



1

Every Student Succeeds Act: Advancing Equity for Students with Disabilities in Charter Schools

Lauren Morando Rhim, Executive Director and Co-Founder
and National Center for Special Education in Charter Schools

Webinar Overview

2

- What is a charter school?
- What is NCSECS?
- What do we know about special education in charter schools?
- What unique challenges and opportunities are associated with educating students with disabilities in charter schools
- What ESSA provisions will impact special education in the charter sector?



Charter School Primer: Definition

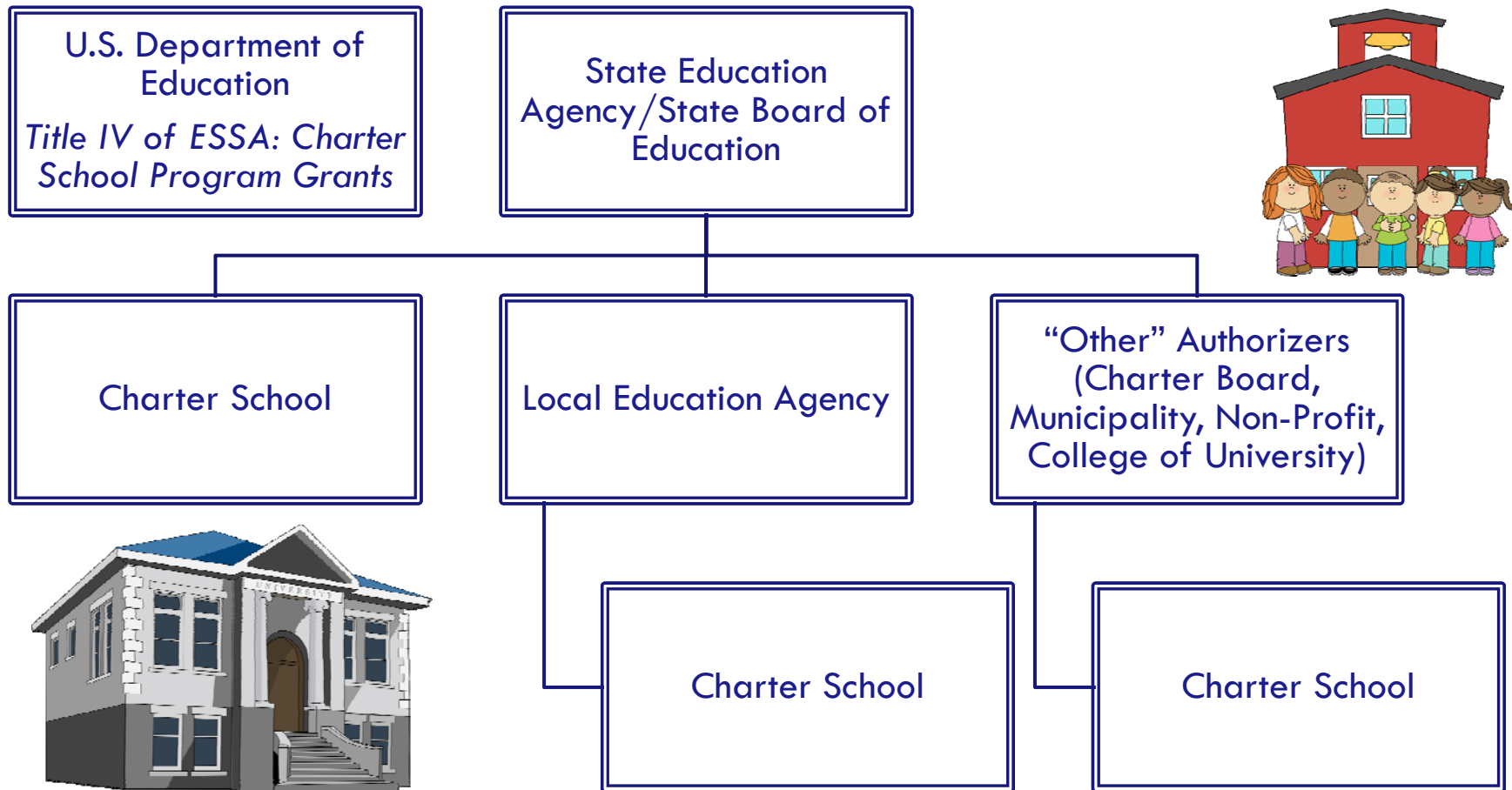
3

- Publicly funded, autonomous, schools of choice created under authority articulated by a state charter law
 - ▣ 43 states and Washington, DC (2015-16)
 - ▣ 6,800 charter schools
 - ▣ 2.7 million students
- Charter bargain: autonomy for accountability via parental choice and renewable charter contracts



Charter School Primer: Governance

4



Charter School Primer: Legal Status

5

Part of a local education agency (LEA)

- LEA is typically the authorizer
- Federal, state, and local funds flow through the LEA
- LEA provides charter schools with a combination of funding and services (e.g., facilities, transportation, specialized supports)

Independent local education agency

- State or other entity typically is the authorizer
- Federal, state, and local dollars flow directly to the school
- Charter school is wholly responsible for all operations, including provision of full continuum of services to students with disabilities



MISSION

- *To ensure that students with diverse learning needs are able to fully access and thrive in charter schools.*

VISION

- *The charter school sector will fully embrace its responsibilities to meet the needs of all students and serve as a model of innovative and exemplary programs for students with disabilities.*

Catalyst for Creating NCSECS

7

Statutes and regulations articulate the rights of students with disabilities....

...but there is much room for improvement to ensure every student with a disability is provided a free appropriate public education in the least restrictive environment

Autonomy extended to charter schools has the potential to create opportunities for innovation and to accelerate knowledge acquisition and program improvement...

...but many charter schools have not fulfilled their potential and action required to ensure equity and quality programs

Charter School Special Education Context

8

- Persistent questions remain regarding access and quality of programs for students with disabilities in the charter sector
- Access and quality programs are linked to parents' ability to exercise choice for their students
- Opportunities exist at all levels of the system (i.e., Federal, state, regional, and local) to improve access and quality
- Charter sector has not effectively or consistently leveraged autonomy to create exemplary programs for students with disabilities

NCSECS: Four Areas of Work

9



Document and disseminate facts



Inform policy



Build bridges



Create opportunities for excellence

10

What do we know?

Key Trends in Special Education in Charter Schools: A Secondary Analysis of the Civil Rights Data Collection 2011-2012

Creating Opportunities for Excellence

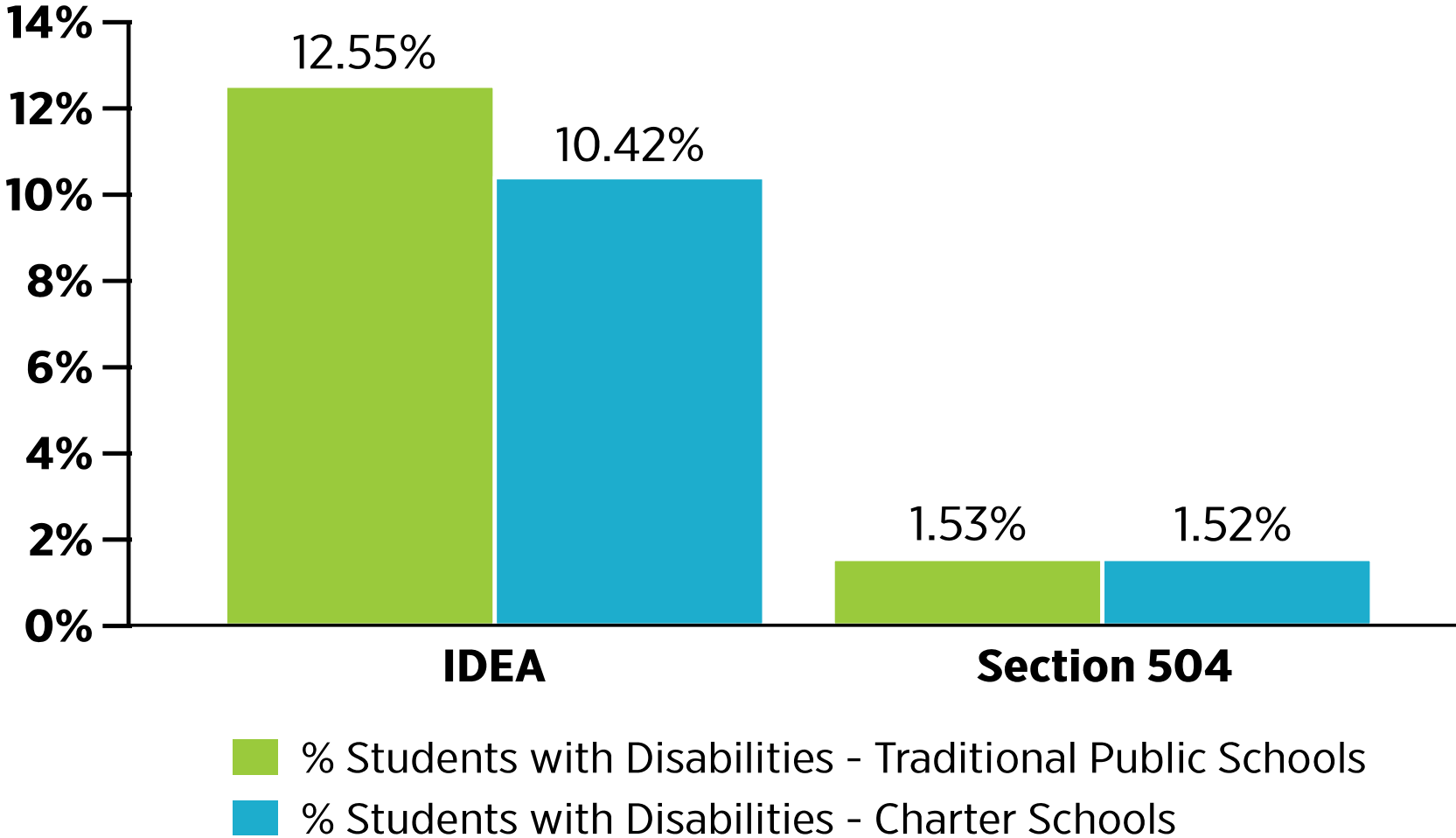


Research Questions

12

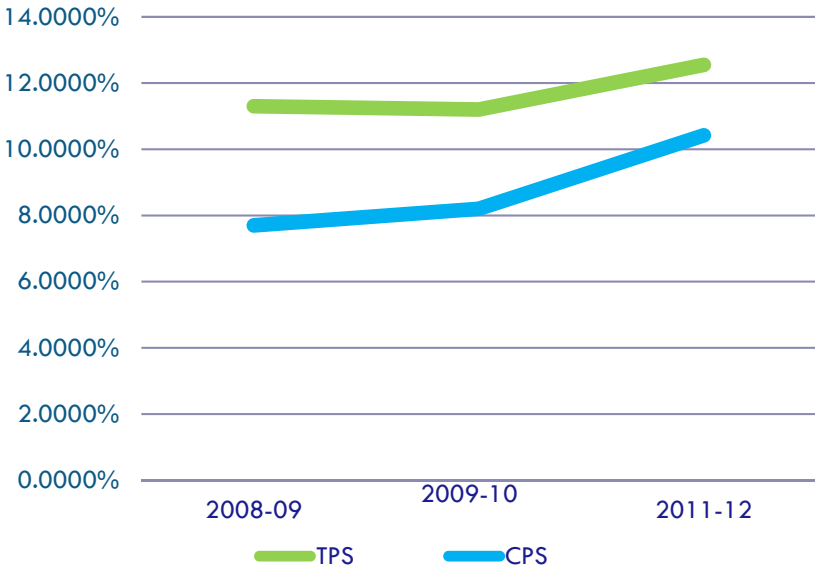
- How many students with disabilities are enrolling in charter schools relative to traditional public schools?
- Where are students with disabilities being educated in charter schools relative to traditional public schools?
- To what extent are students with disabilities being suspended and expelled in charter schools relative to traditional public schools?
- To what extent are state charter school laws leading to the creation of specialized schools for students with disabilities?

Enrollment of Students with Disabilities 2011-12



Enrollment Trends 2009-2012

Enrollment of Students with Disabilities by School Type

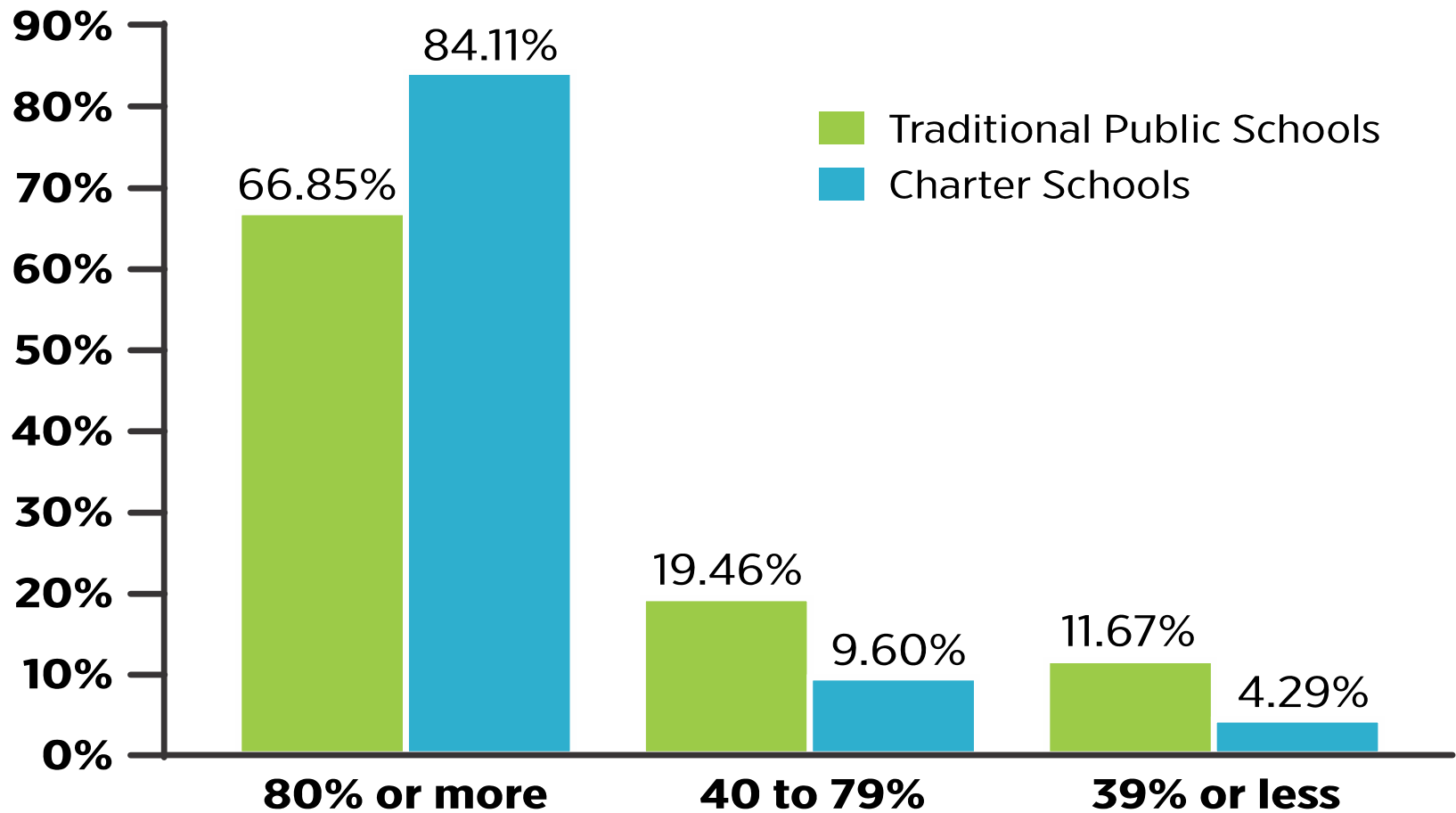


Enrollment Difference

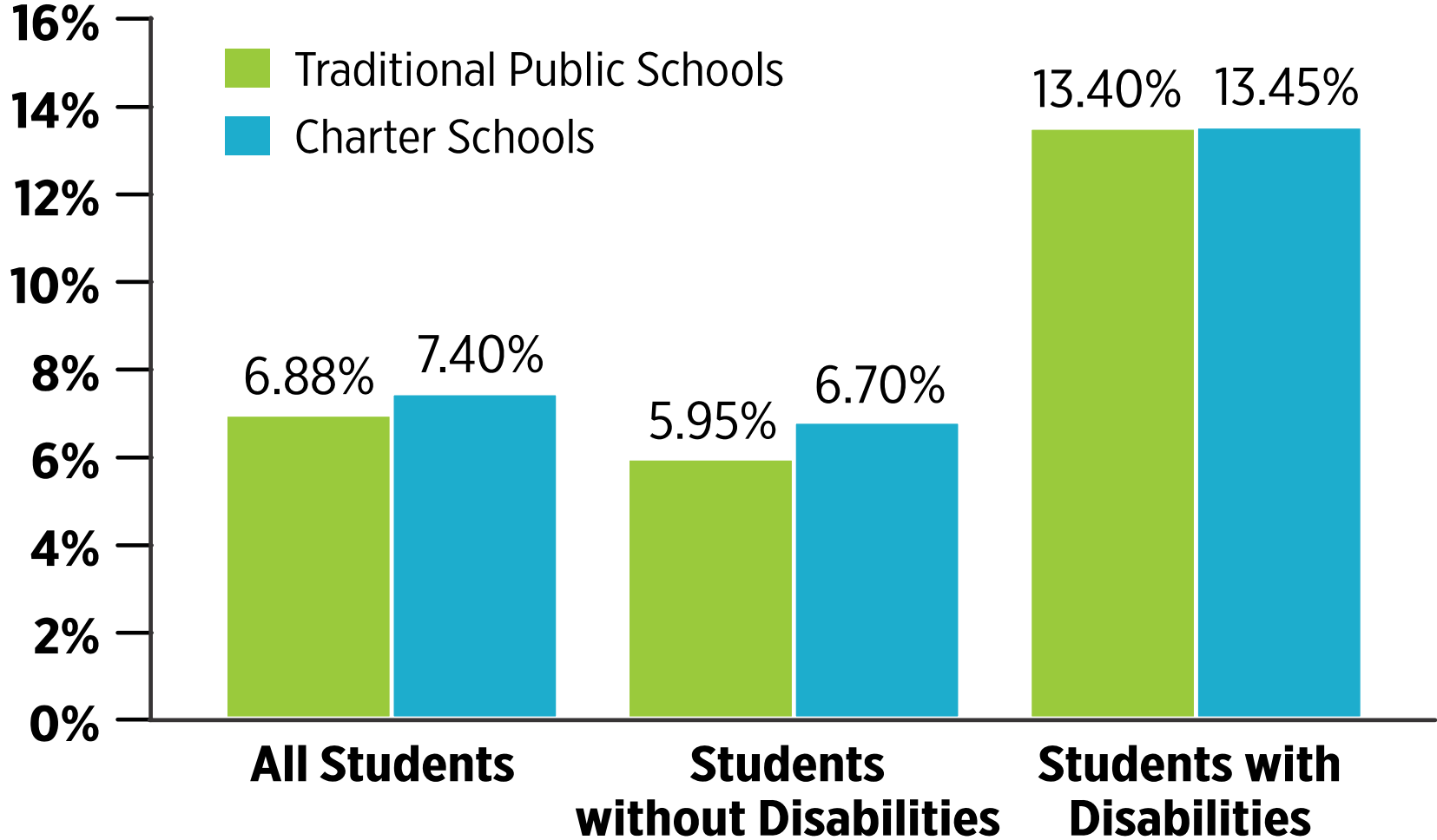


Placement: % of Time in General Education Classroom, 2011-12

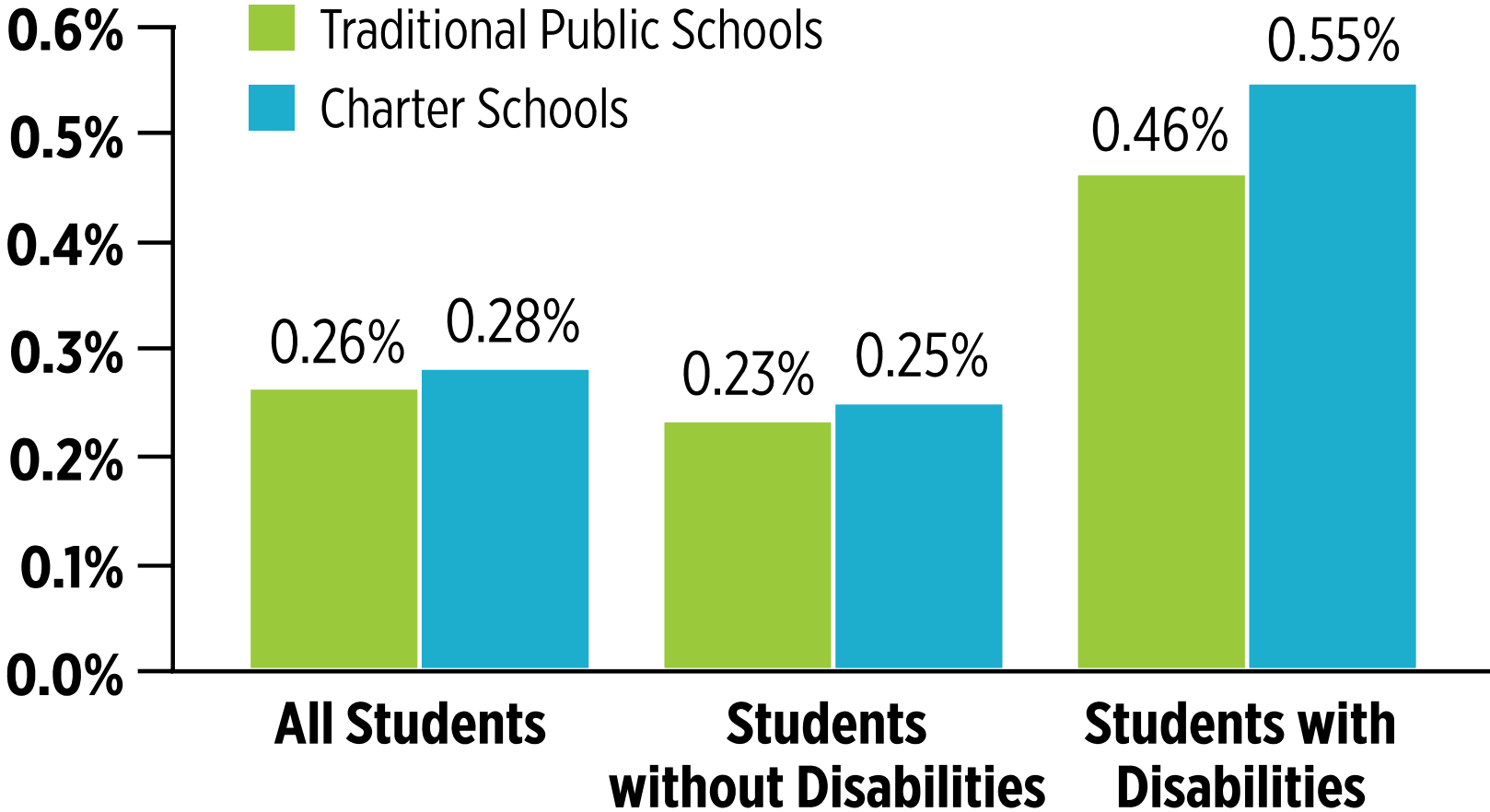
10



% of Students Receiving at Least One Suspension 2011-12



% of Students Expelled, 2011-12

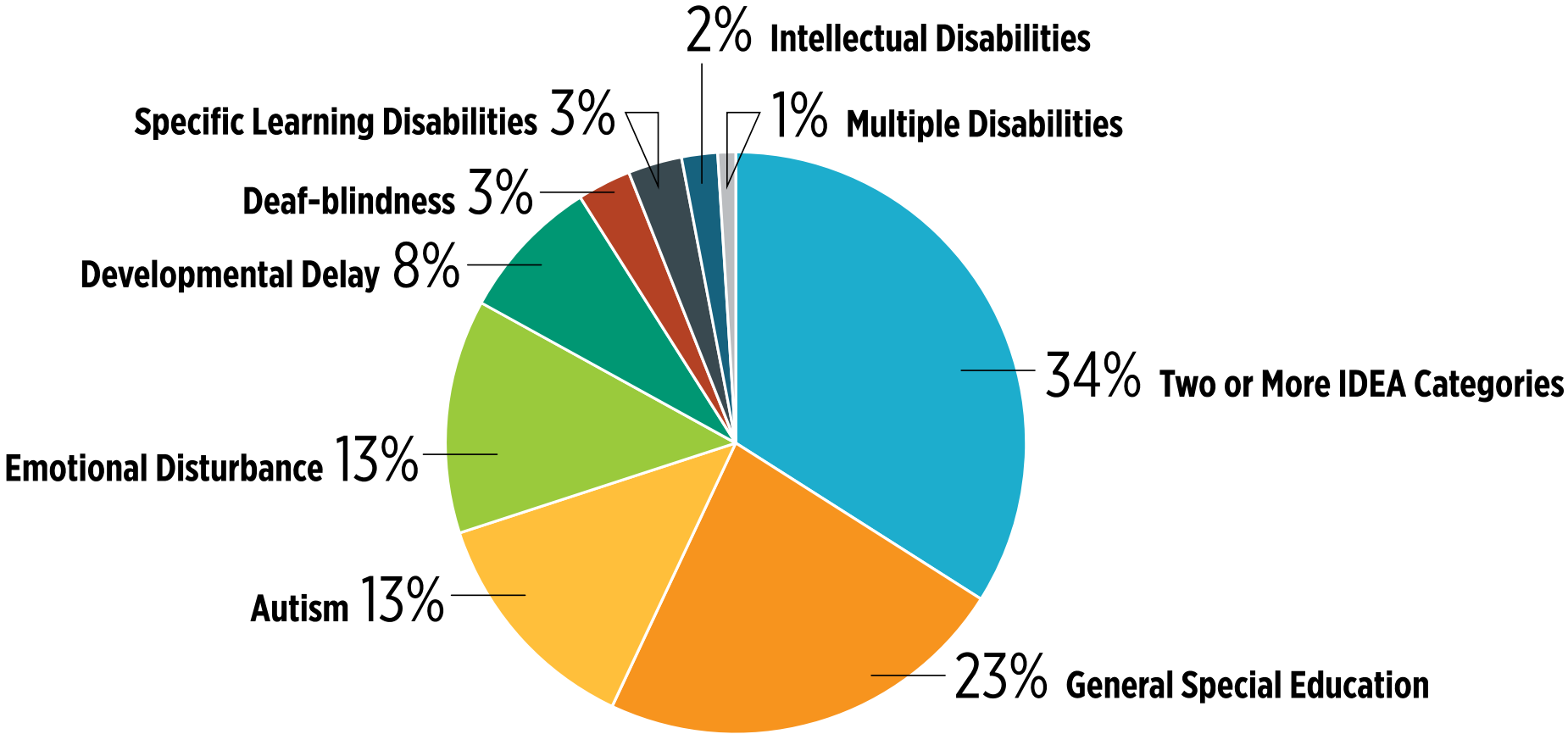


Specialized Charter Schools 2014-15

18

- ✓ Definition: Primarily or entirely for students with disabilities
- ✓ 115 Specialized schools
- ✓ Schools primarily clustered in Florida (n= 36), Ohio (n = 34), and Texas (N= 14)

Specialized Charter Schools: Focus



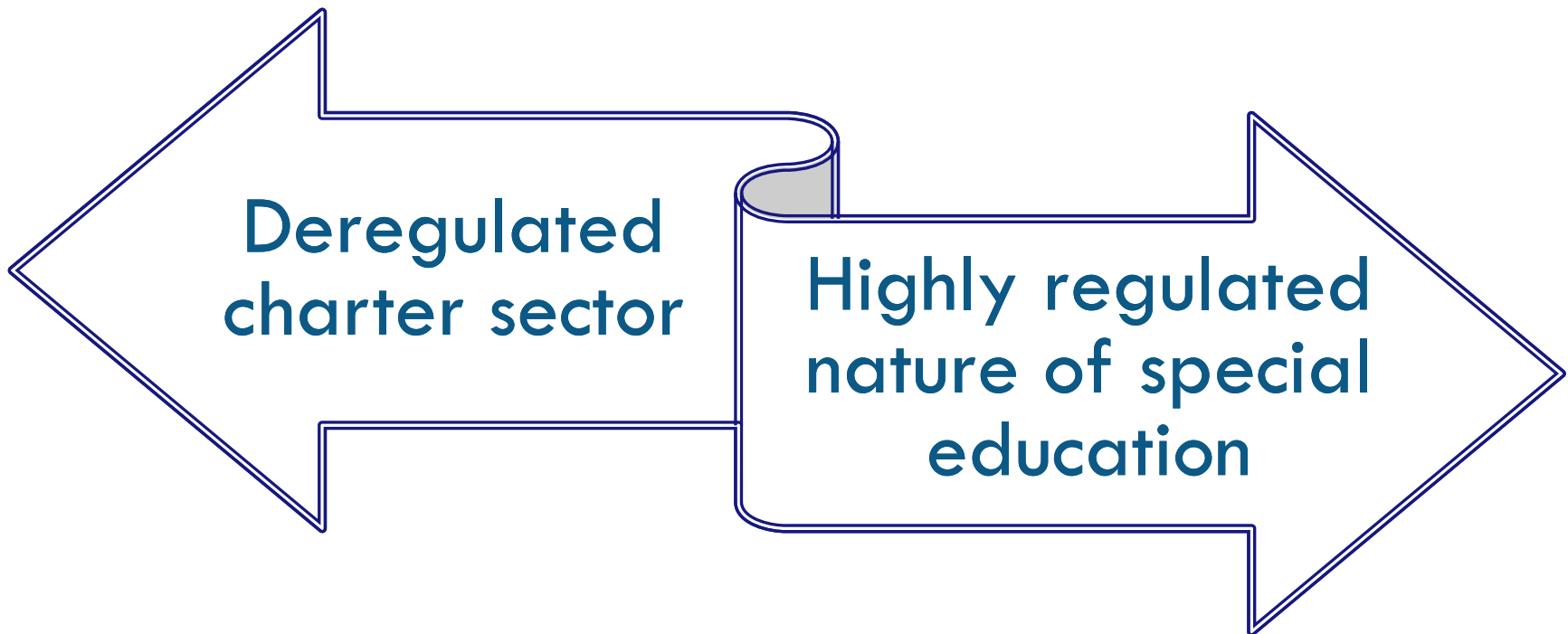
20

CHALLENGES

Challenges: Lessons from the field

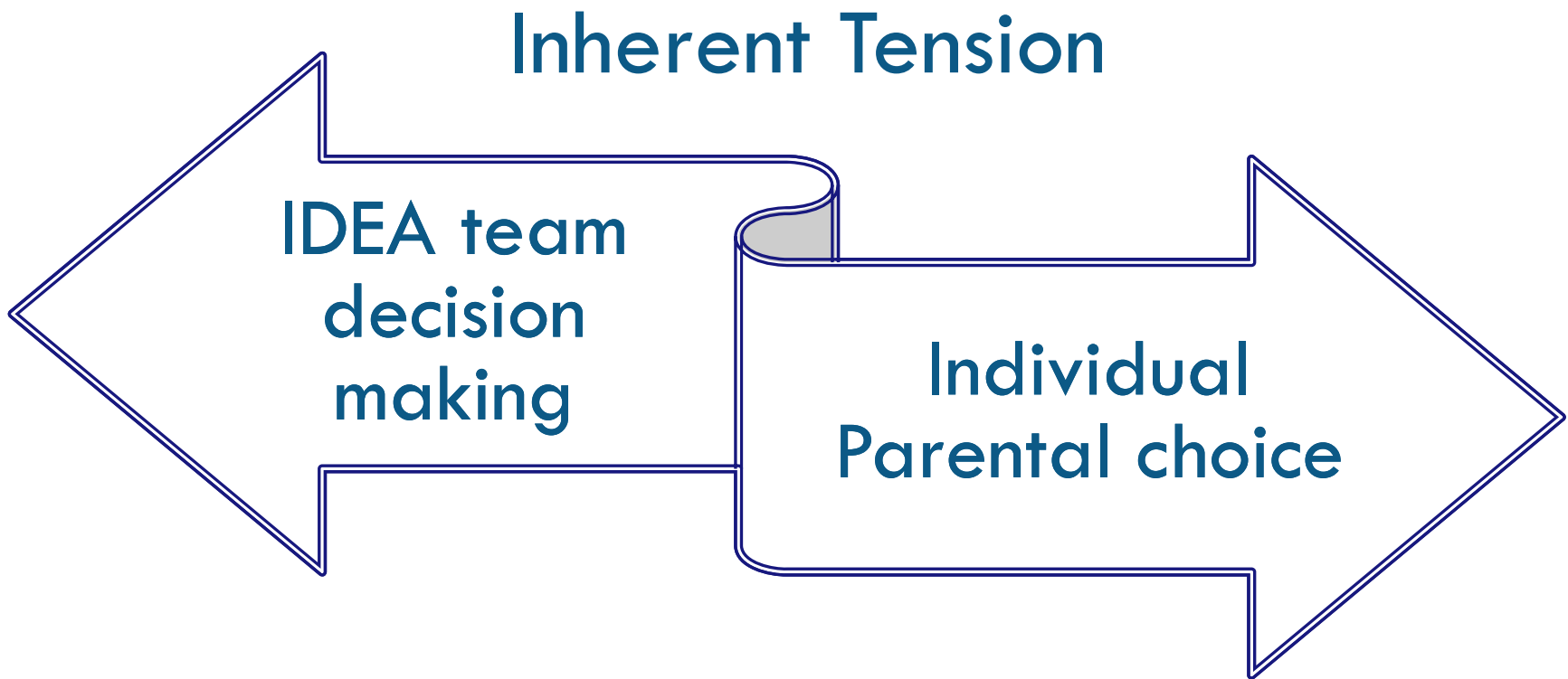
1

Inherent Tension



Challenges: Lessons from the field

2



Challenges: Lessons from the field

3

Legal status establishes/confuses parameters of responsibility

- LEA charters have same responsibilities as traditional, generally multi-school districts
- Charters that operate as part of an existing district, share responsibility with district

Challenges: Lessons from the field

4

Practical challenges associated with providing a full-continuum of placements given lack of resources or economies of scale

100% of day in
General
Education

Partially
Included

Specialized
program/place
ment

Challenges: Lessons from the field

5

Lack of technical
knowledge and
specialized capacity
in new/small charter
schools



Challenges: Lessons from the field

6

Funding disparities exist between traditional public schools and charter schools in many states (e.g., many charter schools cannot access local tax revenues or facilities)



Challenges: Lessons from the field

7

Charter sector
has attracted
both good
and bad
actors



Challenges: Lessons from the field

8

Accountability
at authorizer
level is critical



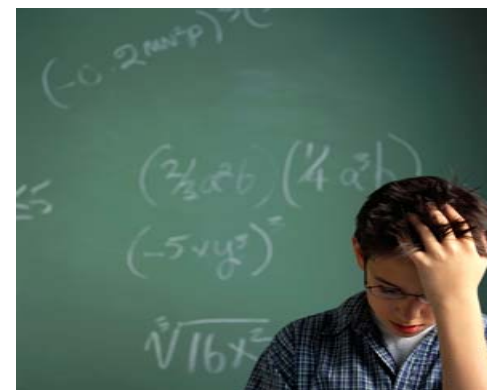
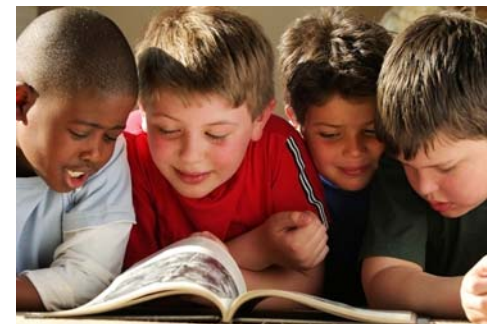
9

OPPORTUNITIES

Opportunities

10

State charter school laws create the legal framework to create mission-driven schools that include students with disabilities by design rather than as an add-on



Opportunities

11

New, autonomous schools can develop innovative service provision models in a time-compressed manner absent having to overcome existing policies and practices



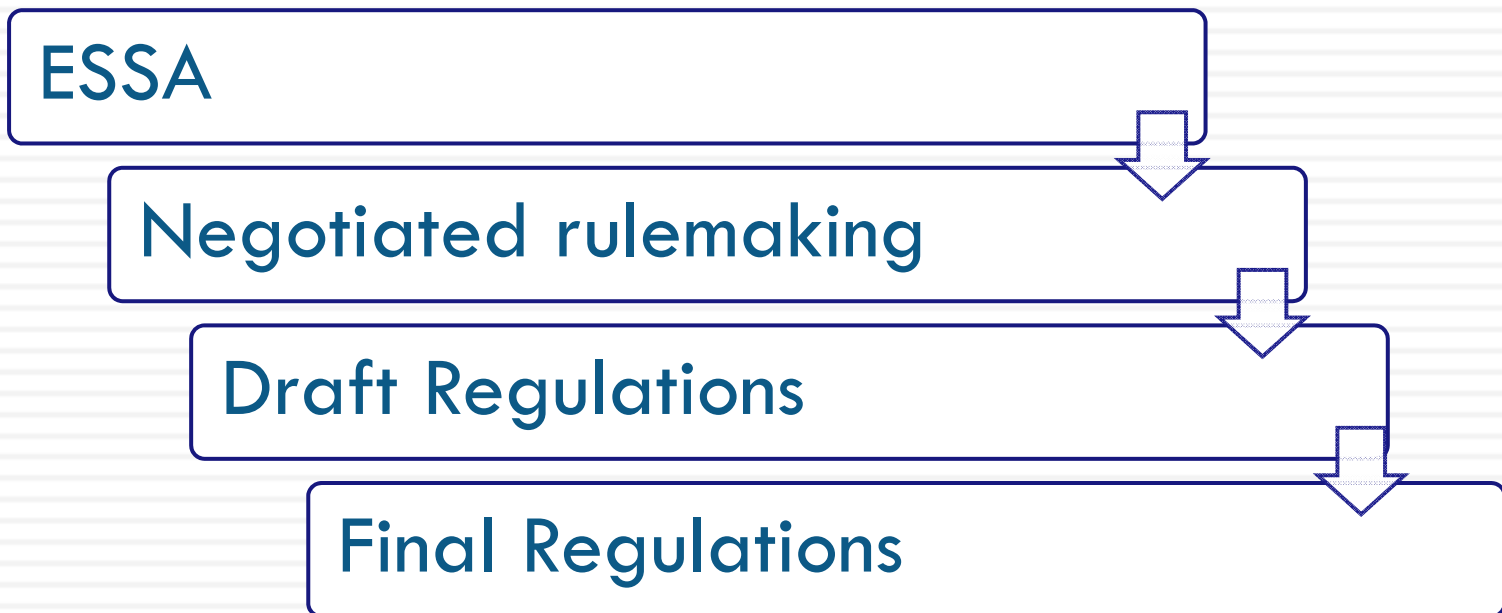
Opportunities

12

Provide online and hybrid/blended learning environments that can support highly individualized and personalized learning



Implications of Every Student Succeeds Act (ESSA)



The Every Student Succeeds Act (ESSA)

14

- Replaces No Child Left Behind
- Maintains basic architecture of standards-based reform
 - ▣ Annual assessments required in grades 3-8, once in high school in math and reading
 - ▣ Science assessments required once in three grade bands (3-5, 6-8, high school)
 - ▣ States must set “challenging academic standards”
 - ▣ State designs one accountability system with annual determinations of schools and districts
 - ▣ Data disaggregation by student subgroups: poverty, disability, English Learner, minority
 - ▣ Interventions for lowest performing 5% of all schools and high schools failing to graduate 1/3 or more of students.

Huge shift that moves more authority regarding design of the system away from federal level to states and districts.

Shifts from NCLB and ESEA Waivers

15

- No requirement for states to implement teacher evaluation systems and/or link results to student test scores
- Allows for more fiscal flexibility
- Adequate Yearly Progress (AYP) and Highly Qualified Teacher (HQT) requirements eliminated
- No focus on “college and career readiness”
- Focus on “***all children receive a high-quality education and close student achievement gaps***”
- Expands support for early learning, school climate/safety and other factors affecting student learning
- No required school turn around models or specific interventions

ESSA: Shifts (cont.)

16

- Requires State Title I plans to include how they will support districts in reducing bullying, overuse of disciplinary practices and use of aversives (e.g. seclusion and restraint)
- Allows, but does not require, supplemental services
- Allows Pay For Success initiatives as defined
- Title II (School Leader/Teacher recruitment & training) and Title IV (21st Century Schools) funds are transferable – States decide use of resources
- Adds new literacy grant program (LEARN Act)
- Adds new comprehensive center for students not achieving full literacy due to disability, including dyslexia
- Adds new early education grant program
- Decreases Secretarial authority
- Allows States to determine the ‘evidence-based’ interventions to implement in the lowest performing schools. Districts determine interventions [and timing] when one or more subgroups lag behind.

17

ESSA: Charter Specific

Title I

Title IV: Part C: Charter School Grants

All other civil rights laws apply to charter schools

18

- ESSA articulates the important alignment of all federal education statutes and in particular, all other civil rights laws including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.
- Charter schools must not discriminate against students with disabilities, and they are required to provide the services and support that students with disabilities need in order to achieve their full potential.

New requirements to recruit, enroll, and retain students with disabilities

19

- ESSA specifically identifies expanding opportunities for traditionally underserved students, including students with disabilities, as a goal and the purpose of the law.
- Any entity receiving federal grants, whether they serve as authorizer or otherwise, are bound to create and sustain systems by which charter schools commit to recruit, enroll, retain and foster achievement for students with disabilities.
- Charter schools can and must do better in this area and state and local planning must not only encourage, but require this.

Requirement to ensure that schools provide a safe and supportive school climate

20

- ESSA's Title I requirements for state planning require states to show how they will *support districts in reducing bullying, overuse of disciplinary practices and use of aversives* (e.g. seclusion and restraint).
- States are obligated to both plan and support traditional and charter schools in reducing practices that disproportionately impact students with disabilities.

Obligation to provide a high quality education

21

- ESSA specifies that states *and authorizers* bear the responsibility to ensure that grantees under Title IV Part C of ESSA provide a high quality education.
- This as a cornerstone of the charter law (Title IV) as well as the core of ESSA.

ESSA Accountability and Reporting: Proposed Rule

22

- 200.30 Annual State report card.
- (ii) As applicable, for each authorized public chartering agency in the State—
 - (A) How the percentage of students in each subgroup defined in section 1111(c)(2) of the Act for each charter school authorized by such agency compares to such percentage for the LEA or LEAs from which the charter school draws a significant portion of its students, or the geographic community within the LEA in which the charter school is located, as determined by the State; and
 - (B) How academic achievement under § 200.30(b)(2)(i)(A) for students in each charter school authorized by such agency compares to that for students in the LEA or LEAs from which the charter school draws a significant portion of its students, or the geographic community within the LEA in which the charter school is located, as determined by the State;

Follow-up Questions?

23

NCSECS.ORG

*National Center for **Special Education** in Charter Schools*

@NCSECS

Lauren Morando Rhim: lmrhim@ncsecs.org