

Dedication: The Key to Combining the Individual Natures of Charter Schools and Special
Need Students.

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Re-envisioning Education and Democracy
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*A non-conforming,
Unique school, unique student:
Severed unity?*

Charter schools seem to have it all. Small class sizes, specialized curriculum, and the ability to accommodate and reform based on the students needs. They have an amazing potential to help special needs students, but, due to lack of interest, it is far from being reached. While general political reform is necessary, helping charter schools understand their responsibility to special needs students will not only aid the students, but will create important strides in education reform. This essay will explain and highlight flaws in the current IDEA and charter school relationship, followed by a proposed reform as to how charter schools can overcome many of the presented issues.

I. Overview of Current Issues:

Special needs students in charter schools is an important issue among policy makers and educators. Why? In response to many of the nation's public school failure to properly to aid the learning disabled students, policymakers are making education reform a primary issue in their platforms. Since No Child Left Behind (NCLB) is still a living policy that is constantly being revised, it seems illogical to embark on a new widespread reform until conclusive results of the effectiveness of NCLB have been determined. Due to various limitations, reform has gained power in the field of school choice programs: vouchers, re-districting, and public charter schools. While many school choice programs are still in the developmental stages, over 3,625 charter schools have been founded in the United States since 1992 (accounting for about 1% of all public schools), making the charter movement, the reform movement that will set the bar for all others that follow.

The small class sizes and alternative curriculum that many of the charter schools offer can foster a positive learning environment for learning disabled students. However, for these same reasons, charter schools can have difficulty accommodating learning disabled children due to lack of funding or understanding of policy. Accountability can be problematic since charter schools operate differently depending on their state legislature.

In accordance with national law, no student with any disability may be denied his or her right to choice a school. Additionally, these students are legally guaranteed access to the services and funds provided by federal disability law.

Policy:



All public school programs are subject to the directives outlined in Individuals with Disabilities Act (IDEA), more specifically the 504 Amendment, which states that students with disabilities have a right to a free and an effective public education. While charter schools have the freedom of a flexible curriculum, many schools are continually finding that they must limit their mission statement to be more inclusive of learning disabled students. Since many charter schools act as their own local education agencies (LEA), they are able to manipulate district laws so they may legally exclude learning-disabled students. For example, section 504 titles II of IDEA states that choice schools must serve all disabled students unless the student would be an “undue hardship” on the LEA or would “fundamentally alter the nature” of the school’s charter (McLaughlin, 1996). This means that if an approved charter is presented with a prerequisite of a certain test score, they may legally reject learning-disabled students. Currently, nineteen states have legislation that actively prohibits discrimination based on ability or test scores, while twenty-two states have no such laws (Giovannetti, 2001).

The provisions for special needs students set forth in IDEA are extensive, and charter schools, especially those that are independent LEAs, may have issues with distributing the funding properly. It is very costly to simply start up a charter school, let alone maintain and implement new programs. While federal funding does give aid, it is only helpful if the school has a large special need population, which is not the case in most charter schools.

Charter schools that are their own LEAs must distribute twenty percent of their Title I funds to both transportation and outside educational resources. (NCLB, 2005). Currently, the amount the school chooses to put into either supplemental service is at the discretion of the administration. Policy makers believe that giving leeway to the charter schools with regards to funding would aid them in staying true to their charter statement.

However, since charter schools often draw students from a variety of districts, a great deal of Title I funding is used simply on transportation. NCLB claims that the school administration can file a request for additional funds, but the process is lengthy and confusing, causing many administrators to not file these petitions (Etes,2000).

Parental Choice:

Charter schools also foster a consumer-based view of education as opposed to a communal democratic style that is often promoted in public schools. Parents are given the freedom to choose the school they wish their child to attend, which creates competition. Many parents of learning disabled children believe that a child will be safer and receive more individual attention at a smaller charter school, producing a richer educational environment. Given that parents want what is best for their children, many try to enroll their children in competitive and highly developed schools. Since schools with low-scoring students are designated as “in need of improvement” (NCLB,2005), some choice schools try to avoid such a situation by excluding special need students.

In a study conducted by Chery M. Lange (Lange, 2000), parents of children with disabilities enrolled in public charter schools reported a vast improvement in available services and academic success of their children compared to their performance in their previous school. While these results are pleasing, an unaccounted-for confound of the study is the fact that the parents choose the charter school for their children. Parents want to believe that charter schools specialized curriculum has the power to “fix” their children (Etes, 2000). They are also more active in their children’s education since many charter schools require parents to volunteer in classrooms for a certain number of hours each month. While having schools compete for students can lead to overall improved academic performance of the school, it can also limit the amount of actual inclusion.

Mainstreaming and Inclusion:

Since many public schools cannot handle the growing pressure from NCLB to accommodate all learning disabled students, it has been proposed that certain public charter schools be created that could provide these students with the resources they need. While having an institution for the special need students might be a quick fix to the larger problem, these proposed charter schools are in direct contradiction with the main provision allocated in IDEA: “a free, appropriate public education” for students of all abilities (IDEA, amendment 504). Schools are formulated to reflect miniature democratic societies. If students are excluded from charter schools based on ability, the remaining children are bound to develop a discriminatory mentality which would be a negative trait.

Alternatively, many reformers believe that “Precisely because these schools are distinctive, - and because students with disabilities would not be similarly educated if assigned to different schools—those who operate charter schools and other unusual educational programs have a greater duty than traditional public schools to admit and serve students with disabilities” (Cullen,2001). The strong sense of community that is often present in charter schools is the perfect forum for a full inclusion curriculum. Yet, due to the general inexperience of the charter school program, many have not yet figured out how to match the specific charters to the special education requirements.

Unique Curriculum and Lack of Planning:

While charter schools can generally follow the laws outlined in IDEA, there are two provisions that are difficult for charter schools to accommodate:

1. Students with disabilities must be placed in the LRE, meaning they must be included in general education classrooms and other settings with non-disabled students.
2. Student with disabilities must be taught by personnel who are appropriately and adequately prepared and trained and who meet the highest standard in the state for providing of special education. (IDEA, section 504, Title A)

Often when charters are developed, the directors consider the importance of special need students within the context of their chosen charter only after it has been approved. Additionally, charter directors are often zealous teachers or parent collations that do not know all the federal and local policies of special education within public schools. During the first full school year, many charter directors find themselves in a panic since they are forced to modify their curriculum and staff to meet IDEA, while still trying to maintain their other programs. Extensive and longer term planning could aid in not only relieving stress for the directors, but could also make the special education program far more effective.

II. Proposed Reform:

The number of special need students is not proportionally higher compared to public schools, about 9.2% of students enrolled in charter schools have learning disabilities, but the number is growing. In order to properly accommodate these students, IDEA provisions need to be addressed in the charter statement before it can be approved. State officials should not approve charters that do not have a clear plan as to how they intend to accommodate the special educational needs.

The reform I propose will re-evaluate the role of professional development, funding, and parental/community involvement as the key factors that enable quick and effective change for IDEA students in charter schools. By creating a strong system of accountability for all three factions of a charter school community, special need students will be able to fully reap the benefits of a charter school without being inhibited by the small size or limited resources.

Funding:

Charter schools simply need more federally funded initiatives to implement special education services. Since public schools are facing so many funding cuts because of the NCLB legislation, funding issues for charter schools have been put on the back burner, especially for the special service provisions (McLaughlin,2001). Some Colorado schools have complained that they were forced to cut extracurricular programs to hire counselors, causing all the students to suffer. Education should be equal and schools should not have to make such unfortunate decision because of poor money management on the part of the state.

If the cost of having a specialized tutor on site is too much for a small school, a few local charter schools could pool their funds to have a rotating specialized group of

tutors. A contract between the charters (or the charter and its district if it is not an LEA) and the counselors could be made that would ensure a strong union and constant employment in exchange for a slightly reduced pay (as well as dealing with the burden of understanding each charter so they may aid the special need student within the context of the charter). Yearly, three required meetings between these counselors and the administration of the associated charter schools would be required, however additional meetings may be called if necessary. At the end of each school year, a comprehensive essay from both the administration and the counselors on the success and the problems with the program would be turned into the local legislature for evaluation.

A clear funding program is required. An example of a possible funding option is the Minnesotan policy that takes extra taxes from the district where the special needs child resides and pools it into an “excess expenses” fund, independent of all other state and federal funding (Howe,2002). This money may act as insurance for the students, or may act as an emergency fund for unforeseen problems with their special education program. By having a cushion to fall back on, a charter developer might be more willing to take risks on innovative and relevant programs for their special needs students.

In the long run, parents and community members need to form petitions to the local and federal governments about funding for special education programs in charter schools. Since this appears to be such a small issue in the grander scheme of funding, the only way to receive funds from the government is to make officials aware of the problem.

Parental and Community Involvement:

To have a productive special education program within small charter schools, there must be a strong sense of community. Many of the early charters worked well because parents of students were directly involved in creating and implementing the charter into their districts. However, as new students come into the school and the program changes, charter directors find it difficult to sustain interest and passion within the community. Continuing involvement in the school is especially important for parents of children with special needs, since their children require many particular services. Therefore, when a parent decides to send their special needs child to a charter school, they must propose their own sustainability and involvement. The proposal may include such activities as volunteering a certain number of hours a month or attending a set number of meetings sponsored by the school (PTA, individual meetings with in class teacher, administrator, learning resource counselor, etc.) While this might be a large time commitment on the part of the parents, their direct involvement will help them to understand the program and stay passionate about their child’s education.

Currently, a child who is either diagnosed or is suspected of having a learning disability may work with a special education counselor to develop his or her own Individual Education Plan (IEP). An IEP is an IDEA provision that grants students the means to develop a specialized curriculum with their in class teacher and learning resource counselor. Each IEP is specialized and tailored to the needs of the child at the school they are currently attending, so if a child transfers to a new school, they must reevaluate their IEP. This process serves as an important method to reach new parents, since they must attend various meetings to rework the IEP with the teachers.

During the first IEP meeting, a charter representative should clearly explain to the parents the message behind the charter. The parents should also be fully informed of all

services available at the school for both special and regular education. A brochure of state provisions should also be given to the parent. The parents should also be aware who they should confer regarding the specific needs for their child, and which faction of the school legislation (federal policy, larger state wide school districts, or the LEA of the charter school). The school needs to define a clear source of accountability for the parents so there is no confusion if a problem arises. Before the student enters the school, the parents should sign a statement that they understand the information given during this meeting, and are willing to work with the school to create reform they see fit. The information session as well as the contract will aid in ensuring that the student and school are a good match.

Professional Development and Accountability:

All directors should be required to prove (either through an exam or an interview) that they have a firm grasp of the local and federal disability laws. To prepare for this evaluation, a designated special education person could give a tutorial to the administration and faculty of the proposed charter school. The director should also try to meet with a principal of a local public school. While the regular public school might be different in size and curriculum, public school administrators have been complying with the provisions of IDEA since 1975 and could give helpful tips to the charter directors as to which programs should be implemented and how they should be effectively run. Ultimately, charter schools need to employ the appropriate number of trained special educational counselors to meet the requirements of the learning disabled students. These counselors, all of whom must be state certified as a special education resource, should be able to administrate and evaluate an educational diagnostic examination.

In addition to having adequate counselors on site, charter school's special education program should be continuously evaluated and reformatted, especially within the first year. A state and/or federally appointed educational counselor should conduct monthly visits to new charter schools to evaluate the effectiveness of the special education programs. The evaluation, a survey and/or interview, should be administered to a sample of teachers, administrators, students, and parents. The sample would rotate each month to gain a true understanding of the effectiveness of the popcorn as well as eliminate some confounds.

Examples of possible questions are as follows:

- How often does the child see a special education counselor?
- What are the experience/training of each counselor?
- Does the child understand the difficulties he/she faces with her learning disabilities (can he/she verbalize educational and/or social problems)?
- How involved are the parents in the school? Do they see improvement in their child?
- Are the teachers and administrators fully aware of current and pending special education policy? If not, what resources would be helpful to keep them up-to-date?
- Is there strong communication between the class room teacher and the special education counselor regarding the progress and/or difficulties of special education students?
- Are the children involved in extracurricular activities?
- In your own words, briefly compare IDEA provisions and your charter statement.
- Is the given Title I funding enough and (in your opinion) is it being spent properly?
- Do the learning-disabled children feel academically confident?
- Is there improvement in grades and /or test scores, if not, what is being done improve them?

By using the survey, charter administrators could have local, open forums regarding changes they see fit to federal policy. By requiring these groups to write comprehensive reports, a political subgroup could accurately modify policy to better serve special needs students in public schools. A productive open forum is the key to a deeper understanding of how to incorporate special needs students into a specialized charter so all children may benefit the most from their education.

III. Conclusion:

The limitations of these reforms lies in the time and energy commitment, parents, teachers, administrators, and community members. All must be **passionate** about the special education program within their respective charter school. School promotion, by means of flyers, data on successes, all school assemblies, and school-wide family oriented assemblies is essential. For parents of special needs students, the school should sponsor a support group meeting every semester, where the parents may discuss the effectiveness of the special education program, as well as give each other feedback as to how they are staying involved in their child's IEP. Giving parents of special needs students a sense of community, both within the larger context of the school and in a smaller sense amongst the other parents of special education children, they will feel an obligation to stay involved. Until all factions of a charter school's special education program are not only concerned but involved in review and reform, special services will continue to be limited.

Charter schools have a wonderful opportunity to change

IV. Resources:

Free appropriate public education for students with disabilities: Requirements under section 504 of the rehabilitation act of 1973

<http://www.ed.gov/about/offices/list/ocr/docs/edlite-FAPE504.html>

This legislation is the key factor of IDEA and choice school programs. It outlines the requirements of school districts from amendment 504.

United States. U.S. Department of Education. No Child Left Behind. Dec. 2005

<<http://www.ed.gov/nclb>>. This website, in addition to the policy given in FAPE information, was the most referenced policy regarding the effects of special education in charter schools.

Charter Schools and IDEA. Dec. 2002. Charter Friends National Network. 5 Dec. 2005

<<http://charterfriends.org/idea.html>>. This article also doubled as a forum for charter school directors and teachers to come and discuss issues and suggestions for implementing IDEA provisions.

Cullen, Julie B., and Steven Rivkin. NBER Economics of School Choice Conference.

The Role of Special Education in School Choice, Feb. 2001, University of Michigan. This document outlines current funding for special education in charter schools, which helped me to get a jumping off point for proposing reforms.

- Etes, Mary B. "Charter Schools and Students with Special Needs: How Well Do They Mix?" Education and Treatment of Children 23 (2000): 369-380. This article criticizes the view that charter schools will automatically "fix" special need students, as well as proposing interesting political reform for special education in charter schools.
- Giovannetti, Elizabeth, and Cheryl Lange, comps. Charter Schools and Education of Children with Disabilities. 2nd ed. New York: Charter Friends National Network, 2001. This source addresses many problems of special education within charter school. The target audience for this book is teachers, administrators, and parents who wish to become active in the grass-root movement for special education reform.
- Howe, Kenneth R., and Kevin G. Welner. "School Choice and the Pressure to Perform." Remedial and Special Education 23 (2002): 212-221. This article identify parental autonomy and the market economy of choice schools as major issues in charter schools for children with disabilities, which proved to be an interesting and important commentary.
- Lange, Cheryl M., and Camilla A. Lehr. "Charter Schools and Students with Disabilities." Remedial and Special Education 21 (2000): 141-151. This article gives an overview of the parent perception of the charter school program. It includes rationale for the transfer and general satisfaction with the services provides, with emphasis on special education services. I found this article useful since there are not many resources on how parents feel about charter schools, both in a personal and political sense.
- McLaughlin, Margaret J. Office of Special Education. United States Department of Education. Charter Schools and Students with Disabilities. Alexandria, VA: Center for Policy Research on the Impact of General and Special Education Reform, 1996. This study was one of the first published articles on special education and charter schools. It was interesting to see how far reform has come since the publication.
- McLaughlin, Margeret J., and Lauren M. Rhim. "Special Education in American Charter Schools: state level policy, practices and tensions." Cambridge Journal of Education 31 (2001): 373-383. This article addresses the issue of combining the highly regulated and extremely political special education law with the open-ended and individual nature of charter schools.
- Zigmond, Naomi. "Special Education Revisited." Kappan 20 (2000). The author of this article observed the special education program of several charter schools and wrote her first hand account in a narrative form. This article was very interesting since it made the issues addressed in other papers more realistic.