

# Choice for All?

## *Charter Schools and Students with Special Needs*

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In this article, 3 concerns voiced by legal analysts and advocates for students with disabilities regarding charter schools are reviewed, the extent of special education services in charter schools in Texas is reported, and the validity of those concerns is examined. Data submitted to the Texas Public Education Information Management System were reviewed, and interviews with charter school administrators were conducted. The author examined 5 principles of the Individuals with Disabilities Education Act—zero reject; individualized education program; appropriate assessment; free appropriate public education; and least restrictive environment—as well as levels of expertise in federal disability law, fiscal barriers, disability categories, and regional variations.

School reform as a means of ensuring the academic achievement of the nation's students, and hence the nation's economic health, has been endorsed by politicians and educators since the National Commission on Excellence in Education published *A Nation at Risk* in 1983. School choice, and charter schools as a form of choice, are among those reforms touted as the solution to the inadequacies of public education. State and taxpayer financed, charter schools operate under a contract allowing for regulatory freedom in exchange for innovation (Finn, Bierlein, & Manno, 1996; Henig & Sugarman, 1999; Nathan, 1996; Parkay & Stanford, 1998; Wells, Lopez, Scott, & Holme, 1999). Thirty-eight states have adopted legislation providing for charter schools (Sandham, 2001), which politicians envision as improving education through marketplace accountability and lessened bureaucratic control (Bulman & Kirp, 1999; Cookson, 1994; Nathan, 1996). Varying widely in mission, these schools may target students at risk of failure (Estes, 2001), those from specific cultures (Levin, 1999; Rhim & McLaughlin, 1999; Toch, 1998), or those with specific disabilities (U.S. Department of Education, 1997). Others serve college-bound students or offer a "back to basics" approach (R. Rothstein, 1998, p. 3). Consequently, a school's curriculum may impose selectivity on its enrollment (McLaughlin, Henderson, & Ullah, 1996).

Regardless of mission, and despite state deregulation, charter schools are subject to all mandates of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 as amended, and the Americans with Disabilities Act (ADA). Legal analysts and advocates for students with disabilities are concerned that charter schools may be unprepared to meet these requirements, citing (a) a potential for discrimination (Heubert, 1997; McKinney, 1998; R. Rothstein, 1998), (b) a lack of expertise in service delivery (Glas-

cock, Robertson, & Coleman, 1997; Lange, 1997; McLaughlin & Henderson, 1998; Vernal, 1995), and (c) limited funding (Fiore, Warren, & Cashman, 1999; Matwick, 1996; L. F. Rothstein, 1999; Urahn & Stewart, 1994). In this article, I briefly review pertinent literature regarding students with disabilities and these concerns and then discuss the findings of a study to measure the extent and quality of services to students with special needs in Texas charter schools.

## Literature Review

### *Students with Disabilities in Charter Schools*

Parents of students with disabilities are seeking choice, for many of the same reasons as other parents, including characteristics of the school (Carruthers, 1998; Fiore, Harwell, Blackorby, & Finnigan, 2000; Lange & Lehr, 2000; Lange & Ysseldyke, 1998), underlying philosophy of the charter, and indicators of school success (Carruthers, 1998; Fiore et al., 2000). Other reasons cited are discipline (Lange & Lehr, 2000), support for the unique needs of students, safety, teachers, a "fresh start," and special services (Fiore et al., 2000; Lange & Ysseldyke, 1998).

**A Potential for Discrimination?** Among concerns of advocates is a fear that discrimination may occur against students deemed hard or unusually expensive to teach. To understand such fears, one might need to reflect on the roots of the choice movement, which emerged as one of many reforms conceptualized amidst the panic triggered by *A Nation at Risk*. The purpose of such reforms was to "raise the bar" of academic achievement in order for the nation to compete in a global

economy (Carruthers, 1998; Hubley & Genys, 1998; Nathan, 1996; see also National Governors' Association Center for Policy Research, 1986). As a result, students with disabilities may have been an afterthought to the movement (Ysseldyke, Lange, & Algozzine, 1992). In April 1995, only 4 of 12 state charter laws mentioned special education (Szabo & Gerber, 1996), and numerous articles on charter schools failed to mention students with special needs (e.g., Bulman & Kirp, 1999; Marks, 1995; Morken & Formicola, 1999; Nappi, 1999; Rael, 1995; Schlaes, 1998; Viteritti, 2000; Williams, 1998).

Some would argue that if students with disabilities were indeed discriminated against, fewer of them would be enrolled in charter schools, and this has historically been the case. In 8 of 10 states, charters served fewer students with disabilities than did other public schools (U.S. Department of Education, 1997), and 25% to 50% of early schools enrolled no children with identified disabilities (Carruthers, 1998; Estes, 2001; Henig, 1999; National Education Association, 1998a). In 1999, charters served fewer students with disabilities than did all public schools (8% vs. 11%), a figure that includes schools for students with specific disabilities (U.S. Department of Education, 2000).

Smaller numbers alone do not necessarily indicate discrimination. However, Zollers and Ramanathan (1998) interviewed parents of students with special needs, community members, charter school employees, school district employees, and government employees (Ramanathan & Zollers, 1999) and concluded that Educational Management Organizations (e.g., Sabis, Edison, Advantage), under contract with a charter board, may discriminate against students with disabilities for monetary reasons. Ramanathan and Zollers argued that for-profit charter schools in Massachusetts have "engaged in a pattern of disregard and often blatant hostility toward students with more complicated behavioral and cognitive disabilities" (p. 299; see also Bulman & Kirp, 1999). They suggested that (a) some who gained admission by lottery may have been barred once their disabilities were discovered and (b) some may have been rejected after admission because the school claimed it could not adequately serve them (Zollers, 2000). Both R. Rothstein (1998) and Zollers (2000) wrote that it is a common practice for charter school directors to engage in "counseling out" expensive or difficult students by suggesting that they would be better served elsewhere. In this manner, special education obligations may be effectively limited through procedures that formally meet requirements but discourage enrollment of students with Individualized Education Programs (IEPs; R. Rothstein, 1998). McKinney (1998) called such counseling measures "clearly inappropriate" (p. 571). Zollers and Ramanathan declared that students with complicated disabilities may be expensive to educate but parents "shouldn't need another IDEA to give them a choice in public education" (p. 304).

**Lack of Expertise.** Another frequently mentioned concern is that a lack of expertise may hinder the imple-

mentation of programming for students with special needs (Estes, 2000, 2001; Glascock et al., 1997; Lange, 1997; McLaughlin & Henderson, 1998; Vernal, 1995). An early study by the Education Commission of the States (1995) found that charter school directors in seven states felt unprepared to accept students with disabilities. Particularly challenging to newly opened schools were special education forms, funding, and procedures (Education Commission of the States, 1995; Estes, 2000; McLaughlin & Henderson, 1998). Twenty-eight percent of school directors surveyed by the National Education Association (1998b) and 36% surveyed by Estes (2000) felt unprepared to serve students requiring special services. In 1996, general education classroom teachers were expected to meet the needs of all students, and 5% of those with special needs lacked IEPs (Finn, Manno, & Bierlein, 1996). Lange (1997) wrote that many charter schools open their doors without a formal plan in place to serve students with special needs. She noted the necessity of obtaining information early and incorporating it before competing interests and expenses relegate special education to an afterthought.

A 1996 article that appeared in *The Special Educator* suggested that charter school operators are unaware of their obligations under the law and will continue to be until litigation or complaints to the Office of Civil Rights focus more attention on special education issues ("Charter Schools & Special Ed Law," 1996). Because relatively few charter school operators are trained educational administrators (Fiore et al., 1999), they may not be "conversant with the requirements of IDEA or other federal disability law" (U.S. Department of Education, 1998, p. 2; Vernal, 1995). The technical skills necessary to implement IDEA are not trivial, and it is critical that states provide sufficient assistance (Blanchette, 1997; "Charter Schools and Special Ed Law," 1996).

**Limited Funding.** A third concern that is frequently cited involves finances. Requirements of disability law strain young, free-standing charter schools already facing difficulty (Hill, 1999; McLaughlin & Henderson, 1998; L. F. Rothstein, 1999). Building acquisition and restoration, as well as other start-up costs, can be particularly troublesome (Buechler, 1996; Hill, 1999). Unanticipated expenses, such as those associated with special education, testing, and evaluation, add to these burdens (Fiore et al., 1999; Matwick, 1996; Urahn & Stewart, 1994). McKinney (1998) and L. F. Rothstein (1998) reported that increasing funding or changing funding formulae may be necessary. Monies provided to the states through IDEA are based on a per-pupil count multiplied by the average cost of educating a child with a disability. One child requiring residential placement can financially devastate a struggling charter school. The Council for Exceptional Children (CEC) has called upon Congress to fund 40% of the excess costs of providing special education and related services. This level, authorized since 1981, would benefit students and educators in charter schools and traditional schools (CEC, 1999).

## *Texas and the Charter School Movement*

Texas's charter statute, the nation's seventh strongest according to the Center for Education Reform (2001), was adopted in 1995. The first 20 schools opened during 1996–1997, and by August of 2001, 180 charters were operational (Charter School Resource Center of Texas, 2001). Although Texas law grants charters to four types of sponsoring entities, most have gone to tax-exempt nonprofit corporations with no ties to local school districts (Charter School Resource Center of Texas, 2000; F. Kemerer, personal communication, June, 1999). Texas's open enrollment charter schools operate as independent local education agencies and, as such, are fully responsible for all of the services provided by the larger, more experienced districts. Unlike other local education agencies, however, charter boards have no power to collect taxes or exercise the right of eminent domain, and they receive no capital funds from the state (C. Ausbrooks, personal communication, February 1999; Charter School Resource Center of Texas, 2000; Taebel et al., 1998). Although newly organized schools are eligible for federal funds from the Charter School Expansion Act of 1998, state funds are allocated in the same manner as they are to other public schools (N. Rainey, Texas Education Agency, personal communication, January 2002). Special education funds are derived from two sources—IDEA Part B funds, averaging approximately \$500 per student with a disability, and state funds, computed from a complicated formula that considers average daily attendance, home school district, special education instructional arrangement, and hours per day spent in special education and in general education. More funds are provided to schools whose students spend the day in inclusive environments than to those whose students attend separate classes (C. Dietrich, Texas Education Agency, personal communication, January 2002).

One who wishes to open a charter school must submit an application to the Texas Education Agency. According to the Texas State Board of Education (2000), The Division of Charter Schools within the agency reviews the application and forwards it to a pool of external reviewers who award points on plans to provide for innovation, student performance, parental/ community support, personnel qualifications, minimal impact on local schools, and finances. Only those applications meeting the board-established minimum score of 150 of a possible 200 points are subsequently reviewed by Texas Education Agency staff members representing the divisions of charter schools, school audits, legal services, student support services, and “other divisions, as appropriate to determine whether applications meet the statutory requirements and criteria adopted” by the Texas State Board of Education (p. 9). The board then may conduct public hearings to determine parental and/or community support or grant or deny approval for the proposed charter.

The Texas Education Code, Chapter 12 (Texas Education Agency, 1998) contains the Texas charter school statute

but no guidelines as to the manner in which charter schools should accommodate students with disabilities. Section 12.104(F), “Applicability of Title,” reminds chartering entities that they are to provide special education programs under Subchapter A, Chapter 29 of the code mandating implementation of IDEA. Although there are no paragraphs specific to charter schools, technical assistance is provided through the Texas Education Agency and regional education service centers.

Technical assistance is worth little, however, unless utilized for the educational benefit of children and youth. The purpose of the present study, then, was to determine if charter schools in Texas were meeting their obligation to adequately serve students with special education needs. I (a) examined the extent of service to students with disabilities in Texas's charter schools and (b) studied the comments of seven administrators to ascertain the presence or absence of key components of the law. Fiedler and Prasse (1996) cited six cornerstones that form the foundation of IDEA: zero reject; IEPs; free, appropriate public education; least restrictive environment; appropriate (nondiscriminatory) evaluation; and due process and parental involvement. The first five components speak directly to service provision and were considered essential to a determination of adequate provision. The following research questions were designed, therefore, to gauge the extent of service and assess compliance with five of the six foundational precepts:

1. To what extent are students with disabilities served in the public charter schools of Texas?
2. To what extent do charter schools in north Texas adhere to a policy of zero reject?
3. To what extent are students with disabilities who desire to attend public charter schools in north Texas assured a free, appropriate public education in the least restrictive environment?
4. To what extent are appropriate assessments performed, and are appropriate IEPs developed from those assessments or existing records?

## Method

### *Quantitative Data Collection*

My intent was to answer the first research question with data derived from Texas's Public Education Information Management System. This database, maintained by the state, stores information deemed necessary for the legislature and the Texas Education Agency to “perform their legally authorized functions in overseeing public education” (Texas Education Agency, 2000a, p. 1). All local education agencies, including charter schools, are required to submit information concerning student demographics, academic performance, personnel,

finances, and organization to this database (Texas Education Agency, 2000a).

I requested and received two documents containing pertinent data: (a) *Texas Public School Districts Including Charter Schools, Disabled Students Receiving Special Education Services by Disability and Age, Fall 1999-2000 PEIMS Data* (Texas Education Agency, 2000b), and (b) *Texas Public School Districts Including Charter Schools, Student Enrollment by Grade, Sex, and Ethnicity, Fall 1999-2000 PEIMS Data* (Texas Education Agency, 2000c). The information, as reported on December 1, 1999, was limited to the 142 schools active in 1999–2000 for which the Texas Education Agency provided records. I reasoned that with the data from these two standard reports, I could readily calculate a percentage of students with disabilities enrolled in Texas’s charter schools by dividing the number of students with disabilities per school by the total number of students enrolled. I assumed that by combining data, I could derive regional and statewide percentages as well. In addition to the percentage of students with disabilities attending public charter schools during 1999–2000, I hoped to ascertain the types of disabilities ascribed to those students and whether the data varied by region.

### *Qualitative Data Collection*

Six in-depth interviews were conducted with charter school administrators (one interview was with two individuals, for a total of seven administrators), the names of whom were obtained from the 1999–2000 *Texas School Directory: Active Charter Schools* (Texas Education Agency, 2000d). I sought to interview administrators who represented a wide cross-section of the population. Some oversaw schools with a racially diverse student body, and some did not. One administrator’s school was in a rural location, two administrators oversaw suburban schools, and others worked in urban environments. I called all administrators whose schools were within a reasonable driving distance (all of the schools studied were within a 1-hour drive of the Dallas/Fort Worth metropolitan area).

Eight principals or headmasters were initially contacted. Each participant was telephoned, each was assured of anonymity, and the study was explained. Two were unwilling to participate, and two referred me to their school’s special education director. Six interviews were held. Two of the interviews were with special education directors, one of whom was responsible for services on two campuses, and the other for multiple schools. Two headmasters, two principals, two directors of special education, and one assistant principal/director of special education participated in the study. Participants signed a research consent form before commencement of the session. Twenty charter schools were represented in the qualitative research, the majority (17) of which were located within Education Service Center Regions X and XI. None of the representative schools was specifically chartered to serve students with disabilities, and none had cooperative agreements with local school districts.

### *Participants*

The first interview was conducted with the headmaster of a school with two campuses located in a suburb of Dallas/Fort Worth. One of his schools primarily served White children in Grades K–5 who lived in a relatively affluent part of the community. The other campus was a middle school (Grades 6–9) located on a congested city street and serving students of White, African American, Hispanic, and Middle Eastern descent. The enrollment of the combined campuses was approximately 300 students, 19 (6.3%) of whom had identified disabilities. As a university-trained administrator, this headmaster had previously served as an assistant principal in a traditional Texas urban public high school.

The second interview was held with a headmaster who, although university trained, spent 20 years in private school education prior to his school’s conversion to charter status. This individual reported a lack of familiarity with disability law and a frustration with governmental requirements. His elementary school for Grades K–6 was located on 20 wooded acres, and had a curriculum that heavily emphasized outdoor activities and environmental science. The majority of the approximately 230 students in his school were White children of urban professionals. Founded by a special educator as a private school, this “academy” had a reputation for serving students with specific learning disabilities. Although the school was not chartered to target students with disabilities, the school’s history helps explain its reported 23% of students with identified disabilities. Although this was the 2nd year of the school’s public charter status, the headmaster stated that special education numbers would be reported to the state for the first time during 2000–2001.

Interview 3 was conducted with the principal of a charter school located in a relatively small town south of the Dallas/Fort Worth metropolitan area. This school was founded and governed by a board of education composed of representatives of a specific Christian ministry. The school enrolled almost 240 students from diverse backgrounds in prekindergarten through 10th grade. According to the principal, 54 students met criteria for being at risk of dropping out of school, according to the Texas Education Code, Chapter 29, Subchapter C (Texas Education Agency, 1998), and 20 (8%) were enrolled in special education. Approximately 50% of the students in this school were White. The remainder (in descending order) were of Hispanic, African American, and Asian/Pacific Islander descent. The principal, certified in educational administration, was a former principal of a public elementary school in west Texas.

Interview 4 was held with two individuals, the principal and the assistant principal/special education director of a charter school located in a densely populated urban area. The school of approximately 125 students was located in an inner-city neighborhood and served a student body that was 94% African American. Chartered as an at-risk school, meaning that at least 75% of students met at-risk criteria, the staff served

students in Grades 9 through 12, 10% of whom had identified disabilities. The principal of this school reported that he had worked in the mental health field but remarked that he had no previous experience in education or administration. Likewise, the assistant principal/director of special education stated that he was not certified in either educational administration or special education but remarked that special education certification was a goal toward which he hoped to work.

The fifth interview was held with the special education director of an at-risk charter school with two campuses, each with fewer than 200 students. The majority of students on one campus were White and from an area of lower middle-income "working class" homes. The other school served a largely Hispanic student body. These two campuses targeted secondary students who had been unsuccessful in traditional environments. A self-paced "dropout recovery" curriculum was offered, in which students completed course packets to fulfill graduation requirements. A prerequisite for success, therefore, was an ability and a willingness to work independently. When asked how many students had special education needs, the director replied, "We are running anywhere from 13% to 19% students with disabilities." This individual had been previously employed in a similar capacity in a traditional public school district and reported having a familiarity with special education law and procedures.

The final interview was with the special education director for a nonprofit corporation that ran 14 charter schools representing a broad cross-section of school environments, including Montessori preschools, hospital schools, schools affiliated with churches, and dropout recovery schools. As such, this corporation enrolled public school students of all ages and grade levels. The schools ranged in enrollment from 10 to 20 students in hospital settings to more than 200 students on their flagship campus. When asked how many students with disabilities were served, I was told it varied widely by school. This individual had previously been employed as a special educator in a local Texas public school system and reported having a familiarity with special education law and procedures.

### Procedure

The six interviews took place at the convenience of school personnel and ranged from 1 hour and 15 minutes to 1 hour and 45 minutes in length. For the purposes of the study, I used an open-ended, semistructured format that employed an interview guide with questions prepared in advance yet allowed for new avenues of inquiry to emerge (Gall, Borg, & Gall, 1996; Glesne, 1999; Mahoney, 1997). To elicit rich information, I incorporated depth probes (Frey & Oishi, 1995; Glesne, 1999; Mahoney, 1997), including "Tell me more" or "Anything else?" statements, strategically timed silences, and additional questions arising from participant comments. Each interview was audiotaped and transcribed. Participants reviewed the transcripts of their remarks for accuracy, and when inaccuracies were noted, corrections were made. All agreed-upon remarks

were analyzed. A copy of the interview guide is available in the Appendix.

The participants' comments were reviewed for recurring patterns and themes with dtSearch (DT Software, 1998) and recommended for qualitative research (Gittelsohn, Pelto, Bentley, Bhattacharyya, & Jensen, 1998). To facilitate data reduction, an index of approximately 4,000 terms was created and scrutinized for relevancy to the study. Terms considered irrelevant were discarded. Pertinent terms were then categorized to correspond with specific research questions. For example, *identify*, *assess*, *refer*, and *IEP* were 4 of 60 terms chosen to correspond with Research Question 4, "To what extent are appropriate assessments performed, and are appropriate IEPs developed from those assessments and/or existing records?"

I then used dtSearch to construct concatenated data sets by combining the grouped terms and entering them in a series of concept searches. Searches of this type may be customized to yield all comments within 75 words of each relevant term. Printing the references and their associated text in relation to each research question facilitated analysis and enabled me to draw conclusions to answer the final three questions guiding the study.

## Results

### Research Question 1

**State Database.** Research Question 1 asked, "To what extent are students with disabilities served in the public charter schools of Texas?" It was my intent to answer this question with data from the state database, but to my surprise, the data proved inconclusive. Administrators from only 92 of 142 schools (64.7%) reported special education enrollment for 1999–2000 (T. Hitchcock, Texas Education Agency, personal communication, September 12, 2000). This lack of reporting occurred despite a statewide requirement that students with disabilities be reported, and despite a loss of special education funding to those schools that did not report. Furthermore, in order to ensure confidentiality, numbers fewer than 5 were "masked" (dashed lines appeared in place of numerals, indicating students were enrolled but exact numbers were not revealed by the state). Of those 92 schools reporting students with disabilities, however, the following facts could be deduced: Students with disabilities made up less than 2% of the student body in 11 schools, 2.1% to 4% in 18 schools, 4.1% to 6% in 12 schools, 6.1% to 8% in 11 schools, 8.1% to 10% in 7 schools, 10.1% to 12% in 5 schools, 12.1% to 15% in 4 schools, 15.1% to 20% in 8 schools, 20.1% to 30% in 3 schools, 30.1% to 40% in 2 schools, 40.1% to 50% in 2 schools, 50.1% to 60% in 1 school, 60.1% to 70% in 5 schools, and more than 70% in 3 schools. Approximately 70% of charter schools reporting enrolled fewer students with disabilities than the state average (12.3%). There are no statewide data to document service in the 50 schools that did not submit special education enrollment figures. In Texas, as elsewhere

(Carruthers, 1998; Henig, 1999; National Education Agency, 1998a), although a few public charter schools serve primarily students with disabilities, many public charter schools serve limited numbers of students with disabilities.

The policy of masking student counts in schools with fewer than five students with disabilities complicated interpretation by disability category as well, but it was evident that the Texas schools primarily served students with learning disabilities. Students with emotional disorders, speech impairments, other health impairments, mental retardation, and hearing impairments (in descending order) were also reported. Numbers of students with other disabilities were either not reported or not released.

**Regions X and XI.** Numbers of charter schools varied significantly according to locale. In 6 of the 20 Texas Education Agency service regions, those with primarily small or rural districts, there were no charter schools during 1999–2000. Because my interviews were conducted with individuals whose schools were located in Service Regions X and XI, these two areas were closely reviewed for numbers of schools, students, and students with disabilities.

Region X refers to the nine-county service area surrounding Dallas. Region XI consists of 10 counties surrounding Fort Worth, Texas. Approximately 500,000 students are educated in the public schools of Region X (Education Service Center Region X, 2002), and approximately 400,000 students in Region XI (Education Service Center Region XI, 2002). Public Education Information Management System data were received for 29 charter schools located within the two regions. Those 29 schools reported a total enrollment of 7,610 students, or roughly 0.85% of the total public school enrollment in Texas.

According to the data, services to students with specific disabilities in the charter schools of Regions X and XI echoed those served statewide and included students with (in descending order by number served) learning disabilities, emotional disorders, speech impairments, and other health impairments. Unlike any other region, however, a charter school for students with auditory impairments was operated in Region X. According to records I received, 21 of the 29 schools (72.4%) in the combined regions submitted special education data. Eighteen (of a total 24 charter schools) were located in Region X, and 3 (of a total 5 schools) were in Region XI.

Although seven schools within the combined regions served a percentage of students with disabilities that equaled or exceeded the state average, two thirds of the schools served few students with special needs. Of the 21 charter schools reporting, students with disabilities composed less than 2% of the student body in 6 schools, 2.1% to 5% in 5 schools, 5.1% to 8% in 3 schools, 8.1% to 12% in no schools, 12.1% to 15% in 3 schools, 15.1% to 20% in 2 schools, and 20.1% to 30% in 1 school. The school designed to serve students with hearing impairments reported that 87.2% of the student body had disabilities.

**Interviews.** Typical of statewide figures, the administrators reported that the vast majority of their special education students had learning disabilities. Other categories mentioned were emotional disorders, speech impairments, and mild mental retardation, but very few students with speech impairments and mental retardation attended the schools. One administrator mentioned a single student requiring large-print textbooks, and the last interviewee stated that she has had a few students who were autistic “in our hospital settings for very short periods of time.” No students required wheelchairs. It is interesting to note that secondary charter school programs that were “self-paced and self-directed” enrolled greater numbers of students with emotional-behavioral disorders than did traditional academic formats. One administrator attributed this to a shortened school day (4 hours in most cases) and a structure that provided for little direct student-teacher interaction.

One question asked of administrators participating in the qualitative research concerned the composition of the schools’ student populations (e.g., boys/girls, at-risk, minority, gifted, disabled). Administrators in the first five interviews placed their enrollment of students with disabilities at between 6% and 23%. The average percentage (11.6%) is close to the statewide average for all public schools (12.3%). Due to the extremely varied nature of multiple school settings, the final administrator gave no specific percentage.

## Research Question 2

The second question asked to what extent the schools studied adhered to zero reject. According to Fiedler and Prasse (1996), *zero reject* is the foundational precept of IDEA: An education cannot be denied on the basis of a disability. Because of concern in the literature that charter schools would not provide service to students with disabilities, I pursued evidence that suggested that these students were counseled out. In response to the probes “Describe the interview process utilized with prospective parents and students” and “Describe the ways in which this process differs for families of students with disabilities,” administrators asserted they are honest with parents, explaining what they offer and how and relaying some advantages and disadvantages of their instructional model. They also inform parents that there are no separate classes for students with disabilities. The decision is left to the parents. The following is an actual, and typical, response:

SPECIAL ED DIRECTOR: What we always do is come in . . . and each parent is interviewed, each family’s interviewed, and each family is oriented, and that’s part of the situation . . . part of the whole enrollment process. They’re all interviewed, told this is what we do, this is how we do it. . . . Is your child going to fit here?

RESEARCHER: Right. And, that kind of leaves it up

to the parent to make the decision [to enroll the child].

SPECIAL ED DIRECTOR: It leaves it up to the parent [to decide] if it's really the place for them.

One director admitted to me that he didn't know what he would do if a student with moderate or severe mental retardation were to apply, because he had no appropriate programs or placements. However, none of the administrators reported that they turn students away, and most seemed genuinely willing to accept students with special needs.

Indeed, all interviewees reported that they initially accept all applicants but communicate to parents that their service provision is limited to what the parents see. Furthermore, 3 of the 20 schools were inaccessible to wheelchairs and three of seven administrators expel students who do not meet their behavioral expectations, without providing services. It should be noted here that charter schools in Texas have permission to deny enrollment to students with a history of behavior problems (Texas Education Code, Section 12.111[6], Texas Education Agency, 1998), and one administrator acknowledged that her school's charter allows for that. Because IDEA (34 C.F.R. § 300.527 [b]) requires that schools provide services to students for whom there is a suspected disability, and students with a history of behavioral incidents may be exhibiting symptoms of emotional disorders, serious questions are raised concerning the legality of this clause in the Texas statute.

### *Research Question 3*

Research Question 3 dealt with two of the cornerstones of IDEA: free, appropriate public education and least restrictive environment. IDEA stipulates a full continuum of alternative placements (34 C.F.R. § 300.551[1999]; Fuchs & Fuchs, 1995; Hallahan & Kauffman, 1995; Kauffman, 1997; Lewis & Doorlag, 1999; Maloney, 1995). All 20 schools represented in this study operate within a full-inclusion model, and none maintains such a continuum. Two directors, however, stated that they are ready to initiate a more restrictive environment for students if one is needed.

### *Research Question 4*

Fielder and Prasse (1996) and the U.S. Department of Education (1997) defined a free, appropriate public education in terms of a legally designed IEP. In Texas, the IEP meeting is designated an Admission, Review, and Dismissal meeting. All but one of the administrators indicated that in their school, IEPs are developed within an Admission, Review, and Dismissal meeting according to state mandates. The administrator who indicated otherwise was actively involved in recruiting an educational diagnostician to perform and interpret assessments and reported that he was unable to proceed with IEP meetings until an assessment specialist was found. The final research

question asked, "To what extent are appropriate assessments performed, and are appropriate IEPs developed from those assessments and/or existing records?" Because the qualitative component of this research is based on interviews conducted with charter school administrators, the answer to this question must remain subjective. Most interviewees were anxious to present a positive image of their school(s). All but one insisted, therefore, that the proper procedures were in place for the development of an appropriate IEP. When asked specific questions regarding prereferral interventions, referral procedures, and behavior intervention plans, certain discrepancies became apparent, however, as in the following dialogue:

RESEARCHER: Describe the prereferral intervention procedures.

ASSISTANT PRINCIPAL/  
SPECIAL ED DIRECTOR: What do you mean?

RESEARCHER: If you have a child who is struggling academically and doesn't have a diagnosis of a specific disability . . . one who's not enrolled in special education . . . what steps do your teachers take, and what steps do you take, to get the child assessed for special education?

ASSISTANT PRINCIPAL/  
SPECIAL ED DIRECTOR: Actually . . . I get on the telephone and call our consultants.

RESEARCHER: Do your consultants ever give you things to try in the classroom before you actually go to the special education testing?

ASSISTANT PRINCIPAL/  
SPECIAL ED DIRECTOR: No.

Furthermore, when asked about the preparation of the behavior intervention plan, this interviewee did not know the meaning of the term. There was a wide variability in special education expertise among those interviewed.

Administrators were specifically asked about the following components of the assessment/IEP process: prereferral intervention, referral, assessment, behavior intervention plan, and IEP. Only one interviewee stated without qualification that prereferral intervention was used. Three other interviewees asserted that the process had been described to their teachers but admitted that it was either poorly understood or not implemented. Two schools did not attempt prereferral intervention. One school had no formal referral procedures. All of the administrators stated that students are assessed for special education. The administrator who was seeking an educational diagnostician reported that he had put all IEP meetings "on hold" until one was hired. All but one administrator asserted that behavior intervention plans were prepared as needed, and all insisted that IEPs were routinely adopted.

## Discussion

### *Limitations*

The data from the Public Education Information Management System was incomplete and I was thus unable to compute a reliable statewide percentage of charter school students with disabilities. In addition to the limitations of the database, the study was limited by the small number of interview subjects. Only six interviews were held, with administrators demonstrating widely varying expertise from widely varying schools. Do these findings have applicability beyond Texas? Although most of the schools were within a 100-mile radius of Dallas/Fort Worth, the concerns discussed were universal, as evidenced by the literature review. Seven participants constituted a small sample, yet the nature of qualitative research involves deriving in-depth information from a small number of subjects (Silverman, 2001). Rubin and Rubin (1995) wrote that the goal of such a study should not be generalizability, but rather completeness, in which the work is continued until the necessary information is obtained: "Sometimes interviewing one very well informed person is all that is necessary. . . . What is important is not how many people you talked to, but whether the answer works" (p. 73). It is my opinion that the answers I obtained to questions concerning federal law are pertinent to charter schools throughout the country.

It must be remembered that individual charters were not scrutinized, nor were parents or other informants interviewed. A study in which parents are asked to describe the interview/orientation session with school personnel would shed additional light on the issue of "counseling out," as would a study in which the researcher is present for those sessions. Also interesting would be research examining the manner in which charter schools propose to accommodate their special education students, with follow-up to determine if they, in actuality, serve students in the manner described.

### *Concerns From the Literature*

Were the concerns cited in the literature valid for the schools studied? Let us look first at the potential for discrimination. Although several writers expressed apprehension in this regard (e.g., R. Rothstein, 1998; Zollers, 2000; Zollers & Ramathan, 1998), none of the charter schools studied overtly discriminated against students with disabilities. However, (a) some schools were not wheelchair accessible, (b) students with a history of behavioral difficulties are legally excluded according to state statute, and (c) a lack of expertise may affect service provision. McKinney (1998), R. Rothstein (1998), and Zollers (2000) expressed concern that students with disabilities were "counseled out." As discussed within the context of zero reject, school officials reported that they describe their programs honestly to parents and then leave the enrollment decision to the family. It is hoped that within this scenario the

spirit of school choice is fulfilled as envisioned and that parents are not discouraged from enrolling their children. I did not attend a parent-orientation session as part of the study, however, and was forced to rely on the words of those interviewed.

Also discussed in the literature (Fiore et al., 1999; Hill, 1999; Matwick, 1996; McLaughlin & Henderson, 1998), financial feasibility was a major source of concern among those interviewed. Conclusions regarding finances were drawn from responses to the final interview question, "Describe the process by which you request and receive special education funds," and from extemporaneous remarks. All but one administrator commented that inadequate funding significantly impacted their day-to-day efforts to run their schools, hire sufficient personnel, and pay for related services. One interviewee mentioned that to offset the shortfall of funds, staff development could be geared toward grant-writing. Two asserted that the Texas Education Agency must carefully audit schools for compliance with IDEA and for fiscal accountability. Poorly run, mismanaged schools reflect negatively on those that are not.

Other researchers expressed concern regarding knowledge of disability law and expertise in service provision (Glascock et al., 1997; Grutzik, 1997; Lange, 1997; McLaughlin & Henderson, 1998; L. F. Rothstein, 1999; Vernal, 1995). It is my opinion that the variability in expertise demonstrated by those interviewed was the result of their varied backgrounds. Fiore et al. (1999), the U.S. Department of Education (1998), and Vernal reported that few charter school operators are trained administrators. Two of the seven participants in this study were untrained, and a third reported a lack of knowledge about IDEA. It was my observation that those with minimal experience with disability law struggled to provide appropriate special education services. For example, one gentleman who had no formal training in special education or educational administration admitted that he relied on consultants employed by his school. Because he was unfamiliar with functional behavioral assessment and behavioral intervention plans, I left convinced he was unlikely to insist assessments be conducted and intervention plans prepared. Another administrator's school had operated for years as a private institution. He reported that his staff members were learning to "formalize" the special education assessment/referral process according to state guidelines.

In contrast, those administrators with administrative certificates and experience in traditional public schools demonstrated by their answers that they were better prepared to serve students. Expertise appeared to correlate with the provision of related services where financially feasible as well. Perhaps charters should be awarded only to those schools whose applicants are familiar with the intricacies of disability law and special education service provision or to those whose directors are prepared to employ individuals who are. Better use could also be made of the technical assistance available through the Texas Education Agency and the regional service centers.

## Further Implications

The principle of least restrictive environment requires that placement allow for interaction with nondisabled peers to the greatest extent appropriate in light of the nature and severity of the disability (Kemerer & Walsh, 1996). Because all of the schools operate under a total-inclusion model, all of them allow for students with disabilities to interact with nondisabled peers 100% of the school day. Whether total inclusion provides for a free, appropriate public education, however, depends on the needs of the child. IDEA calls for the IEP committee to consider individual needs and make an individualized placement decision. Although scholars differ in their interpretations of least restrictive environment, a number feel that individualized placement decisions can be made only if there is a variety of placements from which to select (e.g., Bateman, 1994; Diamond, 1993; Hallahan & Kauffman, 1995; Kauffman, 1995; Lerner, 2000; Morse, 1994; Rimland, 1995).

Kauffman (1995) asserted that even those students with high-incidence disabilities, and certainly those with significant disabilities, may be best served in separate environments. Although most students currently attending Texas's charter schools have high-incidence disabilities, it is difficult to conceive of appropriate programming for students with moderate to severe disabilities without placement options. An avenue for offering options should be devised. If it is unrealistic for individual schools to provide appropriate services, perhaps resources could be combined. The regional education service centers are logical facilitators to the development of shared service arrangements and are conducive to expanded staff/teacher training, as well. Regardless of the means, it is imperative that educators and policymakers recognize that the needs of the child must drive the recommendations of the IEP committee. It may be too easy at this time for the instructional format or services offered by the charter school to dictate the recommendations in the IEP.

School choice is a reality hailed by parents and policymakers alike. However, if an appropriate education within a choice context is available to some, it must be available to all. Students with disabilities and their parents have a right not only to equal access but also to quality, comprehensive, effective programming.

## REFERENCES

- Bateman, B. D. (1994). Who, how, and where: Special education's issues in perpetuity. *The Journal of Special Education, 27*, 509–520.
- Blanchette, C. M. (1997). *Charter schools: Issues affecting access to federal funds* (Testimony before the Subcommittee on Early Childhood, Youth and Families, Committee on Education and the Workforce, House of Representatives). Washington, DC: General Accounting Office. (ERIC Document Reproduction Service No. ED414620)
- Buechler, M. (1996). *Charter schools: Legislation and results after four years*. Bloomington: Indiana University, School of Education, Indiana Education Policy Center.
- Bulman, R., & Kirp, D. L. (1999). From vouchers to charters: The shifting politics of school choice. In S. D. Sugarman & F. R. Kemerer (Eds.), *School choice and social controversy: Politics, policy, and law* (pp. 36–67). Washington, DC: Brookings Institution.
- Carruthers, S. (1998). The reasons parents of students with and without disabilities choose Colorado charter schools (Doctoral dissertation, University of Northern Colorado, 1998). *Dissertation Abstracts International, 59* (08), 257A.
- Center for Education Reform. (2001). *Charter school laws: Scorecard*. Retrieved January 30, 2001, from <http://edreform.com>
- Charter School Resource Center of Texas. (2001). *About CSRCT: Frequently asked questions*. Retrieved December 31, 2001, from [http://www.chartertexas.org/about\\_csrtc.php](http://www.chartertexas.org/about_csrtc.php)
- Charter schools and special ed law: An imperfect union. (1996). *The Special Educator, 12*(7), 1, 8–11.
- Cookson, P. W. (1994). *School choice: The struggle for the soul of American education*. New Haven, CT: Yale University Press.
- Council for Exceptional Children. (1999). CEC speaks out on charter schools and special education funding. *CEC Today, 5*(8), 10.
- Diamond, S. D. (1993). Special education and the great god, inclusion. *Beyond Behavior, 4*(2), 3–6.
- DT Software. (1998). dtSearch (Version 5.2) [Computer software]. Bethesda, MD: Author.
- Education Commission of the States. (1995). *Charter schools: What are they up to? A 1995 survey*. Retrieved August 12, 1999, from <http://www.ecs.org/ecs/ecsweb.nsf>
- Education Service Center, Region X. (2002). *About Region X*. Retrieved January 19, 2002, from <http://www2.ednet10.net/AboutR10.htm>
- Education Service Center, Region XI. (2002). *A website by educators for educators*. Retrieved January 19, 2002, from <http://www.esc11.net>
- Estes, M. B. (2000). Charter schools and students with special needs: How well do they mix? *Education and Treatment of Children, 23*, 369–380.
- Estes, M. B. (2001). *Choice for all? Charter schools and students with disabilities*. Unpublished doctoral dissertation, University of North Texas, Denton.
- Fiedler, C. R., & Prasse, D. P. (1996). Legal and ethical issues in the educational assessment and programming for youth with emotional or behavioral disorders. In M. J. Breen & C. R. Fiedler (Eds.), *Behavioral approach to assessment of youth with emotional/behavioral disorders* (pp. 23–79). Austin: PRO-ED.
- Finn, C. E., Jr., Bierlein, L. A., & Manno, B. V. (1996). Finding the right fit: America's charter schools get started. *The Brookings Review, 14*(3), 18–21.
- Finn, C. E., Jr., Manno, B. V., & Bierlein, L. A. (1996). *Charter schools in action: What have we learned?* Washington, DC: Hudson Institute.
- Fiore, T. A., Harwell, L. M., Blackorby, J., & Finnigan, K. S. (2000). *Charter schools and students with disabilities: A national study* (Prepared for the Office of Educational Research and Improvement, U.S. Department of Education). Rockville, MD: Westat. (ERIC Document Reproduction Service No. 452657)
- Fiore, T. A., Warren, S. H., & Cashman, E. R. (1999). *Charter schools and students with disabilities: Review of existing data* (Prepared for the Office of Educational Research and Improvement, U.S. Department of Education). Research Triangle Park, NC: Research Triangle Institute. (ERIC Document Reproduction Service No. 426515)
- Frey, J. H., & Oishi, S. M. (1995). *The survey kit 4: How to conduct interviews by telephone and in person*. Thousand Oaks, CA: Sage.
- Fuchs, D., & Fuchs, L. S. (1995, January). Sometimes separate is better. *Educational Leadership, 52*, 22–26.
- Gall, M. D., Borg, W. R., & Gall, J. P. (1996). *Educational research: An introduction* (6th ed.). White Plains, NY: Longman.
- Gittelsohn, J., Pelto, P. J., Bentley, M. E., Bhattacharyya, K., & Jensen, J. L. (1998). *Rapid assessment procedures (RAP): Ethnographic methods to investigate women's health*. Boston: International Nutrition Foundation.
- Glascocock, P. C., Robertson, M., & Coleman, C. (1997). *Charter schools: A review of literature and an assessment of perception*. Paper presented at the Annual Conference of Mid-South Educational Research Association, Memphis, TN. (ERIC Document Reproduction Service No. 416041)

- Glesne, C. (1999). *Becoming qualitative researchers: An introduction* (2nd ed.). New York: Longman.
- Grutzik, C. F. (1997). Teachers' work in charter schools: From policy to practice (Doctoral dissertation, University of California, Los Angeles, 1997). *Dissertation Abstracts International*, 58 (06), 3078A.
- Hallahan, D. P., & Kauffman, J. M. (1995). From mainstreaming to collaborative consultation. In J. M. Kauffman & D. P. Hallahan (Eds.), *The illusion of full inclusion: A comprehensive critique of a current special education bandwagon* (pp. 5–17). Austin: PRO-ED.
- Henig, J. R. (1999). School choice outcomes. In S. D. Sugarman & F. R. Kemerer (Eds.), *School choice and social controversy: Politics, policy, and law* (pp. 68–110). Washington, DC: Brookings Institution.
- Henig, J. R., & Sugarman, S. D. (1999). The nature and extent of school choice. In S. D. Sugarman & F. R. Kemerer (Eds.), *School choice and social controversy: Politics, policy, and law* (pp. 13–35). Washington, DC: Brookings Institution.
- 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, 302–353.
- Hill, P. T. (1999). The supply side of school choice. In S. D. Sugarman & F. R. Kemerer (Eds.), *School choice and social controversy: Politics, policy, and law* (pp. 140–173). Washington, DC: Brookings Institution.
- Hubley, N. A., & Genys, V. M. (1998). *Charter schools: Implications under the IDEA*. Retrieved April 5, 2000, from <http://www.psm.org/charter.htm>
- Individuals with Disabilities Education Act Amendments of 1997, 20 U.S.C. § 1401 (26)
- Kauffman, J. M. (1995). The regular education initiative as Reagan-Bush education policy: A trickle-down theory of education of the hard-to-teach. In J. M. Kauffman & D. P. Hallahan (Eds.), *The illusion of full inclusion: A comprehensive critique of a current special education bandwagon* (pp. 125–155). Austin: PRO-ED.
- Kauffman, J. M. (1997). *Characteristics of emotional and behavioral disorders of children and youth* (6th ed.). Upper Saddle River, NJ: Merrill.
- Kemerer, F., & Walsh, J. (1996). *The educator's guide to Texas school law* (4th ed.). Austin: University of Texas Press.
- Lange, C. M. (1997). *Charter schools and special education: A handbook*. Alexandria, VA: NASDSE.
- Lange, C. M., & Lehr, C. A. (2000). Charter schools and students with disabilities: Parent perceptions of reasons for transfer and satisfaction with services. *Remedial and Special Education*, 21, 141–151.
- Lange, C. M., & Ysseldyke, J. E. (1998). School choice policies and practices for students with disabilities. *Exceptional Children*, 64, 255–270.
- Lerner, J. W. (2000). *Learning disabilities: Theories, diagnosis, and teaching strategies* (8th ed.). Boston: Houghton Mifflin.
- Levin, B. (1999). Race and school choice. In S. D. Sugarman & F. R. Kemerer (Eds.), *School choice and social controversy: Politics, policy, and law* (pp. 266–299). Washington, DC: Brookings Institution.
- Lewis, R. B., & Doorlag, D. H. (1999). *Teaching special students in general education classrooms* (5th ed.). Upper Saddle River, NJ: Merrill.
- Mahoney, C. (1997). Common qualitative methods. In J. Frechtling & L. Sharp (Eds.), *User-friendly handbook for mixed method evaluations*. Rockville, MD: Westat.
- Maloney, J. (1995, January). A call for placement options. *Educational Leadership*, 52, 25.
- Marks, T. (1995). Arguments and groups affecting current attempts to pass charter school legislation. *Education Policy Analysis Archives*, 3(13). Retrieved May 17, 2000, from <http://oam.ed.asu.edu/epaa/v3n13/legis.html>
- Matwick, M. R. (1996). Charter school directors' perceptions of the process of establishing a charter school in Arizona (Doctoral dissertation, Northern Arizona University, 1996). *Dissertation Abstracts International*, 57 (04), 1422A.
- McKinney, J. R. (1998). Charter schools' legal responsibilities toward children with disabilities. *West's Education Law Reporter*, 126, 565–576.
- McLaughlin, M. J., & Henderson, K. (1998). Charter schools in Colorado and their response to the education of students with disabilities. *The Journal of Special Education*, 32, 99–107.
- McLaughlin, M. J., Henderson, K., & Ullah, H. (1996). *Charter schools and students with disabilities: Issue brief*. Alexandria, VA: Center for Policy Research on the Impact of General and Special Education Reform. (ERIC Document Reproduction Service No. ED401696)
- Morken, H., & Formicola, J. R. (1999). *The politics of school choice*. Lanham, MD: Rowman & Littlefield.
- Morse, W. C. (1994). Comments from a biased viewpoint. *The Journal of Special Education*, 27, 531–542.
- Nappi, C. R. (1999). *Why charter schools? The Princeton story*. Retrieved May 24, 2000, from <http://www.edexcellence.net/library/wcs/wcs.html>
- Nathan, J. (1996). *Charter schools: Creating hope and opportunity for American education*. San Francisco: Jossey-Bass.
- National Commission on Excellence in Education. (1983). *A nation at risk: The imperative for educational reform*. Retrieved April 14, 2000, from <http://www.ed.gov/pubs/NatAtRisk/intro.html>
- National Education Association. (1998a). *Charter schools: A look at accountability*. Retrieved May 23, 2000, from <http://www.nea.org/issues/charter/acnt98.html>
- National Education Association. (1998b). *New roles, new rules? The professional work lives of charter school teachers*. Retrieved April 15, 2000, from <http://www.nea.org/issues/charter/newrules.html>
- National Governors' Association Center for Policy Research. (1986). *Time for results: The governors' 1991 report on education*. Washington, DC: Author.
- Parkay, F. W., & Stanford, B. H. (1998). *Becoming a teacher* (4th ed.). Boston: Allyn & Bacon.
- Rael, E. J. (1995). A summary of arguments for and against charter schools. *Education Policy Analysis Archives*, 3(13). Retrieved May 17, 2000, from <http://olam.ed.asu.edu/epaa/v3n13/procon.html>
- Ramanathan, A. K., & Zollers, N. J. (1999). For-profit schools continue to skimp on special education: A response to Naomi Zigmond. *Phi Delta Kappan*, 81, 284–290.
- Rhim, L. M., & McLaughlin, M. J. (1999, March). *Charter schools and special education: Balancing disparate visions*. Paper presented at the 2nd Annual National Charter School Conference, Denver, CO. Retrieved March 23, 2000, from [http://www.nasdse.org/Project%20Search/project\\_search\\_documents.htm](http://www.nasdse.org/Project%20Search/project_search_documents.htm)
- Rimland, B. (1995). Inclusive education: Right for some. In J. M. Kauffman & D. P. Hallahan (Eds.), *The illusion of full inclusion: A comprehensive critique of a current special education bandwagon* (pp. 289–291). Austin: PRO-ED.
- Rothstein, L. F. (1999). School choice and students with disabilities. In S. D. Sugarman & F. R. Kemerer (Eds.), *School choice and social controversy: Politics, policy, and law* (pp. 332–364). Washington, DC: Brookings Institution.
- Rothstein, R. (1998). Charter conundrum. *The American Prospect*, 39, 1–16.
- Rubin, H. J., & Rubin, I. S. (1995). *Qualitative interviewing: The art of hearing data*. Thousand Oaks, CA: Sage.
- Sandham, J. L. (2001, April 25). Indiana passes charter school law. *Education Week*, 20(32), 20, 23. Retrieved May 17, 2001, from <http://www.edweek.com>
- Schlaes, A. (1998, October 30). Voucher program passes its test. *Selected Readings on School Reform*, 3(1). Washington, DC: Thomas B. Fordham Foundation. (ERIC Document Reproduction Service No. 427140)
- Silverman, D. (2001). *Interpreting qualitative data: Methods for analysing talk, text and interaction* (2nd ed.). London: Sage.
- Szabo, J. N., & Gerber, M. M. (1996). Special education and the charter school movement. *The Special Education Leadership Review*, 3, 135–148.
- Taebel, D., Barrett, E. J., Chaisson, S., Kemerer, F., Ausbrooks, C., Thomas, K., et al. (1998). *Texas open-enrollment charter schools: Second year evaluation*. A research report presented to the Texas State Board of Education.
- Texas Education Agency. (1998). *Texas school law bulletin*. Austin: Author.
- Texas Education Agency. (2000a). *PEIMS: Public information management system*. Retrieved June 17, 2000, from <http://www.tea.state.tx.us/peims/about.html>

- Texas Education Agency. (2000b). *Texas public school districts including charter schools, disabled students receiving special education services by disability and age, fall 1999-2000 PEIMS data*. Austin: Author.
- Texas Education Agency. (2000c). *Texas public school districts including charter schools, student enrollment by grade, sex, and ethnicity, fall 1999-2000 PEIMS data*. Austin: Author.
- Texas Education Agency. (2000d). *Texas school directory: Active charter schools*. Retrieved June 17, 2000, from <http://www.tea.state.tx.us:80/cdrom/start/quickrpt/school/charsc/fmt/orgname.htm>
- Texas State Board of Education. (2000). *Application and procedures for applying for approval of an open-enrollment charter: Seventh generation*. Austin: Author.
- Toch, T. (1998, April 27). Education bazaar. *U.S. News and World Report*, 34-46.
- U.S. Department of Education. (1997). *A study of charter schools: First year report—May 1997: Chapter III, the students*. Retrieved April 5, 2000, from <http://www.ed.gov/pubs/charter>
- U.S. Department of Education. (1998). *Charter schools and students with disabilities: Review of existing data*. Retrieved May 19, 2000, from [http://ed.gov/PDFDocs/chart\\_disab.pdf](http://ed.gov/PDFDocs/chart_disab.pdf)
- U.S. Department of Education. (2000). *Students in charter schools: Students with disabilities*. Retrieved May 23, 2000, from <http://ed.gov/pubs/charter4thyear/c3.html>
- Urahn, S., & Stewart, D. (1994). *Minnesota charter schools: A research report*. Minneapolis, MN: House Research Dept. (ERIC Document Reproduction Service No. 380872)
- Vernal, S. (1995). Problems faced by existing charter schools. *Education Policy Analysis Archives*, 3(13). Retrieved May 17, 2000, from <http://olam.ed.asu.edu/epaa/v3n13/problems.html>
- Viteritti, J. P. (2000, February 23). School choice: Beyond the numbers. *Education Week*, pp. 38, 44.
- Wells, A. S., Lopez, A., Scott, J., & Holme, J. J. (1999). Charter schools as postmodern paradox: Rethinking social stratification in an age of deregulated school choice. *Harvard Educational Review*, 69(2), 172-204.
- Williams, J. (1998, December 6). Classroom boom may be on horizon: Charter reforms spawn push for new or renovated schools. *Milwaukee Journal Sentinel*. In *Selected readings on school reform, Vol. 3(1)*. Washington, DC: Thomas B. Fordham Foundation. (ERIC Document Reproduction Service No. 427140)
- Ysseldyke, J. E., Lange, C., & Algozzine, B. (1992). Public school choice: What about students with disabilities? *Preventing School Failure*, 36(4), 34-39.
- Zollers, N. J. (2000, March 1). Schools need rules when it comes to students with disabilities. *Education Week*, pp. 46, 48.
- Zollers, N. J., & Ramanathan, A. K. (1998). For-profit charter schools and students with disabilities: The sordid side of the business of schooling. *Phi Delta Kappan*, 80, 297-304.

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## Appendix

### Interview Guide

1. (a) Would you describe the focus of your school?  
(b) For what purpose was it chartered?
2. (a) Tell me about the composition of your student population (e.g., boys/girls, at-risk, minority, gifted, disabled). (b) Classify your students with disabilities according to disability category.
3. How prepared do you feel your school is to serve students with high-incidence disabilities (in terms of facility, personnel, resources)?
4. How prepared is your school to serve students with significant disabilities (e.g., emotional/behavioral, orthopedic, other disability that might necessitate a self-contained classroom)?
5. In what way does the nature of the student's disability affect the availability of service?
6. Describe the interview process used with prospective parents and students.
7. Describe the way in which this process differs for families of students with disabilities.
8. In what ways are students served (i.e., by contract personnel, by school personnel, by agreement with the local school district)?
9. How confident do you feel that the services you provide are appropriate as required by federal mandates?
10. Tell me about the continuum of services provided by your school.
11. Do you prefer to place students with age-appropriate peers, or by ability level? Why?
12. To whom do you turn for assistance with special education issues?
13. What types of assistance do you seek (e.g., curricular, behavior intervention, legal)?
14. Describe the manner in which students with preexisting IEPs receive recommended instructional modifications and related services
15. Tell me about the procedure you use to retrieve special education records from previous schools.
16. What insights do you have regarding the attitudes of educators, parents, and students toward special education in the charter school?
17. Describe the prereferral intervention procedures, referral and assessment procedures, procedures for developing IEPs, and behavior intervention plans.
18. What disciplinary methods do you normally employ, and do these differ for students with disabilities?
19. Describe the process by which you request and receive special education funds.