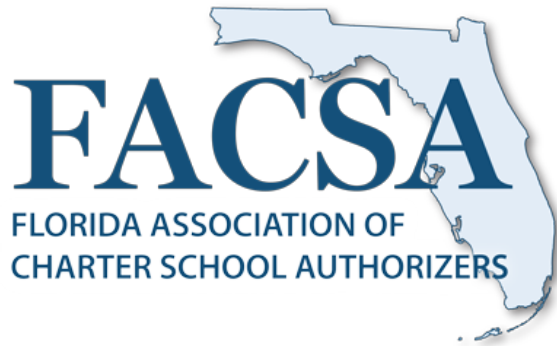# The Authorizers' Role in Supporting Students with Disabilities and English Learners

THE TRI-STATE ALLIANCE
TO IMPROVE DISTRICT-LED CHARTER AUTHORIZING

CALIFORNIA CHARTER AUTHORIZING PROFESSIONALS

COLORADO ASSOCIATION OF CHARTER SCHOOL AUTHORIZERS

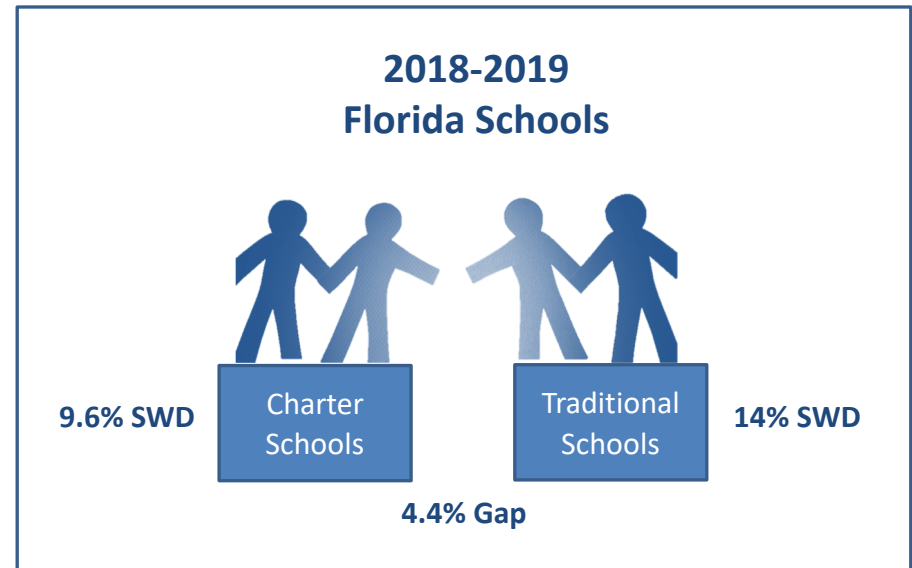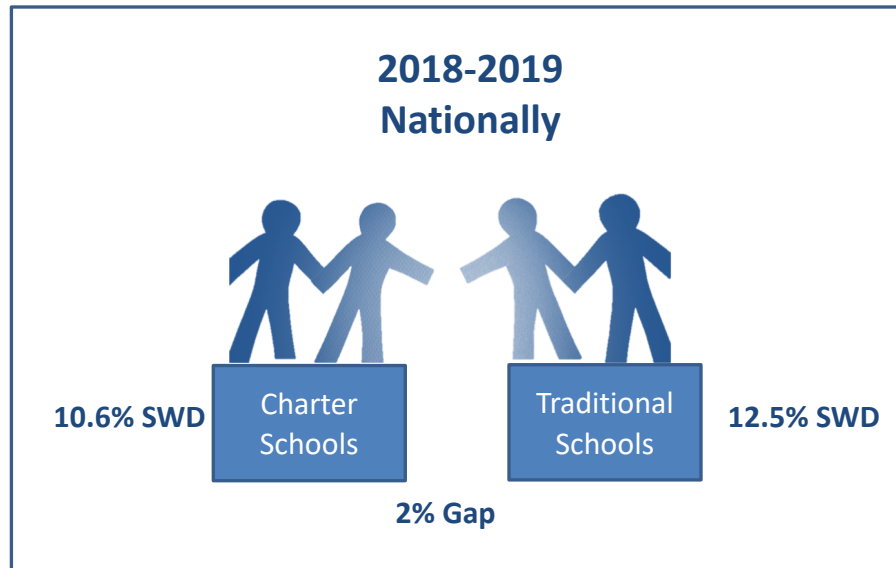FLORIDA ASSOCIATION OF CHARTER SCHOOL AUTHORIZERS

Florida Association of Charter School Authorizers (FACSA)
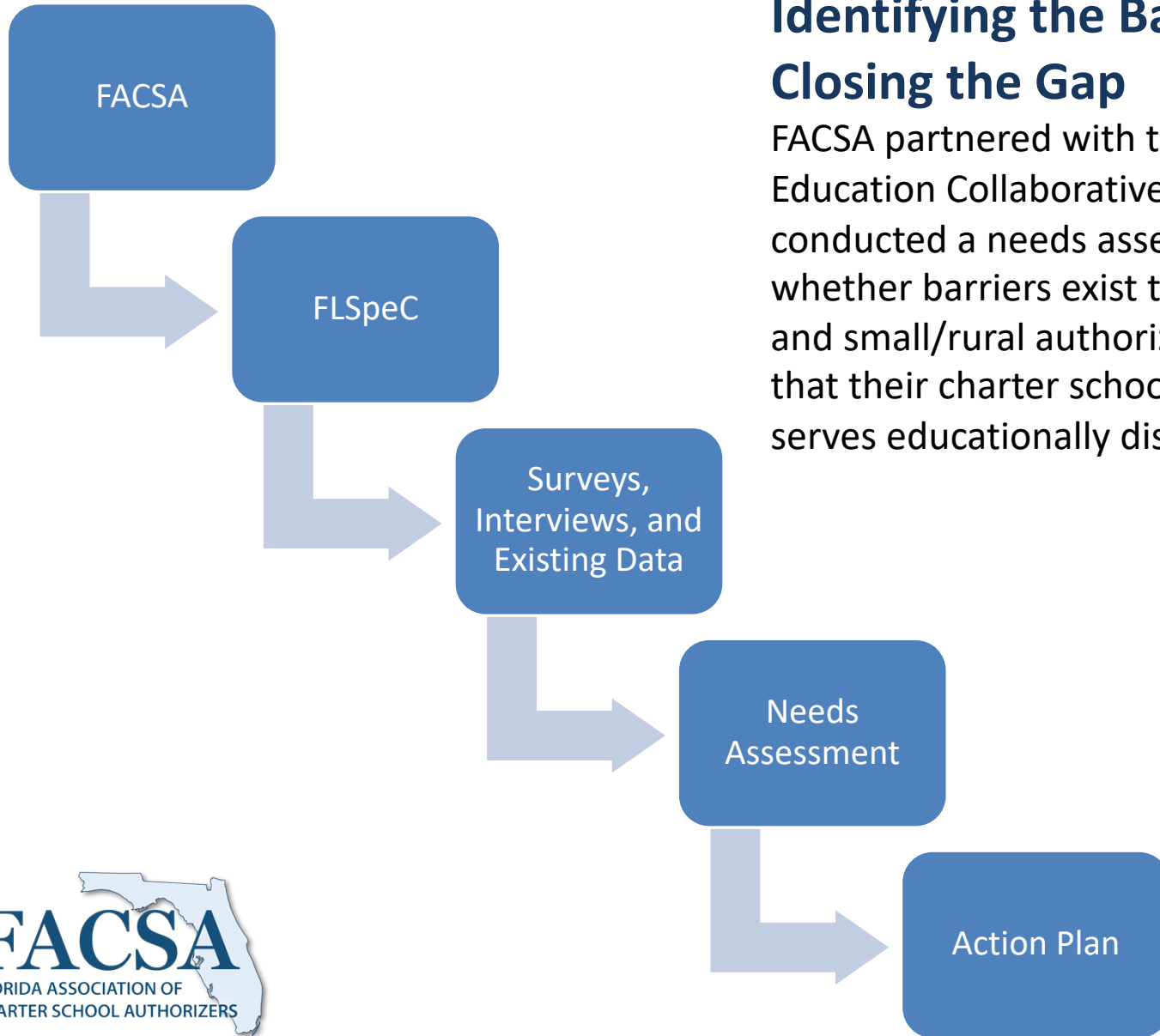
Florida: Disadvantaged Students – The Problem

During the time charter schools have been in operation, a gap has existed between the proportion of students with disabilities enrolled in traditional public schools and those enrolled in charter schools.
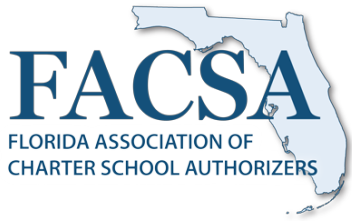
Both nationally and within Florida, the prevalence of students with disabilities has consistently been lower in charter schools.

2018-2019
Nationally

10.6% SWD   Charter Schools   Traditional Schools   **12.5% SWD**

2% Gap

2018-2019
Florida Schools

9.6% SWD   Charter Schools   Traditional Schools   **14% SWD**

4.4% Gap

Identifying the Barriers and Closing the Gap

FACSA partnered with the Florida Special Education Collaborative (FLSpeC) who conducted a needs assessment to identify whether barriers exist that prevent district and small/rural authorizers from ensuring that their charter school portfolio adequately serves educationally disadvantaged students.

FACSA

FLSpeC

Surveys, Interviews, and Existing Data

Needs Assessment

Action Plan

FACSA
FLORIDA ASSOCIATION OF
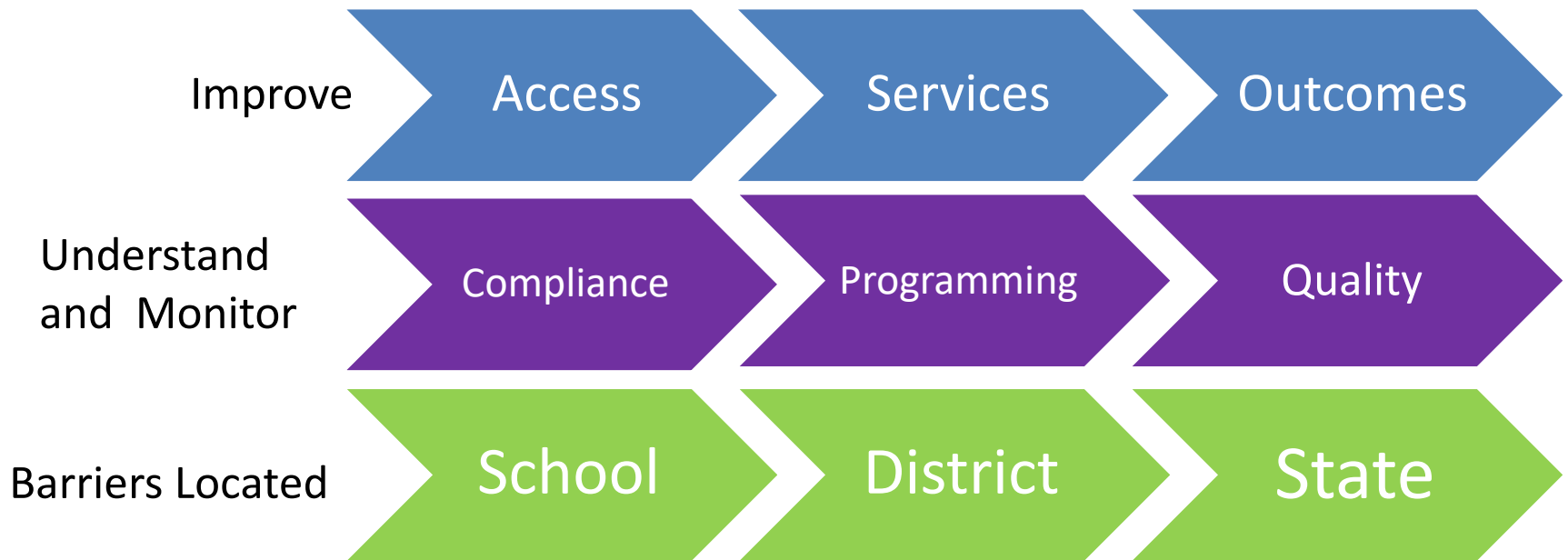CHARTER SCHOOL AUTHORIZERS

Florida: Disadvantaged Students – Closing the Gap

As a result of the Needs Assessment, 36 recommendations were made to close the gap between traditional and charter school enrollment of students with disabilities. The action plan addresses 20 that were prioritized as high need and critical as well as additional research needed in year 2.

Methods to Close the Gap

- Utilize the capacity interview process to probe the applicants' true understanding of the charter school's ESE obligation

- Leverage existing professional development for both district staff and charter school leaders

- Utilize contract language changes to eliminate ambiguity as to school and authorizer responsibilities

- Streamline and formalize communication, practices, and procedures for ESE monitoring and contract renewals

- Establish Networking opportunities for ESE and Charter district staff to engage in ongoing collaboration

CO Issues Related to Special Education

Improve	Access	Services	Outcomes
Understand and Monitor	Compliance	Programming	Quality
Barriers Located	School	District	State

cacsa

| 1. Strengthen application review | 2. Strengthen renewal processes | 3. Educate charter operators and boards | Tools & PD |
| 4. Research & inform improvements for charter school recruitment, outreach, and admissions | 5. Study issue and provide guidance based on research | 6. Support district- and system-level changes | Research |

California Charter Authorizing Professionals
English Learners in California

- 60 % of the children from birth to age five are dual language learners (DLLs)

- 38% enter *the school system* classified as English Learners (ELs)

- 27% of students in grades K-12 are English Learners

- 16% of charter school students are English Learners

- 21% of traditional school are English Learners

- A steady enrollment increase of ELs in charter school, varying greatly across counties/charter schools

Identifying the Barriers and closing the Achievement Gap

Charter school relate barriers:

- Enrollment:
    - 2% fewer ELs in urban settings statewide
    - 11% fewer ELS in rural areas statewide
    - A decentralized system
- Reclassification, high level
- Recruitment, issue in the process
- Transportation, lack of access to and from C.S.
- Application, unclear process

Statewide related barriers:

- Ineffective EL support structures, rendering such results:
    - 12% of state's ELs were proficient in math and English language Arts (2017-2018)
    - 70% of ELs graduate from high school in 4 years
    - 15% of EL graduate prepared for college
    - 30%-50% of kinder students fail to develop English skills needed for academic participation after 6 years or more and becoming long-term ELs

Closing the Achievement Gap for ELs

- Develop model materials/ resources to address the charter school's application, enrollment, recruitment and transportation issues; as well as academic program related issue such as the reclassification process

- Serve as a hub for authorizing policies, best practices, professional development, research and tools to support English Learners

- Communicate clear legal requirements and disseminate resources related to English Learners to authorizers

- Leverage existing professional learning opportunities for both district/county staff and charter school leaders

- Build a network for authorizers serving English Learners equipped with evidence-based best practices and tools

Scenarios

SCENARIO 1: School Cannot Provide Services & Parent Rejects Alternative

Questions:
1. Should all schools be able to serve a student with these types of needs?
2. What is the authorizer's role in supporting the school to ensure they can provide appropriate programming or otherwise meet the student's needs?
3. Does it matter if the school's model or design is not effective or appropriate for a students' IEP? If so, how?

SCENARIO 1: School Cannot Provide Services & Parent Rejects Alternative

Take-aways:
- School must make available a full continuum of services to students according to their needs (Free and Appropriate Public Education), including programming for students who receive services in the general education setting 40-79% of the time.
- If charter school is part of an LEA, responsibility shared between school and district, therefore the authorizer has a vested interest in supporting charter schools to meet their IDEA obligations.
- Schools must include a continuum of services in their program model to ensure they meet their obligations under IDEA and to ensure quality programming for students with special needs.

SCENARIO 2: No Special Education Staff

Questions:
1. What should an authorizer do at this stage in a school's life cycle?
2. What might they have done earlier or wished they done, that would improve the chances of promoting progress now?
3. How urgent is the need for change at this point?

SCENARIO 2: No Special Education Staff

Take-aways:

Decide how to document:

- Outline concern- clearly documenting evidence for concern
- Request school develop plan outlining systems and processes to remedy concern
- Identify clear next steps should the school not meet their outlined plan
- Email, outlining concerns
- Attorney client email clearly outlining the issue
- Breach of contract letter

Was former communication clear and direct, did the authorizer collaborate or provide direct support to the school, has the district considered potential gaps at the district level and consider making changes on how to support charters?

How urgent is this? The school's failure to follow federal and state laws therefore are not meeting contract obligations.

SCENARIO 3: Principal Insists on Amending IEPs to Match School's Capacity and Schedule

Questions:
1. How can the authorizer influence the timing and process for adjusting IEPs?
2. How does the authorizer affect the types of changes that may be appropriate based on a student's individual needs?

SCENARIO 3: Principal Insists on Amending IEPs to Match School's Capacity and Schedule

Take-aways:

Consider requesting a plan on how the school will address the concerns moving forward. Some things an authorizer may consider

- Require charter board training on legal obligations under IDEA/FAPE
- Charter leadership training (Dean, AP, Principals etc.) on legal obligations under IDEA/FAPE
- Special Education training to all staff about accommodations and service implementation school wide
- Request updated admission process for incoming students with IEPs
- District support school in evaluating accommodations options and needs (Assistive Technology)

SCENARIO 4: School Pre-Screens Students with IEPs Prior to Enrollment

Questions:

1. Is this an issue where there should be school-level discretion on when school asks about a student's status?

2. What is the appropriate solution to a problem of this nature?

3. For districts, how does the district's own policies affect what is expected of a charter school?

SCENARIO 4: School Pre-Screens Students with IEPs Prior to Enrollment

Take-aways:

- Enrollment decisions shall be made in a nondiscriminatory manner specified by the charter school applicant in the charter school application, prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services.

- Authorizer request updated enrollment process that is non-discriminatory and aligns to state and district policy.

- State and district usually have a non-discriminatory admissions policy.

SCENARIO 5: Discipline Policy Produces Disproportionate Outcomes

Questions:

1. Is treating students the same under a school discipline policy appropriate in such circumstances? If it is not always appropriate, what circumstances make it problematic?

2. If students are not accessing the general education of the school, what is required under IDEA?

SCENARIO 5: Discipline Policy Produces Disproportionate Outcomes

Take-aways:

The authorizer is vulnerable for the charter school's failure to provide Free and Appropriate Public Education due to exclusionary practices and denying the student access to the least restrictive environment.

SCENARIO 6: School Only Provides Inclusion Despite IEPs Calling for Different Approach

Questions:

1. When is a school's preference for an inclusive approach appropriate, and what conditions make it an inappropriate solution for a specific student's needs?

2. Can the school's preference for, or expertise with, an inclusive approach justify not providing other forms of services?

3. How does the Endrews F. decision affect this scenario?

SCENARIO 6: School Only Provides Inclusion Despite IEPs Calling for Different Approach

Take-aways:

The IDEA requires an educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.

EL Scenario 1:

School abandons bilingual program

Questions:

1. What role does the authorizer play in allowing the change in language acquisition programs?

2. What are the ramifications for changing the bilingual program, which is stated as the focus on the charter petition document?

3. As the authorizer of this school, how will the English acquisition program requirements under ESSA, be enforced?

EL Scenario 1:

School abandons bilingual program

Take-aways:

What is required when a school wants to make a fundamental change to its educational program? What is best practice? What is the role of the authorizer in this situation?

EL Scenario 2: EL program compliance and timeliness of testing

Questions:

1. What is the role of the site administrator in ensuring that the student is assessed as quickly as possible in order to be in compliance?

2. What is the authorizer's responsibility in providing guidance in program compliance?

3. Is this a single incident or is this a common practice?

EL Scenario 2: EL program compliance and timeliness of testing

Take-aways:

How does an authorizer determine if something that was observed in a site visit was one-time incident or something that is indicative of a systemic issue?

EL Scenario 3: Charging for EL services

Questions:

1. What can or should the authorizer do to resolve this situation?

2. If the issue is not resolved and the school insists on not paying the vender, and academic service is interrupted, does this violate the students' civil right presented by Lau vs. Nichols?

EL Scenario 3: Charging for EL services

Take-aways:

Providing appropriate services to EL students not an optional activity or an add-on service. It is part of a free public education. Is the authorizer verifying that the school is providing appropriate services for EL students at no cost?