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# **CAUTIOUSLY MERGING A FEDERAL POLICY MANDATE AND A STATE EDUCATION REFORM: AN ANALYSIS OF SPECIAL EDUCATION IN CHARTER SCHOOLS**

**Preliminary findings, work in progress**

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## Cautiously Merging A Federal Policy Mandate And A State Education Reform: An Analysis Of Special Education In Charter Schools

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### **ABSTRACT**

Implementing special education is frequently a challenge for charter school operators. This paper presents findings from Project Intersect; a national study documenting 1) the policy context that shapes special education in charter schools and 2) the strategies that stakeholders are developing to build charter schools' capacity to provide special education. Documents and surveys comprise the data for the study. The data reveal that charter schools are still struggling but that stakeholders are to varying degrees developing strategies to assist charter schools to amass the capacity required to provide special education.

These findings have implications for policy and practice. While the challenges identified in the literature and documented by the key stakeholders who completed our survey are not particularly unique, charter schools are potentially well positioned to explore alternative solutions, which may be applicable to a far wider audience. Public schools may potentially benefit from allowing charter schools to explore alternative approaches to providing special education by operating outside traditional district policies and procedures yet still within the broad parameters of IDEA.

## **INTRODUCTION**

Providing special education and related services to students with disabilities enrolled in charter schools represents the intersection of two parallel yet sometimes conflicting sets of policies. Federal laws dictate special education with roots in the civil rights movement. Special education advocates fought decades of discrimination to ensure that all students with disabilities could have access to a “free appropriate public education.” Charter schools represent a state-based reform initiative developed to increase autonomy while amplifying accountability. While different in scope, both special education laws and charter school policies are fundamentally designed to improve public education. Furthermore, special education and charter schools arguably share the goal of educating children in a manner or environment that addresses their individual and potentially unique educational and social requirements. However, the manner in which special education and charter schools attempt to achieve their distinct and shared goals creates tension (Ahearn, Lange, Rhim, & McLaughlin, 2001).

Special education is highly regulated in order to ensure that students with disabilities’ rights are protected while charter schools are deregulated in an effort to grant charter operators autonomy to implement effective administrative and academic practices. Research studies and policy analyses indicate that the policy questions and practical dilemmas arising at the intersection of federal special education laws and state charter school practices are some of the more challenges issues facing policy leaders and charter school operators (Ahearn et al., 2001; Anderson et al, 2002; Fiore, Harwell, Blackorby & Finnegan, 2000; Green & Mead, 2004; Heubert, 1997). This paper presents findings from Project Intersect; a national study of the intersection of special education policy and charter school practice. The goal of the paper is to

discuss how special education and charter school policies are merging and document some of the practices that emerging as a result of their confluence.

## **STUDY FRAMEWORK**

The framework driving Project Intersect evolved from earlier research studies that documented policy tensions and operational challenges associated with providing special education services in charter schools. The first charter school opened in Minnesota in 1991. The last twelve years have been a period of rapid growth for charter schools in terms of the number of states with charter school laws as well as the number of charter schools operating. With the passage of charter school legislation in Washington state in 2004, 41 states and the District of Columbia have charter school laws. There are currently 2,996 charter schools serving approximately 680,000 students (Center for Education Reform, 2003). Local education agencies are the most common authorizers/sponsors of charter schools according to raw numbers of authorizers. However, other authorizers; such as state education agencies, institutions of higher education or appointed boards; typically have more experience because they generally authorize more schools. Most charter schools are new start-ups as opposed to public school conversions. Charter schools tend to be smaller and to be more mission driven than traditional public schools (Nelson et., 2000).

State policy makers, authorizers, and operators are reportedly struggling to develop coherent policies and practices related to special education in charter schools (Second National Summit, 2004). Building on the literature documenting the challenges associated with providing special education in charter schools (c.f., Ahearn, Lange, Rhim, & McLaughlin, 2001 Anderson, Adelman et al., 2002; Fiore, et al., 2000; Green & Mead, 2003; Guarino & Chau, 2003; Lange,

1997; O'Neill, Wenning & Giovanetti, 2002; Rhim & McLaughlin, 2001), this study sought to document 1) the policy context that shapes special education in charter schools and 2) the strategies that various stakeholders are using to build charter schools' capacity to deliver special education. Documents and surveys of state directors of special education and state charter school officials comprise the data for this phase of the study. These data provide information regarding current policies and practices and serve as a foundation for a survey of a nationally representative sample of charter school authorizers and charter schools to be conducted in year two of the project.

Previous research on implementing federal special education laws in new schools of choice such as charter schools identified philosophical disconnects and substantive technical deficits apparent at the intersection of special education and charter schools (Ahearn et al., 2001; Fiore, et al., 1996; Heubert, 1996; O'Neill, Wenning & Giovanetti, 2002). For instance, some charter school operators initially perceived that their state charter law released them from special education policies and procedures. This basic misperception was further complicated by a documented gap between what new, entrepreneurial charter school operators know versus what they needed to know in order to fulfill their obligations associated with the Individuals with Disabilities Education Act (Ahearn, et al., 2001).

Building upon what we know about charter schools in general and special education in charter schools specifically, we hypothesized that a variety of internal and external factors influence special education procedures in charter schools and that these factors correlate with capacity to provide special education. In order to assess the relationship between internal and external factors and charter school capacity, we conducted two state-level surveys to document

these internal and external factors. We will use these surveys, a survey of authorizers and a survey of operators along with targeted case studies to test how they correlate with charter schools' special education capacity. Examples of the factors we hypothesize that shape charter school capacities to deliver special education are:

- Legal status of charter school (local education agency (LEA) versus part of an LEA)
- age/size of state charter school movement,
- type of authorizer,
- conversion versus new school status,
- level of involvement of SEA/LEA special education personnel,
- amount/type of technical assistance available,
- individual schools' experiences educating children with disabilities,
- the accountability mechanisms that are applied to charter schools for general and special education, and
- authorization and renewal procedures.

For the purposes of our research, we define capacity as the degree to which charter schools can provide; or alternatively, access from external sources; adequate human, fiscal, and legal resources to fulfill the obligations stemming from the Individuals with Disabilities Education Act (IDEA). This paper presents our first preliminary findings documenting the status of key policy factors and the structures emerging to assist charter schools build capacity.

## **METHODOLOGY**

We reviewed documents and conducted two state-level surveys to identify the characteristics of the policy context and procedures that states, districts, charter authorizers, and charter school operators are developing related to special education in charter schools. The documents consisted of state charter school and special education laws, policy guidance, and other pertinent records in each of the 41 states with charter school laws. The document review entailed reviewing an average of three documents per state.

We administered the state level surveys in summer and fall of 2003 in the 41 states (40 states and Washington, DC) which have charter school laws. The survey of state directors of special education was sent to all state directors working in states with charter schools laws. The survey of state charter school officials was sent to the individual designated as responsible for managing charter school issues within the state department of education. Unlike state directors of special education, state charter school officials have a variety of titles. We developed the mailing list of state charter school officials from a list provided by the US Department of Education Charter schools office, searching state websites and calling the state departments of education.

We asked all respondents to provide their title and how long they had been in their current position. Seventy-two percent of the respondents to the state director survey were actually state directors, 23% were staff members in the special education unit, and two percent were part of the charter school unit. Seventy-seven percent of these respondents to the survey of state charter school officials characterized themselves as having full-time responsibilities related with charter schools with 56% of the respondents characterizing themselves as the state director of charter schools or similar position. The remaining 23% characterized themselves as having only part-time responsibility for charter school issues. For both state-level surveys, the vast majority of the respondents had two or more years of experience in their current position.

We initially administered the surveys electronically using an online survey program; Zoomerang. After numerous electronic reminders, we eventually faxed the survey to all non-respondents. In a few select cases, we administered the survey in person. In this manner, we were able to attain and exceed the desired response rate on both the survey of state directors of special

education and state charter school officials. The response rates to the survey of state directors of special education and state charter school officials were 95% and 80% respectively.

The data culled from the document review were coded and reduced and entered into a relational database so that they could be compared with the data collected via the two surveys. This comparison allowed us to verify findings from multiple sources and identify conflicting or inconsistent data. In the few cases where the data revealed inconsistencies, we further explored the issue through searches of relevant websites or telephone interviews with key stakeholders.

## **RESULTS**

The data from the document review and the two surveys verified basic descriptive information about the states and documented that special education remains a fundamental challenge for charter school policy makers and practitioners. The two surveys also documented the high degree of variance between and even within states and variance of understanding of policies related to special education among key state-level policymakers. For instance, in a number of states, the two state policy makers gave different responses to what might be considered relatively objective questions such as; “What is the legal status of charter schools?” and “How do state special education dollars flow to charter schools?” The variability is not totally unexpected given that charter schools are fundamentally a local reform yet the variability raises particular challenges for policy makers attempting to address some of the common challenges, such as building special education capacity, reported by charter schools. Nevertheless, state-level policy makers and other charter school stakeholders appear to be making progress toward developing or availing themselves of an array of options to assist charter schools to develop their capacity to deliver special education. The findings are presented under

two broad categories; 1) policy context shaping special education in charter schools and 2) emerging strategies to build charter school capacity to deliver special education. The research findings are following by a discussion of their implications for policy and future research.

### **Policy Context Shaping Special Education in Charter Schools**

Multiple factors influence the context in which charter schools develop their policies and procedures related to how they educate students with disabilities. We separate the factors into external and internal contexts. The external context represents the factors that are created or evolving outside of the charter school while the internal context represents the factors that the charter school creates and generally controls. Our literature review and surveys documented the status of both external and internal contexts present in the states with charter school laws. The following sections discuss our survey findings regarding these policy factors.

#### External Context

The factors that represent the external context which we propose influence special education in charter schools are 1) charter schools' legal status related to special education, 2) legislative and regulatory action, 3) technical assistance networks, and 4) special education finance. The following sections outline our findings in these areas.

#### **Charter Schools Legal Status Related to Special Education**

Charter schools are either part of a local education agency or their own independent district. Legal status is central to the discussion of special education in charter schools because according to the Individuals with Disabilities Education Act (IDEA), districts and individual schools have different levels of responsibilities. When charter schools are part of their local

district, the local district retains legal responsibility to ensure that students with disabilities enrolled in charter schools receive a free and appropriate public education in the least restrictive environment. This is in contrast to charter schools that are their own districts and which are therefore solely and wholly responsible for ensuring that students with disabilities receive as “free appropriate public education” (FAPE) in the “least restrictive environment” (LRE).

Approximately half of the states with charter school laws dictate that charter schools are part of a local district. The remaining states designate that either 1) charter schools are their own LEA, 2) charter schools can chose to be their own LEA or part of an LEA, or 3) identity depends upon who in the state grants the charter. Table 1 represents how states define the legal identity of their charter schools.

**Table I: Charter Schools’ Legal Identity for Purposes of Special Education**

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

*\*Majority of charter schools in this state are authorized by the state and are independent local education agencies.*

Being part of a local district grants charter schools access to district human, fiscal, and legal resources yet requires that district personnel and charter operators negotiate the roles and responsibilities related to educating students with disabilities enrolled in charter schools.

Conversely, the designation of a charter schools as an independent LEAs is consistent with the fundamental goal of charter school policy (i.e., creation of independent autonomous public

schools) yet, the designation entails the assumption of significant responsibilities; responsibilities that are generally distributed across an entire district as opposed to a single school.

### **Legislative and Regulatory Activity Related to Special Education in Charter Schools**

Legislative and regulatory activity represent one means states have to formally address policy issues. In an effort to document the degree to which states are modifying their charter school statutes due to questions related to special education or alternatively, developing regulations to formally articulate how policy is implemented, the survey asked whether their states have amended their charter law or developed regulations pertaining to special education in charter schools. Only four states reported that they have changed their state charter school law in response to special education issues. Furthermore it appears that states are not rushing to address the challenges through regulatory channels; only four states reported that they have developed regulations specifically to address special education in charter schools. Additional research is required to discern whether local districts are using the authorizing process to reregulate issues related to special education.

### **Technical Assistance**

Building upon our hypothesis that authorizer procedures related to incorporating special education in the charter application process and state and district technical assistance shaped charter school capacity, we documented these evolving practices. Several of our research questions asked respondents to describe the amount and type of technical assistance offered to or required of charter operators prior to and after schools opened. The three primary sources of special education technical assistance and training during charter school start-up are state level special education administrator for charter schools, charter school authorizers, and state

department of education personnel. Rather than developing additional legislative language or regulations, many states appear to rely upon the application process and technical assistance to educate charter schools about their responsibilities related to special education. States generally require charter applicants to sign assurances that they won't discriminate against students with disabilities and, at minimum, provide general information regarding how the charter applicant plans to provide special education services. However, five respondents indicated that their states do not require charter school applicants to provide any information related to students with disabilities or special education services during the charter authorization/application process.

States are to varying degrees developing technical assistance networks and offering training to charter school operators. The training regarding special education is rarely required either before schools open or once schools are operating. Examples of technical assistance options for charter schools include, special education training sessions developed specifically for charter schools and individualized technical assistance. Roughly 30% of the states are providing funds to external organizations to provide special education technical assistance. Examples of these external organizations are charter school resource centers or associations and special education cooperatives. In addition to training and technical assistance, states are developing written material such as manuals and "Frequently Asked Questions" documents specific to special education in charter schools.

### **Special Education Finance in Charter Schools**

Funding special education is problematic for virtually all public schools and the two state level surveys confirmed that charter schools struggle with inadequate funds to provide services to students with disabilities. Public schools receive the vast majority of their special education

dollars from state and local funding sources (Parrish, Harr, Wolman, Anthony, Merickel & Esra, 2004). While the allocation of state versus local special education dollars depends upon the formula states use to distribute special education dollars (e.g., census based versus weighted), in most states, the majority of special education dollars come from the state (Parrish et al., 2004).

Traditional public school districts receive their state special education monies and then distribute money or resources to schools according to local budgeting practices. The survey respondents indicated that charter schools in their states receive their state special education funding through one of four channels. In order of frequency from most to least, the four funding options are: 1) state special education dollars flow directly to charter schools, 2) state special education dollars flow through the local districts but the charter schools receive 100%, 3) state special education dollars flow to the local district and the local district provides special education services to charter schools, and 4) state special education dollars flow through the local district and the district retains a set percentage for administrative purposes (9%). In roughly a fifth of the of the responding states, the manner in which state special education funds flow to charter schools is a negotiated component of the legally binding charter. However, in the majority of the states with charter school laws, the state charter school law or individual authorizers dictate how the state dollars will flow to charter schools.

Whether negotiated or dictated, the manner and amount of state special education dollars that flow to charter schools can directly impact special education service deliver (Ahearn, Lange, McLaughlin, and Rhim, 2001). For instance if state special education dollars flow directly and wholly to charter schools, the charter schools can presumably exert some autonomy when determining how to deliver special education services. However, if the local district retains

control of state special education funds, the district presumably retains control over how special education is delivered in the charter school. District control of special education services potentially protects districts from liability associated with charter schools not abiding by IDEA. Conversely, district control potentially ties the charter schools to the traditional district's standard operating procedures, which may or may not align with the charter school's curriculum. In other words, how special education dollars flow to charter schools is important because it is potentially an indicator of the amount of autonomy charter schools maintain related to how they educate students with disabilities.

### Internal Context

Examining the specifics of how charter schools are delivering special education is a central component of the next phase of Project Intersect. However, the two surveys of key state-level stakeholders provide insight into the broad parameters within which charter schools are developing their special education programs. The factors that represent the internal context which we propose influence special education in charter schools are 1) the relationship or linkage between a charter school and a local district, 2) the size of a charter schools, 3) the amount of time a charter school has operated, 4) the academic program, and 4) specialize personnel. Due to the fact that the first two surveys were of state level policy makers with presumably limited knowledge of the internal operations of charter schools, for these two surveys we limited our inquiry related to the internal context to questions regarding how charter schools link to a local district and the challenges that are arising associated with implementing special education in charter schools. The following sections outline our findings in these areas.

### **Charter School Linkage to Districts for Purposes of Special Education**

A critical finding of previous research is that the link between a charter school and a district significantly influence a charter school's capacity to implement special education (Ahearn et al.). Ahearn et al (2001) developed a typology of linkage between charter schools and LEAs or other formal administrative units such as an intermediate school district. The typology reflects the degree to which a charter is legally linked to a district for the purposes of providing special education services and is comprised of three categories: total-link, partial-link, and no-link

The two surveys documented that, in roughly 75% of the states with charter schools, charter schools are either solely responsible for providing special education and related services or they negotiate an arrangement in which they share providing special education and related services with a local district. Regardless of who actually provides services, when a charter school is part of the local district, the legal responsibility for providing FAPE and LRE remain with the traditional district. Whether charter schools are solely responsible for providing special education and related services or whether they share these responsibilities, fulfilling these obligations requires that charter schools are knowledgeable about IDEA and that they have the capacity to administer a special education program and deliver appropriate services.

### **Challenges Associated with Implementing Special Education in Charter Schools**

Policy makers and charter operators frequently lament the difficulty of serving students with disabilities in charter schools little concrete data are available regarding what specifically is challenging for charter schools. We asked survey respondents to identify the key challenges they observed during charter school start-up and thereafter once operating. In order of frequency from highest to lowest, state policy-makers identified the following issues as challenges during charter school start-up (i.e., the first three years of operation): 1) understanding special education

finance, 2) understanding monitoring and compliance regulations, 3) providing an accessible facility, 4) obtaining IEP files from sending school, 5) following due process procedures, 6) finding qualified special education teachers, 7) knowing special education laws and regulations, and 8) implementing the IEP. The challenges associated with special education shifted once charter schools progressed from start-up to operation. In order of frequency, again from highest to lowest, state policy makers identified the following challenges: 1) finding qualified related service personnel, 2) having adequate funds to provide services to special education students, 3) knowing special education laws and regulations, 4) finding qualified special education teachers, 5) implementing the IEP, 6) working with LEA or other special education provider, 7) providing services to students in low incidence disability areas, and 8) working with parents of students with disabilities. These challenges reveal that charter schools are struggling with the same issues that traditional public schools struggle to address (e.g., finding qualified staff and having adequate funds) *and* they carry the added burden of limited knowledge of special education rules and regulations which most likely hinder their ability to provide special education and related services.

Utilizing a different approach to document the degree to which special education is a challenge for charter schools, we asked the state policymakers whether any charter schools in their state had been subject to a formal complaint to the special education unit. Seventy-five percent of the state directors of special education and 67% of the state charter school officials reported that in the past three years, charter schools in there states had been subject to formal complaints regarding special education to the special education unit. The number of complaints

ranged from a low of one to a high of 23. One respondent indicated that complaints regarding charter schools represent 28% of all the complaints received.

When queried about the focus of the complaint, the respondents identified the following issues in order of frequency 1) provision of special education services, 2) provision of related services, 3) denial of access to the charter school program, 4) qualifications of special education teachers, and 5) due process. In addition, when queried specifically about the extent to which counseling-out of students with disabilities is an issue for charter schools in their state, 66% percent of the respondents identified it as an issue, 11% of which identified it as a big issue.

### **Strategies To Build Charter Schools Capacity To Provide Special Education**

The surveys documented two means by which charter schools are building their capacity to deliver special education: state/authorizer training and technical assistance, and affiliation with or creation of an external special education infrastructure that provide access to human, fiscal, and legal resources. Our findings regarding technical assistance were introduced earlier and indicate that to varying degrees, states are developing their technical assistance outreach to charter schools. However, it is unclear the degree to which states are including charter schools in already existing special technical assistance or actually crafting unique training opportunities for charter schools. We will further explore these specifics in the survey of charter operators.

Previous research in seven states documented that charter schools are creating or affiliating with external entities in order to build their capacity to provide special education and related services (Ahearn et al., 2001). The survey documented that charter school operators nationwide are enlisting a wide variety of special education infrastructures to build their capacity to provide FAPE and LRE. The most common infrastructure to which charter schools are turning

to build their special education capacity is charter school authorizers. The vast majority of authorizers are local districts. In order of frequency, the following entities also serve as special education infrastructures to charter schools: 1) individual consultants, 2) state-level special education administrator for charter schools, 3) education management organizations, 4) local education agencies (if not the authorizer) and 5) intermediate education agency or unit (e.g., ISD, BOCES, SELPA). Other emerging infrastructures are charter school cooperatives, risk pooling models, and contracting with local non-profits. With the exception of education management organizations, charter schools appear to be tapping into the same support networks that their traditional public school peers have historically employed. The next stage of our research will explore how charter schools are negotiating with both traditional and emerging infrastructures in an effort to document any promising practices.

## **SUMMARY**

Special education in charter schools represents the convergence of a federal mandate and a state education reform initiative. As the charter school movement enters adolescence, special education remains a challenge for charter school policy makers and practitioners striving to balance charter school autonomy with legal responsibility associated with IDEA. States are recording complaints regarding how charter schools operating special education programs and related services. The majority of the states with charter school laws have at least five years of experience authorizing and developing policies related to charter schools (Center for Education Reform, 2004). However, few states have amended their state charter school law or developed regulations as a result of issues related to special education. Rather, some states and authorizers, the majority of which are local education agencies, are offering some form of technical

assistance to charter applicants and operators. Most states are offering, but not requiring, special education training and technical assistance for charter schools. While some states are specifically requiring authorizers to include special education in their applications and performance contracts, most states require minimal information regarding how charter schools plan to serve students with disabilities and how they will be held accountable for the academic outcomes of students with disabilities.

The vast majority of the states with charter schools dictate that the charter schools are part of a local district, as opposed to their own districts, and as such, they share responsibility for providing special education (i.e., fulfilling obligations stemming from the IDEA) with a local education agency. The three key challenges that charter schools are facing related to special education are: adequate funding, finding qualified special education teachers and related services personnel. These challenges are particularly apparent in the states in which charter schools are their own legally independent districts.

Charter schools are creating or affiliating with a variety of organizations in an effort to increase their human, fiscal, and legal capacity to provide special education. Examples of the organizations that provide charter schools with special education infrastructure include local education agencies, local non-profits, special education cooperatives, and education management organizations. State and district policy makers interested in building charter schools' capacity to deliver special education should investigate these infrastructures in order to discern whether they might be appropriate for their state given the wider policy environment.

Our preliminary analysis of the data documents the characteristics that we hypothesized influence the manner in which special education is delivered in charter schools. Furthermore, the

findings indicate that 1) charter schools are struggling with many of the same issues that traditional public schools face related to special education, 2) states are not creating new systems to support charter schools related to special education but rather, compelling charter schools to fit into already existing structures, and 3) charter schools are identifying and creating special education infrastructures to boost their capacity related to special education. Our analyses to date confirm that while some states are striving to assist charter schools in the area of special education, in most states charter schools are expected to integrate into the existing system; generally the system the charter school operators are trying to exit or reform. Additional analyses will reveal further policy and procedural nuances and relationships.

## **DISCUSSION**

A defining characteristic of charter schools is their autonomy from many state and local education regulations. Yet, every public charter school is required to abide by all federal civil rights laws, including those that pertain to students with disabilities (Heubert, 1997). For the most part, consideration of special education laws was overlooked in the development of charter school laws and procedures. The unanticipated consequence is that many states and individual charter schools are evolving in their understanding of special education in charter schools. As states policies and practices mature and advance so are the related policies that help and alternatively, hinder charter schools' capacity to educate students with disabilities.

Special education in charter schools is clearly a challenge for state policy makers and the challenges are leading to formal complaints in state departments of education. However, states are not jumping to address the issues via formal legislative or regulatory means. Rather, states appear to be addressing the issues via technical assistance or they are simply not addressing the

issues. A quandary for state policy makers is how do you address policy issues in charter schools while attempting to honor autonomy, which is a basic tenet of the entire charter school concept. As state policy makers tackle the issues arise at the convergence of federal disability laws and state charter school laws, they appear to be proceeding with caution. The apparent caution may be driven by the practical reality of limited fiscal and human resources. Nevertheless, the reality is that in the current climate of increased accountability, charter schools and the degree to which they can in fact operate autonomously is going to be even under greater scrutiny. No Child Left Behind places new pressure on states and authorizers to ensure that charter schools are providing students with disabilities adequate special education and related services. If charter schools are not providing their students with disabilities an appropriate education that will enable the students to demonstrate adequate yearly progress as defined by NCLB, they will face very real consequences which extend beyond consequences articulated in IDEA.

The true challenge for policy leaders is how to help yet not hamper charter schools provide special education and related services. The various infrastructures that charter schools are joining or creating provide one possible option to build capacity. As we shift to the next phase of Project Intersect, we will examine the characteristics, origins and operations of these infrastructures. Our analyses will focus on the roles and responsibilities of the infrastructures and the degree to which they have the potential to significantly increase capacity in a sustainable manner.

While numerous studies have examined special education in charter schools in individual states or examined a finite issue related to special education (e.g., % of charter school populations with IEPs) this study is the first national study examining a broad array of policies

and procedures related to special education in charter schools. The study assesses 1) the policy factors that influence special education in charter schools and 2) the prevalent and promising practices that are emerging at the intersection of special education and charter schools. This information is valuable because it can help inform policy making and practice and it lays a solid foundation of nationally representative data upon which a second phase of research will be built. The second phase of the study will entail a survey of a nationally representative sample of charter school authorizers and charter operators and finally, case studies of the special education infrastructures currently emerging in response to a critical need to build charter schools capacity to deliver special education.

In the current climate of public school accountability for all students, policy makers should consider how charter schools address special education as a key indicator of the movement's potential to uphold, as opposed to undue, the core tenets of public education. Furthermore, state policy makers must balance the desire to protect students with disabilities with traditional regulatory mechanisms with the boarder goal of broadening, and ideally strengthening, the educational opportunities available to all students. If policy makers allow charter schools to be over-regulated due to safeguarding traditional special education policies and procedures, it is the students with disabilities enrolled in charter schools that stand to lose the most.

In closing, the challenges identified in the literature and documented by the surveys of two groups of key stakeholders are not particularly unique, charter schools are potentially well-positioned to explore alternative solutions which may be applicable to a far wider audience. Public schools may potentially benefit from allowing charter schools to explore alternative

options to improving special education by operating outside traditional district policies and procedures yet still within the broad parameters of IDEA.

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