

CHARTER SCHOOLS & ESE

Challenges and Opportunities

AMM Conference

September 2012

Overview

- ▣ Charter Landscape
- ▣ Overview of Research on Charters and ESE
- ▣ Florida Specific Data
- ▣ Florida Law/Rule
- ▣ Collaboration/Cooperation
- ▣ Department Initiatives

Landscape

National Landscape

- ▣ 5,611 charter schools
 - 5.8% of all public schools
- ▣ 41/50 states have charter laws
- ▣ 538 new schools in 2011/12
- ▣ 52.2% city (2009-10)
- ▣ 67.6% freestanding (no CMO/EMO) (2010)
- ▣ 12.5% unionized (2009-2010)

Florida Landscape

- ▣ 577 Charters (2012/13)
- ▣ 183,390 student (2011/12)
- ▣ 47 Districts
- ▣ Growth accelerated in recent years

Research

**ERIC Inaccessible

Rhim, Lange, Ahearn, McLaughlin

- ▣ Project Intersect: Research Report #7
 - September 2007
 - Survey to “broadly assess whether charter schools are enrolling and educating students with disabilities as an indicator of whether these new and evolving public schools are fulfilling their fundamentally public mission....”
 - Results (National)- 10.57% (charter) vs 11.67% (tradition)
 - * 57% of schools surveyed were LEAs

Rhim & McLaughlin (2007)

- ▣ *“Students with Disabilities in Charter Schools: What we Know”*
- ▣ 11.2% vs. 12.1% (removing outliers)
- ▣ Differences in type of disability (+ SLD, -ID)
- ▣ Policy Tensions
 - Prescriptive, highly regulated vs. autonomy and flexibility
- ▣ Parental Choice
 - “One reason parents seek to enroll...in a charter school is to avoid identification for special education.”

Wolf, N.L. (2010)

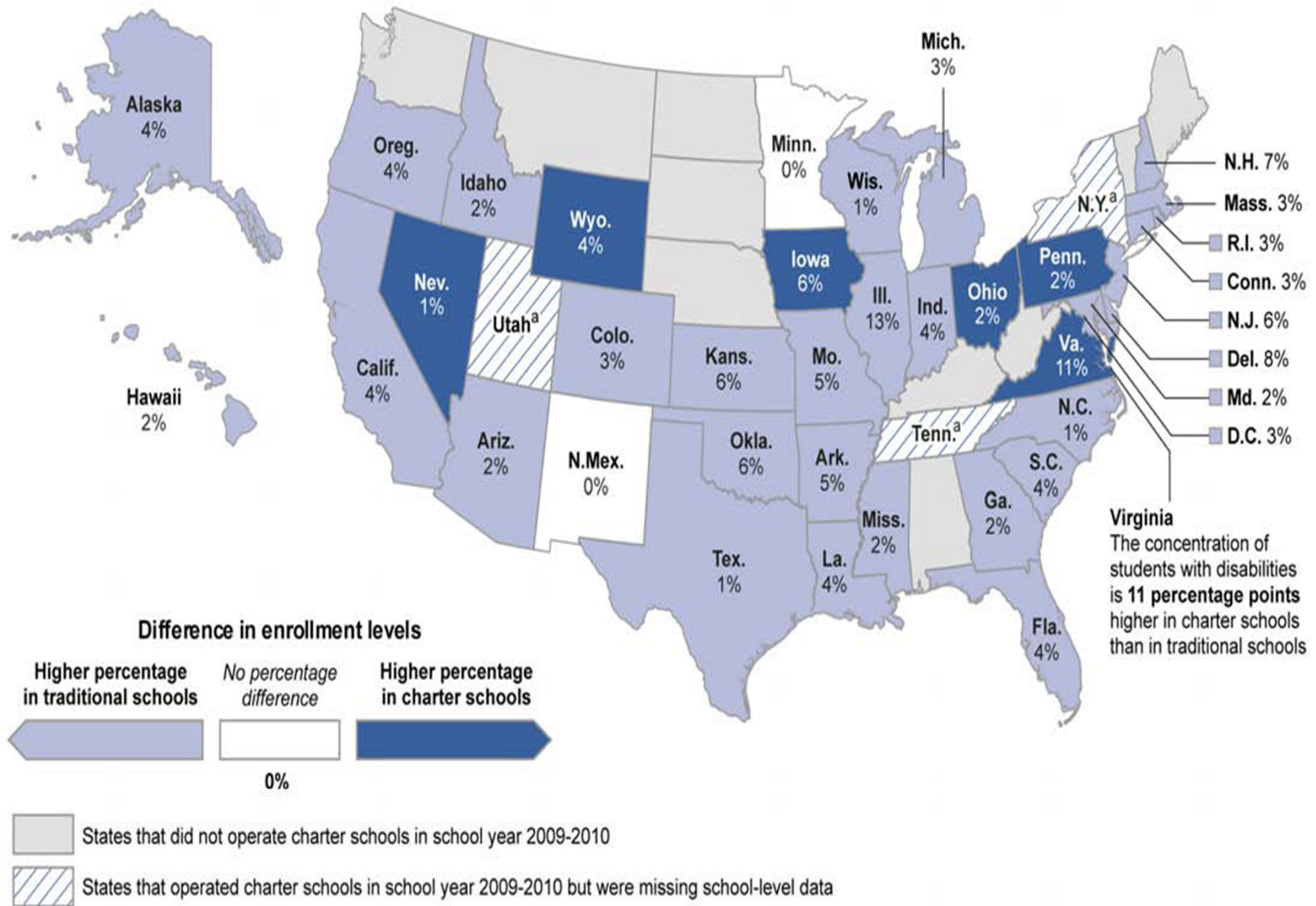
- ▣ *“A Case Study Comparison of Charter and Traditional Public Schools in New Orleans Recovery School District: Selection Criteria and Service Provision of Students with Disabilities”*
- ▣ Evidence of Selective Admissions
- ▣ Possible Motivations: academic, economic

GAO Report 2012

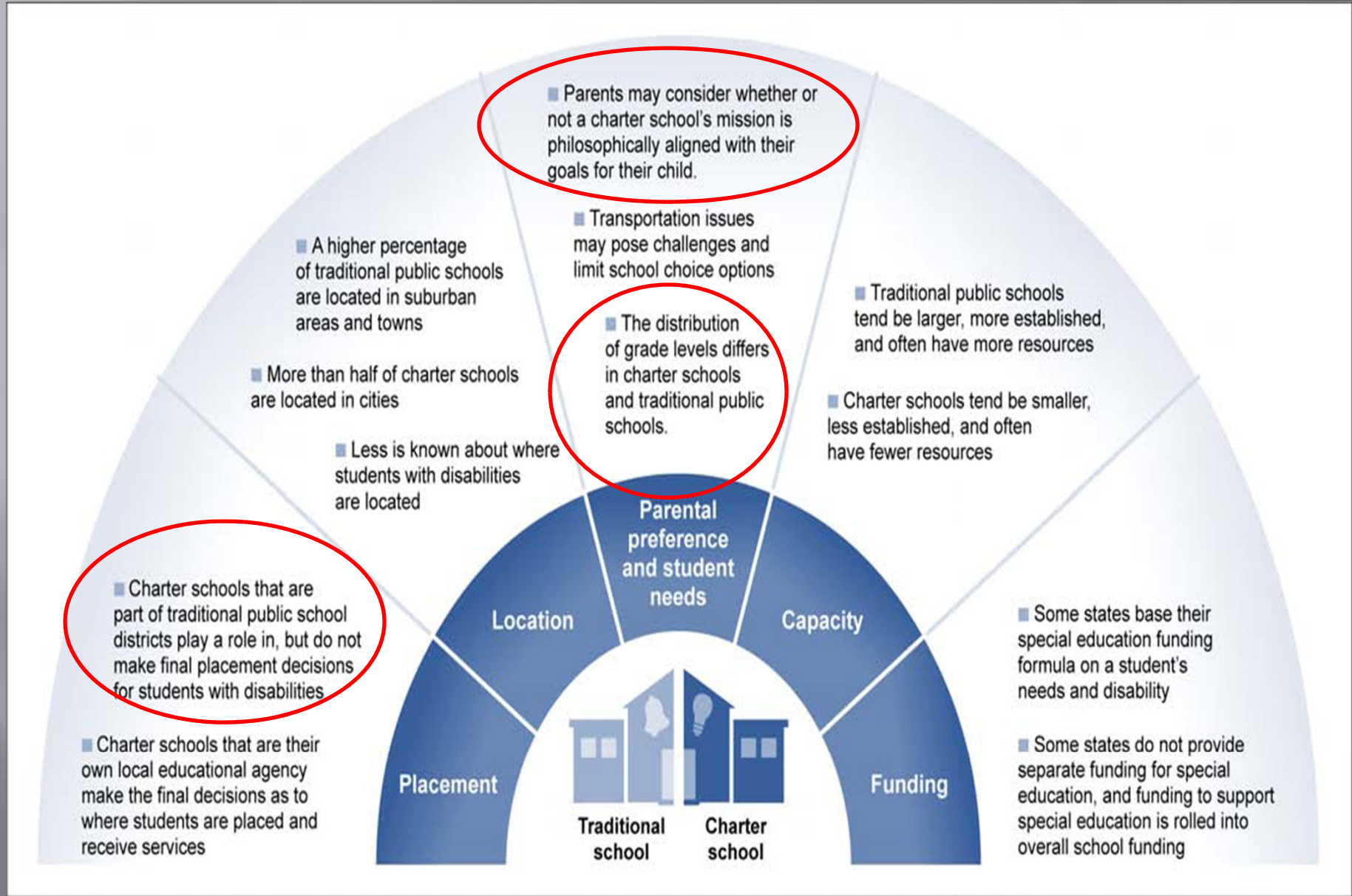
- ▣ GAO Research Questions
 - How do enrollment levels of SWD in charter and traditional public schools compare, and what is known about the factors that may contribute to any difference
 - How do charter schools reach out to SWD and what SPED services to charters provide
 - What role do USED, SEAs, and other entities that oversee charter schools play in ensuring SWD have access to charter schools

GAO Findings

- ▣ SWD Enrollment: 11% (trad) vs. 8% (charter)
- ▣ “Little is known about the factors contributing to these differences”
- ▣ SWD represented 8-12% of all students at 23% of charters vs. 34% of traditional
- ▣ Higher % of charters enrolled more than 20% SWD compared to traditional
- ▣ Anecdotal evidence of selective screening- no comprehensive data to determine extent or whether such practices contribute to differences in enrollment levels



Source: GAO analysis of EDFacts data and the Common Core of Data; National Atlas of the United States (base map).



Source: GAO review of Education documents; interviews with Charter School experts and school and federal agency officials; and relevant research.

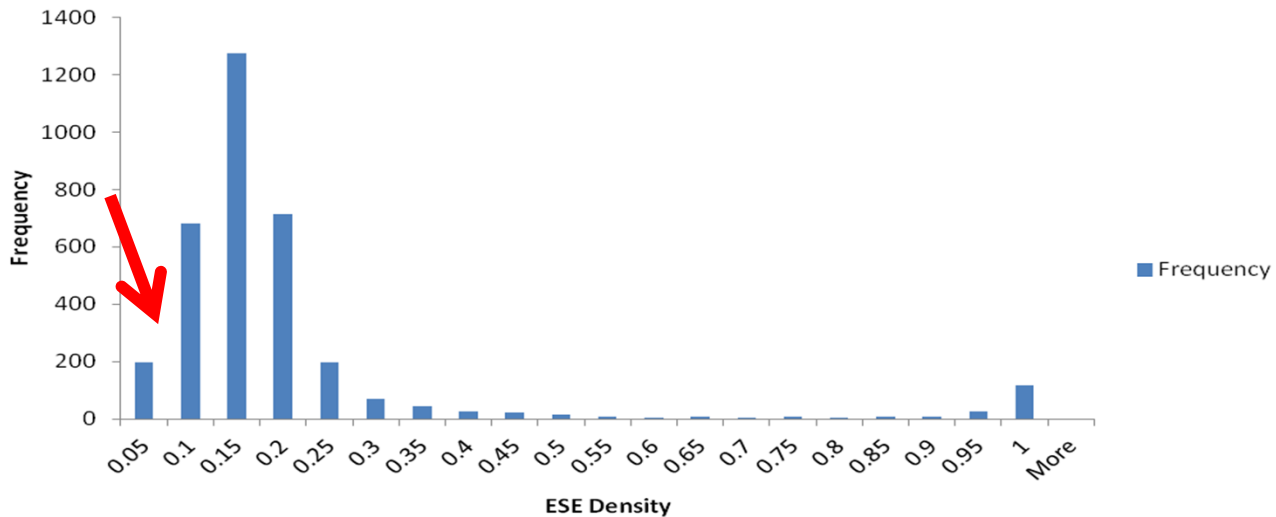
Florida Data: 2011-12

	Traditional	Charter
Total # of schools	3431	518
Total # of Students	2,529,542	182,795
Total # of ESE Students	335,223	16,953
Percent of ESE Students	13.25%	9.27%

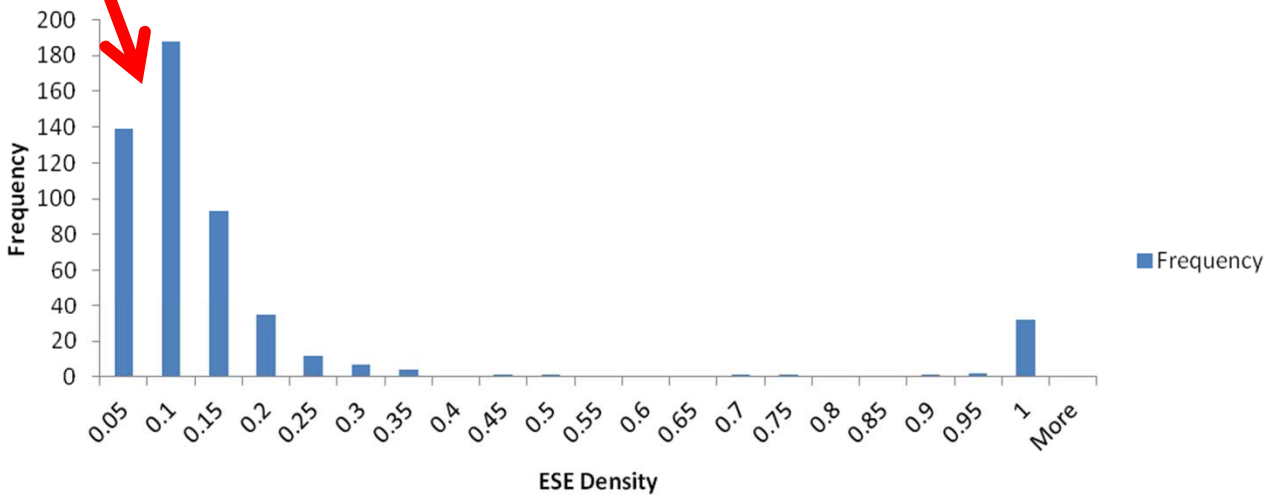
ESE Density

	Traditional	Charter
% of schools with >50% ESE	5.54%	5.60%
% of schools with 20-50% ESE	11.22%	4.83%
% of schools with 0-20% ESE	76.81%	87.84%

Distribution Traditional



Distribution Charter



Performance Data

- ▣ http://www.floridaschoolchoice.org/pdf/Charter_Student_Achievement_2011.pdf

Responsibilities

- ▣ Federal and State Law
- ▣ State Board of Education Rule
- ▣ Charter Application
- ▣ Charter Contract

Section 1002.33

- ▣ (10) Eligible Students
 - (f) Students with disabilities and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment in a charter school.

- ▣ (16)(a) A charter school shall operate in accordance with its charter and shall be exempt from all statutes in chapters 1000-1013. However, a charter school shall be in compliance with the following statutes in chapters 1000-1013:
 - 3. Those statutes pertaining to the provision of services to students with disabilities.

Section 1002.33

- ▣ (20) SERVICES.— (a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services...

Section 1002.33

- ▣ (17)(c) If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in charter schools in the school district shall be provided federal funds for the same level of service provided students in the schools operated by the district school board.

IDEA

- ▣ Title 20 U.S. Code, Sec. 1413(a)(5)
- ▣ *(5) Treatment of charter schools and their students*
- ▣ *In carrying out this subchapter with respect to charter schools that are public schools of the local educational agency, the local educational agency –*
- ▣ *(A) serves children with disabilities attending those charter schools in the same manner as the local educational agency serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the local educational agency has a policy or practice of providing such services on the site to its other public schools; and*
- ▣ *(B) provides funds under this subchapter to those charter schools –*
- ▣ *(i) on the same basis as the local educational agency provides funds to the local educational agency's other public schools, including proportional distribution based on relative enrollment of children with disabilities; and*
- ▣ *(ii) at the same time as the agency distributes other Federal funds to the agency's other public schools, consistent with the State's charter school law.*

State Board Rule 6A-6.0786

- ▣ Model Charter Application-
 - All applicants must use
 - Developed in collaboration with Operators and Districts
 - Multiple prompts related to students below grade level
 - Revised ESE Section

Application

☐ **Section 6: Exceptional Students**

- ☐ Please indicate the level of service that the school will provide to students with disabilities by selecting from the list below.
 - The school will serve students with disabilities whose needs can be met in a regular classroom environment (at least 80% of instruction occurring in a class with non-disabled peers) with the provision of reasonable supplementary supports and services and/or modifications and accommodations.
 - The school will serve students with disabilities whose needs can be met in a regular classroom and resource room combination (between 40%-80% of instruction occurring in a class with non-disabled peers) with the provision of reasonable supplementary supports and services and/or modifications and accommodations.
 - The school will serve students with disabilities whose needs can be met in a separate classroom (less than 40% of instruction occurring in a class with non-disabled peers).
- ☐ Describe how the school will ensure that students with disabilities will have an equal opportunity of being selected for enrollment in the charter school.
- ☐ Describe how the school will work with the sponsor to ensure the charter school is the appropriate placement for each student with a disability, based on the student's needs.
- ☐ Describe how the school will utilize the regular school facilities and adapt them to the needs of exceptional students to the maximum extent appropriate, including the use of supplementary aids and services.
- ☐ Describe how the school's effectiveness in serving exceptional education students will be evaluated.
- ☐ Explain how exceptional students who enter the school below grade level will be engaged in and benefit from the curriculum.
- ☐ Provide the school's projected population of students with disabilities and describe how the projection was made.
- ☐ Identify the staffing plan, based on the above projection, for the school's special education program, including the number and qualifications of staff.
- ☐ Describe how the school will serve gifted and talented students.

Model Contract

- ▣ **Section 3: Students**
- ▣ A) Eligible Students [as described in Application]
- ▣ B) Grades Served
- ▣ C) Class Size (If Applicable)
- ▣ D) Annual Projected Enrollment [deadline for submission to Sponsor]
- ▣ E) Annual Capacity Determination [deadline for submission to Sponsor]
- ▣ F) Admissions and Enrollment Plan [as described in Application]
- ▣ G) Maintenance of Student Records as Required by Statute
- ▣ H) Exceptional Student Education
 - 1) Non-discriminatory Policy
 - 2) Sponsor's responsibilities
 - 3) School responsibilities
 - 4) Services covered by the five percent (5%) administrative fee
 - 5) Due Process Hearing
- ▣ I) Dismissal Policies and Procedures [as described in Application]

Frequent Questions

- ▣ Student Application/Enrollment Process
 - Should application include questions about IEP?
 - ▣ Appropriate?
- ▣ Role of LEA vs School
- ▣ Supports from LEA?

Possible Solutions

- ▣ Student Application/Enrollment Process
 - Clearly defined process for determining appropriateness of school setting
 - ▣ Timelines for IEP meetings
 - ▣ Supports available to school during pendency
- ▣ Transparency
 - Public Lottery/Selection
 - Auditable process

Possible Solutions

- ▣ Role of LEA vs. School
 - Clearly articulated charter contracts- list and define responsibilities
 - Understanding that continuum of placements is LEA responsibility
 - Agreed upon monitoring practices

Possible Solutions

- ▣ Supports from LEA
 - Clearly articulated charter contract
 - Clearly articulated process for allocating IDEA resources

Department Initiatives

- ▣ Dissemination Grant
- ▣ Standards for HQ Authorizing in Florida
- ▣ Coordination between BEES and IEPC