

NATIONAL CENTER FOR  
**SPECIAL EDUCATION**  
IN CHARTER SCHOOLS

*"Creating Opportunities for Excellence"*



# Equity at Scale

How Public Charter School Networks Can Innovate  
and Improve Services for Students with Disabilities

By Paul T. O'Neill, J.D., Ed.M, and Lauren Morando Rhim, Ph.D.

January 2015

## About the Authors

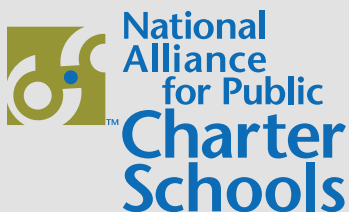
**Paul T. O’Neill, J.D., Ed.M., senior fellow and co-founder of the National Center for Special Education in Charter Schools**, is an education attorney, advisor, professor, and author with extensive experience in guiding education organizations through challenges and growth. As founder and president of Tugboat Education Services and as the head of the Education Law Practice Group of Cohen Schneider & O’Neill LLP in New York, he advises schools, charter school authorizers, networks, nonprofits, government agencies, and philanthropies on the rules and complexities that apply to educational organizations. A substantial portion of his work is devoted to the intersection of special education and charter schools. He also serves as senior legal advisor to the National Alliance for Public Charter Schools and on the adjunct faculty of Teachers College, Columbia University, where he teaches courses on education policy and law, including Designing Charter Schools and Special Education Law and Policy.

**Lauren Morando Rhim, Ph.D., executive director and co-founder of the National Center for Special Education in Charter Schools**, consults with state departments of education, school districts, and nonprofits committed to creating high-quality public schools for all students. A significant portion of her research and consulting work for the past 20 years has been devoted to examining and supporting students with disabilities’ access to and success in charter schools. She directed Project Intersect, a four-year federally funded research study of special education in the charter sector, and was a member of a team involved with three other related federally funded projects: Project SEARCH, SPEDTACS, and TA Customizer. Dr. Rhim has provided technical assistance to state policy leaders, charter school authorizers, and charter operators regarding special education in the charter school sector, and she has published extensively on the topic. She holds her doctorate from the University of Maryland, College Park, in social foundations of education policy and leadership.



### **National Center for Special Education in Charter Schools (NCSECS)**

NCSECS is committed to equal access and exceptional opportunities for all students in charter schools. It is a nonprofit devoted to advocating for students with diverse learning needs to ensure that, if they are interested in attending charter schools, they are able to access and thrive in schools designed to enable all students to excel. For more information, please visit [www.ncsecs.org](http://www.ncsecs.org).



**The National Alliance for Public Charter Schools**  
1101 Fifteenth Street, NW, Suite 1010, Washington, DC 20005  
202.289.2700 ■ [www.publiccharters.org](http://www.publiccharters.org)

Copyright National Alliance for Public Charter Schools 2015. All rights reserved.

## Introduction

When public charter schools first opened in the early 1990s, each was unique and independent. Independent public charter schools remained the norm as the public charter school movement grew from a fledgling reform effort into a major force in public education, now affecting 2.7 million students and families nationwide. But as successful public charter schools continued to grow and expand their impact beyond a single site, and as organizations developed school designs that could be implemented at multiple locations, networks of public charter schools emerged. The public charter school landscape now offers a mix of independent and networked schools, the latter sharing common elements such as design, management, and governance.

This brief offers public charter school networks ways to affect and strengthen the special education offerings for students enrolled in networked public charter schools.

## Special Education in Charter Schools

As public schools, charter schools have the opportunity and obligation to serve students with disabilities. The responsibility to meet the needs of students who require special education and related services is outlined in multiple federal and state statutes—notably, the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA). Several key factors influence how special education considerations play out in a particular charter school.<sup>1</sup>

### Factors shaping special education delivery

**Local education agency status.** The most significant factor defining how special education requirements affect a public charter school is the school’s legal status under federal law. State public charter school law determines whether public charter schools function as independent local education agencies (LEAs), as schools within a school district LEA, or in other ways for purposes of special education. Where public char-

ter schools are the LEAs, they have autonomy from district control. Such fully independent public charter schools evaluate students at risk for disabilities, convene Individual Education Plan (IEP) teams, and find an appropriate setting for each student who enrolls, even when that entails private placement. Where public charter schools are part of district LEAs, the districts bear many of the costs of providing services and retain responsibility and control of some or all of the special education processes. LEA status varies considerably by state—and in some locations, state laws allow public charter schools a choice regarding their LEA statuses.

**State and local law.** State and local laws addressing special education also can be significant factors defining how public charter schools function with regard to special education. In some states, such as New York, public charter schools are required only to follow federal special education laws and regulations. In other states, like Florida and Maryland, certain state disability rules apply, and others do not. Such distinctions are generally laid out in a state’s public charter school law, although variations are limited.

**Federal law.** Despite state-by-state distinctions, federal law prescribes the basics of how public schools, both charter and noncharter, must serve students with disabilities. Under the IDEA, students with disabilities are eligible to receive special education services if they have one of 13 categories of disabilities. (See text box.)

Services delivered under the auspices of the IDEA, typically referred to as “special education and related services,” are provided to enable students with a wide range of disabilities access to public education to the same extent as their peers without disabilities. The IDEA establishes specific guidelines regarding educating students with disabilities and provides some financial support to assist states with compliance. The IDEA dictates much of what states must do with regard to students with disabilities regardless of whether there are sufficient federal funds to cover the costs. While authorized to cover up to 40 percent of the additional costs of providing services to students with disabilities (also referred to as “excess costs”), under cur-

rent funding levels the federal government generally provides between 15 and 19 percent of those costs.<sup>2</sup> The IDEA assigns primary responsibility for implementation to states, which in turn largely delegate the responsibility to individual LEAs.

#### **High-incidence and low-incidence disabilities.**

Finally, students with disabilities also are informally categorized as having a “high-incidence” disability (i.e., a common type of disability such as specific learning or a speech/language disability) or a “low-incidence” disability (i.e., a relatively uncommon disability such as traumatic brain injury, severe autism, or profound orthopedic impairment). The high-incidence group comprises approximately 90 percent of all students with disabilities.<sup>3</sup>

### **Challenges facing independent public charter schools serving students with disabilities**

**Limited resources.** Unlike traditional public schools in a typical school district, public charter schools charged with acting as their own LEA’s and required to serve all students who seek to enroll, must identify their own resources and develop economies of scale – activities typically provided to district schools by their central offices or other state/local agencies, in particular districts’ and states’ special education infrastructure, processes, and resources.

This challenge is particularly acute for public charter schools operating as independent LEAs because they are responsible for offering a full continuum of special education and related services to provide students with disabilities a “free and appropriate education.” Amassing adequate special education capacity within a single building requires a public charter school to stretch limited funds to serve specialized student needs—such as tailored supports for students with visual or auditory impairments or cognitive disabilities. While all public schools use designated as well as general education funds to support special education, the limited resources and lack of economies of scale are particularly problematic for public charter schools. This challenge is compounded by the funding dis-

#### **Under the IDEA, children with disabilities are identified as having one of 13 categories of disabilities:**

- Autism
- Deaf-blindness
- Developmental delay
- Emotional disturbance
- Hearing impairments
- Intellectual disabilities
- Multiple disabilities
- Orthopedic impairments
- Other health impairments
- Specific learning disabilities
- Speech or language impairments
- Traumatic brain injury
- Visual impairments

*Source: 20 U.S.C. 1401(3)(A)(i).*

parity between charter schools and traditional public schools in most states.

**Limited capacity.** Lack of access to district resources also may limit the expertise available to a public charter school. Special education considerations can be among the most challenging instructional and operational concerns with which a school—either traditional or charter—contends on a regular basis. Independent public charter schools may face added struggle without access to the institutional knowledge and collective experience of district professionals.<sup>4</sup>

Given the generally small size of most independent LEA public charter schools, providing necessary services also requires a great deal of support from the limited number of special education professionals on staff. Whereas a district may employ a variety of specialists and instructional and support staff at the school and district levels, an independent public charter school is likely to have to make do with a single

special education coordinator and a handful of special education teachers.

In some states, the public charter school law allows independent LEA public charter schools to enter into agreements with local districts for services and other resources to bolster their special education offerings and capacities.<sup>5</sup> However, these contracted services may be expensive. The public charter school may have limited ability to control or negotiate the cost of these district-provided services, especially since the district has little incentive to keep its prices low.

## Public Charter School Networks

Public charter school networks come in different forms but are essentially multiple schools affiliated with the same third-party educational service provider (ESP). These providers can either be nonprofit organizations (often referred to as charter management organizations [CMOs]) or for-profit companies (known as educational management organizations [EMOs]). In either form, ESPs offer resources, expertise, and centralized services to support their affiliated public charter schools. ESPs commonly offer curricula, formative assessments, professional development, legal and financial services, and special education support. An increasing number of ESPs offer programs with a virtual education component.

Whatever their configuration, networks of public charter schools are generally better able to leverage resources and access more established supports than can independent public charter schools. Many authorizers, charter support organizations, and philanthropies are facilitating the growth of networks with a proven record of success, hoping to generate positive impact on a greater scale. Given the gap in fiscal and technical expertise between traditional districts and independent LEAs, public charter school networks that multiply each school's capacity and access to resources offer a promising strategy to scale equity and access for students with disabilities.

## Achievement First

Achievement First (AF) is a public charter school management organization that operates 25 public charter schools in three northeastern states: Connecticut, New York, and Rhode Island. For special education purposes, these states constitute distinct regions that vary by the LEA status of the public charter schools, levels of funding, and other practical factors. Much of the special education support that AF provides—printed materials, templates, and guidance—is at the regional level, taking into account these variations.

Bigger picture considerations are addressed at the network level. These considerations include establishing the philosophical approach and policies for educating students with disabilities, establishing metrics for assessing the success of students with disabilities within AF schools, and providing the professional development needed to support staff and empower students to reach their goals.

AF also emphasizes the importance of each school's special education coordinator and targets much of its special education professional development to training these coordinators. Taken together, AF's support at the network, region, and school levels seeks to provide a uniform approach to special education despite varying state and local environments.

# Aspire

Aspire Public Schools is a public charter school management organization headquartered in Oakland, Calif., that operates and manages college preparatory schools in traditionally underserved communities in Los Angeles, Oakland, East Palo Alto, Stockton, and Modesto, Calif., and in Memphis, Tenn. Aspire schools offer an inclusive special education model serving students with mild to severe disabilities. The network's special education model uses a learning center for individualized instructional, behavioral, or social/emotional assistance and relies on coteaching as a key instructional tool.

Aspire provides special education support and staffing at the school, regional, and national levels. Each school has credentialed special education teachers and providers. The regional structure includes program specialists, reporting to the regional special education manager, who ensures appropriate IEP team practices, evaluations, placements, related services, and procedural compliance, as well as implementation of the professional development offerings. A national special education director and assistant director coordinate the overall program; support the regional teams; and ensure that common materials, techniques, and professional development offerings are implemented.

In 2014, Aspire rolled out its own Special Education Teacher Residency Program with University of Pacific. This year-long program provides coaching on Aspire's methodology and the training needed for teaching residents to earn state certification in special education. Students receive instruction from Aspire leaders as well as university faculty and are paired with mentors.

## Public Charter School Networks and Special Education

By banding together in networks, public charter schools can overcome some of the disadvantages of having to provide special education services independently from established district resources and knowledge. Creating networks promotes economies of scale and provides access to a depth of expertise that can be comparable to that of a district—and is likely a good deal more robust than an independent public charter school could generate on its own.

### Variety among network models

**ESPs.** When a network is formed under an ESP, the member schools look to that central resource for a range of services, including special education support. A large CMO or EMO may have considerable scale across several states and employ a centralized special education staff that assists all of the network schools with training, specialized legal advice, materials, and processes. A smaller ESP, or one with a limited contract for supports, may offer a narrower scope of services.

When an ESP makes district-like support available, it is generally provided to network schools and covered by their fee to the ESP. Contracts with ESPs vary considerably in cost and scope; generally speaking, though, networked public charter schools are likely to pay less for special education services when those services are provided as a component of a comprehensive management agreement than they would through a contract with a local district for the same services.

It is important to note that reliance on an external, third-party ESP for centralized special education offerings can come with some risk to schools within the network. For instance, any particular school may determine that it does not want to continue its relationship with a particular CMO or EMO. When its contract with the ESP ends, services—including those relating to special education—will be terminated. This could disrupt the services provided to students with

disabilities until the school can replicate or secure similar services from another provider. Moreover, some ESP contracts can be difficult for schools to terminate without incurring significant costs or penalties.

**Philanthropy or other funding organization.** In instances where a network of public charter schools is funded and supported by a shared philanthropic foundation or other funding organization, it is unlikely that centralized support from that entity will include district-like expertise and staffing for the networked schools. However, the funding organization is likely to provide financial resources that help networked schools access services from third-party providers and districts.

**Special education cooperatives.** Even the loosest networks—in which public charter schools collaborate informally for mutual benefit—can strengthen their special education offerings and bolster their capacities by acting together. In numerous cities, including New Orleans, Washington, D.C., and New York City, public charter schools have come together to participate in special education cooperatives (co-ops). In general, co-ops are governed by a board representing the participating members.

By paying a modest fee, public charter schools enjoy the collective benefit of some district-like services from the co-op and share centralized staff. All schools participating in a co-op pay for collective resources that may or may not be needed at some point by any particular school. Furthermore, in places where a public charter school is responsible under state law for providing expensive, low-incidence services and placements, the presence of a co-op can reduce the impact of these requirements by serving as a form of insurance or a risk pool.

Imagine that all 200 public charter schools in the Sunnyvale region pay a standard fee of \$4,000 per year into the local special education co-op. In any given year, the Happiness Charter School, which is part of the co-op, typically would not be faced with paying for highly expensive services; however, from time to time, a student might enroll who requires a

private placement costing \$40,000 or more annually. At those times, Happiness Charter School would draw on the co-op to fund the private placement in the same way that it would look to its insurance carrier when making a claim.

## **Creative opportunities for public charter school networks**

Networks of public charter schools have the potential capacity to go beyond the basic benefit of creating economies of scale and move toward service provision focused on facilitating strong special education programs and student outcomes.

**Piloting innovative practices.** A creative network might pilot promising approaches to special education delivery, management, and support that can work across a system of schools. The text boxes in this brief feature examples employed by a number of networks. Networks have the ability to implement a particular approach, assess its viability, expand it, and/or explore another.

All public schools – traditional and charter – contend with the complexity and challenges of specialized rules specific to due process rights of students with disabilities who face long-term suspensions or expulsions. A network might create a unique approach to handling student discipline, resulting in the suspension of fewer students, especially those with disabilities. If a network innovated and replicated a successful approach to positive intervention and preventative measures, it could add tremendous value both within the public charter school sector and outside it.

In a sizable network, more than one approach could be piloted at the same time to assess comparative value. This “laboratory” method often has been highlighted as one potential benefit of the public charter school community, with schools trying various approaches and gravitating to those that work best. In fact, the rise of public charter school networks can be seen as validation of this idea—with proven models proliferating and having greater impact as they serve more students.

**Highly specialized programs.** Public charter school networks also have the capacity to develop and use a model that focuses specifically on serving the needs of a particular category of disability across numerous schools. A network could, for example, seek to serve students with autism or deafness through a highly specialized program. This type of program would employ staff with specialized training and offer students comprehensive resources that would be hard to match in a more generalized program. As such, a public charter school network could provide high-quality services on par with a private placement designed specifically to meet the needs of a particular profile of special needs students.

For example, Summit Academies in Ohio is a public charter school network built around a special education model “specifically designed to address the social, emotional and academic needs of students with AD/HD, Autism Spectrum Disorders and related disorders.”<sup>6</sup> It currently includes 28 charter schools in Ohio, which all offer a common program serving students with a consistent disability profile (although services are individualized and tailored to identified student needs, as established by each student’s IEP). The network seeks to recruit teachers with appropriate credentials and training and provides specialized professional development and other supports. Summit invests in books, equipment, and a range of resources tailored to its student body and pedagogy.<sup>7</sup>

Large public charter school networks with schools located in a single city or region could emulate the prevalent district practice of concentrating resources and supports for students with a particular category of disability within one school and those for another category of disability within another. A parent interested in enrolling a child with special needs within the network could opt for the school that specializes in serving that student’s disability.<sup>8</sup> Depending on whether each campus within the network is a fully independent school or treated under law as a dependent arm of the larger school body, a network may be able to offer parents the opportunity to transfer their students from one school to another.<sup>9</sup>

State law will affect the ability of students to transfer between schools within a network. Important considerations include LEA status and whether the regional network is comprised of distinct schools or of campuses. For example, depending on the contours of state law, a student with no identified disability attending School A could, after a disability was identified, switch to School B within the same network, which has a program geared toward serving that disability. This would be consistent with the service provision capacities and practices of many districts.

**Online learning.** Some public charter school networks incorporate virtual (fully internet-based) or blended (partially internet-based) learning elements into their programs. There is a great deal of variety in the content and nature of such programs. The cyber component may allow operators to offer more robust differentiated learning programs and to provide easier program access for students with ambulatory disabilities or with a range of medical conditions that make access to more traditional programs challenging.

**Accountability.** Forming or joining networks has the potential to be a valuable strategy to build the capacity of public charter schools to develop and sustain exemplary special education programs. A key component of this potential is a strong, effective, transparent accountability system. A network is not an asset unless structures are in place to ensure the member public charter schools are provided the services for which they pay or are otherwise entitled to receive. Consequently, contracts between public charter schools and their respective networks must articulate clearly who is responsible for what aspects of special education. The contracts should include considerations such as:

- How is the funding allocated?
- To whom does the special education staff report (e.g., to the network’s or the school’s board)?
- To what services are schools in the network entitled?
- What measures will be taken to address low performance or low enrollment of students with disabilities?



- What is the process for modifying or terminating the contractual relationship between a school and the network should one of the parties not fulfill its obligations?

## Transformative approaches to the role of networks

As described above and in the text boxes, public charter school networks are beginning to take a proactive role in centralizing the delivery of high-quality services that benefit students with disabilities. But there is room to scale up these practices for larger impact.

**Interstate offerings.** Many public charter school networks now operate in multiple states. Public charter schools that are part of large multistate networks can benefit from the experiences and expertise developed across states, and that scale can offer a larger laboratory for exploring comparative approaches within a network. A single network could cross state boundaries and offer a centralized, comprehensive special education program (curriculum, instructional materials, formative assessments, disciplinary practices, inclusive policies, Section 504/ADA policy, and professional development offerings). This could be part of a regionalized structure with all networked schools within a particular geographic region sharing resources and some staffing. To avoid potential legal problems, state funds earmarked for students in a particular location should be spent only in that location.

**Internetwork collaboration.** More ambitiously, multiple networks could collaborate in creating a shared education structure. For instance, recently three public charter school networks teamed up to create their own graduate school, the Relay Graduate School of Education, to fulfill a common need for appropriately trained teachers. Among other advantages, the scale of such an interconnected program allows for substantial data collection about the impact of various practices on students with disabilities—yielding an opportunity to better understand what works and what does not and ultimately to refine program elements accordingly. Consensus about what works well in special education and who does an exemplary job with

## KIPP

Knowledge is Power Program (KIPP) is the largest public charter management organization in the country with 141 public charter schools in 20 states. KIPP provides a range of special education support for its schools, with a particular emphasis on creating and using regional support offices. Some regions, such as Washington, D.C., and New Orleans, have established a pedagogical and practical approach to serving students with special needs. These two regions have adopted a case-management service delivery model for which KIPP provides targeted professional development.

As part of this work, these regions convene monthly roundtable meetings for both special education coordinators and health and wellness chairpersons. The roundtables enable KIPP experts to pass on crucial state mandates and directives, address common challenges, and share best practices—ultimately resulting in stronger teams at the schools in these regions. KIPP also has trained and guided both regions in conducting self-assessments of their respective special education programs to stimulate planning for enhanced service delivery.

# Rocketship

Rocketship Education is a growing network of elementary public charter schools serving primarily low-income students in areas where access to excellent schools is limited. It currently operates eight schools in San Jose, Calif., and another in Milwaukee, Wis., and it plans to expand to Nashville, Tenn., and elsewhere. Rocketship's model combines instruction in traditional classroom settings with online learning. This blended learning approach serves the needs of diverse learners.

Rocketship's special education program focuses on regional support, the size of which is determined by caseload. It maintains a staff of special educators, therapists, and paraprofessionals in the Bay Area of California and a smaller staff in Milwaukee. Supports such as coaching and professional development are provided on a regional basis. Rocketship is in the process of building special education capacity and leadership at the network level as it grows and replicates its program in additional states.

Technology supporting special education is uniform across the network, including iPads and a suite of academic applications keyed to student needs. Staff is provided with professional development specific to the online learning program.

various elements of this work is essential to always improving the quality of special education delivery in the public charter school community. An internetwork collaboration could get us much closer to that goal.

**Extending benefits to schools outside of a network.** If a public charter school network were well established in a geographic area, operated a special education program with a high level of expertise, and built the capacity to serve numerous schools, it could make its program accessible to schools outside the network. Just as public charter schools may purchase services from a district in some states, non-network schools could pay a fee to receive student services, access professional development, and secure other benefits that would otherwise be reserved for public charter schools within a network.

**Increasing access to philanthropic support.** The scale of special education programs within networks and internetwork programs potentially could attract philanthropic support to a much greater degree. Some CMOs have been quite successful in garnering substantial funds from foundations that believe in the quality and capacity of strong networks, but, so far, such funds have not generally been focused on special education. Greater access to meaningful funding could be transformative in the development of better, shareable special education programs. By emphasizing special education practices and the multiplied equity benefits derived from scaling, high-performing networks could invite deeper investment by philanthropies already supportive of these networks and their expanded reach.

**Network/district collaboration.** Public charter school networks could affect large-scale impact by working in tandem with districts seeking to share strategies and improve special education practices for all students. The Bill & Melinda Gates Foundation supports general partnerships between district and public charter school sectors in numerous cities through its district/public charter school compacts. Similar approaches leveraging the scale and resources of networks and districts could foster rapid development of best practices.

**Network serving as an LEA.** Perhaps the most intriguing and creative approach would be to allow a network to serve as the LEA itself for purposes of special education. This approach may seem like a departure from current practice, but the IDEA does not establish clear limits on the ability of an LEA to delegate aspects of its authority and responsibilities. In fact, in several states—including California, Colorado, Nevada, and Tennessee—public charter school authorizers serving as LEAs delegate some or most of their LEA duties to the schools they oversee. In those states, the authorizers retain ultimate responsibility for all delegated tasks, but schools that agree to take on these tasks function as surrogate LEAs. It may not be too much of a leap to extend such delegations to a network.

For example, an authorizer could assign all or a portion of its LEA duties to a network that partners with one or more public charter schools for which the authorizer has oversight responsibilities. Where a school (rather than the authorizer) is the LEA, the school similarly could delegate its LEA tasks to a network, and other LEA schools within the network could do the same. In offering a spectrum of placements to students with disabilities, IEP teams of the “network LEA” could make placements across schools within the network.

## Legislative and Regulatory Support for Expanding the Capacity of Networks to Foster Special Education Reform

Current laws and regulations provide considerable flexibility when it comes to meeting the needs of students with disabilities in public charter schools. This flexibility could be used to permit many of the innovative approaches discussed above. As chartering has evolved from serving students in single-site schools to replicating strong programs and multiplying capacity to serve students through high-performing networks,

applicable governing laws and regulations have had to adapt.

Still, today’s very regimented special education laws and structures were in place well before public charter schools were conceived—yielding a bad fit in a few important ways. For example, some state laws call for public charter schools to be part of a district LEA, while others treat public charter schools as independent LEAs with district-like powers and responsibilities.

Neither structure fits well with the broader autonomy and limited scale of public charter schools. Thus, public charter school advocates should:

- Identify specific changes to federal and state statutes and regulations in cases when a flexible reading of existing rules may not be sufficient to permit public charter schools to enroll students and provide support across multiple sites. For instance, specific provisions of the IDEA and corresponding state special education laws could be broadened to allow, initially on a pilot basis, networks to take on a centralized role not envisioned when many of the state public charter school laws were first put in place. There were few centralized entities like CMOs when those laws were drafted originally, but the education space has evolved and the legal environment should catch up.
- Press to modify the paradigm in current law that privileges SEAs and LEAs as the only entities allocated authority and responsibility through the IDEA. Instead of the current structure, federal law should permit intermediaries—such as public charter school networks—to facilitate greater innovation in special education service delivery, compliance, and accountability.

## Considerations and Recommendations

By leveraging their considerable scale and resources, public charter school networks have the potential to enhance the ability of public charter schools to effectively and equitably serve students with disabilities.

### Recommendations for Individual Schools

- Schools affiliated with an institutional partner such as a CMO, EMO, or foundation should consider ways to minimize any risk of relying exclusively on the external, third-party ESP for special education expertise, resources, and management. Sole reliance on an ESP is tenuous because a school may, for whatever reasons, seek to terminate its relationship with the organization at some point. It may be prudent for each school or campus to employ at least one individual in a special education coordinator role to maintain expertise and receive training on special education service delivery, process, and compliance
- Schools not affiliated with an ESP should consider ways to expand capacity to meet the needs of students with disabilities through some sort of partnership with a network or other group. This could take a variety of forms—from purchasing services to participating as a member in a creative “network LEA” arrangement that might be available in the geographic area.

### Recommendations for Networks

- Consider how best to leverage the network’s collective resources to benefit students with disabilities—taking into account the structure of the network, its legal status, and the geographic range of its schools.
- Consider at what level to establish authority and responsibility for special education management: the school level, regional level, national level, or some combination of these. The more concentrated such management is at the school level, the more directly responsive and tailored the

program may be; the more removed management is from the individual school level, the more uniform it can be—giving greater opportunities for collaborative, network-wide approaches like those discussed in this brief.

- Develop strong pedagogical materials, professional development offerings, curricula, and operational practices for special education that are network-wide and tied to the overall program in place at the schools. Ensure these services are effective and consistently and appropriately used across the network and ensure any problems are quickly addressed.
- Establish and implement strong, consistent, and compliant practices for addressing student discipline. Ensure federal requirements related to disciplining students with disabilities are consistently followed, affording the students the rights necessary to access a free, appropriate public education and following all applicable rules. Any deficiencies should be promptly and appropriately remedied. Determine whether implementation and monitoring of such practices takes place primarily at the school, regional, or network level or some combination of these.
- Where schools are LEAs, develop the capacity for the network to function like a district, with common supports and resources. Larger networks within a single geographic area also may consider concentrating different areas of special education expertise and offerings across their schools.
- Consider the potential value of virtual or blended learning mechanisms for educating students with disabilities. Examine how these offerings could be expanded and delivered across a public charter school network. Notably, meeting all special education needs of students with disabilities in a fully virtual school model, as well as complying with all applicable laws, can be challenging and should be thoroughly explored.
- Reach students at scale by establishing multi-state programs within a single network or, even more ambitiously, internetwork programs.

- Consider the potential benefits of collaboration between scaled networks and districts.
- Take advantage of the flexibility built into existing laws and regulations to allow for a larger, more effective role for networks, but also acknowledge that legislative or regulatory change may be needed where current limits block promising reforms.

## Conclusion

To be strong, equitable, and viable, public charter schools must embrace the opportunities and challenges inherent in providing students with disabilities access to high-quality services. Networks can be an important part of the solution. Public charter school networks can be more than the sum of their parts, providing centralized services, processes, and support that go beyond what any one school could offer. Public charter school networks that build and promote innovative special education programs as a core feature of their schools' design offer the promise of equity at scale for students with disabilities who choose to enroll in public charter schools.

## Resources

The following organizations offer resources and expertise on issues affecting public charter schools and special education:

- National Center for Special Education in Charter Schools (NCSECS) [www.ncsecs.org](http://www.ncsecs.org)
- National Alliance for Public Charter Schools [www.publiccharters.org](http://www.publiccharters.org)
- National Association of Charter School Authorizers (NACSA) [www.qualitycharters.org](http://www.qualitycharters.org)
- National Association of State Directors of Special Education (NASDSE) [www.nasdse.org](http://www.nasdse.org)
- National Charter School Resource Center (NCSRRC) [www.charterschoolcenter.org](http://www.charterschoolcenter.org)

## Uncommon Schools

Uncommon Schools (US) is a public charter school management organization that opens and manages college preparatory schools in low-performing districts, including Boston, New York City, upstate New York, and Newark, N.J. These schools use an inclusive special education model. Each school has a certified special education teacher who acts as a case manager or "coordinator," as well as additional special education teachers and social workers. The network also supports each distinct region, differentiating IEP team practices, evaluations, and other related services based on the LEA status of the schools and the subsequent type of link to the school district.

Each regional director of special education reports to the managing director of the region and receives professional development and ongoing support with legal compliance, instructional best practices, and data-driven decisions for intervention. Schools use a response to intervention model to determine eligibility for supplemental programs to address individual skill deficits in reading, writing, math, and behavior. In recent years, US has moved away from a more centralized, network-wide coordination of special education practices and support towards a regional model, which has proven more effective.

## Endnotes

<sup>1</sup> For a more detailed description of the baseline special education rules that apply to public charter schools, see generally Lauren Rhim and Paul O'Neill, *Improving Access and Creating Exceptional Opportunities for Students with Disabilities in Public Charter Schools* (National Alliance for Public Charter Schools, 2013).

<sup>2</sup> A. Lu, "Sequester hits special education like 'a ton of bricks,'" *USA Today*, September 10, 2013, <http://www.usatoday.com/story/news/nation/2013/09/10/sequester-hits-special-education/2793001>.

<sup>3</sup> U.S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics, 2011* (NCES 2012-001), Chapter 2, 2012, downloaded April 15, 2014, <http://nces.ed.gov/fastfacts/display.asp?id=64>.

<sup>4</sup> See for example L. M. Rhim, D. Brinson and J. Jacobs, "Case studies of charter innovation and success," in *Unique Schools Serving Unique Students: Charter Schools and Children with Special Needs*, ed. R. Lake (Seattle: Center for Reinventing Public Education, 2010).

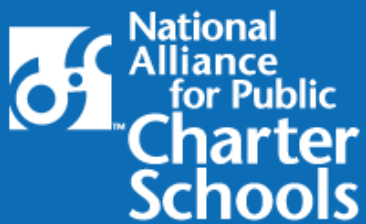
<sup>5</sup> Connecticut and Colorado allow independent LEA public charter schools to contract with the district for special education services.

<sup>6</sup> Summit Academy Schools, "Summit Academy Schools, About Us," accessed August 20, 2013, [http://www.summitacademies.com/summit\\_academy\\_schools\\_about\\_us.php](http://www.summitacademies.com/summit_academy_schools_about_us.php).

<sup>7</sup> See <http://www.summitacademies.com>.

<sup>8</sup> A focus on serving one particular category of disability, such as hearing impairments or autism, allows for a high degree of specialization and expertise but may be challenging and unpopular with some advocates for students with disabilities. The IDEA requires that students with disabilities be served in the least restrictive environment appropriate for their needs (20 U.S.C. §1412(a)(5)(A)). Public charter schools enrolling only students with a particular disability profile potentially could violate this provision. The more severe the disability, the more restrictive the setting may be; as such, it could be more viable to focus a public charter school program on students with severe autism, whose IEPs may call for little interaction with nondisabled peers. For information about public charter schools devoted to serving a particular special education community, see generally Lake, R. ed., (2010) *Unique Schools Serving Unique Students: Charter Schools and Children with Special Needs*. Seattle: Center on Reinventing Public Education.

<sup>9</sup> For example, Chicago International Charter School in Illinois serves 9,200 students on 16 campuses under a single public charter school agreement.



---

NATIONAL CENTER FOR  
**SPECIAL EDUCATION**  
IN CHARTER SCHOOLS

---

*"Creating Opportunities for Excellence"*

**The National Alliance for Public Charter Schools**  
1101 Fifteenth Street, NW, Suite 1010, Washington, DC 20005  
202.289.2700 ■ [www.publiccharters.org](http://www.publiccharters.org)

Copyright National Alliance for Public Charter Schools 2015. All rights reserved.