

Strengthening Charter School Authorizing to Improve Access and Services for Students with Disabilities in Florida

Phase 1: Needs Assessment

July 2019

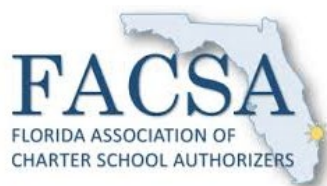


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Executive Summary

Florida, represented by the Florida Association of Charter School Authorizers (FACSA), is a member of the Tri-State Alliance for Improving District-Led Charter Authorizing (Tri-State Alliance) along with Colorado and California. The Tri-State Alliance was established with the stated purpose of strengthening authorizing by school districts and small and rural authorizers and, by doing so, to improve outcomes and expand quality choices available for all families and students.

In May 2019, FACSA contracted with the Florida Special Education Collaborative (FLSpEC) to complete Phase I of a multi-phase project. Phase I entails conducting 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. For the purpose of this project, FACSA defined educationally disadvantaged students as students with disabilities who qualify for special education services under the Individuals with Disabilities Education Act (IDEA).

FLSpEC is a non-profit organization established to support charter schools in the development and implementation of robust and adaptable exceptional student education programs designed to meet the diverse needs of students with disabilities, fostering equity and access to educational choice for all of Florida's students.

Background

Florida's charter school law took effect on July 1, 1996. During the 2017-18 school year there were 655 charter schools serving over 295,000 students in the state, reflecting approximately 11 percent of the total public school population. Charter schools were located in 48 of the 67 county-based school districts.

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. Nationally, the gap is approximately two percent (12.5 percent in traditional public schools compared to 10.6 percent in charter schools). In Florida during the 2018-19 school the gap was 4.4 percent (14 percent in traditional public schools compared to 9.6 percent in charter schools).

Methodology

This needs assessment comprised three main data sources: review of existing information, online surveys, and telephone interviews.

Review of Existing Information

Publicly accessible data from FLDOE as well as publications disseminated by national organizations such as the National Charter School Resource Center (NCSRC), National Council on Disability (NCD), National Center for Special Education in Charter Schools (NCSECS), NACSA, and the Center for American Progress (CAP) were reviewed as part of this needs assessment. While the majority of available material reflected nationwide data, some attention to individual states, including Florida, was embedded within the national material.

Surveys

An electronic survey developed by the Tri-State Alliance was disseminated to the 106 charter contacts or their designees in the 48 districts that currently have charter schools. Responses were submitted by 35 individuals representing 19 districts across the state.

Interviews

To expand upon information gleaned through the survey, the Tri-State Alliance developed a set of questions designed to collect additional detail from authorizing staff members regarding their personal experiences and opinions. The items were modified somewhat to align with Florida's charter school model. Members of the FACSA governing board and the consultants from FLSpEC collaborated in developing a list of potential interviewees. Effort was made to select a representative sample by district size and geographic location. Charter school contacts from the identified districts were invited to participate in the interview; when available, a staff member knowledgeable about ESE and charter schools was asked to participate. A total of six districts participated in one-hour interviews with representatives from Brevard, Hillsborough, Martin, Palm Beach, Pinellas, and Volusia counties.

Barriers and Recommendations

Information obtained through the surveys and interviews as well as that gleaned through the review of existing information was analyzed to determine if barriers exist that prevent district authorizers, including those from small or rural districts, from ensuring that their charter school portfolio adequately serves students with disabilities. Major topics or conceptual areas identified through the evaluation process included:

1. Application review and approval
2. Recruitment, enrollment, and the provision of services
3. District services and supports
4. Technical assistance and professional development
5. Oversight and monitoring
6. Funding of ESE services
7. State resources and support

Detailed recommendations developed through this needs assessment are provided throughout the full report. In total, 36 recommendations were made across the seven topical areas, with specific consideration of actions that might be taken by FACSA, by district authorizers across the state, by the charter schools themselves, and by the Florida Department of Education (FLDOE) Office of Independent Education and Parental Choice, the office within the state education agency tasked with providing information and assistance to promote successful outcomes for students, families, institutions and communities through the school choice options available within the state.

A brief summary of the identified barriers, by topic, and associated recommendations is provided here. The entity or entities likely to implement the recommendation are identified.

1. Application Review and Approval

Barriers

The primary ESE related barriers within the charter application review and approval process are that applicant groups do not always have a realistic understanding of what implementation of a

robust and effective special education program entails and that it is difficult to ascertain from a written proposal whether an applicant truly understands what will be expected regarding the type and intensity of supports they may be required to provide to their students with disabilities.

Recommendation 1.1 - FACSA

Establish a workgroup comprising district charter staff, district ESE staff, representatives from CMOs/EMOs, and representatives from independent charter schools to brainstorm and problem solve around common areas of concern, including ways the charter application process can more effectively ensure applicant groups can clearly articulate a realistic understanding of their obligations related to ESE staffing, services, and other resources.

Recommendation 1.2 – District Authorizers

Utilize the capacity interview process to probe the applicants’ true understanding of the charter school’s ESE obligation, which could include posing hypothetical examples of real-world situations charter schools experience.

Recommendation 1.3 – Charter School Applicants/Founders

Demonstrate understanding of state requirements related to ESE and the ESE landscape of the district and geographical area of their proposed school as evidenced by detailed descriptions and analysis of current district data and recruitment and enrollment plans that are equitable and realistic.

Recommendation 1.4 – FLDOE Office of Independent Education and Parental Choice

Develop a required applicant training module that will educate potential applicants of their roles and responsibilities as a charter school operator, with examples and case studies that present the staffing, resource, and financial commitments that may arise.

Recommendation 1.5 – FLDOE Office of Independent Education and Parental Choice

Modify the model application to include a “spreadsheet” that applicants would complete to demonstrate their understanding of the ESE landscape for the district and geographical area for their proposed school. Applicants would use this information to set enrollment targets and describe steps that will be taken to recruit and retain comparable population.

2. Recruitment, Enrollment, and the Provision of Services

Barriers

Barriers related to recruitment and enrollment of students with disabilities spanned multiple issues, most notably the following:

- Many charter schools believe they have the authority to determine which services they will and will not provide, and do not believe that they must be open to changing their service delivery models or contracting with outside entities to provide services they do not currently offer.
- Marketing programs for some schools focus strongly on the academic rigor and uniqueness of the educational program and gloss over the availability of supports for students with disabilities and other struggling students, thus discouraging students with disabilities from applying.

- Some charter schools equate rigor or a mission focus on qualities such as leadership or citizenship with zero tolerance. This can result in stringent disciplinary actions, often of students with disabilities, that in turn encourage students to withdraw from the school.
- While not specifically related to a student’s disability status, lack of transportation limits access to families for whom daily car rides or carpooling are not options.

Recommendation 2.1 – FACSA

Establish a committee or workgroup (see Recommendation 1.1) to consider ways charter schools can overcome the barrier of transportation and ways charter schools can increase messaging and recruitment efforts to ensure that all families know that the charter school is prepared to meet individual student needs.

Recommendation 2.2 – FACSA

Conduct an analysis of the proportion of students with disabilities enrolled in charter schools disaggregated by those enrolled in independent charters and those enrolled in schools operated by a CMO/EMO to determine if there are patterns or trends that could indicate schools with exemplar programs (e.g., higher than expected enrollment of students with disabilities) or schools with potential for concern (e.g., lower than expected enrollment of students with disabilities).

Recommendation 2.3 – District Authorizers

Identify the types of ESE services and placements that are commonly available within neighborhood schools and share this information with charter schools during the initial application process, contract renewal process, and any ESE monitoring and oversight activities it conducts.

Recommendation 2.4 – District Authorizers

Incorporate regular review of enrollment and discipline data in ESE monitoring activities, including evidence of positive behavior interventions and manifestation determination meetings, as applicable.

Recommendation 2.5 – Charter School Applicants/Founders

Have in place a plan for ensuring that appropriate services and placements are made available for students with disabilities enrolled or seeking enrollment in the charter to school to the same extent their needs would be met within neighborhood schools, and develop a marketing plan that includes this information.

Recommendation 2.6 – FLDOE Office of Independent Education and Parental Choice

Work with FACSA to identify ways the state agency can formalize its communication regarding minimum expectations for ESE services and placement to have a more direct impact on charter schools.

3. District Services and Supports

Barriers

Barriers related to district services and supports focused on concerns related to quality as well as quantity. The limited number of district staff available to support charter schools is a challenge.

Authorizers are stretched thin to provide high quality and effective ESE supports to all of their schools. Adding to the problem, charter office and/or ESE district staff assigned to work directly with the charter schools are not always adequately trained or informed of current policy or expectations related to students with disabilities in charter schools. There is also concern that FLDOE's ESE monitoring and compliance activities do not focus enough on charter schools.

Recommendation 3.1 – FACSA

Reach out to the FLDOE, Bureau of Exceptional Education and Student Services (BEESS) to discuss ways in which charter schools could be more directly included in Bureau monitoring and oversight activities, with particular attention to areas concern specific to the charter sector (e.g., access and equity; reasonable continuum of services and placements; service and placement decisions based on administrative convenience).

Recommendation 3.2 – District Authorizers

Authorizers are encouraged to provide cross-departmental training to charter office and ESE staff who work with charter schools to ensure accuracy and consistency of the ESE-related information being conveyed to the schools.

Recommendation 3.3 – District Authorizers

Strategically incorporate capacity building into the ESE support they provide charter schools, for both compliance-related issues and more substantive program issues and IEP decision making.

Recommendation 3.4 – Charter School Operators

Strategically incorporate capacity building into the support they provide their staff responsible for oversight of the school's ESE program, and ensure they have the skills and knowledge required to fulfill their roles.

Recommendation 3.5 – Charter School Operators

Implement policies ensuring that the prior written notice requirements under IDEA are adhered to when an IEP is amended to reflect a change in placement or in the provision of FAPE to a student, and that such changes are not solely due to administrative convenience.

Recommendation 3.6 – FLDOE Office of Independent Education and Parental Choice

If not yet fully executed, complete the development and implementation of a statewide authorize dashboard as described in its 2018 Authorizer Report,

4. Technical Assistance and Professional Development

Barriers

Two primary barriers were identified related to professional development and technical assistance support addressing ESE services and programs in charter schools, and they are interrelated. The first was that participation rates are often low, and the district cannot compel attendance unless the school is under a corrective action. The second was that the content of district-provided PD is often not aligned with the needs of the charter schools.

Recommendation 4.1 – FACSA

Identify and share professional development opportunities with district authorizers on an ongoing basis, serving as a conduit for communication for districts seeking .

Recommendation 4.2 – FACSA

Establish a system for authorizer networking or a workgroup (similar to that described in recommendation 1.1) to enable district staff responsible for authorizing and for supporting charter schools in the area of ESE to share positive practices and engage in ongoing collaboration.

Recommendation 4.3 – District Authorizers

Adapt selected professional development offerings to highlight content of particular importance to charter schools and, as applicable, modify content so that it is more applicable to the charter school environment.

Recommendation 4.4 – Charter School Operators

Set goals for staff attendance at professional development and to collaborate with their sponsoring district and other charter schools to bring together larger groups for ESE-related trainings and opportunities to share information, strategies, and resources.

Recommendation 4.5 – FLDOE Office of Independent Education and Parental Choice

Maintain a calendar link on their webpage that identifies professional development opportunities specific to charter school authorizers and charter school operators.

5. Oversight and Monitoring

Barriers

In addition to related concerns noted above, three barriers were identified related to oversight and monitoring of ESE programs for students with disabilities in charter schools. The first was lack of explicit authority under s. 1002.33, F.S. to impose sanctions on charter schools that do not timely correct identified shortcomings in their ESE programs. A recommendation to amend the statute is outside the purview of FACSA or the authorizing school districts. The others were lack of clear guidance regarding what the district's oversight of ESE programs in charter schools should entail and lack of knowledge about other districts' procedures.

Recommendation 5.1 – FACSA

Support creation of formalized renewal procedures, processes, and decision rules/criteria and share with statewide authorizers to build consistency in evaluation of special education practices.

Recommendation 5.2 – District Authorizers

Create and share formalized and written oversight and ESE monitoring procedures and practices designed to address issues common to charter schools as well as overall compliance. In tandem, offer training to schools and school governing authorities as needed.

Recommendation 5.3 – District Authorizers

Develop and use a defined process to conduct annual self-evaluations of their authorizing obligations and/or a tool to survey charter schools regarding the quality of their services; then, as informed by the process, develop and implement action steps, goals and timelines based on findings.

Recommendation 5.4 – Charter School Operators

Maintain regularly scheduled communication and engage in ongoing dialogue with designated

district ESE staff to ensure expectations are understood and sustain transparent oversight and monitoring practices.

Recommendation 5.5 – FLDOE Office of Independent Education and Parental Choice

Review and analyze the model contract and statute to determine steps that may be taken to grant authorizers greater authority in imposing sanctions and taking any substantive actions (e.g., include conditions that trigger intervention as well as a process for modifications to the contract based on changes in law, school performance or the state’s accountability system).

6. Funding

Barriers

The primary barrier related to ESE funding is general confusion around the process, including how districts ensure charter schools have equitable access to IDEA funds or funded services in accordance with federal and state requirements. Understanding that it is a complex issue, these evaluators’ experience working with charter schools and district staff across the state supports the concern that the schools often do not know or understand what they are entitled to, and therefore feel unable to make informed budgetary decisions. The ESE and district Charter Office staff the schools typically interact with are not involved with budget issues, so are of limited assistance. A second barrier identified related to funding was that small independent charter schools struggle to pay for needed ESE services to an even greater extent than other schools and do not benefit from economies of scale that may be available to a large district.

Recommendation 6.1 – FACSA

Develop written guidance to articulate the process for determining how IDEA funds or funded services for each charter school in the district are calculated and the amount to be allocated-

Recommendation 6.2 – District Authorizers

Authorizers are encouraged to communicate with charter schools to determine the most effective funding stream for both parties, including the option of directly allocating funds to the charter school and/or greater transparency about the services, leading to greater awareness about how funds follow the child.

Recommendation 6.3 – Charter School Operators

Establish formal or informal avenues for regional resource sharing among other charter schools in the same geographic area.

Recommendation 6.4 – FLDOE Office of Independent Education and Parental Choice

Analyze state policies and practices across the country implemented to ensure all students have equitable access to federally funded programs, with a focus on students with disabilities in charter schools, and develop guidance or model processes as tools for Florida’s authorizers.

7. State Resources and Supports

Barriers

Barriers related to state resources and students with disabilities in charter schools focused extensively on district staff’s reported need for more written guidance from FLDOE and the ability to include more detailed ESE information in the standard contract. Understanding that the Department cannot interpret laws or impose requirements not already in statute or rule,

respondents express a need for guidance documents reflecting recommended or promising practices, sample templates for voluntary use, and other resources that could be used by districts statewide. Most of the barriers or expressed needs are addressed in the recommendations for previous sections.

Recommendation 7.1 – FACSA

Streamline communication from the FLDOE Office of Independent Education and Parental Choice to the charter school network by establishing direct lines of communication with the FLDOE and to the statewide charter school community.

Recommendation 7.2 – District Authorizers

Produce and share written guidance clearly defines and delineate and define roles and responsibilities related to ensuring ESE programs are implemented with fidelity and meet all compliance and programmatic standards.

Recommendation 7.3 – District Authorizers and Charter School Operators

During the charter contract negotiation process, identify areas of ambiguity that may benefit from the addition of more specific descriptions or explanations within the contract or other type of memorialized agreements or understanding between the parties regarding roles, responsibilities, and expectations related to students with disabilities.

Recommendation 7.4 – FLDOE Office of Independent Education and Parental Choice

Communicate with FACSA to identify critical areas of need for which technical assistance papers or memoranda could be developed; develop and disseminate the information to all districts and charter schools and maintain the documents on the Office website.

Recommendation 7.5 – FLDOE Office of Independent Education and Parental Choice

Work with representatives from FACSA and other stakeholders to identify and support creation of more defined policies and contract requirements, including clarifying actions that districts can take when a charter school does not adhere to the intent or spirit of recruitment and equity policies described in the charter contract.

Introduction

Florida, represented by the Florida Association of Charter School Authorizers (FACSA), is a member of the Tri-State Alliance for Improving District-Led Charter Authorizing (Tri-State Alliance) along with Colorado and California. The Colorado Charter School Institute (CSI) created the Tri-State Alliance to strengthen authorizing by school districts and small and rural authorizers and, by doing so, to improve outcomes and expand quality choices available for all families and students.

The work of the Tri-State Alliance is dedicated to improving the quality of the charter school sector by creating and disseminating replicable best-practice resources to support effective authorizing and charter school oversight by school districts, including small/rural authorizers. The first phase of the project was for each state “[t]o conduct a needs assessment of barriers that may prevent authorizers from ensuring that their charter schools adequately serve students with disabilities.” To accomplish this task, FACSA contracted with the Florida Special Education Collaborative (FLSpEC) to complete a needs assessment and landscape analysis. FLSpEC is a non-profit organization established to support charter schools in the development and implementation of robust and adaptable exceptional student education programs designed to meet the diverse needs of students with disabilities, fostering equity and access to educational choice for all of Florida's students.

This report provides background information and an overview of charter schools in the state of Florida, summarizes existing literature and information regarding what is known about special education in charter schools, and presents findings from surveys and interviews conducted for this needs assessment for purpose of soliciting authorizer input on current practices and potential barriers. The report includes a set of recommendations for use by FACSA, the Florida Department of Education, Florida charter school authorizers, and Florida charter school operators to inform the development of a plan to improve access and services for students with disabilities. Note: In Florida, special education is referred to as exceptional student education, or ESE, and includes both students with disabilities eligible for services under the federal Individuals with Disabilities Education Act (IDEA) and gifted students. For the purposes of this report, however, the term ESE refers only to students with disabilities.

Background and Overview

Legislation to establish charter schools in Florida was first introduced in the Florida Legislature in 1995, but it failed to pass. The next year, the legislature passed a charter school law by a vote of 96 to 18 in the House of Representatives and 32 to 8 in the Senate. The legislation took effect on July 1, 1996. In the intervening two decades, charter schools became an important part of Florida’s educational landscape. Beginning with the 2017-18 school year, charter schools were explicitly included as an integral component of the state’s controlled open enrollment process, allowing a parent from any Florida school district “to enroll his or her child in and transport his or her child to any public school, including charter schools, that has not reached capacity” (s. 1002.31(2), F.S).

Section 1002.33(5)(a), Florida Statute (F.S.) allows for two types of charter sponsoring entities:

1. A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.

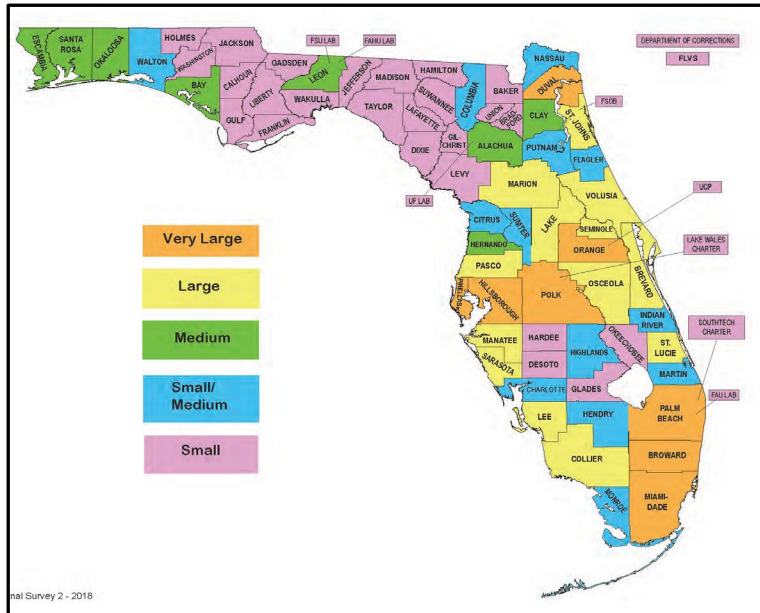
2. A state university may grant a charter to a lab school created under s.1002.32 and shall be considered to be the school's sponsor.

In addition, the statute allows for certain charter school systems to be designated a local education agency for the purpose of directly receiving federal funds, including IDEA funds supporting special education programs for students disabilities, the same as though it were a school district. A charter school system is a group of charter schools that has the same governing board, all schools are located in the same county, the total enrollment exceeds the total enrollment of at least one school district in the state, and appropriate documents have been filed with the local district sponsor and the Florida Department of Education.

Four state universities currently operate six charter lab schools in the state. All other charter schools are authorized by the local district. Of those, three have charter school district status; one is a system of charter schools focused on students with disabilities operated by United Cerebral Palsy (UCP) of Central Florida. One district, Jefferson County, is a charter school district as a result of a mandate from FLDOE to either close the existing schools, hire an outside operator to run them, or convert the district to a charter school. The single K-12 school, Jefferson Somerset Academy, is now operated by a charter management company.

Florida is a very diverse state, both demographically and geographically. School districts vary widely in size – from fewer than 1,000 students to more than 350,000. The map below illustrates the statewide pattern of larger, more urban districts in the south and central areas and smaller, more rural districts in the north and panhandle area. The size groupings are defined as follows: small – <7,000 students; small/medium – 7,000 to 19,999 students; medium – 20,000 to 39,999

Relative Size of Schools Districts



students; large – 40,000 to 99,999 students; and very large – >100,000 students. Across the state's 67 school districts, the prevalence of students with disabilities ranges from 11 percent to 20 percent.¹

FLDOE annually disseminates a charter school fact sheet. The most recent edition² reported that Florida had 655 charter schools serving over 295,000 students during the 2017-18 school year. This made up approximately 11 percent of Florida's total public school population. Charter schools were located in 48 of the 67 county-based school districts (72 percent).

As can be seen in the map on the following page, the majority of charter schools are located in the south and southeast in very large districts, with a moderately high number located in the center of the state in districts

¹ Data retrieved from FLDOE BEESS 2019 Databook, 2019 SEA Profile, and 2019 LEA profiles at <http://www.fldoe.org/academics/exceptional-student-edu/data/>

² <http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2018.pdf>

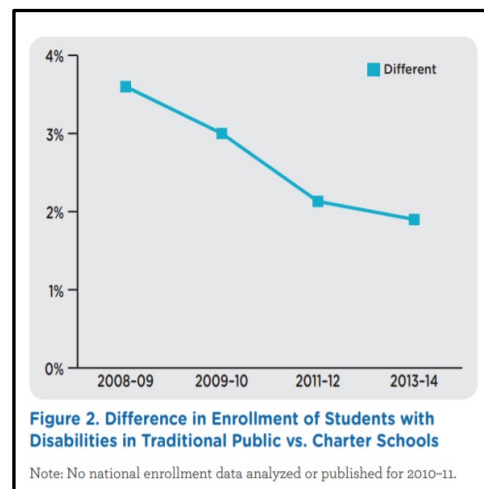
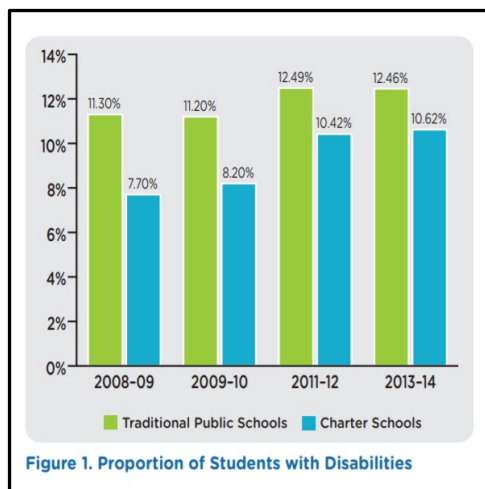
individualized needs while maintaining a clear focus on successful student outcomes. ESE services may be provided in general education settings, ESE classrooms, throughout the school campus, or within community settings, and include such things as instruction from certified special education teachers, behavioral counseling, speech therapy, support from paraprofessionals, and access to assistive technology. These services can be extremely costly and resource intensive, as they often require significant technical expertise by staff hired to serve a relatively small number of students.⁶ In the state of Florida, delivering effective special education services presents challenges for many, if not most, public schools – both district-operated and charters.

Review of Existing Information

Publicly accessible data from FLDOE as well as publications disseminated by national organizations such as the National Charter School Resource Center (NCSRC), National Council on Disability (NCD), National Center for Special Education in Charter Schools (NCSECS), NACSA, and the Center for American Progress (CAP) were reviewed as part of this needs assessment. While the majority of available material reflected nationwide data, some attention to individual states, including Florida, was embedded within the national material. Highlights from the material are provided in this section.

Enrollment of Students with Disabilities

The 2018 NCSECS report entitled Key Trends in Special Education in Charter Schools: A Secondary Analysis of the Civil Rights Data Collection,⁷ discusses special education in charter schools. It notes that the national average of enrollment of students who qualify for special education services under IDEA is higher in traditional public school than in charter schools. Figures 1 and 2 illustrate this trend for the five-year period between 2008-09 and 2013-14.⁸



⁶ <https://www.americanprogress.org/issues/education-k-12/reports/2017/01/31/297746/improving-outcomes-for-students-with-disabilities/>.

⁷ https://static1.squarespace.com/static/52feb326e4b069fc72abb0c8/t/5b399a04352f5378b7d09e07/1530501646250/281797_NCSECS_CRDC_13_14_Full+Report.pdf

⁸ No national enrollment data were published or analyzed for the 2010-11 school year.

Charter school enrollment data for students with disabilities in Florida were identified for the 2012-12, 2016-17, and 2018-19 school years and is provided in the following table.

Number and Percentage of Students with Disabilities in Florida Charter Schools

School Year	2012-13 ⁹	2016-17 ¹⁰	2018-19 ¹¹
Number of Students in Charter Schools	203,240	283,785 ¹²	295,743
Number of SWDs in Charter Schools	Unavailable	26,612	28,285
Percentage of SWDs in Charter Schools	8.79%	9.4%	9.6%
Percentage of SWDs in All Public Schools ¹³	13%	13%	14%

As can be seen, the state rate for students with disabilities rose slightly over the six-year period, as did the rate for students with disabilities in charter schools. During the 2018-19 school year, 14 percent of students enrolled in Florida public schools (including charters) were students with disabilities, while the rate in charter schools alone was 9.6 percent. This represents a difference or gap of approximately 4 percent, more than double that of the national data for the same period of time.

The 2018 NCD report entitled Charter Schools - Implications for Students with Disabilities¹⁴ provides an overview of the education of students with disabilities across the landscape of the nation’s charter schools. The report discusses research that has begun to examine factors underlying the enrollment gap. Specific factors identified include the following:

- Parents of students with disabilities are less likely to apply to charter schools. Among possible reasons is the fact that students with disabilities may already be connected to specialized programs within traditional public schools or that charter schools may be discouraging parents of students with disabilities from applying to the school.
- Charter schools are more likely than traditional public schools to dismiss students from special education programs and less likely to refer, evaluate, and find students eligible for special education services.
- There have been qualitative and/or anecdotal reports of charter schools engaging in the practice of “counseling out” students with disabilities who are enrolled in these schools, including for discipline or behavior-related issues.

The authors identified another enrollment-related issue authorizers often grapple with – respecting the autonomy a charter school is afforded, sponsors must consider the question of the extent to which they should – or have the authority to – mandate and monitor charter schools’ efforts to attract and retain students with disabilities through marketing and outreach.

In any discussion of students with disabilities in charter schools in Florida, it is important to note that the “face” of special education in the state has changed over last several years. Changes in state accountability systems and expectations for standards-based instruction have contributed to significant changes in the amount and type of differentiation and progress monitoring general

⁹ <http://www.fldoe.org/core/fileparse.php/5423/urlt/eseccsrr.pdf>

¹⁰ <http://www.fldoe.org/core/fileparse.php/7778/urlt/SAR1718.pdf>

¹¹ <http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2018.pdf>

¹² <https://www.redefinedonline.org/2018/05/floridas-charter-school-enrollment-jumps-to-nearly-296000/>

¹³ <http://www.fldoe.org/academics/exceptional-student-edu/data/>

¹⁴ https://ncd.gov/sites/default/files/NCD_Charter-Schools-Report_508.pdf

education teachers implement for all students in their classrooms. Concurrent with these changes, there has been an increased focus on ESE services and supports for students with disabilities being “pushed in” to the general education setting in lieu of the historical model of pulling students out to receive services in ESE classrooms. In support of this, Florida has made striking progress in its use of more inclusive environments. In 2007, 58 percent of students with disabilities spent 80 to 100 percent of the day in a regular classroom, referred to as “regular class placement.” Ten year later, in 2017, that rate had increased to 74 percent. The most recent data from 2019 reveals a continuing upward trend to 76 percent. Performance data for students with disabilities also demonstrated consistent improvement over this period.

In support of this shift in the expectation that more students with disabilities can be successful in general education classrooms when provided the appropriate supports, FLDOE revised the ESE component of the state’s charter school application template. For example, prior to being revised in 2016 Florida’s charter school application included the following prompt:

Please indicate the level of service that the school will provide to students with disabilities by selecting from the list below

- *The school will serve students with disabilities whose needs can be met in a regular classroom environment (at least 80% of instruction occurring in a class with non-disabled peers) with the provision of reasonable supplementary supports and services and/or modifications and accommodations.*
- *The school will serve students with disabilities whose needs can be met in a regular classroom and resource room combination (between 40%-80% of instruction occurring in a class with non-disabled peers) with the provision of reasonable supplementary supports and services and/or modifications and accommodations.*
- *The school will serve students with disabilities whose needs can be met in a separate classroom (less than 40% of instruction occurring in a class with non-disabled peers).*

Using that format, many charter schools have language in their charters supporting the idea that they can limit enrollment based on the amount of pullout services a student’s IEP requires. As a result, there may be an expectation in some schools that they do not have to serve students who may require more “ESE time.”

In contrast, the current application and informal guidance provided by FLDOE supports the expectation that, in general, charter schools are expected to enroll and support students with disabilities who require the type and intensity of services that are commonly available in traditional public schools (i.e., expected of all traditional public schools that do not include highly specialized or intensive services such as those made available in “cluster site” programs). The open-ended prompts in the revised application reflect the expectation that the charter school will strive to make available a much broader range of services and supports:

Describe how the school will work with the sponsor and through the Individual Education Plan (IEP) process when necessary to ensure students with disabilities receive a free appropriate education (FAPE) in the least restrictive environment (LRE).

Describe the programs, strategies, and supports the school will provide, including supplemental supports and services and modifications and accommodations to ensure the academic success of students with disabilities whose education needs can be met in a regular classroom environment with at least 80% of instruction occurring in a class with non-disabled peers.

Describe how the school will work with the sponsor and through the IEP process to determine whether a student with a disability whose education needs require a regular classroom and resource room combination (between 40-80% of instruction occurring with non-disabled peers) can be provided FAPE by the school.

Describe how the school will work with the sponsor and through the IEP process to determine whether a student with a disability whose education needs require a separate classroom (less than 40% of instruction occurring with non-disabled peers) can be provided FAPE by the school.

While state and district expectations have evolved, a shift in mindset may not have followed in many charter schools.

Role of the Authorizer

Nationally, there are multiple approaches to charter authorizing, with local school district authorizing by far the most common.¹⁵ This is the model applied in Florida.

The National Center for Special Education in Charter Schools asserts the type of authorizing entity has a significant impact on the scope of the charter school's obligation to fulfill the responsibilities for students with disabilities outlined in the IDEA.¹⁶ In a charter school that is its own LEA, the charter school assumes full responsibility for providing FAPE to all enrolled students. In contrast, when a charter school is just one of the many schools that make up the school district, the responsibility for educating students with disabilities is shared between the district and the charter school. IDEA does not require each school in a district to have available every possible ESE service; instead, the district as a whole must ensure FAPE is available for all students.

Given that this needs assessment aims to determine if barriers exist that prevent district authorizers from ensuring that their charter schools adequately serve students with disabilities, it is important to consider the implications of the district as authorizer model. In its issue brief entitled The Impact of LEA Status on Special Education in Charter Schools, NCSECS identified the following pros and cons to the school district authorizer model.

Pros identified from a variety of sources nationally include:

- Potential access to the district's full range of services and expertise (e.g., HR; transportation; legal counsel)
- Larger economies of scale when the charter is able to "piggy back" on the district's vendor contracts
- Shared responsibility for special education

¹⁵ <https://www.qualitycharters.org/policy-research/authorizing-by-the-numbers/authorizer-demographics/>

¹⁶ A Secondary Analysis of the Civil Rights Data Collection 2011–2012 - ncsecs.org

Cons identified for the district authorizer model include:

- Lack of programmatic and financial freedoms (e.g., staffing and service provision)
- Shared responsibility means they may have to adopt the district’s special education policies
- Dis-incentivizes schools from accepting responsibility for special education – it can be easier to just say the district handles special education ¹⁷

It is interesting to note that, while the examples cited above may be the norm nationally, this is not necessarily the case in Florida. For example, Florida utilizes the Florida Standard Charter Contract required by statute and adopted in Rule 6A-6.0786, F.A.C. Terms of the contract can be modified, but in accordance with s. 1002.33(7), F.S., “Any term or condition of a proposed charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility.”

Regarding human resources, charter school staff are employees of the school and all hiring and human resources (HR) activities are conducted by the school. Similarly, regarding transportation the standard contract states “The parties may agree for the district to provide transportation to and from the School. If such agreement is reached it shall be the subject of a separate contract.” In terms of legal counsel, the only time school-related issues are covered by the district’s legal counsel is when a due process hearing is requested or a state complaint is filed to resolve an allegation of an IDEA violation for a student with a disability. In those cases, the standard contract states “The Sponsor will select and assign an attorney in consultation with the School. The School may also hire an attorney at its cost to consult and cooperate with the Sponsor. Final decisions on legal strategies shall be made by the Sponsor’s attorney in consultation with the School.”

The NCSECS issue brief includes the following possible solutions or strategies: ¹⁸

- It is important to clearly define roles and responsibilities in the charter contract.
- Responsibility and accountability must be carefully thought through and proper incentives/consequences put in place.
- Building relationships between the charter school and the district school board and special education office is critical.

The LEA is ultimately responsible for ensuring the provision of FAPE, including for students who attend charter schools authorized by the district. Therefore, for the purposes of this needs assessment, the “child find” requirement under IDEA is the most significant area in which there is evidence of collaboration, both nationally and in Florida, between the district as sponsor and the charter school. Child find activities include the processes and procedures related to: implementing and documenting interventions for struggling students; within the timelines required, referring students who may have disabilities for an ESE evaluation; conducting a comprehensive ESE evaluation; and determining if the student meets eligibility criteria IDEA as

¹⁷<https://static1.squarespace.com/static/52feb326e4b069fc72abb0c8/t/5995d7c3f9a61e3f47b89efa/1502992328791/EC+LEA+Status+Issue+Brief.pdf>

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<https://static1.squarespace.com/static/52feb326e4b069fc72abb0c8/t/5995d7c3f9a61e3f47b89efa/1502992328791/EC+LEA+Status+Issue+Brief.pdf>

a student with a disability in need of an individual educational plan (IEP). Involvement by both district staff and the school, most importantly the student's general education teachers, is necessary for these activities to be completed with fidelity and accuracy.

Aspects of these activities are embedded in the administrative services that all districts must provide to its charter schools (see Funding section below), and are addressed in the standard contract as follows: "ESE administrative services covered by the administrative fee, pursuant to section 1002.33(20), Florida Statutes, includes professional development related to IEP development; access to any electronic IEP system or forms; initial evaluation for ESE placement; and other supports and services as agreed to by the School and the District."

In its 2007 issue brief entitled Navigating Special Education in Charter Schools Part I: Understanding Legal Roles and Responsibilities,¹⁹ NACSA references its Project Intersect Survey of Charter School Authorizers and describes ambiguity about roles and responsibilities. It recommends that authorizers clearly define their role as well as the charter school's role in the implementation of special education in charter schools. In contemplating their role related to technical assistance, they suggest that authorizers should consider the resources required to provide technical assistance as well as the challenges associated with both providing technical assistance and then acting as the school's evaluator.

Finally, in a discussion of Florida's charter authorizing policies, NACSA noted that Florida is one of only six states (out of 44 states with charter laws and Washington, D.C.) that permit only local school districts to authorize charter schools.²⁰ The authors recognized that school districts can be good authorizers and simultaneously run their traditional schools. However, they state that quality authorizing demands purposeful decision-making, strong leadership, dedicated staffing and expertise; and, some districts may view authorizing as a burden or as competition for funds and students.

It is important to remember that one stated purpose for the establishment of charter schools in Florida is to "provide rigorous competition within the public school district to stimulate continual improvement in all public schools."²¹ When a district focuses on the possible negative financial impact of such competition on its traditional schools rather than on the potential to stimulate innovation and improvement across all of its schools, a barrier to creating better educational outcomes for all students may be established.

Funding

To perform essential authorizing functions, authorizers require adequate resources to hire competent staff and/or attain services to fulfill their responsibilities professionally. Many states, including Florida, fund charter authorizing through authorizing fees, typically calculated as a percentage of per-pupil funding for each charter school an authorizer oversees. Of the 14 states that implement this model, fees range from 0.5 percent to 5 percent, with an average of 3 percent.²² In Florida, s.1002.33(20)(a)2., F.S., authorizes school districts to withhold up to a 5-percent administrative fee for enrollment up to and including 250 students enrolled in a charter

¹⁹ NACSA. <https://files.eric.ed.gov/fulltext/ED539289.pdf>

²⁰ http://www.qualitycharters.org/wp-content/uploads/2018/07/FL-Multiple-Authorizers_FINAL_July_2018.pdf

²¹ Section 1002.33(2)(c)2., F.S.

²² https://www.qualitycharters.org/wp-content/uploads/2015/11/PolicyGuide_CharterSchoolAuthorizerFunding_2009.07.pdf

school. The five percent can also be withheld for enrollment up to and including 500 students within a system of charter schools that meets all of the following criteria:

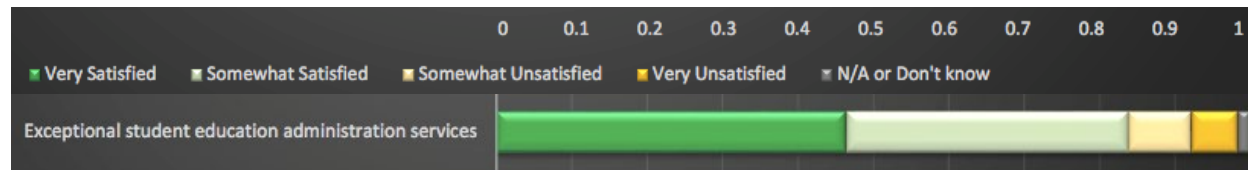
- Includes both conversion charter schools and non-conversion charter schools.
- Has all schools located in the same county.
- Has a total enrollment exceeding the enrollment of at least one school district in the state.
- Has the same governing board.
- Does not contract with a for-profit service provider for management of school operations.

Lastly, the sponsor may withhold a 2-percent administrative fee recent for enrollment up to and including 250 students for high-performing charter schools.

In addition to the ESE administrative supports provided under s. 1002.33(20), F.S., described above in the Role of the Authorizer section of this report, other required administrative services cited in the statute include: “contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required... under the National School Lunch Program...; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to student information systems that are used by public schools in the district in which the charter school is located.”

In its 2018 Authorizer Report,²³ FLDOE solicited charter schools’ satisfaction with the timeliness and quality of their districts’ ESE administrative services. As indicated in the following table the great majority of schools were satisfied with the district’s administrative services, with almost half indicating they were very satisfied.

School Satisfaction with District Administrative Services



With regard to the treatment of charter schools and their students, IDEA states that districts must:

Serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such services on the site to its other public schools; and (ii) Provide funds under Part B of the Act to those charter schools— (A) On the same basis as the LEA provides funds to the LEA’s other public schools, including proportional distribution based on relative enrollment of children with disabilities; and (B) At the same time as the LEA distributes other Federal funds to the LEA’s other public schools, consistent with the State’s charter school law.²⁴

In Florida it is not common practice for districts to distribute IDEA directly to schools on a proportional basis. Because Florida’s school districts make their own decisions annually about

²³ <http://www.fldoe.org/core/fileparse.php/9905/urlt/17-AuthorizerReport.pdf>

²⁴ 34 CFR §300.209

how their IDEA funds will be used, historically there has not been a simple way for individual charter schools to know what to expect or ask for from the district, as they are unaware of how the funds are used to the benefit of the districts other schools. Although FLDOE reviews and approves each LEA's IDEA application, there is no easily accessible and interpretable report describing how the funds are used.

Adding to the complexity of IDEA funding and budgeting at the district and school levels, s. 1002.33(17)(c), F.S., includes the following regarding any federal funds the school and its students are eligible for:

Unless otherwise mutually agreed to by the charter school and its sponsor, and consistent with state and federal rules and regulations governing the use and disbursement of federal funds, the sponsor shall reimburse the charter school on a monthly basis for all invoices submitted by the charter school for federal funds available to the sponsor for the benefit of the charter school, the charter school's students, and the charter school's students as public school students in the school district... Such funds may not be made available to the charter school until a plan is submitted to the sponsor for approval of the use of the funds in accordance with applicable federal requirements. The sponsor has 30 days to review and approve any plan submitted pursuant to this paragraph.

There is no publicly available information regarding the implementation of this process (e.g., the format or content of the plans; how many schools or districts have plans in place). However, based on these evaluators' anecdotal evidence from work with charter schools and district staff across the state, there is confusion about this process, including how the two laws intersect to:

- Serve students with disabilities attending charter schools in the same manner as students in the districts other schools are served, and
- Reimburse the charter school for services provided based on a plan developed by the school for use of funds in accordance with applicable federal requirements and submitted to the sponsor for approval.

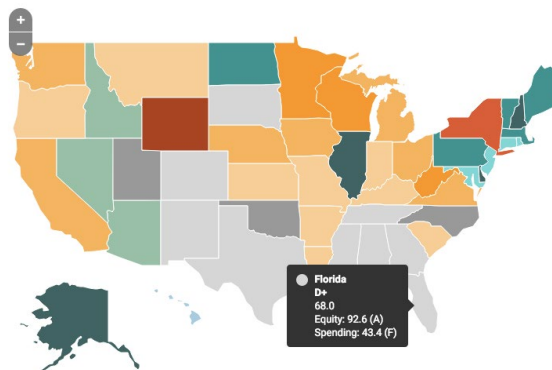
As described in the Background section of this report, while Florida is a “district authorizer” state, there is a statutory allowance for a charter school system to be designated as an LEA for the purpose of receiving federal funds. Just a few charter schools claim this allowance, including Lake Wales in Polk County; South Tech in Palm Beach County; and UCP of Central Florida, operating in Orange, Seminole, and Osceola counties. For those charter systems, the IDEA funds go directly to the charter school. For example, an August 2018 article in [redefinED](#) discussed the UCP charter school system. The UCP Chief Executive Officer explained the benefits of having the school's federal funds, especially the IDEA funds, flow directly to the school rather than through the district school board. She stated that this has allowed the school to receive more funding overall. The change in funding stream, the school states, provides them more flexibility. For example, the reported they can use the money to pay for aides in inclusive classrooms, where a sthe school board preferred a model that gave students with profound special needs one-on-one assistants.²⁵ While choosing to pursue LEA status may allow more flexibility for the charter school, it also conveys significant additional obligations. The charter school system must accept

²⁵ <https://www.redefinedonline.org/2018/08/these-central-florida-charter-schools-strive-to-include-everyone/>

full responsibility for all local education agency requirements related to the provision of FAPE to all students, including those who require the most intensive, specialized services and placements.

In addition to the challenge(s) driven by the indirect funding stream, the stream itself can be challenging. The most recent analysis from the Education Week Research Center, *Quality Counts 2109: School Finance* demonstrates that school finance is an uneasy balance between how much policymakers and taxpayers are willing or able to spend—and equity, or how fairly that money gets allocated to schools and districts. They find no direct correlation between states that score highly on equity; instead, those that may spent highly may rank low on equity.

Florida illustrates this divide, ranking first for equity (receiving the lone A for the indicator nationwide), but an F for spending (ranking 45th),²⁶ showing that although the state distributes funding in an equitable manner, per pupil spending falls far below the national average. In fact, per-pupil spending, as adjusted for regional cost differences, shows Florida spends \$9,764 per pupil, significantly below the national average of \$12,756. This poses a challenge for all public schools, traditional and charter alike.



SOURCE: Education Week Research Center, 2019

Discipline of Students with Disabilities

There is a significant body of literature focused on disproportionate use of disciplinary suspensions for students of color and students with disabilities. Some studies indicate the issue may be even more pronounced in charter schools. In its 2016 report entitled *Charter Schools, Civil Rights and School Discipline: A Comprehensive Review*,²⁷ the Center for Civil Rights Remedies presented data demonstrating inequities in discipline of students with disabilities in charter schools compared to students in traditional public schools, and discussed possible contributory factors. The authors state, “Although beyond the scope of this report, the possibility certainly exists that some charter schools are artificially boosting their test scores or graduation rates by using harsh discipline to discourage lower-achieving youth from continuing to attend.”

Oversight and Monitoring

In its 2018 report on charter schools and the implications for students with disabilities on a national level, the National Council on Disabilities²⁸ states that charter school authorizers are in a unique position to help charter school personnel improve their capacity. Their researchers found, however, that there is a great deal of variation in authorizers’ desire or ability to assist the charter schools. While not specific to Florida – and understanding that statutory authority granted to authorizers differs significantly from state to state – some of the concerns noted in the report

²⁶ <https://www.edweek.org/ew/articles/2019/06/05/big-disconnect-between-how-much-money-k-12.html?intc=eml-contshr-shr-desk>

²⁷ http://www.schooldisciplinedata.org/ccrr/docs/Charter_School_Report_2016.pdf

²⁸ NCD https://ncd.gov/sites/default/files/NCD_Charter-Schools-Report_508.pdf

suggest areas for further investigation to determine whether or how they may apply in Florida. Concerns included:

- Some staff tasked with oversight of the authorizing process may not possess enough knowledge of special education or view special education as part of their responsibility and, as a result, not provide a great deal of direction and guidance.
- There is little evidence that charter authorizers nationwide are fulfilling their oversight responsibilities (i.e., holding charter schools accountable for ensuring open and fair enrollment of students with disabilities, providing specialized instruction and related services through a continuum of alternate placements, or helping to ensure improved academic performance outcomes of students with disabilities) through direct intervention, renewal requirements, or even revocation of the charter.

Potential reasons for lack of knowledgeable staff or limited oversight and monitoring activities may be found in self-reported responses to a 2018 survey of authorizers about their perceived roles and responsibilities for overseeing charter schools in their delivery of special education, as well as what the authorizer is willing to do in response to persistent failure. Specifically, with regard to the availability of staff, NACSA found that many districts have not developed the capacity to effectively oversee charter schools in addition to their other duties. They also found reason for hope, however, stating that “On the positive side of the ledger, there can be great outcomes when district officials work together to manage a portfolio of both quality traditional schools and quality charter schools to meet community needs.”²⁹

Attention has been focused on providing authorizers with guidance and resources to assist them in their work. For example, in 2012, the National Charter School Resource Center at American Institutes for Research, published Charter School Authorizer Rubrics for Assessing Special Education Capacity.³⁰ Authors Rhim and O’Neill developed these rubrics specifically for schools operating within an authorizing LEAs, using technical assistance documents produced by the National Association of State Directors of Special Education (NASDSE) and research conducted by the authors under the auspices of Project SEARCH, Project SPEDTACS, Project Intersect, and TA Customizer Project funded by the U.S. Department of Education and recent work commissioned by the Center on Reinventing Public Education (CRPE). The document states that the rubrics were developed for authorizers to not only to build their capacity to support development and maintenance of high-quality special education programs but to also accelerate authorizers’ ability to engage in a robust discussion about special education.

The rubrics identify three critical phases: application review; operations and oversight; and, the renewal phase. These are the same phases that numerous reports as well as the Florida Principles & Standards for Quality Charter School Authorizing³¹ recognize as practices that provide the means to foster excellent schools. Each phase outlines core elements, key considerations and best practices. Through review of the rubrics, one can identify common factors that, unless well addressed, may present barriers that prevent authorizers from ensuring that their charter school portfolio adequately serves students with disabilities, such as: a charter application review process that lacks focus on the applicant group’s capacity and plans to educate students with

²⁹ ibid

³⁰https://static1.squarespace.com/static/52feb326e4b069fc72abb0c8/t/5399bec8e4b0e8d941c9f425/1402584776542/NCSECS_WEBSITE_Resources_nonLEARubric.pdf

³¹ <http://www.fldoe.org/core/fileparse.php/9905/urlt/PrinciplesStandards.pdf>

disabilities; failure of an authorizer to regularly and purposefully monitor the school’s provision of special education services; and, renewal processes that devalue specific attention to the performance of students with disabilities.

Another resource related to monitoring and oversight of ESE programs in charter schools is the 2017 Special Education Toolkit: Guidance for Charter School Authorizers.³² The toolkit was developed for NACSA by the National Center for Special Education in Charter Schools. Finding that many authorizers do not articulate the details of their special education standards and practices in a way that alerts schools to what is expected of them, the toolkit was designed to provide a framework for authorizers at each stage of the charter lifecycle, and the tools to do this work.

Methodology

As part of this needs assessment, existing studies and reports were reviewed. As noted, the number of state-specific sources available was limited. To solicit more in-depth information from Florida’s charter school authorizers, both quantitative (survey) and qualitative research methods (interview) were conducted, providing these evaluators with the opportunity to better understand barriers preventing districts from ensuring that their charter school portfolio adequately serves students with disabilities.

Surveys

In May 2019, survey invitations were emailed to 106 charter contacts or designees in the 48 Florida districts that serve charter schools. Responses were submitted by 35 individuals representing 19 districts across the state, with some school districts being represented by more than one staff member. No district had greater than 4 respondents. The survey was designed to collect data from authorizers statewide related to charter authorizing practices within their own districts as well as the across the state as a whole. While the survey was sent to designated charter school contacts in each district, it is important to note that charter schools are located in only 48 of Florida’s 67 county-based school districts (72 percent of districts), and, with the unique exception of Jefferson County, none of the districts considered “small” currently include a charter school. It is likely that potential respondents from districts that have no operating charters might be hesitant to respond, having limited experience in the area.

The smallest district to respond was Martin County, which is considered a “small/medium” district. Four respondents represented “medium” school districts – Clay, Escambia, Hernando, and Santa Rosa counties. The greatest number of respondents (eight) represented the “large” school districts – Brevard, Lake, Manatee, Marion, Osceola, Pasco, Sarasota, and Volusia counties. Five of the “very large” districts were represented – Broward, Dade, Hillsborough, Pinellas, Polk, and Orange counties. Geographically, each of the seven geographic areas illustrated on page 3 were represented, with at least one respondent from each area.

Respondents were first asked to provide general identification type information, such as whether they were the primary contact for charter issues in their district; how long they had been in the role; percent of professional time spent on charter related issues; and how many staff members the district assigns to charter school authorizing responsibilities. From these responses, it was determined that the majority were the primary contact for charter schools in their district and had

³² https://www.qualitycharters.org/wp-content/uploads/2017/10/Special-Ed-Toolkit_5.22.17.pdf

been for an average of just under five years. The range in tenure was wide; two respondents reported holding the role for the past fifteen years and one had been in the role for the past two months. Respondent titles include but are not limited to the following: coordinator; assistant director, innovative programs design/support; deputy superintendent; educational enhancement specialist; director, charter schools and home education; district resource teacher; executive director of learning; and executive director of charter and educational choices.

Seven respondents indicated that 100 percent of their time is dedicated to charter-related activity; other reported 95 percent, 50 percent, 30 percent, and 5-10 percent. The average percent of time dedicated to charter schools was 63 percent. Corresponding comments further demonstrated the difference in workload. For example, some reported holding responsibility in other areas as varied as the teenage parent program, juvenile justice program, opportunity scholarships, district wide open enrollment, records, and home education.

Finally, in regard to the number of full time equivalent (FTE) staff assigned to charter school authorizing in their district, the largest team had 13 staff members (28 if itinerant school staff were included). The second largest team had 12 FTE staff while others reported having no FTE staff assigned to charter schools. Some of the latter noted that it was too difficult to ascertain given numerous personnel in various divisions across the district who are available to support the charter schools.

The survey then asked respondents to respond to eighteen prompts related to authorizing and charter school services to students with disabilities. Some items provided extra space for comments to be made. The topics aligned with those identified in the Florida Principles & Standards for Quality Charter School Authorizing document developed by NACSA at the request of the FLDOE Office of Independent Education and Parental Choice.³³

The survey was designed to understand actions and perceptions of charter authorizers regarding steps related to students with disabilities throughout the life cycle of charter schools, including during the application review; regular oversight and monitoring; and during the renewal, expansion and revocation processes. Some items asked the respondent to prioritize by ranking. For example, respondents were given 13 topics and asked to rank the top five that were in most urgent need of assistance. Selections included but were not limited to year zero activities, admissions, applications, contracting, oversight, renewal, evaluation, opportunity to collaborate and share best practices with colleagues, advocacy and policy, district-charter relations, ESE, English Language Learners (ELL), and understanding legislation.

Other items asked the respondent to use a scale to note the degree to which they agreed or disagreed with a statement. For example, using a scale from 1 to 5, respondents were asked to indicate how much they agreed or disagreed with the statement, "Charter schools in our district deliver appropriate programs for students with mild/moderate or severe needs." Some additional questions requested a yes, no or I don't know response, such as, "Does your authorizing office have established documented criteria for evaluating charter schools for renewal?" Several questions requested a narrative response, such as, "What challenges have you experienced related to serving students with exceptional needs when your district supports both traditional public school and charter schools?" and, "What programs/funding models do you use to support special education?"

³³ <https://www.qualitycharters.org/for-authorizers/12-essential-practices/>

Once the survey responses were submitted, raw survey data and a draft analysis and prioritization of authorizer needs was compiled in a spreadsheet. Reviewers sought trends that aligned with both the national literature mentioned above and well as trends that were unique to Florida.

Interviews

To expand upon information gleaned through the survey, a set of questions was designed to collect additional detail from authorizing staff members regarding their personal experiences and opinions. Members of the FACSA governing board and the consultants from FLSpEC collaborated in developing a list of potential interviewees. Effort was made to select a representative sample by district size and geographic location. The timing of the project constrained availability of district staff in that they were either very busy handling end of year activities or had limited availability due to summer work hours. Multiple efforts were made to solicit participation. Charter school contacts from the identified districts were invited to participate in the interview; when applicable, a staff member knowledgeable about ESE and charter schools was asked to join the telephone conversation. A total of six districts participated in one-hour interviews with representatives from Brevard, Hillsborough, Martin, Palm Beach, Pinellas, and Volusia counties. Roles held by respondents include senior coordinator of charter school and home education, ESE compliance supervisor, compliance diagnostic technician, director of ESE, and general director of charter schools.

After asking respondents to describe their role and to tell us about charter schools in their district, interview questions included the following:

- Can you describe the division of labor and roles and responsibilities for special education in charters in your district?
- How do you structure the financial and service relationship for special education in charter schools?
- Understanding that Florida uses a standard application and evaluation template, how does your application process, including interviews and reviews, accommodate questions about serving students with disabilities?
- Can you describe your special education monitoring policies or procedures? What is strong and what is weak about them?
- When schools are evaluated for renewal, what role does their special education record play?
- Tell us a little about the process and timeline for students with disabilities in your district. For example, when do charter schools learn about a student's IEP status? When is an IEP meeting convened? Does this vary by charter school?
 - Who participates in the meetings?
 - What is the role of the charter staff?
 - What is the role of district staff?
- How well do you think charter schools in your district are providing a continuum of services for students with disabilities? What about statewide?

- How well are charter schools in your district serving students the varying kinds or degrees of need? What about statewide? What about students with:
 - Mild to moderate academic needs
 - Mild to moderate behavioral needs
 - More severe or significant needs – academic or behavioral
- Has the Florida Department of Education played a role in special education in charter schools in your district?
 - If yes, what did they do? Was it helpful, why or why not?
- What more would you like the state to do?
- What barriers to access, appropriate services, and improved performance do students with disabilities encounter in charter schools in your district?
- What could FACSA do to help support your work? What could your district or other stakeholders do to support your work?

All participants were informed that the information they provided would not be attributed in the report to a given individual or school district. Notes transcribed during the interviews and comments submitted through the surveys were analyzed to identify trends as well as outliers in practices and viewpoints.

Analysis of Survey and Interview Results: Barriers and Recommendations

As stated above in the methodology section, authorizers were surveyed and interviewed to determine if barriers exist that prevent district authorizers, including those from small or rural districts, from ensuring that their charter school portfolio adequately serves students with disabilities. Major topics or conceptual areas identified through the evaluation process included:

1. Application review and approval
2. Recruitment, enrollment, and the provision of services
3. District services and supports
4. Technical assistance and professional development
5. Oversight and monitoring
6. Funding of ESE services
7. State resources and support

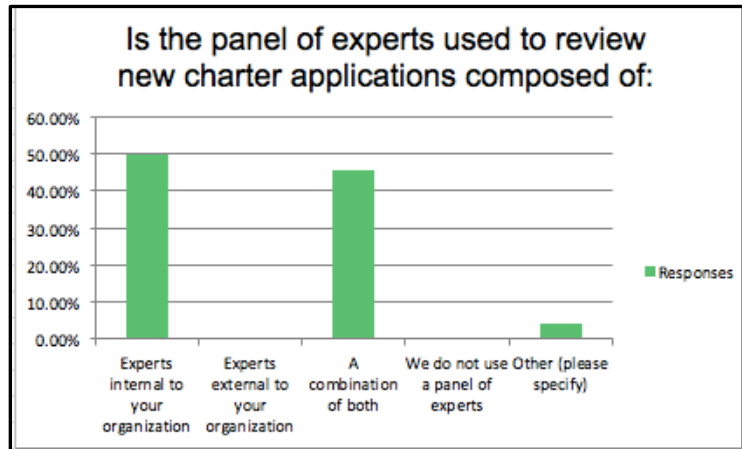
This section presents findings by topic, highlights identified barriers, and provides recommendations for stakeholder actions with the potential to improve outcomes and support equitable participation in school choice options by students with disabilities.

1. Application Review and Approval

When asked to explain how the application process works to determine if an applicant has the capacity and high quality plans to implement a strong ESE program, the majority of respondents indicated that a diverse panel of reviewers, always including an ESE expert and possibly external reviewers, share the task. Some commented that the process was “pretty scripted” based on the state’s application evaluation rubric.

One district reported employing up to 40 staff members on the review team to ensure a thorough review of each area by experts in that area.

Representatives from each area are then tasked with asking clarifying questions during the capacity interview to determine the applicants' understanding of the information they provided in the written application itself. The response overall mirrored the results of the survey, indicating that almost all districts rely on a panel of reviewers.



Beginning with charter applications submitted in 2016, FLDOE established a 110-page limit on the narrative component of the application, indicating that this limitation was intended to reduce redundancy and encourage reviewers to read the entire application looking for cohesiveness and supporting evidence throughout all sections.

Some respondents indicated that, to limit strain on available resources, they divide the application into its component parts and designate specific staff members to review those sections in their area of expertise. In contrast, others reported that they require or encourage all reviewers, whatever their area of expertise, to read the entire application to be sure all pieces connect. For example, they compare and analyze the staffing plan, education program, ESE and ELL services, and other sections to evaluate the extent to which they are aligned and appear reasonably calculated to support each other.

Respondents also noted that they engage in purposeful conversation with applicants during capacity interviews to ascertain whether they are fully aware of the charter school's responsibility to provide all services that a traditional public school would. For applicants that are approved, survey and interview respondents reported that initial contracts are for a 5-year term, excluding the planning year or unless otherwise allowed by law.

One respondent noted a weakness in the evaluation tool, indicating it allows too much "wiggle room" for an applicant to use repetitive key phrases pulled from law or curriculum and this practice does not exactly support the ability to determine whether an applicant will truly serve all students. In an effort to overcome this issue, several respondents described the practice of using the capacity interview to ask more probing or clarifying questions that require the applicant to give explicit examples or descriptions of what the school proposes to do. Even if this level of detail is not required, the respondent stated that this exercise itself may give the applicants pause – They may be more likely to understand "what they don't know" and be prepared to ask for information or assistance to ensure that they are, indeed, doing all they can to serve students with disabilities.

Barrier

The primary ESE related barriers within the charter application review and approval process are that applicant groups do not always have a realistic understanding of what implementation of a robust and effective special education program entails and that it is difficult to ascertain from a

written proposal whether an applicant truly understands what will be expected regarding the type and intensity of supports they may be required to provide to their students with disabilities.

Recommendation 1.1 – FACSA

Establish a workgroup comprising district charter staff, district ESE staff, representatives from CMOs/EMOs, and representatives from independent charter schools to brainstorm and problem solve around common areas of concern, including ways the charter application process can more effectively ensure applicant groups can clearly articulate a realistic understanding of their obligations related to ESE staffing, services, and other resources.

The establishment of this committee or workgroup (or multiple committees or workgroups) can be the tool for improving communication among all stakeholders and fostering a strong support network. Soliciting input from existing charter schools about what they “should” have known or understood might prove valuable. At least initially, FACSA may want to consider providing a facilitator to help establish a way of work for the group(s) as well as to build consistency throughout the state.

Recommendation 1.2 – District Authorizers

Authorizers are encouraged to utilize the capacity interview process to probe the applicants’ true understanding of the charter school’s ESE obligation, which could include posing hypothetical examples of real-world situations charter schools experience.

Recommendation 1.3 – Charter School Applicants/Founders

demonstrate understanding of state requirements related to ESE and the ESE landscape of the district and geographical area of their proposed school as evidenced by detailed descriptions and analysis of current district data and recruitment and enrollment plans that are equitable and realistic.

Recommendation 1.4 – FLDOE Office of Independent Education and Parental Choice

Develop a required applicant training module that will educate potential applicants of their roles and responsibilities as a charter school operator, with examples and case studies that present the staffing, resource, and financial commitments that may arise.

Recommendation 1.5 – FLDOE Office of Independent Education and Parental Choice

Modify the model application to include a “spreadsheet” that applicants would complete to demonstrate their understanding of the ESE landscape for the district and geographical area for their proposed school. Applicants would use this information to set enrollment targets and describe steps that will be taken to recruit and retain comparable population.

2. Recruitment, Enrollment, and the Provision of Services

While the percent of students with disabilities served in charter schools continues to inch up, interviewees stated that schools and districts are struggling to bring charter schools’ enrollment of students with disabilities up to a rate that is more comparable to that in the district’s traditional public schools. In alignment with national trends, data provided by Florida Department of Education reveals that, of the 295,723 students enrolled in Florida charter schools, 28,285, or 9.6 percent, are students with disabilities eligible for ESE services. In comparison, the statewide rate

for students with disabilities is 14 percent. Respondents confirmed that while they have noted a slight upward trend in the number of students with disabilities served in charter schools within their districts, they continue to serve a lower percentage than do their traditional public schools.

This pattern was reported across districts, regardless of whether the district has a relatively high or low rate of ESE identification in comparison with the statewide average. In fact, all but one district reported that their charter schools serve a significantly lower percentages of students with disabilities than do traditional public schools in the district. While some discrepancy is to be expected as the state rate includes prekindergarten children with disabilities and students with very intensive needs beyond the scope expected of a charter school, there is still a gap with regard to students who need a moderate level of support.

When asked their opinions about potential causes for the enrollment discrepancy between students with disabilities and nondisabled students, respondents offered the following as possible explanations:

- Parents are satisfied with existing traditional public school programs for students with disabilities because their children are successful and the schools have strong reputations; as a result, the families aren't looking to change programs.
- Charter schools are often smaller than traditional public schools, and the impact of small size on the schools' funding stream is relatively greater in small schools compared to larger ones. As a result, small charter schools may feel financially constrained and unable to provide resources needed to serve a wider range of student needs. This anxiety prevents them from more actively marketing to students with disabilities and to situations in which the charter school "counsels out" a student with a disability prior to or at the time of enrollment. Similarly, counseling out on the basis of the cost of ESE services may when a student in a charter school is evaluated and found eligible for and IEP and the school encourages the family to return to a district school where the student can receive more services.
- A different type of funding concern was expressed by a respondent from a district that flows IDEA funds directly through to its charter schools. They stated that some of the schools want to spend those funds on things than providing necessary ESE services.
- Another type of circumstance in which "counseling out" of particular students occurs, including students with disabilities, is after holiday breaks and shortly before the state assessment window in the spring. Interviewees noted a pattern of higher transfer rates from charter schools to traditional public schools during these times, suggesting the charter schools have encouraged students to leave in order to avoid lower test scores.
- Charter schools generally believe they have the authority to determine which services they will and will not provide, even before any students have enrolled, and do not understand that their obligation is to find ways to serve the students they actually do receive. An example was given of a school stating it would not take a student who required a one-on-one paraprofessional without considering the reasons that support was needed. They did not understand that no traditional public school would already have a one-on-one aide in place either; any school would have to reach beyond its existing resources to provide this service.

- Charter schools may engage in recruitment/retention efforts that indirectly discourage students with disabilities from applying. For example, some charters promote their school’s specialized programming (e.g., an accelerated program; an advanced curriculum) in a way that implies it would not be appropriate for students with special needs. This leads to the general public opinion that if the students don’t “fit” or struggle to keep up, they must withdraw from the charter school. Similarly, charter schools’ high expectations may prohibit parents from feeling welcome to apply.
- Charter schools often limit services and supports to a predefined list, and don’t commit to finding creative or alternative solutions to serve students with disabilities. One respondent shared an example of a charter school that had served a student with significant learning problems for several years. When the student reached grade 10, the IEP team determined that instruction in the Access Points was appropriate. The school required the study of Latin in high school, and there are no Access Points for Latin. Rather than find a solution that would retain the student through graduation, the school recommended that the child move to another setting.
- Stringent disciplinary systems and excessive suspensions seem to trigger students’ movement from a charter to a traditional district school. For example, one authorizer reported dismay to find a charter school recording up to 65 out-of-school suspensions within a single year.
- Charter schools rarely provide transportation services. Although some charter schools facilitate carpooling or other options for families, lack of transportation services eliminates many families, including students with disabilities. More than one respondent stated that parents in their district know (or believe) that charter schools do not offer transportation, and this immediately limits enrollment. One respondent mentioned that many parents are aware that carpooling is often the only option available; if this is not feasible they will not pursue enrollment.
- Some interviewees identified the existence of school choice itself, including charter schools, as being inadvertently exclusionary, stating that charter school parents are typically those that are more engaged in their child’s education and are therefore more likely to seek alternative options. This is supported by a recent report entitled Fulfilling School Choice by Building More Support for Families by the Center for Reinventing Public Education that suggests families may need to be supported in navigating school choice and with tracking down information about special education programming. They posit that families that work with a parent advocate are more likely to complete enrollment the application process.³⁴

As described above in the Review of Existing Information section, the prompts in the Model Charter Application related to how a charter school will serve its students with disabilities were recently revised. This change was mentioned by several respondents. While some stated the new prompts hold applicant groups and charter schools to a higher standard than previously (i.e., they require schools to consider how they will serve students with more significant needs), others reported that the change has not had the desired effect. Some respondents discussed these changes in reference to the charter renewal process, indicating that some “resistors” (e.g., charter

³⁴ https://www.crpe.org/sites/default/files/crpe-fulfilling-promise-school-choice_0.pdf

schools that offer a limited array of services and placements) assert the language in their original application continues to apply with regard to the type and level of services they are obligated to provide. Comments made by various district staff implied that authorizers are not always sure how far they can go during the renewal process in requiring schools to expand their ESE services or placements.

Some of the respondents reported that their district charter coordinators have committed to increasing equity and have begun to take action on a school-by-school basis to overcome some of the barriers listed above (e.g., requiring a corrective action plan mandating a school increase the continuum of services and placements available at the school; requiring a school to increase its marketing efforts to target students with disabilities, with a goal of reaching the district or state rate of ESE enrollment). However, they also reported that the lack of “teeth” or real actionable authority they have as authorizers makes enforcement a challenge.

When asked about the management of charter schools in their districts, several respondents indicated that approximately half of their schools were independent charters (i.e., no management company) and half were managed by a charter management organization (CMO) or educational management organization (EMOs).

With regard to their charter schools’ responsiveness when student-specific ESE issues or concerns arise, all respondents reported that they generally have no significant problems and have not experienced excessive resistance from any of their schools when the district proposes specific actions to current problems. That said, they all indicated that resolution is usually quicker or easier to accomplish with the independent schools when compared to the management companies. One respondent explained that in the independent schools, district staff are communicating directly with the principal and the focus is on the individual student in question. In contrast, communication about these kinds of issues in the managed schools is generally with the EMO/CMO itself. This adds another layer to the process, formalizing communication and perhaps focusing on statutes or contracts rather than identifying solutions.

Several respondents expressed that large management organizations do not consider serving students with disabilities and expanding or strengthening their schools’ ESE program as a priority and that it is not a significant part of the business model. Some surmised that the non-EMO/CMO charters may respond more positively because they have more school-based resources to devote to curriculum, data collection, programming, and other factors that directly impact students than schools that pay a management fee.

It is valuable to highlight exemplar schools as well as concerns. One such school is the Emma Jewel Charter Academy in Brevard County. District respondents described the willingness of the school to meet the needs of all students, holding it up as an example of what all charters could achieve if they commit themselves to the task. They stated that founders truly believe every child can achieve academic excellence when they are placed in a nurturing educational environment, and this attitude is evident throughout the school. Complementary to their values are local supporters willing to donate to increase resources. Combined, these initiatives have led to marked improvement as demonstrated by increasing performance scores and learning gains on statewide assessments through Florida’s school accountability system.

Barriers

Barriers related to recruitment and enrollment of students with disabilities spanned multiple

issues, most notably the following:

- Many charter schools believe they have the authority to determine which services they will and will not provide, and do not believe that they must be open to changing their service delivery models or contracting with outside entities to provide services they do not currently offer. This belief often comes to a head during the charter renewal process. If a district allows a charter schools to maintain an outdated service delivery plan (e.g., consultation only; support facilitation for reading only), this has the effect of limiting access for students with disabilities who could be successful in the charter school if provided the type and level of support expected of traditional schools.
- Marketing programs for some schools focus strongly on the academic rigor and uniqueness of the educational program and gloss over the availability of supports for students with disabilities and other struggling students, thus discouraging students with disabilities from applying.
- Some charter schools equate rigor or a mission focus on qualities such as leadership or citizenship with zero tolerance. This can result in stringent disciplinary actions and high rates of student suspension, which in turn encourages students with behavioral challenges, who are often students with disabilities, to transfer out of the school.
- While not specifically related to a student’s disability status, lack of transportation limits access to families for whom daily car rides or carpooling are not options.

Recommendation 2.1 – FACSA

Establish a committee or workgroup (described in Recommendation 1.1) to consider ways charter schools can overcome the barrier of transportation and ways charter schools can increase messaging and recruitment efforts to ensure that all families know that the charter school is prepared to meet individual student needs.

Recommendation 2.2 – FACSA

Conduct an analysis of the proportion of students with disabilities enrolled in charter schools disaggregated by those enrolled in independent charters and those enrolled in schools operated by a CMO/EMO to determine if there are patterns or trends that could indicate schools with exemplar programs (e.g., higher than expected enrollment of students with disabilities) or schools with potential for concern (e.g., lower than expected enrollment of students with disabilities).

Recommendation 2.3 – District Authorizers

Identify the types of ESE services and placements that are commonly available within neighborhood schools and share this information with charter schools during the initial application process, contract renewal process, and any ESE monitoring and oversight activities it conducts.

Even if a charter school can state this expectation, it is unlikely that they have a clear understanding of what it means as they have limited access to information about the special education services and placements that are typically available in neighborhood schools.

Recommendation 2.4 – District Authorizers

Incorporate regular review of enrollment and discipline data in ESE monitoring activities,

including evidence of positive behavior interventions and manifestation determination meetings, as applicable.

Follow up recommendations for professional development or resources related to behavior management and social/emotional development should be made if concerns are evident.

Recommendation 2.5 – Charter School Applicants/Founders

Have in place a plan for ensuring that appropriate services and placements are made available for students with disabilities enrolled or seeking enrollment in the charter to school to the same extent their needs would be met within neighborhood schools, and develop a marketing plan that includes this information.

This plan should go beyond an aspirational or affirmational statement and reflect specific steps that would be taken to ensure compliance.

Recommendation 2.6 – FLDOE Office of Independent Education and Parental Choice

The FLDOE Office of Independent Education and Parental Choice is encouraged to work with FACSAs to identify ways the state agency can formalize its communication regarding minimum expectations for ESE services and placement to have a more direct impact on charter schools.

Schools may believe that the district's expectations are capricious or unreasonable. A message from FLDOE is likely to carry more weight and be accepted more easily.

3. District Services and Supports

When asked about the services that districts provide to their charter schools specific to students with disabilities, respondents were consistent in their descriptions of the referral, evaluation, and eligibility activities related to child find, including psychologist/social workers to conduct initial evaluations. In contrast, supports such as technical assistance, professional development, oversight, and monitoring differed. Examples given by respondents included the following:

- Some districts assign a staff member to serve as the LEA representative at every IEP team meeting, while others only do so for eligibility meetings, initial IEPs, and/or meetings expecting to be contentious or complicated.
- One respondent stated that charter schools are provided with a shared certified behavior analyst that supports schools by making observations, offering training or supporting creation of individualized behavior plans. This was described as a rare occurrence, especially given the extent to which demand for behavioral support greatly exceeds the supply.
- Some districts provide charter schools with the option to contract for services, such as occupational therapy (OT), physical therapy (PT) or psychological services.
- One respondent reported that when a student with a fulltime paraprofessional transferred to a charter school, the district opted to continue to provide the staff member and to bill the charter school for the paraprofessional's salary.
- One respondent reported that some schools were overly reliant on their district ESE specialist for IEP team decisions. They described actions taken to increase the school's capacity related to ESE compliance and used a scaffolding model to gradually decrease

district support; this resulted in an increase in self-confidence as the school's administration began to own the work.

- Another respondent discussed the importance of increasing the capacity of the charter schools' IEP teams to think outside the box and make appropriate instructional and service delivery decisions. The goal would be for the school staff to be the "experts" about the student, with the district there primarily to ensure procedural compliance.

Some authorizer teams, especially those larger in size, raised concerns regarding consistency and accuracy in messaging. This concern was supported by the interview process itself; there were instances when staff members from the same district provided contradictory information regarding expectations and requirements for their charter schools. For example, one staff member explained that charter schools in the district are expected to serve virtually all students who enroll (with exception made for students who require highly specialized programs or the majority of the day in an ESE setting) while a colleague stated "As a charter school, they only have to serve students who are in general education for at least 80 percent of the time."

A similar written comment was submitted in a survey response, when the respondent cited "80/20" as one a standard that applies to charters but not traditional schools. This is a reference to the belief (likely based on the prompt in the older version of the state's Standard Charter Application) that charter schools can limit enrollment to students with disabilities who require pull-out ESE services for no more than 20 percent of the school week.

Frustration was voiced in the surveys and interviews with regard to the limited services and placements available in many charter schools. This theme was reflected by the respondent who stated "Charter schools don't have to provide all services. They can decide ahead of time what they will make available and we can't really do anything about it."

Based on comments such as these and the evaluators' anecdotal evidence from work with charter schools and district staff across the state, it is likely that charter schools may not always receive consistent or accurate information from district staff regarding their obligation to find appropriate ways to meet the needs of their students with disabilities. A related concern is the possibility that district staff serving on the IEP team may communicate these misconceptions to parents.

Finally, some districts indicate that they are just too small in staff or have limited resources themselves to meet charter schools' needs. For example, one respondent commented on the shortage of special education providers; therefore, they themselves are at capacity and unable to share services or implement a fee for service model with the charter schools. One authorizer reported employing a certified behavior analyst that was available to support charter schools. This was described as a rare occurrence given the extent to which demand for behavioral support greatly exceeds the supply. Another reported that if the district charter school office had more personnel, their oversight of ESE programs would increase significantly.

While overall the level of human resources varied by district, respondents consistently expressed confidence that:

- Their district has enough information and knowledge to evaluate issues related to special education in charter schools in the district; and,

- The district’s policies and practices provide appropriate support to charter schools to ensure equitable access and the delivery of appropriate services for all students in charter schools, including students with disabilities.

When specifically asked to identify the structures at the district or state level that create barriers to their providing services to students with exceptional needs in their district’s charter schools, answers included:

- Time it takes to have a student evaluated
- Limited itinerant staff in certain areas (e.g. school psychologists)
- Communication and understanding of the requirements
- Lack of FLDOE monitoring when a charter school enrolls ESE students without asking or investigating whether the charter school has the capacity to serve ESE students
- The unwillingness of some charter schools to abide by students’ IEPs or provide a continuum of services beyond consultation or support facilitation
- Ambiguity within applicable state statutes

Further, in the survey, districts were asked “What challenges have you experienced related to serving students with exceptional needs when your district supports both traditional public schools and charter schools?” Responses included the following:

- Charter school staff often do not have the latest information about the requirements for serving students with exceptional needs.
- Many charter school staff in ESE-related positions do not attend trainings that would help them improve their knowledge and skills in areas related to their roles and responsibilities.
- Charter schools may change an IEP to reflect push-in services rather than pull-out, and/or decrease the amount of service to meet the school’s established schedule without considering all options for appropriately meeting the student’s needs. Based on respondents’ descriptions of changes made to IEPs, it does not appear that all charter schools provide appropriate documentation to parents through prior written notice of change of placement or change in the provision of FAPE as required when an IEP is amended in this way. For example, the notice must explain why the change is being made, what other options were considered, and why they were rejected. Administrative convenience cannot be the sole reason for an IEP team decision.
- Charter schools lack access to a broader pool of professionals able to provide related services.
- Charter schools often fail to gather data which affects timelines.
- Charter schools may become over reliant on district staff to support charter students with disabilities.
- In situations in which a charter school student with a disability is believed to need more intensive or specialized services and/or a more restrictive setting than is generally available within a traditional school site, the change of placement procedures remain a

challenge because it takes coordination with charter school, charter office staff, district ESE staff; and, often time, traditional public school's ESE staff must work to ensure appropriate placement of the child. The timeline is frequently a challenge because of missing required steps.

Finally, the survey asked, "What differences do you see in the needs of charter schools when compared to traditional public schools?" Responses included:

- Facilities
- Training of staff to provide services for all students may not be provided
- Desire/ability to pay for a full time ESE teacher to serve a small population of students
- Economies of scale
- Mission and programming: the mission of specific charters may not support the recruitment of ESE students
- Communication, including how to be independent yet interdependent with the district
- Limited understanding of FAPE and ESE services
- Participation in professional development that is offered
- Staff—charters tend to not hire the staff needed to properly service their students with disabilities
- No temporary alternative educational setting policy in place in lieu of out of school suspension (i.e. EPIC centers, in school suspension programs, etc.)
- Expertise/quality of staff in place to ensure appropriate services
- Practice of paying long term substitutes that are not yet certified a full teacher salary to serve in a teacher position

As mentioned above and as stated in the [NCD Charter Schools Report](#), charter school authorizers are in a unique position to help charter school personnel improve their capacity. But, actually getting the district to work with the charter [can be] a challenge.³⁵ From discussions, it is not clear that authorizers have provided schools with guidance that complements the contract and delineates the roles and responsibilities of the sponsor and the school. After all, "great charter schools don't just happen; they're created through smart collaboration between charter operators and charter authorizers."³⁶

Barriers

Barriers related to district services and supports focused on concerns related to quality as well as quantity. The limited number of district staff available to support charter schools is a challenge. Authorizers are stretched thin to provide high quality and effective ESE supports to all of their schools. Adding to the problem, charter office and/or ESE district staff assigned to work directly with the charter schools are not always adequately trained or informed of current policy or

³⁵ https://ncd.gov/sites/default/files/NCD_Charter-Schools-Report_508.pdf

³⁶ <https://www.qualitycharters.org/for-authorizers/12-essential-practices/>

expectations related to students with disabilities in charter schools. There is also concern that FLDOE's ESE monitoring and compliance activities do not focus sufficiently on charter schools.

Recommendation 3.1 – FACSA

Reach out to the FLDOE, Bureau of Exceptional Education and Student Services (BEESS) to discuss ways in which charter schools could be more directly included in Bureau monitoring and oversight activities, with particular attention to areas concern specific to the charter sector (e.g., access and equity; reasonable continuum of services and placements; service and placement decisions based on administrative convenience).

Although school districts in Florida are the LEA, and therefore ultimately responsible for ensuring FAPE is provided to all students with disabilities in the district, there are significant limitations in districts' control over the day-to-day implementation of ESE in charter schools. When BEESS conducts monitoring activities, it is to be expected that much of the focus is at the district level, with a sampling of schools included, which may or may not include charter schools.

Recommendation 3.2 – District Authorizers

Provide cross-departmental training to charter office and ESE staff who work with charter schools to ensure accuracy and consistency of the ESE-related information being conveyed to the schools.

There have been significant changes in ESE programs during the past several years, including significant growth in the number of students with disabilities being supported in the general education classroom. Concurrent with the increase in inclusive classrooms, there has been a shift to increasingly inclusive school communities. As a result, fewer students are sent out of their neighborhood school to attend specialized "cluster site" programs in other locations. The expectation for what a "reasonable" array of ESE services should be has changed to accommodate this shift in traditional neighborhood schools; it is expected to change in charter schools as well.

Recommendation 3.3 – District Authorizers

Strategically incorporate capacity building into the ESE support they provide charter schools, for both compliance-related issues and more substantive program issues and IEP decision making.

Some charter schools are hesitant to take ownership of their ESE procedures, often out of fear of making a mistake. Even in districts that retain control over all procedural compliance issues, having school staff knowledgeable about process and documentation requirements makes the district's job easier. District ESE staff should ensure the school has access to all the most current district manuals and procedure guides, and that IEP team members understand and are comfortable with their roles.

Recommendation 3.4 – Charter School Operators

Strategically incorporate capacity building into the support they provide their staff responsible for oversight of the school's ESE program, and ensure they have the skills and knowledge required to fulfill their roles.

District ESE staff should ensure the school has access to all the most current district manuals and procedure guides, and that IEP team members understand and are comfortable with their roles.

Recommendation 3.5 – Charter School Operators

Implement policies ensuring that the prior written notice requirements under IDEA are adhered to when an IEP is amended to reflect a change in placement or in the provision of FAPE to a student, and that such changes are not solely due to administrative convenience.

Adherence to this policy and all other ESE compliance requirements should be part of any internal monitoring or ESE self-assessment procedures the school engages in.

Recommendation 3.6 – FLDOE Office of Independent Education and Parental Choice

If not yet fully executed, complete the development and implementation of a statewide authorize dashboard as described in its 2018 Authorizer Report.

As described, the dashboard is intended to provide for greater transparency of the decisions made by authorizers and the outcomes that result.³⁷

4. Technical Assistance and Professional Development

Based on information gleaned from the interviews and surveys, the level and type of technical assistance (TA) and professional development (PD) that authorizers offer to schools varies greatly across districts. For example:

- While all respondents stated that they always make themselves available for input or advice, some explained that their districts are careful to not infringe on a charter’s autonomy and thus tend to be more reactive in their technical assistance rather than proactive (e.g., providing TA in response to a request for support or if a parent files a complaints).
- Most respondents reported that they only mandate charter school participation in specific trainings when a corrective action plan is in place mandating the training.
- Some respondents open all PD opportunities to their charter schools; one reported that they have become very well attended over the past few years.
- Others reported that access to district-based PD depends on funding. If the PD is funded through IDEA or Title I funds, charter schools have full access. In contrast, if it is funded through general funds they may charge a fee, especially when demand is high and space is limited.
- One respondent stated that that when a charter school takes all of its IDEA funds directly, it will not have access to district professional development offerings.
- Some respondents reported that participation in district-offered PD is lower than expected or desired. It was reported that a charter school teacher is more likely to attend district training when the teacher takes personal interest in the topic rather than because the charter school sent staff to the training.

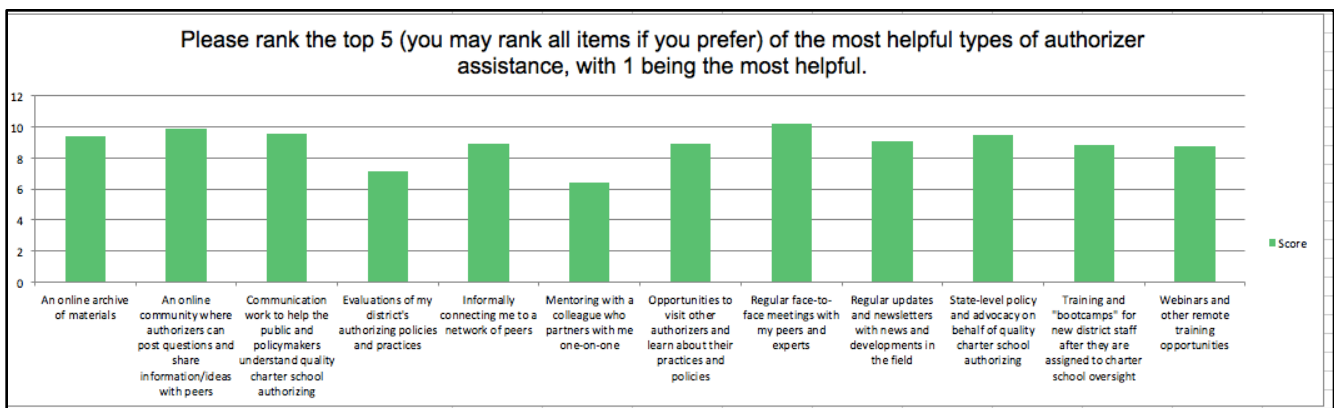
³⁷ <http://www.fl DOE.org/core/fileparse.php/9905/urlt/17-AuthorizerReport.pdf>

- One respondent reported that asking charter schools to offer a space at their schools for the district to provide training helped build a bridge between the traditional public and charter communities.
- One district reported modifying its ESE PD specifically for its charter school audience. To the extent applicable, content is presented within the context of a charter school environment, addressing the unique challenges the schools face or the different resources they have available. It was reported that this has resulted in increased attendance, engagement, and overall satisfaction with the sessions.

Regarding potential topics for targeted technical assistance and professional development charter schools are most in need of, the following suggestions were made:

- Information on instructional delivery models based on student needs
- Information pertaining to available ESE resources
- Resource room services
- Manifestation determinations
- Least restrictive environment and ability to serve students at the charter school
- Due process hearings and district alternative placements
- Understanding of ESE legal requirements, especially surrounding obligation to serve all students and parental rights
- Strategies to affordably provide services beyond consultation
- Need for behavioral support programs (e.g., for students with emotional/behavioral disabilities)
- Insufficiency of offering only consultative services or placing students with non-certified ESE teachers
- Repercussions for failure to implement the IEP
- Receiving ESE funds but not providing appropriate services

With regard to technical assistance and support for authorizers themselves, the survey included an item asking respondents to identify the type or method of TA that they find most useful.



The top five practices authorizers desired most were:

- Regular face to face meeting with peers and experts (forums, annual meetings, etc.).
- An online community where authorizers can ask questions and share information/ideas with peers (and connect with special education experts).

- State level policy and advocacy on behalf of charter school authorizing.
- Communication work to help the public and policymakers understand quality charter school authorizing.
- An online archive of materials.

Respondents reported being generally unaware of peers’ practices and many expressed that a formal system for collaboration and ongoing communication would be very helpful. They requested opportunities for sharing best practices, policies and procedures, and topics of interest that could be compiled by stakeholders across the state.

Barriers

Two primary barriers were identified related to professional development and technical assistance support addressing ESE services and programs in charter schools, and they are interrelated. The first was that participation rates are often low, and the district cannot compel attendance unless the school is under a corrective action. The second was that the content of district-provided PD is often not aligned with the needs of the charter schools.

Recommendation 4.1 – FACSA

Identify and share professional development opportunities with district authorizers on an ongoing basis, serving as a conduit for communication for districts seeking .

Recommendation 4.2 – FACSA

Establish a system for authorizer networking or a workgroup (similar to that described in recommendation 1.1) to enable district staff responsible for authorizing and for supporting charter schools in the area of ESE to share positive practices and engage in ongoing collaboration.

A formal system for collaboration and ongoing communication would enable participants to share lessons learned as well as best practices.

Recommendation 4.3 – District Authorizers

Adapt selected professional development offerings to highlight content of particular importance to charter schools and, as applicable, modify content so that it is more applicable to the charter school environment.

This approach was reported to be very effective, particularly if a district’s portfolio of charter schools is large enough to warrant development of a targeted session. Not only did participation increase, the district was confident that the content presented was could be meaningfully applied when the charter participants returned to their schools.

Recommendation 4.4 – Charter School Operators

Set goals for staff attendance at professional development and to collaborate with their sponsoring district and other charter schools to bring together larger groups for ESE-related trainings and opportunities to share information, strategies, and resources.

Recommendation 4.5 – FLDOE Office of Independent Education and Parental Choice

Maintain a calendar link on their webpage that identifies professional development opportunities specific to charter school authorizers and charter school operators.

Currently charter schools are encouraged to sign up for a charter school listserv to receive announcement from the department about events, but a general calendar would make the information even more accessible.

5. Oversight and Monitoring

As seen in interview and survey response reported above, the topic of oversight and monitoring of charter schools overarches much of the work of authorizers. When asked to describe their district procedures and practices, significant variation was evident across districts. One respondent indicated that ESE team members are assigned to 6-7 schools and are routinely in charter schools. Some respondents explained how they conduct annual reviews primarily focused on compliance with procedural and documentation requirements.

The focus of all oversight and monitoring conversation was the lack of “teeth” when the authorizers identify problems. All respondents consistently reported a lack of mechanisms to intervene when a charter school fails to fulfill its obligations, including the provision of appropriate services to students with disabilities. They report having no recourse until performance starts to suffer. For example, school closure requires a pattern of Fs and Ds or the school would need to score a double F or egregious financial issues. Even the statutory requirements for school improvement plans are primarily focused on student performance. Unlike traditional public schools where district level interventions can be applied if a school site refuses or is unable to comply with ESE requirements, there is no clear statutory language allowing the same level of intervention or control.

Some reported that their process for handling parent complaints involved contacting the school’s governing board and requesting that the school address the issue; however, repeated documentation was the norm, often to no avail. They report that they “can give them notices and memos all day long,” but the concerns don’t rise to the level of closure, so the charters don’t think the issues are important.

All respondents did report that they have the most leverage when it comes to renewal, but several also stated that formalized renewal procedures, processes, and decision rules/criteria from the state or from FACSA would be very useful. At renewal, they expressed having the authority to limit renewal term until issues were corrected. However, extended renewal terms (10-15 years) granted to many charter schools weakens their ability to apply this leverage.

All desired greater authority to be written in statute to provide them with the genuine authority to impose sanctions and take any substantive action when problems are found. Absent that, a state-sanctioned performance framework to guide oversight of ESE programs in charter schools was requested.

Barriers

In addition to related concerns noted above, three barriers were identified related to oversight and monitoring of ESE programs for students with disabilities in charter schools. The first was lack of explicit authority under s. 1002.33, F.S. to impose sanctions on charter schools that do not timely correct identified shortcomings in their ESE programs. A recommendation to amend the statute is outside the purview of FACSA or the authorizing school districts. The others were lack of clear guidance regarding what the district’s oversight of ESE programs in charter schools should entail and lack of knowledge about other districts’ procedures.

Recommendation 5.1 – FACSA

Support creation of formalized renewal procedures, processes, and decision rules/criteria and share with statewide authorizers to build consistency in evaluation of special education practices.

Most respondents did state that renewal was a time for them to give weighted consideration to a charter school’s special education programming. Special education and specifically the performance of students with disabilities should be considered explicitly as a regular part of the school’s progress toward meeting its overall goals and not an afterthought. Failure to fulfill obligations related to special education could be a criterion contributing to non-renewal.³⁸

Recommendation 5.2 – District Authorizers

Create and share formalized and written oversight and ESE monitoring procedures and practices designed to address issues common to charter schools as well as overall compliance. In tandem, offer training to schools and school governing authorities as needed.

All districts have systems in place to monitor and oversee ESE programs in their schools. These procedures are not intended to be punitive; rather, they are designed to identify areas of need and provide targeted assistance to support schools in meeting expectations. Given the concerns reflected throughout this report regarding the availability and implementation of ESE services and supports in charter schools, modifying the district’s monitoring protocol to focus on aspects of the program most likely to present a particular challenge for charter schools. The special education toolkit developed for NACSA by the National Center for Special Education in Charter Schools could be used to inform the process.³⁹

Recommendation 5.3 – District Authorizers

Develop and use a defined process to conduct annual self-evaluations of their authorizing obligations and/or a tool to survey charter schools regarding the quality of their services; then, as informed by the process, develop and implement action steps, goals and timelines based on findings.

Recommendation 5.4 – Charter School Operators

Maintain regularly scheduled communication and engage in ongoing dialogue with designated district ESE staff to ensure expectations are understood and sustain transparent oversight and monitoring practices.

Recommendation 5.5 – FLDOE Office of Independent Education and Parental Choice

Review and analyze the model contract and statute to determine steps that may be taken to grant authorizers greater authority in imposing sanctions and taking any substantive actions (e.g., include conditions that trigger intervention as well as a process for modifications to the contract based on changes in law, school performance or the state’s accountability system).

³⁸ <https://www.qualitycharters.org/for-authorizers/special-education-toolkit/school-accountability-stage/>

³⁹ https://www.qualitycharters.org/wp-content/uploads/2017/10/Special-Ed-Toolkit_5.22.17.pdf

6. Funding

Information about funding for ESE services in charter schools collected via the survey and interviews revealed significant differences in how funds are disbursed and revealed that there is confusion about the process itself. Some survey respondents stated that they lacked clarity on how to provide IDEA funds or funded services to charter schools in an adequate way; others acknowledged that funding generally is not sufficient to cover the cost of the required services. It also was reported that many charter schools need help understanding FEFP and the state's general revenue funds, including weighted funding for students with disabilities, and the IDEA allocation of federal funds to support students with disabilities. Confusion on the part of some district staff also was evident during the interview process, with some charter office staff demonstrating a clear understanding of the funding streams, others reporting inaccurate information (e.g., stating that the state's FEFP matrix of services funding levels is the basis for allocation of federal IDEA funds to districts and schools), and still others acknowledging that this was not their area of expertise, referring questions to the district ESE department.

When asked how charter schools gain access to IDEA funds (or funded services) in their districts, a variety of different procedures or models were described. Some respondents reported clearly defined lists of the services made available to their charters. Others described a more flexible process whereby the charters were to request funds for specific services (or the services themselves) and the district would determine if it was allowable. Still others reported direct disbursement of IDEA funds based on enrollment.

When asked about the types of services provided to charters through the schools' IDEA funds, several respondents reported that funds were used for staff. For example, one district funds district ESE specialists that work with the schools, another provides both selected direct services for a fee and reimbursement for services paid for by the school. One district reported a charter school utilizing the funds to support students with disabilities in a summer program.

There seemed to be some confusion among district staff about the difference between the ESE administrative services the district is required to provide at no cost to the school and the IDEA funds or funded services they are to have access to in accordance with s. 1002.33(17), F.S. When asked how the charter schools access their share of IDEA funds or services, multiple respondents stated they are provided with psychologists and other evaluation specialists to conduct initial evaluations. This child find obligation is one of the ESE administrative services to be provided at no cost. It is unclear if the information provided was an accurate representation of district procedures or a misunderstanding on the part of the interviewees.

One respondent expressed frustration that, while the district is required to specify in detail "how every dollar of IDEA funds are used," the charter schools are not held to this same standard. Another noted that the charter schools don't understand acceptable use of the IDEA funds. An example was given of a newly approved school requesting to direct access to its IDEA funds with no plan or process for determining how the funds would be spent or what they would be used for.

With regard to the amount of funds actually available to schools, respondents expressed that all schools, whether district-operated or charter, large or small, struggle to make ends meet. With regard to the pattern of charter schools being smaller in size than traditional schools, however, one respondent commented that charters have a smaller number of students and therefore a more limited funding stream. Another respondent noted that charters are less likely to benefit from an

economy of scale and this can influence how the needs of ESE students are met. While it would seem this would have the greatest effect on independent charter schools, another respondent stated that their district's independent charter schools seemed able to serve students with greater flexibility and financial resources than those operated by CMOs or EMOs because they have more resources to devote to curriculum and instruction, intervention, and other related educational services.

Bringing together the issues of monitoring and oversight and ESE funding, one respondent suggested that funds should be withheld by the district when it is determined that a charter school is not providing specific ESE services in accordance with students' IEPs.

Several respondents suggested that charter schools should be encouraged to identify creative ways to share resources. Districts that function as authorizers may be uniquely positioned to encourage collaboration by virtue of an explicit shared interest and the valued district resources that they can make available to their authorized charter schools.⁴⁰ Charter schools can then share resources and providers with other charters who serve students with similar needs.

Barriers

The primary barrier identified related to ESE funding is general confusion around the process, including how districts ensure charter schools have equitable access to IDEA funds or funded services in accordance with federal and state requirements. Understanding that it is a complex issue, these evaluators' experience working with charter schools and district staff across the state supports the concern that the schools often do not know or understand what they are entitled to, and therefore feel unable to make informed budgetary decisions. The ESE and district Charter Office staff the schools typically interact with are not involved with budget issues, so are of limited assistance. A second barrier identified related to funding was that small independent charter schools struggle to pay for needed ESE services to an even greater extent than other schools and do not benefit from economies of scale that may be available to a large district.

Recommendation 6.1 – FACSA

Develop written guidance to articulate the process for determining how IDEA funds or funded services for each charter school in the district are calculated and the amount to be allocated.

For a district's charter schools to be able to plan responsibly, they must fully understand their revenue sources. Full transparency between the district and the charter schools is imperative to maintain trust and foster a collaborative relationship. This is a possible topic for the workgroup referenced in Recommendations 1.1, 2.1, and 4.2 to research.

Recommendation 6.2 – District Authorizers

Authorizers are encouraged to communicate with charter schools to determine the most effective funding stream for both parties, including the option of directly allocating funds to the charter school and/or greater transparency about the services, leading to greater awareness about how funds follow the child.

Recommendation 6.3 – Charter School Operators

⁴⁰ <https://www.americanprogress.org/issues/education-k-12/reports/2017/01/31/297746/improving-outcomes-for-students-with-disabilities/>.

Establish formal or informal avenues for regional resource sharing among other charter schools in the same geographic area.

Given Florida's per pupil spending challenge, there is no quick or real fix to support charter schools in generating funds for the ESE support they need. In addition to the direct value when charter schools establish joint resource sharing ventures, the practice open doors for other types of collaboration and collegial relationships among staff.

Recommendation 6.4 – FLDOE Office of Independent Education and Parental Choice

Analyze state policies and practices across the country implemented to ensure all students have equitable access to federally funded programs, with a focus on students with disabilities in charter schools. and develop guidance or model processes for Florida's authorizers and charter schools to ensure transparency and equity in the distribution of IDEA funds.

7. State Resources and Supports

As part of the survey, respondents were asked to respond to the prompt: What challenges do you experience accessing state services to support individual student needs and/or school needs? The majority of the 36 respondents skipped the item (25) or answered with N/A or unsure (3). This low response rate suggests district staff have minimal engagement with state services to support equitable individual student and/or school needs. Narrative responses included:

- Difficulty getting answers from the state
- Lack of DOE oversight of this population in a charter school
- The district is held to a high standard regarding ESE and [is] responsible for state complaints filed by charter school parents
- Separate accountability standards for traditional schools and charter schools on many levels (SREF, transportation, 80/20, exemptions laid out in statute for charters). When a charter operator has the legal right to say, "We don't have to do that because we are a charter school," there is an issue. It is not equity in public education and it is not equal access for ALL students.

Interview results confirm limited engagement with state-level supports; however, districts expressed a strong desire to attain greater authority from the state to hold charter schools accountable and for more technical assistance from FLDOE. Many report that there are no defined processes for the authorizers to communicate with the SEA. Authorizer's expressed the need for:

- Additional/more defined school closure
- State level policy advocates and clarity in FLDOE's interpretation of state and federal policy applicable to charter schools
- A statewide template or set of samples for disseminating IDEA funds to charter schools
- Written guidance from FLDOE regarding the type and amount of ESE services districts can expect charter schools to provide

- Intervention policies that grant authorizers the authority to take action when charter schools are not meeting expectations (other than academic performance and finances)

Respondents also requested that FLDOE consider revisions to the standard charter contract. Understanding that additional content can be added with the agreement of both party, they expressed concern that the statute also states:

Any term or condition of a proposed charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals.

They indicated that they would like the contract to include more content where the school would describe significant processes in more detail, much like the SP&P used to document district ESE policies and procedures. They reported that the statutory language stating this would be considered a limitation on the school’s flexibility made them hesitant to ask for additional ESE-related information.

Barriers

Barriers identified related to state resources and students with disabilities in charters schools focused extensively on district staff’s reported need for more written guidance from FLDOE and the ability to include more detailed ESE information in the standard contract. Understanding that the Department cannot interpret laws or impose requirements not already in statute or rule, respondents express a need for guidance documents reflecting recommended or promising practices, sample templates for voluntary use, and other resources that could be used by districts statewide. Most of the barriers or expressed needs are addressed in the recommendations for previous sections.

Recommendation 7.1 – FACSA

Streamline communication from the FLDOE Office of Independent Education and Parental Choice to the charter school network by establishing direct lines of communication with the FLDOE and to the statewide charter school community.

When one individual or organization serves as the primary liaison the communication among all participants becomes more efficient. Players know how and where to direct questions. They also know where to access responses to FAQs. Ultimately, time is saved, transparency is increased, and problems are addressed once rather than multiple times by multiple persons. Further, filtering information through one point of contact ensures all involved receive consistency in messaging and can transmit knowledge to others the same information

Recommendation 7.2 – District Authorizers

Produce and share written guidance clearly defines and delineate and define roles and responsibilities related to ensuring ESE programs are implemented with fidelity and meet all compliance and programmatic standards.

Authorizers across the state should collaborate as a united front to publish written guidance that complements the contract and delineates and defines the roles and responsibilities of the charter school administrator, the governing board, and the authorizer (including district staff members

that provide a diverse set of services) to ensure that special education related duties are assigned, managed, overseen, and monitored. Share the guidance with the charter schools and encourage training on the guidance for school leaders and governing boards.

Recommendation 7.3 – District Authorizers and Charter School Operators

During the charter contract negotiation process, identify areas of ambiguity that may benefit from the addition of more specific descriptions or explanations within the contract or other type of memorialized agreements or understanding between the parties regarding roles, responsibilities, and expectations related to students with disabilities.

Recommendation 7.4 – FLDOE Office of Independent Education and Parental Choice

Communicate with FACSA to identify critical areas of need for which technical assistance papers or memoranda could be developed; develop and disseminate the information to all districts and charter schools and maintain the documents on the Office website.

Given the high turnover of staff in school districts and charter schools as well as FLDOE offices tasked with supporting students with disabilities in charter schools, a written record of formal, standardized guidance from the SEA would be helpful for ensuring consistency of information and more effective knowledge transfer.

Recommendation 7.5 – FLDOE Office of Independent Education and Parental Choice

Work with representatives from FACSA and other stakeholders to identify and support creation of more defined policies and contract requirements, including clarifying actions that districts can take when a charter school does not adhere to the intent or spirit of recruitment and equity policies described in the charter contract.