector—autonomy in exchange for accountability—has evolved, as documented by the survey, to include SEAs and LEAs (as authorizers) engaging in initial and ongoing training and technical assistance. The manner in which SEAs and LEAs are addressing special education is an example of how they are formalizing their role and possibly, simply recreating the standard operation procedures that the charter school sector is theoretically designed to compete against and, ideally,

improve. An issue that needs further exploration is how SEAs and LEAs are coping with the additional financial burden associated with supporting charter schools. Given the apparent role of SEAs and LEAs, it appears that federal, state, and district policy leaders need to consider the financial burden associated with authorizing and supervising charter schools.

The other entity that emerged as a key source of assistance related to special education is individual consultants. However, we know very little about the individual consultants who are working for charter schools or what criteria charter operators are employing to select or retain external consultants. Of particular concern is whether new charter operators are equipped to discern if a consultant is an expert in an area, such as special education, with which the operator may have very limited knowledge.

In aggregate, from the perspective of state charter school officials, there appears to be a substantial support system that charter schools can take advantage of if they want to build their capacity related to special education. However, given the central role of SEAs and LEAs, it is unclear the degree to which the assistance charter schools are receiving provides them the opportunity to explore new or potentially innovative approaches to educating students with disabilities or if the assistance simply steers charter schools towards recreating the traditional public school special education model. The role of individual consultants in building charter school capacity appears to be a trend worth additional investigation because it has potential implications related to the quality of assistance charter schools are accessing in their quest to build capacity.

...from the perspective of state charter school officials, there appears to be a substantial support system that charter schools can take advantage of if they want to build their capacity related to special education.

LIMITATIONS

The Survey of State Charter School Officials represents a step forward in understanding the status of key state policy issues and charter school practice related to students with disabilities. Yet, the survey has a number of limitations. The universe of states with charter school laws represents a diverse array of policy environments, each with its own idiosyncrasies. The sample of 33 of 41 states is informative, but limited in terms of generalizability due to the small size of the population and the amount of apparent diversity among the population. Nonetheless, the survey presents a profile of how states are addressing issues related to special education in charter schools.

The second limitation of the survey is that it is a snapshot of a point in time and does not capture the degree to which state policies are evolving over

time in the states with charter school statutes. The third limitation to the study is the apparent variability among state charter school officials in terms of their level of knowledge regarding issues related to special education in the charter sector. Furthermore, as with all self-reported surveys, there may be a degree of unreliability due to concerns about confidentiality. These concerns about confidentiality may limit respondents' candor, especially given the high stakes associated with special education. Finally, this survey represents the perspective of a single state official as opposed to an amalgam of informants with potentially diverse perspectives. Additional data collection strategies will introduce diverse perspectives and either validate or challenge the findings cultivated from the Survey of State Charter School Officials.

SUMMARY

Educating students with disabilities is a persistent challenge for public education. Not unexpectedly, providing special education and related services to students with disabilities who opt to enroll in charter schools is difficult and will most likely continue to be so in the foreseeable future. Nevertheless, as the charter school sector continues to grow, policy leaders such as state charter school officials have a responsibility to consider what factors help or hamper the development of successful special education programs in charter schools and what strategies various stakeholders are developing to boost charter schools' capacity related to special education.

In aggregate, the data from the Survey of State Charter School Officials document that most charter schools, to some degree, share their responsibilities related to special education and that SEAs and LEAs, in their roles as authorizers, are the key providers of support for charter schools. However, it is unknown the degree to which these existing entities are embracing this responsibility. Additional data that will be collected during *Project Intersect* will further inform the discussion of the SEA and authorizers' roles in ensuring that charter schools are open and accessible to students with disabilities and the degree to which charter schools are capable of providing appropriate special education and related services.

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. Retrieved November 15, 2004 from: www.nasdse.org/project_search_doc2.pdf
- Ahearn, E. A., Rhim, L. M., Lange, C., & McLaughlin, M. (2005) *Project Intersect research report #1: State legislative review*. College Park, MD: *Project Intersect*.
- Anderson, L., Adelman, N., Cotton, L., Finnigan, K., Donnelly, M. B., & Price, T. (2002). *A decade of charter schools: Evaluation of the Public Charter Schools Program: 2000-2001 Evaluation Report*. Menlo Park, CA: SRI International. Retrieved March 1, 2005 from: <http://sri.com/policy/cep/choice/yr2.pdf>
- Best, S. J. & Krueger, B. S. (2004). *Internet data collection*. Thousand Oaks, CA: Sage Publications.
- Dillman, D. A. (2000) *Mail and Internet Surveys: The tailor design method*. Hoboken, NJ: John Wiley and Sons.
- Finn, C. E., Manno, B. V., & Vanourek, G. (2000). *Charter schools in action: Renewing public education*. Princeton, NJ: Princeton Press.
- 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.
- Fiore, T. A., Warren, S. H., & Cashman, (1998). *Charter schools and students with disabilities: Review of existing data*. Washington, D.C.: U. S. Department of Education Office of Educational Research and Improvement.
- General Accounting Office. (1995). *Charter schools: New models for public schools provided opportunities and challenges*. Washington, D.C.: U.S. General Accounting Office.
- 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.

- Henig, J. R., Moser, M., Holyoke, T. T., & Lacireno-Paquet. (1999). *Making a choice, making a difference: An evaluation of charter schools in the District of Columbia*. Washington, DC: Center for Washington Area Studies, The George Washington University.
- 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.
- Individuals with Disabilities Education Improvement Act of 2004*, Pub. L. No. 108-466.
- Lange, C., Rhim, L. M., Ahearn, E. A., & McLaughlin, M. (2005). *Project Intersect Research Report #2: Survey of State Directors of Special Education*. College Park, MD: *Project Intersect*.
- Lange, C. (1997, March). *School choice, charter schools, and students with disabilities*. Paper presented at the meeting of the American Educational Research Association, Chicago, IL.
- 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) pp.99-107.
- Miron, G. (2000). What's public about Michigan's charter schools: Lessons in school reform from statewide evaluations of charter schools. Paper prepared for the AERA annual meeting, New Orleans, April 24-28, 2000.
- Nelson, B., Berman, P., Ericson, J., Kamprath, Nancy, Perry, R., Silverman, D., & Solomon, D. (2000). *The state of charter schools: Fourth year report*. Washington, DC: U.S. Department of Education, Office of Education Research and Improvement.
- O'Neill, P, T., Wenning, R. J., & Giovannetti, B. (2002). Serving students with disabilities in charter schools: Legal obligations and policy options. Retrieved June 23, 2002 from: <http://www.naschools.org/uploadedfiles/ServingStudentswDisabilitiesin%20Charter.pdf>
- Palmer, L. B. & Gau, R. (2003). *Charter school authorizing: Are states making the grade?* Washington, DC: Thomas B. Fordham Foundation.
- Parrish, T., Harr, J., Anthony, J., Merickel, A., Esra, P., (2003). State special education finance systems, 1999-2000. Palo Alto, CA: Center for Special Education Finance. Retrieved November 1, 2004 from: <http://scef.air.org>

- 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). pp. 373-383.
- Sugarman, S. D. & Kuboyama, E. M. (2001). Approving charter schools: The gate-keeper function. *Administrative Law Review*, 53(3), 860-942.
- Zimmer, R., Buddin, R., Chau, D., Daley, G., Guarino, D., Hamilton, L., Krop, D., McCaffrey, D., Sandler, M., & Brewer, D., (Eds.), (2003). *Charter school operations and performance: Evidence from California*. Santa Monica, CA: RAND Education.

APPENDIX A: SURVEY OF STATE CHARTER SCHOOL OFFICIALS⁶



Background

1. What is your current position in the State Department of Education?
(Select ONE)
 - a. State Director of Charter Schools or similar position
 - b. Assistant State Director of Charter schools or similar position
 - c. Full-time staff member in the charter school unit/ office
 - d. Staff member in another unit with part-time responsibility for charter schools
 - e. Other (specify)

2. How long have you been in your current position? (Select ONE)
 - a. Less than one year
 - b. Between one and two years
 - c. Two to five years
 - d. Over five years

⁶ The copy of the survey reflects the content of the survey delivered electronically but the format has been modified to accommodate a non-electronic format

Charter School Legislation

3. For purposes of special education, what is the legal identity of charter schools in your state? (Select ONE)
 - a. Charter schools can choose to be their own local education agencies (LEAs) or part of an LEA
 - b. Charter schools in my state are LEAs
 - c. Charter schools in my state are part of an LEA
 - d. Don't know
 - e. Other (specify)

 4. How do STATE special education dollars flow to charter schools? (Select ONE)
 - a. STATE special education dollars flow directly to charter schools
 - b. STATE special education dollars flow through the LEA but charter schools receive 100% of the amount
 - c. STATE special education dollars flow through the LEA and the LEA retains a set percentage for administrative costs.
 - d. STATE special education dollars flow to the LEA and the LEA provides special education services to charter schools
 - e. Don't know
 - f. Other (specify)

 5. If your response to the previous question was, "State special education dollars flow through the LEA and the LEA retains a set percentage for administrative costs," what percentage does the LEA retain? (Enter a number 0 or greater or don't know).

 6. Has your state legislature amended charter school law as a result of issues related to special education in charter schools? (Select ONE)
 - a. Yes
 - b. No
 - c. Don't know

 7. Has your state adopted regulations specifically to address special education in charter schools that differ from or go beyond your other special education regulations? (Select ONE).
 - a. Yes
 - b. No
 - c. Don't know

 8. What does your state REQUIRE of charter schools during the charter authorization/application process? (Select ALL that apply)
 - a. General assurance to not discriminate against any group
 - b. Specific assurance to not discriminate against students with disabilities
 - c. General information about planned special education services
 - d. Specific information about planned special education services
-

- e. Attendance at training on special education
- f. Nothing is required related to students with disabilities or special education services
- g. Don't know
- h. Other (specify requirements)

Special Education Training and Technical Assistance

9. What does your SEA do to assist charter schools in the area of special education?

(Select ALL that apply)

- a. Generates written documents (e.g., manuals, Frequently Asked Questions documents) specific to special education and charter schools
- b. Provides special education training specifically for charter schools
- c. Provides special education technical assistance to individual charter schools
- d. Provides funds to other organizations for special education technical assistance to charter schools
- e. Don't know
- f. Other (specify)

10. What entity is the PRIMARY PROVIDER of special education technical assistance and training to charter schools DURING START-UP? (Select ONE)

- a. Charter school association
- b. Charter school authorizer
- c. Charter school resource center
- d. The charter school
- e. LEA (if not the authorizer)
- f. Intermediate education agency or unit (e.g., ISD, BOCES, SELPA)
- g. Local non-profit that provides special education services
- h. Special education cooperative
- i. State-level special education administrator for charter schools
- j. Education management organizations (EMO)
- k. Don't know
- l. Other (specify)

11. In which of the following areas does the SEA offer or require technical assistance DURING THE AUTHORIZATION/APPLICATION PROCESS? (Select ONE response for each area)

Special Education Area	Required During Authorization or Application Process	Offered But Not Required During The Authorization or Application Process	Don't Know
Introducing general disability laws (IDEA, ADA, Section 504)			
Establishing eligibility and the IEP process			
Providing special education services			
Monitoring and compliance			
Funding special education			
Reporting data to the state			

12. How many total days of special education training does your state REQUIRE of charter representatives PRIOR TO OPENING their school? (Select ONE)
- Half day or less
 - About a day
 - Two days or more
 - None
 - Don't know

13. In which of the following areas does the SEA offer or require technical assistance and training DURING OPERATION?

Special Education Area	Required During Operation	Offered But Not Required During Operation	Don't Know
Introducing general disability laws (IDEA, ADA, Section 504)			
Establishing eligibility and the IEP process			
Providing special education services			
Monitoring and compliance			
Funding special education			
Reporting data to the state			

14. How many total days of special education training does your state REQUIRE of charter representatives ONCE CHARTER SCHOOLS ARE OPERATING? (Select ONE)

- a. Half day or less
- b. About a day
- c. Two days or more
- d. None
- e. Don't know

Charter Schools and Special Education Practices

15. How are charter schools in your state linked to LEAs for the purpose of providing special education and related services to students with disabilities? (Select ONE).

- a. LEAs are responsible for providing all special education services to students with disabilities enrolled in charter schools
- b. LEAs and charter schools are required to share the responsibility for providing special education services to students enrolled in charter schools
- c. Charter schools are solely responsible for providing special education services to students enrolled in their school
- d. Don't know
- e. Other (specify)

16. BESIDES charter school associations and resource centers, what organizations/strategies are charter schools in your state utilizing to assist with the ONGOING provision of special education services in their schools? (Check ALL that apply)
- Authorizer
 - LEA (if not the authorizer)
 - Intermediate education agency or unit (e.g., ISD, BOCES, SELPA)
 - Local non-profit that provides special education services
 - Special education cooperative for charter schools
 - Risk pooling (insurance model)
 - State-level special education administrator for charter schools
 - Individual consultants
 - Education management organizations (EMO)
 - Don't know
 - Other (specify)

Statewide Accountability and Special Education Monitoring

17. Does your state disaggregate student performance data (e.g., state test results, attendance, participation) for students with disabilities at the charter school level? (Select ONE)
- Yes
 - No
 - Don't know
18. Based on monitoring of charter schools, complaints you have received, or other data, to what extent is each of the following areas a challenge for charter schools? (Select ONE response for each area).

Special Education Area	Challenge primarily during start-up (i.e., first three years)	Continuing Challenge	Not a Challenge	Don't Know
Knowing special education laws and regulations				
Understanding special education finance				
Having adequate funds to provide services to special education students				
Finding qualified special education teachers				
Providing professional				

Special Education Area	Challenge primarily during start-up (i.e., first three years)	Continuing Challenge	Not a Challenge	Don't Know
development for special education teachers				
Finding qualified related service personnel				
Working with LEA or other special education provider				
Following due process procedures				
Obtaining IEP files from sending school				
Implementing the IEP				
Working with parents of children with disabilities				
Implementing the IDEA discipline procedures for students with disabilities				
Understanding monitoring and compliance requirements				
Providing an accessible facility				
Providing transportation for students with disabilities				
Modifying the school's core curriculum for students with disabilities				
Providing services for students in low-incidence disability areas				
Incorporating students with disabilities in NCLD requirements				

19. In the past three years, have any charter schools been the subject of formal complaints to the state special education unit?
- Yes
 - No
 - Don't know
20. If your response was YES to the previous question, in what areas were the complaints? (Select ONE)
- Denial of access to the charter school program
 - Provision of special education services
 - Qualifications of special education teachers
 - Due process
 - Provision of related services
 - Access to charter school facilities
 - Don't know
 - Other, please specify
21. In your opinion, to what extent is the counseling out of students with disabilities an issue for charter schools in your state? (Select ONE)
- A big issue
 - Somewhat of an issue
 - A small issue
 - Not an issue
 - Don't know

Charter School Characteristics

22. How many of your state's charter schools are designed primarily or entirely to serve students with disabilities? (Select ONE)
- Don't know
 - Data not available
 - Specify number _____
23. Of the charter schools currently operating in your state, how many are conversion schools (i.e., traditional public or private schools that converted to charter school status) versus new start-ups? (Enter numbers in the boxes below, or enter "Don't know")
- Conversion Schools
- New Start-up Schools
24. Of the charter schools currently operating in your state, how many are cyber or virtual charter schools? (Enter a number in the box below or enter "Don't know")
-

Special Education and Charter School Renewal

25. Is the record of how a charter school has implemented special education a required component of the charter school renewal process? (Select ONE)
- a. Yes
 - b. No
 - c. Don't know
26. Have any charters in your state have been revoked due only to special education issues? (Select ONE)
- a. No
 - b. Don't know
 - c. Yes (specify number) _____
27. Other comments?

APPENDIX B: SURVEY PROCEDURES

Survey Procedures Summary

The *Project Intersect* – Survey of State Charter School Officials was designed and implemented by the project team using the following procedures:

- **Survey content.** Survey content was designed to gather information required to achieve project goals.

The survey content was reviewed by the Project’s Participant Advisory Team (PAT) comprised of a dozen individuals with diverse experiences and perspectives regarding education and research methods. PAT members provide the *Project Intersect* professional team with input on instrumentation, planning and research activities during the three years of the project. PAT members were asked to review the survey instrument and comment on the following questions: 1) do the questions make sense 2) are the forced choice responses logical and complete, and 3) based on your experience, can state directors of charter schools answer these questions? Based on the feedback from PAT members, the survey was modified slightly and formatted for electronic distribution.

- **Sample population.** State charter school officials in all states with charter schools were selected as the sample population universe. Team members provided a distribution list of participants to the project consultant.
- **Survey delivery.** The project team selected an online delivery method for the survey. Zoomerang™, a provider of online survey tools and data handling and analysis packages, was selected as the vehicle for online delivery. Following the recommendations of Dillman (2000), the following steps were employed to optimize survey response:
 - ◆ **Introductory email.** An email was sent by the *Project Intersect* Project Director to survey participants three days in advance of sending the actual link to the online survey. The purpose of the introductory email was to provide participants with advance notice of their participation and to inform them that the survey was coming by email in a few days.
 - ◆ **Survey launch.** Following the introductory email, surveys were sent by email on August 20, 2003 to the distribution list of participants using automated features provided by Zoomerang™. An email greeting was included that provided a succinct a description of the survey and a link to the online *Project Intersect* – Survey of State Charter School Officials.

- ◆ **Reminder #1 email.** Approximately two weeks after the initial survey launch, Zoomerang™ automated features were used to identify and send a first reminder to non-responders. The reminder email included another link to the online survey.
- ◆ **Reminder #2 email.** Approximately four weeks after the initial launch, Zoomerang™ automated features were used to identify and send a second reminder to non-respondents.
- ◆ **Final reminder email.** Approximately six weeks after the initial launch, Zoomerang™ automated features were used to identify and send a final reminder to non-respondents.
- ◆ **Phone call reminders.** Following the email reminders, project team members contacted non-responders by telephone to solicit their participation.
- ◆ **Close Survey.** The survey was closed to participant inputs on March 1, 2004.
- ◆ **Paper and pencil surveys.** Paper and pencil copies of the online survey were provided to participants who were unable to complete the online survey. Participants completing paper and pencil surveys faxed them to the project consultant for data entry using the online form.

Data handling

Zoomerang™ automated features provided data handling for online survey responses, including data entry and storage, data reporting, and selected analyses. Responses for surveys completed by paper and pencil were entered into the online version of the survey by the project consultant.

Relational Database

A relational database was designed and implemented by the project consultant to provide additional analysis and reporting capabilities. Zoomerang™ automated features were used to download online survey results for importing into the database (Microsoft ACCESS™).

Data Analysis

After the survey was officially closed, we created response frequency distribution (RFD) tables for each of the survey questions. The number of responses to each answer-option and the percentage that number represents of all respondents to the question is provided in the RFD tables. All open-ended responses were analyzed by a team of researchers to determine whether they could be 1) recoded as one of the forced choice responses, 2) recoded as a new code if a new theme emerged, or 3) remain coded as “other.” In cases where responses could not be recoded, they are reported as other and when appropriate or informative, these data are presented in the findings.