

Are Washington State Charter Schools Prepared to Meet the Needs of Students with Disabilities?:  
An Analysis of Washington State Charter School Commission (WSCSC)-Approved Charter Applications

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**Abstract**

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Charter schools are become an increasingly important part of the education reform landscape. Although each state's charter school legislation is different in the specific restrictions or freedoms afforded to charter schools, all charter schools are public schools and as such are obligated to follow the regulations and principles enshrined in federal mandates, particularly the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and Section 504 of the Rehabilitation Act of 1973 ("Section 504"). This thesis examines the preparedness of the eight Washington State Charter School Commission (WSCSC)-approved charter school operators, as independent Local Education Agencies (LEAs), to create environments and service delivery models that effectively address the needs of students eligible for special education services. The study uses content analysis of WSCSC-approved applications and the special education-specific sections of WSCSC rubric against a best practices rubric for special education in charters operating as LEAs. Results indicate charter operators are most likely to consider special education when explicitly required to do so in the WSCSC Rubric and differences in the measured special education considerations exist among the applications. The WSCSC rubric only vaguely referenced many key considerations of the national rubric. Given the importance and complexities of operating as an independent LEA, concerns are raised by the results of this study as to how charter schools are preparing to meeting the needs of students with disabilities.

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Are Washington State Charter Schools Prepared to Meet the Needs of Students with Disabilities?: An Analysis of Washington State Charter School Commission (WSCSC)-  
Approved Charter Applications

Charter schools have become an increasingly prominent part of the education reform landscape across the country. Nationwide, there are an estimated 6,440 charter schools serving over 2.5 million students in the 2013-2014 school year (National Alliance for Public Charter Schools Dashboard). Charter school students now make up over 5% of the total public school population in the United States, a percentage that continues to grow each year (National Alliance for Public Charter Schools Dashboard).

Washington State became the 42<sup>nd</sup> state in the United States to approve charter school legislation with the passage of Initiative 1240 in the November 2012 general election. Since that time, the State Department of Education has approved two authorizing bodies – Washington Charter School Commission and Spokane Public Schools – which have in turn authorized a total of ten charter schools to open. The first of these Washington charters opened in the 2014-2015 school year; the rest are scheduled to open in the 2015-2016 and 2016-2017 school years.

With this growing population of students being served by charter schools, there has been increasing research interest in charter schools and their impact on all levels of the education system – from the national and statewide level down to the individual student outcome level. In particular, an increasingly important part of the charter school discussion has been special education in charter schools. National averages show that charter schools enroll fewer students identified with disabilities than their traditional public school counterparts, which has become a topic for heated, rhetoric-filled debate (Gross & Lake, 2014). The research on special education

and charter schools has focused on the various reasons for the disparity in enrollment (National Charter School Research Center, 2013).

Research looking into special education and related services in the charter sector has also documented that operators are often unprepared to navigate the complex special education regulatory web or offer special education services given their lack of established systems and technical expertise (Rhim & O'Neill, 2012). Despite over 20 years of experience with charter schools, significant questions remain about how to help charter schools, particularly those that operate as independent Local Education Agencies (LEAs) as in Washington state, build and maintain capacity to effectively educate and serve students with disabilities. Rhim and O'Neill (2012) additionally note that most of the research and technical assistance in this area is focused on charter school *operators* not charter school authorizers.

Additionally, although there are a number of factors that can influence a charter school's degree of success in educating students, particularly those with disabilities, research indicates that quality leadership practices are vital to the success of a school (Darling-Hammond, 1997; Liethwood, et al., 2004). This requires that charter leaders applying to open schools must be equipped with the knowledge, skills, and tools necessary to positively impact the service delivery to their students, especially those with diverse learning needs (Frattura & Capper, 2007). It is through the applications to authorizers that school leaders demonstrate their capacity and consideration of service delivery mechanisms and models for students with disabilities (and other students).

As Washington charter schools open and data on enrollment and outcomes become available, the charter school special education debate will surely heat up in the state; however, a less considered aspect of the charter schools and special education debate is that of preparedness.

Specifically, how do we ensure that charter school operators and leaders are equipped with the necessary skills and capacity to design schools that effectively support and meet the needs of all learners, including those with disabilities? Further, how do we measure the capacity or ability of charter school operators to create environments and service delivery models that effectively address the needs of diverse students – in particular students with disabilities? This is the guiding line of questioning for this analysis.

### **Research Questions**

Grounded in the issues mentioned above, this research attempts to contribute to the understanding of charter school special education service delivery capacity by content analysis of charter schools applications that were approved by the Washington State Charter School Commission (WSCSC). Specifically, this thesis seeks to answer the following questions:

- How often do approved WA State charter school applications employ key terms related to special education and are frequencies of these key words reflective of higher quality programming plans for students with disabilities?
- How does the Washington State authorizer's requirements for addressing special education in charter applications compare to best practices?

## **Informing Literature**

The literature review that informs this analysis is organized into three primary sections. First, charter schools both broadly across the nation and specifically in the context of Washington State. Next, special education will be discussed, specifically addressing the federal laws and regulations that guide public school programming and service provision as well as the research on best practices for special education programming and implementation. Lastly, the literature addressing the confluence of charter schools and special education will be discussed.

### **Special Education**

The educational rights of children with disabilities today were largely attained as a result of the persistent efforts of parents and advocacy groups in the courts and legislatures throughout the country. The first part of this section will focus on the landmark court decisions and legislative mandates that shape the educational rights of students with disabilities. It will focus on the impact of two key mandates on the special education landscape today, specifically Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Individuals with Disabilities Education Act (IDEA). These pieces play a fundamental role in not only how the concept of special education developed in this country but also how it is approached at all levels in the school systems. Today, the provision of effective, high-quality education for students with disabilities remains a key focal point for educational reform both in the context of traditional public schools and schools of choice (such as charter schools).

#### **Section 504 of the Rehabilitation Act and Americans with Disabilities Act**

With its passage in 1973, Section 504 of the Rehabilitation Act (Section 504) was the first major effort to protect individuals with disabilities against discrimination based on their disabilities. As a result of amendments and clarifications in the following years, Section 504

extended civil rights protections to all individuals with disabilities by including all of the remedies, rights and procedures contained in Civil Rights Act of 1964 (Yell, 2012, p. 95). Section 504 prohibits discrimination based on disability status in all programs and activities that receive federal funding. This coverage includes elementary, secondary and postsecondary schools that receive direct federal funding in addition to schools or programs that receive indirect federal funding (such as colleges where students receive federal education grants). In keeping with this broad coverage of where Section 504 applies, the law applies a similarly broad coverage within its definition of disability. The Americans with Disabilities Act (ADA), another civil rights law, expands upon Section 504 protections against discrimination to private employers and entities that serve the public (Yell, 2012; Heufner, 2000).

Section 504 covers many types of disabilities as long as they affect major life activity. Section 504 requires schools to make reasonable accommodations or modifications to programs and services to ensure that discrimination of students with disabilities does not occur. The law not only defines disability and what constitutes free and appropriate education, but also outlines specific responsibilities obligations of schools or programs in evaluation and educational programming (manifested in a “Section 504 Plan” or a “504 Plan”, parental rights, and procedural safeguards afforded to students with disabilities (Yell, 2012).

### **Individuals with Disabilities Education Act (IDEA)**

The Individuals with Disabilities Act was passed in 1975 provides for funding and mechanisms to ensure that all students with disabilities can access a free and appropriate education (FAPE) that emphasizes special education and services designed to meet their unique needs. IDEA (and its later reauthorization as Individuals with Disabilities Education Improvement Act or IDEIA) differs from Section 504 in several key ways although the spirit of

both is to ensure equal protection and access to public education for students with disabilities. Where Section 504, specifically with respect to its definition of disability, is to be interpreted as broad and inclusive, IDEA takes a categorical approach to disabilities entitled to its protections and provisions. A multidisciplinary team, consisting of specific school personnel outlined in the law, uses specific evaluation procedures to determine if a student qualifies for special education and related services under thirteen specific categories of disability (Yell, 2012). Additionally, the students' disability must be found to adversely affect a student's *education* – whereas Section 504 stipulates a more general life activity.

At the foundation of FAPE and IDEA is not students with disabilities in general, but the individual student, thus, schools cannot respond to the needs of most or a majority of students with disabilities, but rather they must address the individual needs of all eligible students. Although IDEA includes many rules and regulations for special education and related services, the most important of these provisions for students with disabilities include: entitlement to a free and appropriate education (FAPE) in the least restrictive environment (LRE) in which a student can be successful; access to the general education curriculum; and procedural safeguards and the right to due process protections if the student's rights are violated (Yell, 2012; Heubert 2002). The individualization at the heart of IDEA is reflected in an Individualized Education Plan (IEP), which is developed by a multidisciplinary team process that includes both school personnel and families. A student's IEP specifies and outlines the special education and related services designed to allow a student to access his/her education (Yell, 2012, Lange et al., 2008). Special education procedures have evolved since the passage of IDEA, some of which relate directly to the eligibility of students with disabilities and other procedures are designed to ensure compliance of public school systems with all of the federal requirements of IDEA/IDEIA.

## **Characteristics of Effective Programming for Special Education**

Some critics of IDEA, such as Wolf and Hassal (2001) note, although IDEA and its amendments do not go “far enough” in fully establishing a results-oriented process for the education of students with disabilities. The improvement of academic outcomes for students with disabilities has become a crucial piece of educational policy, in particular since the 2001 reauthorization of No Child Left Behind Act (NCLB), which specifies that public schools be held accountable for the adequate yearly progress of all students and requires the disaggregation and reporting of specific subgroups, including students with disabilities (Yell, 2012; Huberman, Navo, & Parrish, 2012). In addition to NCLB, the findings of the 2002 President’s Commission on Excellence in Special Education mark a shift in the overall policy perspective towards special education. The President’s Commission (2002) recommends that special education should shift its focus from “process, litigation, regulation, and confrontation” towards outcomes and results achieved by each child (p.8). The Commission’s report further recommends that the system should and must be judged on the outcomes of students with disabilities once identified and whether those children “close the achievement gap with their peers” (President’s Commission, 2002, p. 4). The body of research investigating effective practices in special education has continued to expand, although in many ways still has significant room to grow as many studies remain highly contextualized and specific to certain geographic locations or “types of schools”. This section will highlight a few notable studies in an effort to establish some key practices that we know benefit the educational outcomes of students with disabilities. Many of these practices and policies are also emphasized in effective school literature for general education (e.g. Darling-Hammond, 1997; Owings & Kaplan, 2003; Levine & Lezotte, 1990; Perez et al., 2007).

The Donahue Institute at the University of Massachusetts, in a 2004 study, identified 11 key practices that supported the success of students with disabilities. This study looked specifically at school- and district-level practices in elementary and middle school serving students with disabilities in the urban areas of Massachusetts. The Donahue Institute's key characteristics are:

- An emphasis on curriculum alignment with curriculum frameworks
- Effective systems to support curriculum alignment
- Emphasis on inclusion and access to the curriculum
- Culture and practices that support high standards and student achievement
- A well-disciplined academic and social environment
- Use of student assessment data to inform decision-making
- Unified practice supported by targeted professional development
- Access to resources to support key initiatives
- Effective staff recruitment, retention, and deployment
- Flexible leaders and staff that work effectively in a dynamic environment
- Effective leadership

*(Donahue Institute, 2004, p. 5)*

Huberman, Navo, and Parrish's 2012 study of California districts echoed similar results as the Donahue study. In their study, the authors identified five common characteristics of high performing districts that supported special education performance in California. Those five practices included: inclusion and access to the core curriculum, collaboration between special education and general education teachers, continuous assessment and use of RtI, targeted professional development, and use of Explicit Direct Instruction (Huberman, Navo, & Parrish, 2012). Huberman and colleagues' findings echo those of the Donahue Institute with their emphasis on curricular, assessment, and professional development characteristics of districts who demonstrate high performance in serving students with disabilities. In their review of literature

on instructional leadership and special education, Walther-Thomas and DiPaola (2003) also reiterate the importance of effective and dynamic leadership; creation of a positive school culture that supports student success; collaboration of stakeholders serving students with disabilities; and targeted, high-quality professional development for all personnel (in Owings & Kaplan, 2003). Williams et al. (2007), when looking at best practices for practices for multicultural special education programs, stresses the importance of teacher collaboration, purposeful staffing, targeted professional development and training in addition to highlighting the importance of effective leadership.

Particularly in the wake of federal legislation such as NCLB, there has been increased research interest in not only the identification of successful programming at district and school levels but also in how to implement those best practices across a wider swath of public schools. The successful and effective administration of high-quality special education programs remains a crucial need in educational reform and maintaining a special education and related services system is a daunting task for traditional districts and public schools. Many of the issues that confront traditional public schools in relation to special education programming are those facing charter schools. However, the context of charter schools and their governance structures creates unique needs and concerns in the effective delivery of special education and related services.

### **Charter Schools**

The introduction and implementation of charter schools is one of the most controversial educational reforms in recent history. Charter school legislation was first passed in Minnesota in 1991 and since then, a total of forty-two states and the District of Columbia have passed charter school legislation. The eight states that do not have charter school laws are Alabama, Kentucky, Montana, Nebraska, North Dakota, South Dakota, Vermont, and West Virginia. Although

charter schools are primarily the domain of states (state legislation is required for the existence of charter schools), the U.S. Department of Education has recently become more involved in the charter school movement through its Race to the Top competition, which provides a powerful incentive for states to strengthen their support for charters.

In over two decades of existence, charter schools have become both an increasing feature in the public school landscape and an ever-present debate in education reform circles. The charter school movement grew out of the larger school choice movement, which advocates for that in providing families with a greater degree of school choice will support better educational and service provision for students as schools will have more competition for student enrollment and per pupil funding (Toma & Zimmer, 2012). Charter schools give parents, students, and educators public school alternatives based on the idea that competition will bring educational innovations (Thomas, 1996). At the core of the model is a belief that public schools should be held accountable for student learning and achievement and in exchange, school leaders should have the freedom to whatever it takes to help students achieve. Additionally, the movement believes that charter schools should share what works with the broader education system so that all students can benefit (National Alliance for Public Charter Schools).

Charter schools are independently-managed public schools that are given then freedom (through state legislation) to be more innovative while being held accountable for advancing student achievement (Thomas, 1996; Toma & Zimmer, 2012; NAPCS). Charter schools operate under a contract, or “charter”, that governs its operation. School operational details, including its name, organization, management, curriculum and policies, are set by the charter. In addition, the school’s charter outlines how the school will monitor student performance. Like traditional public schools, they are funded through a combination of local, state, and federal tax dollars

based on student enrollment, have open enrollment policies, do not have special entrance requirements, cannot charge tuition, and must participate in state testing and federal accountability programs (National Alliance for Public Charter Schools).

Unlike traditional public schools, charter schools have degrees of regulatory freedom from state and local rules in areas such as staffing (hiring and firing), curriculum choices, and budget management. In exchange for these freedoms, charters are overseen from the authorizing agency, which reviews charters every few years and has the power to renew or revoke schools' charters. The details and rules regarding funding, operational requirements, and accountability vary widely among the various states' depending upon the specific legislation passed. As a consequence of this legislative variability, charter schools across the states can look and operate very differently, which makes it extremely difficult to describe or evaluate charter schools at a national level (Center for Public Education, 2010).

**Current charter landscape.** Nationwide, there are an estimated 6,440 charter schools serving over 2.5 million students in the 2013-2014 school year (National Alliance for Public Charter Schools Dashboard). Charter school students now make up over 5% of the total public school population in the United States, a percentage that continues to grow each year (NAPCS Dashboard). Charter schools across the nation serve a larger percentage of students in poverty (as indicated by free and reduced lunch eligibility) than traditional public schools. Nearly 31% of charter schools in 2011-2012 served a student body with more than 75% eligible for free and reduced lunch compared to just over 18% of traditional public schools in the same year (National Center for Educational Statistics, 2014). Charter schools are also more likely to be located in urban areas (Drame, 2011; NCES, 2014).

While about half of all public school students are identified as white, this proportion is much smaller in charter schools (just over one-third). The percentage of charter school students who are identified as black is much larger—nearly double—than that in traditional public schools (28.7% compared to 15.2%) (NCES, 2014; NAPCS Dashboard). Additionally, charter schools serve a slightly larger percentage of Hispanic students than their traditional public school counterparts (28.1% compared to 23.6%) (NCES, 2014; NAPCS Dashboard). For English language learners and special education students, National Center for Education Statistics does not disaggregate data on a school level to allow for computations based on charter status; however, Stanford’s Center for Research on Education Outcomes (CREDO) 2013 Charter School Report found that in the 27 states studied, charter schools had a higher proportion of students who are English language learners and a lower proportion of special education students than are in all US public schools (CREDO, 2013).

The policy landscape for charter schools has experienced a key shift in recent years. Nearly all of the first twenty years of the charter school movement was focused on growth – passing charter legislation in new states and growing the number of charter schools in states with existing legislation. At the end of the second decade, the policy focus shifted to increasing educational quality across the charter sector as large-scale school quality data was becoming available, helped to a large degree by the implementation of No Child Left Behind (NCLB) (CREDO, 2013). This shift, coupled with continued increases in charter school enrollment, has led to increased attention and research devoted to understanding educational outcomes for charter school students.

**Charter schools and student achievement.** Given the variability across states legislation and therefore across charter schools, outcomes and efficacy research drawing broad

conclusions has been difficult and rigorous charter research is still in relative infancy, although continually growing. While considerable research has been conducted on charter achievement within the context of charter management organizations (CMOs), state-by-state basis, or within districts (CREDO, 2013; CPE, 2010). Additionally, meta-analyses conducted by the National Alliance for Public Charter Schools (2009) and CREDO (2013) note that many of the studies on charter schools have traditionally been more “snapshots” rather than evaluative in nature. CREDO (2013) also notes that research on charter school achievement has been clustered in relatively few states (particularly those in which there are large numbers of charters) and rarely do they extend research across states. CPE (2010) reiterates that many charter school studies tend to be descriptive in nature (e.g. number of schools, demographics of students, describing charter legislation). While all of this research is useful in building up the base, there is a relative dearth of comprehensive, rigorous, meta-analysis research on charter school achievement.

CREDO’s *National Charter School Study 2013* (NCSS 2013) provides one of the most recent rigorous and nationally comprehensive data-set of charter school performance to date. For the study, CREDO partnered with 27 state departments of education to use both state and school-level data. The resulting dataset comprised 79% of tested public school students in the US and therefore one of the largest datasets at the student level to date (NCSS, 2013). The researchers used this data to create a matched student data set of charter and comparison groups. The study looked specifically at student-level demographics, school enrollment and achievement test scores in math and reading/language arts. This study built upon the 16-state analysis CREDO report, *Multiple Choice 2009* and the data from this analysis is used in the 2013 study to investigate performance growth. The 27 states used in the 2013 study represented 95% of all charter

students in the US, which supports the soundness study's generalizability across charters nationwide.

The findings presented in the NCSS (2013) report lay the foundation for drawing a number of implications about the motivation for quality in the charter school sector. Overall, the study found that both reading and math results in charter schools improved compared to those reported in 2009. The average charter school student now gains an additional 8 days of learning each year in reading, compared to the loss of 7 days each year reported in 2009 (NCSS, 2013). For continuing schools in particular, student achievement results increased for both reading and math for black students, Hispanic students, "poverty students", English language learners as well as students receiving special education services (NCSS 2013). There were smaller learning gains found for new charter schools, although compared to the 2009 report, Hispanic students made gains in reading, "poverty students" made gains in math and English learners gained in reading and math (NCSS, 2013).

However, of particular interest for this thesis is the caveat to these results for impact with continuing schools (those schools that were studied in the 2009 report). NCSS 2013 found that while the charter sector is getting better on average, the gains are not due to existing schools getting markedly better, but rather these results are being driven by opening higher-performing schools and by closing those that underperform. The analysis further suggests that the performance standards are being set too low (evidenced by the large number of underperformers that continue to exist). The study points to the need for increased focus on the part of authorizers and charter governing boards to set high performance and accountability standards then to hold charter schools to those standards. This is a point that will be returned to in later sections of this thesis and its data analysis.

In their working paper, Betts and Tang (2014) performed meta-analysis of recent literature on charter schools and achievement built upon their previous reports on the same subject which focused on lottery-based and rigorous value-added research. Overall, their analysis found, that for the limited set of charter schools, geographic locations and years that have been studied, charter schools are achieving higher gains in math compared to traditional public schools in most grade-level groupings. This positive outcome is particularly true of the middle school years (Betts & Tang, 2004). The research, however, tells a slightly different story in reading achievement, in which despite a positive effect of charter schools, the differences were not statistically significant between charters and traditional public schools. In addition to their significant review of achievement literature, the authors also reviewed a smaller body of literature on outcomes other than achievement, such as years of education completed and student behavior. This literature, although quite sparse, limited in geographic locations, and in its relative infancy, seems to suggest a positive effect on behavior, years of education, and other “noncognitive” outcomes (Betts & Tang, 2014). One of the most important findings of their most recent analysis, according to the authors, is the confirmation that the impact of the charter sector varies greatly, particularly across geographic regions.

### **Charter Schools and Special Education**

Provision of special education and related services in public charter schools has been an ongoing source of debate since the charter school movement began. Although state charter law releases charter schools from many local and state educational rules and regulations, charter schools must still abide by federal laws and regulations, of particular importance to special education are IDEA, ADA, and Section 504. IDEA regulations specifically state, "Children with disabilities who attend public charter schools and their parents retain all rights under this part"

[IDEA, 34 CFR §300.2(a)]. Adherence to these laws can pose substantial challenges for these comparatively small operations (compared to traditional school districts) with limited resources (Ahearn, Lange, Rhim, & McLaughlin, 2001). To many policymakers and researchers, the freedom from local regulations that charter schools enjoy stands in opposition and makes them ill-suited to complying with the federal regulations such as IDEA and Section 504 (Garda, 2012).

As noted earlier, charter schools enroll a higher percentage of low-income students of color who are not meeting grade level expectations than their traditional public school peers. The research has shown that the enrollment data for students with disabilities is different. Charter schools across the country, on average, have been found to serve a smaller percentage of students with disabilities (Marcell, 2010; GAO, 2012; Rhim & O'Neill, 2013; Winters, 2014). The US Government Accountability Office (2012) found that, using data from 2008-09 to 2009-2010, on average, charter schools identify 8% of their population as having a disability, whereas their traditional public school counterparts (in states with charter schools) identify 11% of their population as having a disability. Further teasing out the special education gap, research also points a disparity in the severity of disability type served in charter schools. Of the students identified as having a disability, charter schools serve a disproportionately higher percentage of students who qualify for services under the label "specific learning disability" compared to more severe, low incidence disabilities (Rhim & McLaughlin, 2001; Marcel, 2010). An additional concern noted in early research on special education and charter schools centers on service delivery inadequacies for students identified with disabilities in charter schools. Finn, Manno, and Vanourek (2000) found that some charter schools might not be meeting all the needs of their students with disabilities and they attribute these service inadequacies to "lack of experience, expertise, or resources" on the part of charter schools (p. 159).

Charter leaders counter these criticisms about enrollment that often, when this is the case, it is because charter schools are less likely to “label” or identify students with disabilities as needing special education services and more likely to intervene early to address the student’s academic and behavioral needs so that they can participate fully in the regular classroom environment. Additionally, in response to criticisms about service delivery, charter leaders point to many qualitative analyses that have documented that public charter schools, on average, serve more of their students with disabilities in general education classrooms, which is considered a best practice in special education service delivery (Mead, 2007, as cited in Rhim & O’Neill, 2012).

Early research identified a variety of reasons for the enrollment disparities, including “counseling out” of students with low-incidence disabilities (Fierros & Bloomberg, 2005). However, more recent research has painted a much more nuanced and complex picture of the enrollment gap and that “counseling out” is not a cause (Winters, 2014; Rhim & O’Neill, 2013). Research on students with disabilities and charter schools highlight some key areas of concern, including access, limited funding, and lack of expertise in special education (Fierros & Blomberg, 2005; Lange & Lehr, 2000; Rhim & McLaughlin, 2001). Research looking into special education and related services in the charter sector has also documented that operators are often unprepared to navigate the complex special education regulatory web or offer special education services given their lack of established systems and technical expertise (Rhim & O’Neill, 2012). The research narratives for special education and charter schools have focused on the various reasons for the disparity in enrollment, as is evident above (National Charter School Research Center, 2013).

**Gaps in special education and charter school research.** Despite over 20 years of experience with charter schools, significant questions remain about how to help charter schools, particularly those that operate as independent Local Education Agencies (LEAs) as in Washington State, build and maintain capacity to effectively educate and serve students with disabilities. Rhim and O’Neill (2012) additionally note that most of the research and technical assistance in this area is focused on charter school operators not charter school authorizers.

Although there are a number of factors that can influence a charter school’s degree of success in educating students, particularly those with disabilities, research indicates that quality leadership practices are vital to the success of a school (Darling-Hammond, 1997; Liethwood, et al., 2004). This requires that charter leaders applying to open schools must be equipped with the knowledge, skills, and tools necessary to positively impact the service delivery to their students, especially those with diverse learning needs (Frattura & Capper, 2007). It is through the applications to authorizers that school leaders demonstrate their capacity and consideration of service delivery mechanisms and models for students with disabilities (and other students).

As Washington charter schools open and data on enrollment and outcomes become available, the charter school special education debate will surely heat up in the state; however, a less considered aspect of the charter schools and special education debate is that of preparedness. Specifically, how do we measure the capacity or ability of charter school operators to create environments and service delivery models that effectively address the needs of diverse students – in particular students with disabilities? How do we ensure that charter school operators and leaders are equipped with the necessary skills and capacity to design schools that effectively support and meet the needs of all learners, including those with disabilities? This is the guiding line of questioning for this analysis.

## **Washington State Charter Law and Implications for Special Education**

The nature of state charter school law has important implications for the nature of a charter school's obligations and level of responsibility under IDEA and Section 504. Prior to the development of charter schools, the trail of responsibility under federal IDEA was relatively straightforward in that federal law mandates and provides funding to states that in turn held local education agencies (LEAs) responsible for abiding by the law (Ahearn et al., 2001). Under state charter school laws, the status of charter schools and therefore their roles and responsibilities relating to students with disabilities vary widely with each state. Depending on the state in which a charter is located, an individual charter school may be considered a school within an LEA, a program within an LEA, or a separate LEA (Lange, Rhim, & Ahearn, 2008). The legal recognition as an LEA has programmatic and financial implications for public charters. Charter schools in Washington, as LEAs, are individually responsible for meeting all requirements, both federal and state level, related to providing a free and appropriate public education for all students with disabilities at their school.

## Methodology

Washington charter schools have twenty years of experience and lessons learned to use in the construction of their models of innovative schools that serve all students well. This study seeks to contribute to a part of the special education and charter school debate that has received relatively little attention: ensuring that charter schools are prepared to meet the needs of students with disabilities. This thesis is informed by research on the importance of leadership in service delivery success in schools as well as the recommendations of other special education and charter schools, such as the CREDO study (2013), that suggest the performance standards for new charter schools are being set too low and there is a need to focus on increasing accountability and performance standards for new charter applicants.

This study uses a mixed methods approach to answer the research questions, consisting of two phases of analysis. The first phase consisted of content analysis of the charter applications, and utilized both quantitative and qualitative methods to understand the schools' articulated capacities to serve students with disabilities as specifically evidenced in their applications for approval. The methods employed draw on content analysis, to establish the existence, frequency, and placement within the applications of researcher-defined key words or phrases relating to special education service provision (Weber, 1990; Babbie, 2005; Crano & Brewer, 2002). Content analysis is particularly suitable method of research to study communication and as the charter applications are communications of the leaders about their vision of education and schools, this method of analysis was chosen (Babbie, 2005; Crano & Brewer, 2002). The word count (quantitative) piece of analysis for the charter applications looked at the specificity of the applicants' special education knowledge – looking at the manifest content of the applications. The second method of analysis for the applications—the evaluation of three special education-

specific sections – deals with the underlying meaning, or latent content, of the applications (Babbie, 2005).

Operating under the assumption that the quality of the applicants' responses is influenced by expectations of quality and content in their responses (as evidenced by the published rubric), the second phase of analysis used qualitative methods to answer the second research question pertaining to the strength of the charter school authorizers' expectations for each application section response. Specifically, a nationally-recognized rubric designed to assist authorizers in assessing special education capacity in charter applications was used as a model against which the WSCSC's application rubric was compared. Further details about data collection and analysis methods are provided below.

### **Charter School Application Content Review and Analysis**

**Sample.** In Washington State, there are a total of ten charter schools authorized to operate in the state, one is currently in operation, eight are scheduled to open in the fall of 2015, and one to open in 2016. Importantly, all charter schools in Washington State, in accordance with state charter law, operate as independent LEAs, which requires charter schools to be solely responsible for meeting their federal and legal IDEA obligations for the equitable and appropriate provision of special education services. Given this initial stage of charter school operation in the state, this study looks only at the application process for the approved charters.

There are two authorizing bodies in the state: Washington State Charter School Commission (WSCSC), which has authorized eight schools and Spokane Public Schools Charter School Authorizer which authorizes the remaining two charters to operate in the Spokane Public Schools. Each authorizing body has its own unique set of criteria for evaluating charter applications. While each of the authorizers are informed and empowered by the same state law,

the content of each of the application prompts to which applicants respond is substantially different, which makes the applicants' charter proposals different. To minimize variability in application content due to differing authorizer guidelines, this study only looks at the eight charter schools authorized by the WSCSC (n=8). The charter schools authorized by WSCSC represent a majority (80%) of the total schools currently authorized to operate in the state.

For the quantitative piece of the content analysis (word count), all 21 sections of the charter application were included with the exception of a section that pertained only to "conversion schools" (traditional public schools that "convert" to charter schools). Additionally, half of the charter school applications in the sample (n=4) were written by charter management organizations (CMO) that already operate schools outside of Washington (specifically in California). These applications were required to complete an additional section for "Existing Operators," which was included in the initial quantitative analysis (word count) for the CMO applications.

Applicants were asked in many sections to include attachments and other documentation, which was also included in the sample with two exceptions. Specifically, applicants were required to include "assurances" and documentation of their non-profit status, both of which included several standard inclusions of some of the key words. Because these documents were not produced by the applicant and were generally standard throughout all applications, key words found in these sections were not included in total word counts. Each applicant was required within the "Financial Plan" section to include a standard authorizer-developed "worksheet" which included terms such as "special education" and "SPED." Within this worksheet, there were several instances in which line items were not filled in by the applicant but that included

key words were also excluded as they appeared to be simple standard formatting issues and duplications of pages within the worksheets.

For the qualitative content analysis, the three sections of the application pertaining to students with disabilities and special education were analyzed. Importantly, these three sections – “School Culture”, “Special Needs and At-Risk Students”, and “Disciplinary Policy and Plan” – were not exclusively devoted to special education and students with disabilities, although they were specifically prompted to address students with disabilities. All applicants respond to the same prompts/questions in these sections and the narratives (including required and additional attachments to each section, which are detailed in Appendix A) were qualitatively analyzed against the WSCSC’s evaluation rubric specific to the three section.

**Instruments.** For the quantitative content analysis, ten special education key words/phrases were examined within each of the eight charter applications. These key terms are used as proxies for charter school operators’ surface understanding of their legal obligations relating to students with disabilities, based on the supposition that a charter school operator who has no knowledge or understanding of its legal obligations relating to students with disabilities would not include many of the identified key words/phrases. The key word counts were a reflection of the manifest content of the application relating to special education, in other words the obvious, surface-level special education content that is readily observed without the need to infer underlying meaning (Babbie, 2005). The ten special education key words used are:

- Special education (+ SPED)
- Individuals with Disabilities Education (Improvement) Act (+IDEA/IDEIA)
- Disability (+student/child/person with a disability)
- Disabilities (+students/children/people with disabilities)

- Section 504 (of the Americans with Disabilities Act)
- (Section) 504 Plan
- Individualized Education Plan/Program (+IEP)
- Least Restrictive Environment (+LRE)
- Special Needs (+child(ren)/ student(s) with special needs)
- Child Find

The selection of these words/phrases is largely based on key aspects of special education law as well as the author's practical experience as a special education teacher (IDEA, 2004; Yell, 2012). Included with the counts of those key words are relevant abbreviations (e.g. "Special Education" count also includes counts of "SPED"). Additionally, because charter schools are public schools and by law required to comply with federal and state laws and regulations pertaining to students with disabilities, "Individuals with Disabilities Education (Improvement) Act" and "Section 504 of the Americans with Disabilities Act" are included in the key word selection.

Further, in order to approximate a more detailed understanding of the relevant laws, seminal aspects of the enactment of those laws are represented in the key words/phrases, first through "Individualized Education Plan/Program (IEP)" and "504 Plan" and then through "Least Restrictive Environment (LRE)" and "Child Find." The concept of LRE requires that students with disabilities, to the maximum extent possible, be educated in an environment with their non-disabled peers while still receiving the supports they need to access an appropriate education (Yell, 2012). It is one of the most foundational pieces of special education legislation (Yell, 2012). Additionally, charter schools are often criticized for skirting or ignoring their responsibilities specifically pertaining to Child Find in IDEA, which deals with the process for

evaluating and referring students with disabilities for special education services. Therefore Child Find was explicitly included in this analysis in order to try and capture the applicants' thinking/attention to this part of IDEA. The table below shows the key words and their related terms that were employed in the word count.

The second part of the application content analysis employed the Washington Charter School Commission's (WSCSC) own evaluation rubrics to evaluate the three specific sections in which applicants were required to explicitly address students with disabilities. Those sections are "School Culture," "Special Populations and At-Risk Students," and "Disciplinary Policy and Plan" (WSCSC "Rubric for Charter School Application). The sections and the specific content within those sections are detailed Appendix A. The primary section in which applicants are required to address the needs of students with disabilities and those identified as requiring special education services is "Special Populations and At-Risk Students" although there are specific federal legal regulations around discipline for students receiving special education services.

While it was expected that majority of the key words identified would be in these sections, the second layer of analysis provides more insight into the quality of the attention paid to students with disabilities. This second analysis used the WA Charter School Commissions' own rubric rating (see Table 1) and applied it particularly to those sections detailed above in which applicants were explicitly asked to address the needs of students with disabilities, special education and 504 plan programming. The sections are assessed with a specific eye to these topics and compared to the Commission's own definition of a "strong response," which are highlighted in Table 4. There are no specific mentions of Section 504 or 504 Plans within the rubric document, although there are implicit requirements relating to this population of students

when it refers to “state and federal laws.” Additionally, comments and concerns (if any) were recorded during the rubric analysis regarding special education services and programming.

Table 1

WSCSC Rubric Rating Characteristics

<b>Rating</b>	<b>Characteristics</b>
Exceeds the Standard	The response surpasses all key performance expectations/goals found under “meets the standard”. It shows high performance in all categories and, routinely, goes beyond what is expected and is fully aligned with the strategic mission of the Commission.
Meets the Standard	The response reflects a thorough understanding of key issues. It addresses the topic with specific and accurate information that shows thorough preparation; presents a clear, realistic picture of how the school expects to operate; and inspires confidence in the applicant’s capacity to carry out the plan effectively.
Partially Meets the Standard	The response meets criteria in many respects, but lacks detail or specificity and/or requires additional information in one or more areas.
Does Not Meet the Standard	The response may meet the criteria in some ways but has substantial gaps in a number of areas or is wholly undeveloped or significantly incomplete; demonstrates lack of preparation; or otherwise raises substantial concerns about the viability of the plan or the applicant’s ability to carry it out.

*Note. Adapted from the Washington Charter School Commission “Rubric for Charter School Applications,” retrieved from <http://www.sbe.wa.gov/charters.php#.VO5OMHR0wqM>.*

After the data collection and results analysis was completed for this study, the WSCSC published an updated evaluation rubric. This rubric clarified, within each application section, the characteristics of each level of evaluation (i.e. all the characteristics specific to a section that must be addressed to be rated as “meets the standard”). After an initial review of the updated rubric, it was determined that it did not substantially alter the basic characteristics of what

applicants were required to address, and therefore the results of the special education section content analysis was not compromised.

**Data Collection and Analyses.** To answer the first research question, each of the charter applications were briefly skimmed to familiarize the reviewer with the structure, layout, and relevant attachments. The unit of analysis for the purposes of this study is an application section. For each application, a spreadsheet table was created that contained rows with each key word/phrase and columns consisting of the application sections. The application sections were aligned to WSCSC's Rubric 20 sections, with the exception of the "Conversion Schools" section, which as previously noted was omitted from analysis as none of the charter applications reviewed qualified as conversion schools (n=19). For the initial word count data collection, a PDF document search was completed electronically and then each section was reviewed a second time to verify key word totals found. This process was replicated for each of the eight applications. Totals of all key word counts were calculated for each application section as well as individual key word totals per application section (and for all 20 sections).

For data presentation purposes, the applications were divided into three categories: existing operators, independent-supported and independent not-supported. The existing operators category included applicants who currently operate schools in other states. This category included two different applicants, Green Dot and Summit, with two approved applications each or four total applications in this category. There are three applicants in the independent-supported category, Rainier Prep, Excel and SOAR, each submitting one application. These applications were written by school leaders who are not existing operators but who were a part of a fellowship that provided support and guidance on their application development and then support in developing their schools. The third group, independent not-

supported, is defined as applicants who are not existing operators and who did not receive explicit support in writing their application through a fellowship or a similar mechanism. This group consists of only one school, First Place.

### **WSCSC Authorizer Rubric Analysis**

**Sample.** The second phase of analysis focused on WSCSC's evaluation rubric, particularly the content relating to special education. The WSCSC published expectations or criteria for a "strong response" for each of the twenty sections of the application. For this phase of analysis, the entirety of the rubric will be sampled rather than just the sections pertaining to special education that were sampled in the application review.

**Instrument.** For this section, a researcher-developed tool based on Rhim and O'Neil's (2012) rubric for charter school authorizers evaluating new charter schools that are LEAs was used to evaluate the WSCSC's rubric. The tool developed for this thesis utilized a Likert-type four-point scale to assess the extent to which the WSCSC rubric incorporated the key considerations outlined in the Rhim & O'Neil (2012) rubric. Rhim and O'Neil's (2012) examples of "best practices" for each key consideration were included in the tool to facilitate the rating process. The ratings scale included *Very Clear*, *Clear*, *Vague*, and *Not Evident* for each WSCSC rubric section. Table 2 outlines definitions for each of the scale ratings.

In order to clarify what a rating of *Very Clear*, *Clear*, and *Vague* is described below using examples from the WSCSC rubric and the corresponding Rhim and O'Neill (2012) key consideration. The Rhim and O'Neill (2012) key consideration: "If the school is purchasing services from the authorizer or other external entity, how will fees be set?" rated as *Very Clear* in the WSCSC rubric section "School Partnerships" because it very nearly states key consideration verbatim as "...Provide...compensation structure, including clear scope of services and all fees

to be paid to the service provider...” (Rhim & O’Neill Budget Considerations, p. 8; WSCSC rubric, p. 12). An example of a WSCSC rubric criteria that meets the rating of *Clear* for the Rhim and O’Neill (2012) key consideration “Does the school have a plan to secure a facility that is accessible to students with limited mobility?” can be found in the WSCSC school facility section: “The facility must meet state and federal guidelines for special needs students” (Rhim & O’Neill Facility, p. 9; WSCSC rubric, p. 14). In this example, it can be reasonably inferred that the applicant would address this key consideration in a response to the criteria outlined in the WSCSC rubric, although it does not match the wording verbatim.

Finally, an example of WSCSC rubric criteria that is rated as *Vague* for the Rhim and O’Neill (2012) key consideration “How will teachers be trained to modify curriculum & instruction to support unique needs of students with disabilities?” can be found in the Staffing and Professional Development section of the WSCSC rubric (Rhim & O’Neill, p. 5). In this section, WSCSC contains the criteria “provide a comprehensive plan and calendar for professional development and teacher support that is aligned to the mission of the school and differentiated for the individual teacher...” (WSCSC rubric, p. 12-13). This does not specifically address the key consideration and rather frames it in a much broader scope. An applicant’s response to this criteria may be rated as “meets expectations” while not necessarily considering the specific Rhim and O’Neill key consideration.

Table 2

## Definitions of WSCSC Rubric Rating Scale

Scale Rating	Description
Very Clear	The key consideration is found nearly verbatim in the WSCSC rubric section. In order to meet WSCSC criteria, the potential description generated by an applicant would answer the key consideration question.
Clear	The key consideration can be identified in the manifest content of the WSCSC rubric section criteria, although the wording may be slightly different. In order to meet WSCSC criteria, the potential description generated by an applicant would almost certainly answer the key consideration question.
Vague	The WSCSC rubric criteria contains either language that broadly encompasses but doesn't specifically address the key consideration or it can potentially be implied that a strong response to the WSCSC criteria <b>might</b> include the key consideration. There is a degree of uncertainty that the WSCSC rubric criteria could rate a response as "meets expectations" for a strong response without the applicant specifically addressing the key consideration.
Not Evident	There is no evidence to support that the key consideration is stated or even implied within the WSCSC rubric criteria.

The Rhim & O'Neil (2012) rubrics are specifically designed for authorizers located in states or districts in which charter schools are empowered, or required as in the case of Washington State charter law, to function as a LEA. This rubric is one of three rubrics meant to support charter authorizers in three phases of charter school development: the application review phase, the operations and oversight phase and the renewal application phase. For the purposes of this thesis, the rubric for the "application review phase" was utilized. Rhim and O'Neil's (2012) rubrics were built upon existing technical assistance resources produced by the National Association of State Directors of Special Education (NASDSE), as well as research conducted by the authors within the contexts of Project SEARCH, Project SPEDTACS, Project Intersect, TA

Customizer Project, and the Center for Reinventing Public Education (Rhim & O’Neil, 2012, p. 17).

Unlike other rubrics, this rubric does not rely on numerical scale or outline a specific “right answer”. Instead, the rubric identifies key issues and questions that authorizers should address which the authors believe increases the authorizer’s capacity to engage in robust and meaningful discussion about special education. The rubric is divided into fifteen application review categories (see Figure 1 for a list of the categories). For each category, the rubric includes core elements, key considerations (in the form of questions), and best practices.

Figure 1

Application Review Categories from Rhim & O’Neil (2012) Rubric

<p>Child Find  Staffing and Administration  Curriculum and Instruction  Assessment  Enrollment  Individualized Education Program (IEP) Development  Service Provision  Funding  Budget  Facility  Discipline  Family and Community Engagement  Transportation  Management Company (if applicable)  Replication Issues</p>
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**Data Collection and Analyses.** To address the second research question, the WSCSC’s rubric was compared to the “key considerations” portions of the Rhim & O’Neil (2012) rubric using the researcher-developed tool. Within each Rhim and O’Neil (2012) application review

category, the key considerations were aligned to WSCSC rubric sections. For some key considerations, there were multiple WSCSC rubric sections in which the consideration could be addressed. For each WSCSC section, the extent to which the key consideration was addressed was also given a rating based on the rating scale outlined in Table 2. Data was collected and then disaggregated by application review category as well as rating to identify trends or key findings. The goal of this analysis was not to identify all the sections in which the key considerations appeared within the rubric, but to assess if they appeared, where they appeared and where was there the strongest rating for that criterion.

**Limitations to the Study.** The findings and implications of this study are limited in a few important ways, which are mostly related constraints related to study design. This thesis did not attempt to take on a large-scale comprehensive analysis of the entire planning process relating to special education. A comprehensive study of this process is necessary and important to our understanding of how charter schools can become better prepared to effectively serve students with disabilities; however I made a choice to bound the study by what could be learned using content analysis – using artifacts that already exist (i.e. approved applications and rubrics). Similarly, this study did not include content analysis of transcripts of other parts of the application process after turning in the application such as public meetings. Charter schools were also required during the application process to interview with the WSCSC and discuss the applications, school model etc. The transcripts for these meetings are not available to the public. This study also chose to only include applications that have been approved rather than all applications submitted to the WSCSC. The small sample size of WSCSC-approved applications and schools in operation at the time of the study also limited the broadness of the study findings and implications.

## **Results and Discussion of Charter Application Analysis**

In this study, I used the existence, frequency, and placement of researcher-defined key words within the eight charter applications for the first two rounds of charter authorizations to describe the manifest content pertaining to special education within each application. This section will first discuss the results of the word count analyses for all sections, focusing on trends and overall application results amongst the eight applications. Next, the secondary analysis results of the application sections that address special education will be reported for each charter and discussed in the context of the word counts for each section. Finally, the first research question will frame a discussion and holistic analysis of the charter application analysis and implications and limitations will be explored.

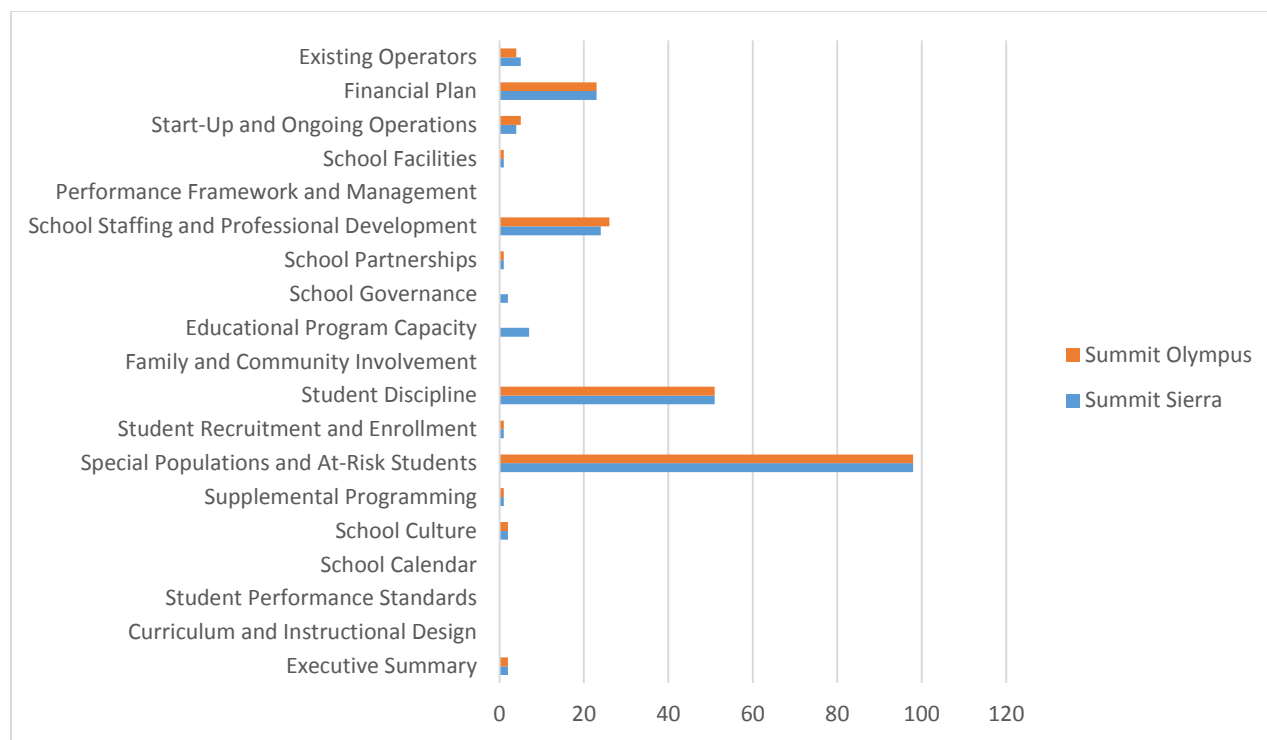
### **Word Counts**

The charter operators/leaders that wrote the eight applications fall into three unique categories: existing operators (n=2), independent leaders supported in application development (n=3), and independent operators that were not supported in application development (n=1). Using these groupings in the presentation of the results allows comparisons to be made between “like” applications and then across types of applicants. While there are eight charter school applications in the sample of this study, the two existing operators each submitted two applications for charter schools and therefore there are six distinct operators submitting applications. During the analysis of the data, trends in the results began to become apparent along the operator type listed above.

**Existing Operators.** All of the four applications submitted by the two existing operators showed similar patterns of key word distribution throughout the application. None of the four applications included any key words in Student Performance Standards or School Calendar and

schedule sections. Summit Public Schools, one of the existing operators that submitted applications (n=2), also did not include key words in the Performance Framework and Management section, which addresses performance at a school level (including accountability structures). Neither Summit application included any key words in the Curriculum and Instruction section, whereas in the applications submitted by the other existing operator, Green Dot (n=2), each contained seven (Green Dot Middle) and eight (Green Dot Seattle 6-12) key words in that section. While these four applications completed an additional application section for existing operators, which the other four applications did not include, the overall word counts were not drastically impacted and this section added only four additional key words to each of the Green Dot applications, four key words for Summit Olympus and five additional words for Summit Sierra.

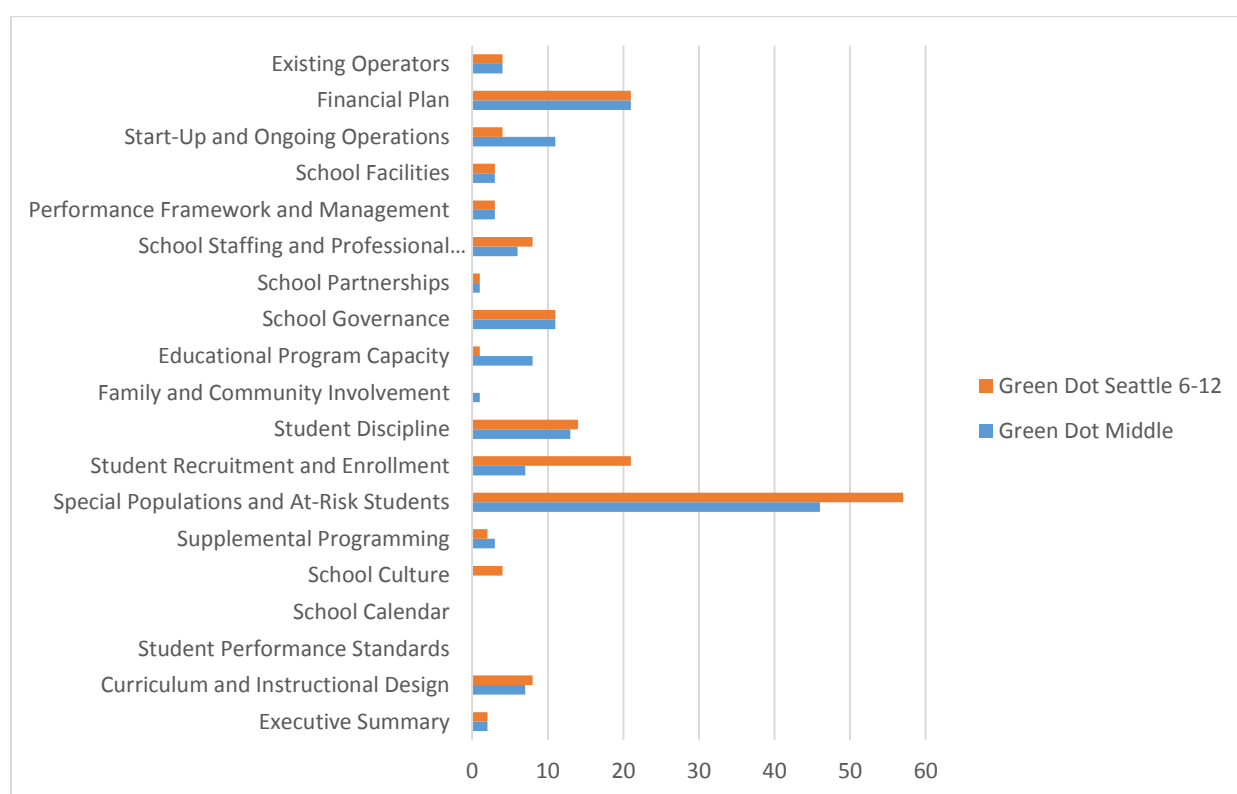
Each of the two existing operators submitted applications to open two schools and it was expected that these applications would look substantially the same as reflected in their respective word counts. The two high schools operated by Summit Public Schools' applications had a total word count of n=222 (Summit Sierra) and n=223 (Summit Olympus) and generally looked similar in frequency and placement throughout the applications (see Figure 1 for word counts by section for each school).



*Figure 1. Summit Olympus and Summit Sierra Word Count Totals by Application Section*

However the other existing operator, Green Dot, had two applications (one for a 6-8 middle school and the other for a 6-12 middle and high school) whose word counts looked meaningfully different, particularly in frequency within the three sections specifically addressing special education (n=147 and n=167, respectively). The numerical differences are mainly accounted for in the increases in the School Culture and Special Populations sections. The discrepancies between the two Green Dot applications may be attributable to two important factors. First, Green Dot Seattle 6-12 application was approved in the second round of applications in 2014 and the other applications in the sample were approved in the first round in 2013. Although all schools were subject to the same requirements and evaluated using the same rubric, Green Dot Seattle had the benefit of learning from the first round experiences and could make adjustments to the application for Green Dot Seattle 6-12. It is also important to note that

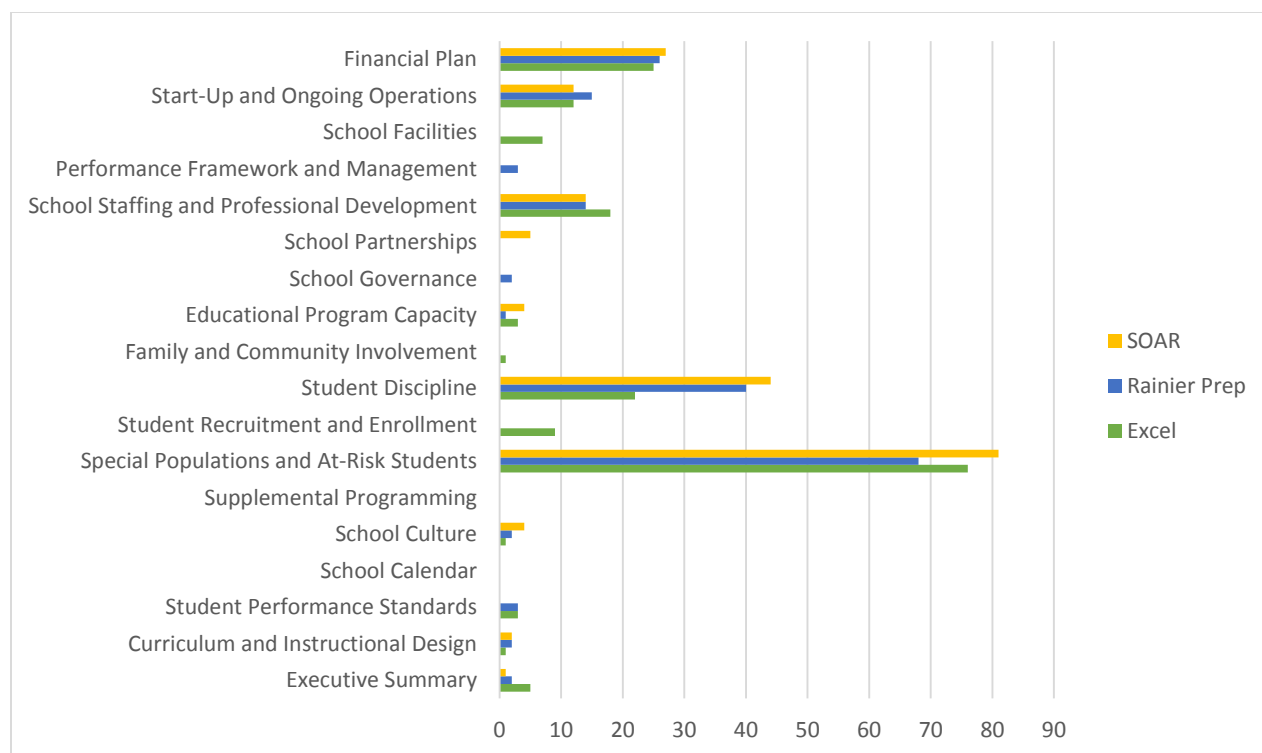
Green Dot Seattle 6-12 is proposing to operate in Seattle Public Schools District (SPS), the Special Education Department of which is under federal supervision and subject to Federal Corrective Action as a result of gross compliance issues across the district. Given the increased focus on special education and related services in SPS, Green Dot's application would likely include an increased focus on that area as well. Figure 2 illustrates the word counts for each Green Dot school by application section.



*Figure 2. Green Dot Middle and Green Dot Seattle 6-12 Word Count Totals by Application Section*

**Independent Leaders-Supported.** Among the three charter applications (Excel, Rainier Prep, and SOAR) that were supported in the development process, there are many similarities in the overall frequencies and patterns of key words throughout the application. Similarly to the

existing operator applications, these applications contained no key words in the School Calendar and Schedule section. In two of the three applications (Rainier Prep and Excel), special education key words were found in Student Performance Standards. Rainier Prep was the only application to use key words in the School Governance section, SOAR was the only one to use key words in School Partnerships and Excel was the only application to mention key words in the Facilities section. Overall, special education key words figured more prominently in the Start-Up and Ongoing Operations sections of these independent-supported charter schools than those sections in the existing operator applications. Figure 3 shows the total key word trends throughout the applications for the three supported independent charter schools.



*Figure 3. Independent-Supported Charter Application Word Count Totals by Application Section*

**Independent-Not Supported.** First Place Scholars was the only application in this category and its word count results highlight a few notable issues pertaining to special education within the application that are echoed throughout its application analysis. The application contained the fewest total number of key words and each section in which they were required to address special education, the First Place application showed considerably fewer key words. Figure 4 shows the key word totals per section in the First Place application. While all other charter applications contained at least one instance of each of the ten special education key words identified (Child Find was the key word used with the lowest frequency overall), First Place was the only application that did not mention “Individuals with Disabilities Education Act” (including the Improvement Act and the respective acronyms) at all throughout the application. This is troublesome given that IDEA is the seminal piece of legislation that defines special education and related services in schools.

Like the other applications, First Place had no special education key words in its School Calendar section; however, unlike its peer applications, there were several other sections with no key words found, including Student Performance Standards, Educational Capacity, School Partnerships, Performance Framework and Management, and School Facilities. Although the applicants were not explicitly asked to consider special education or students with disabilities, First Place’s application contained the most sections in which none of the key words were mentioned. In addition to this, its word counts across the board are significantly lower than those of the other WSCSC-approved charter applications (n=79) (see Figure 5).

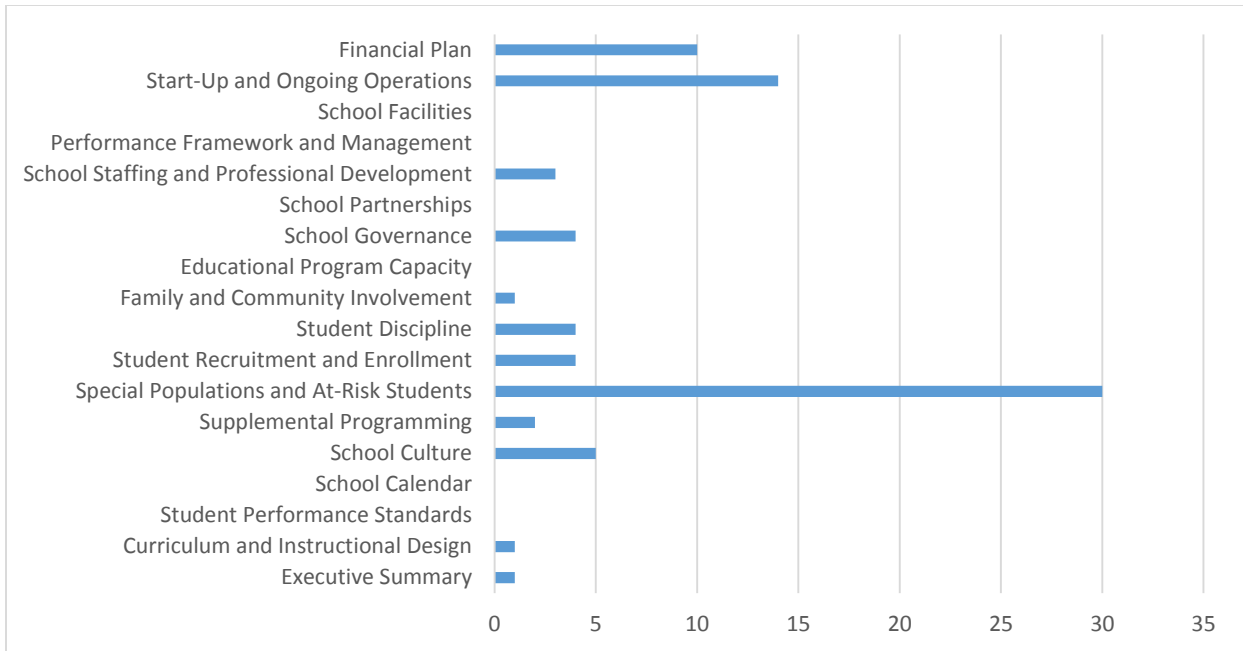


Figure 4. Independent-not supported charter application word count totals by section (First Place)

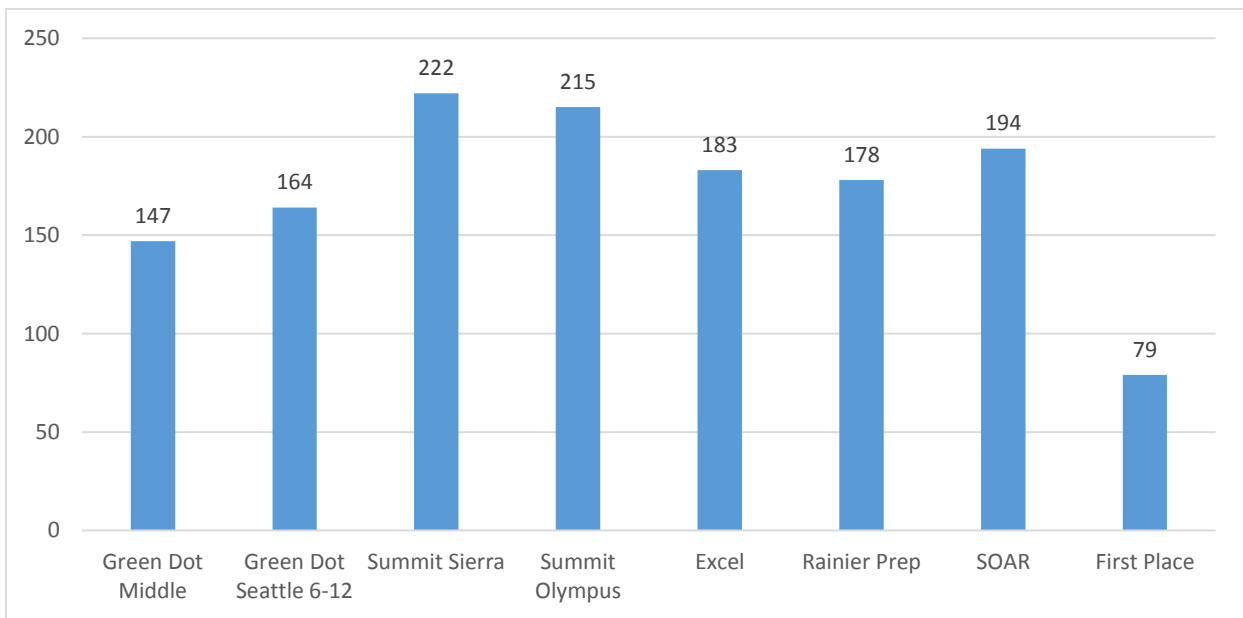
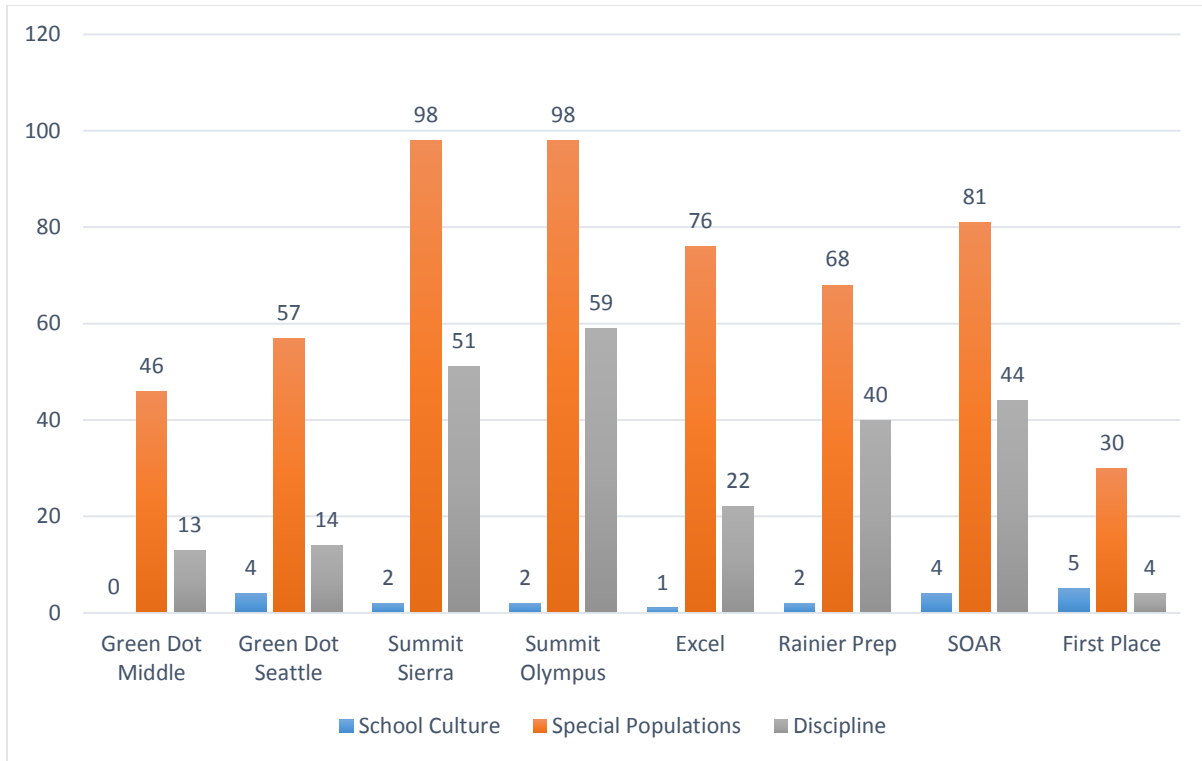


Figure 5. Key word count application totals by school application.

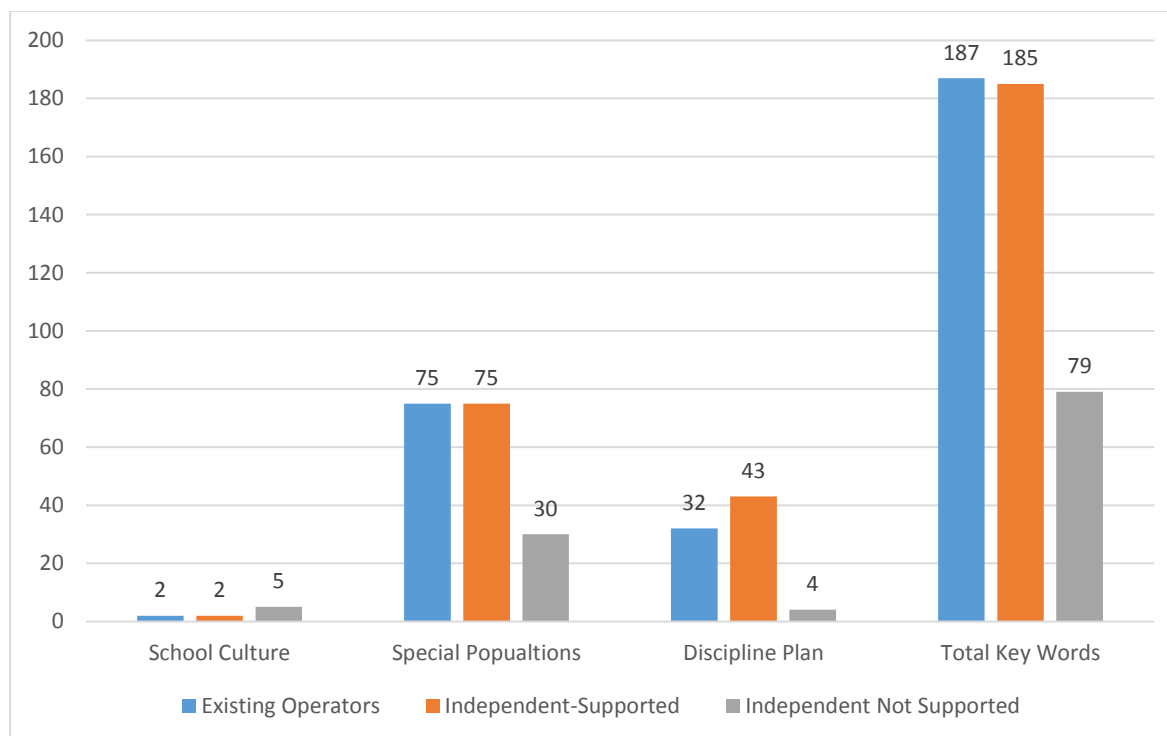
Note. The first four schools are existing operators, then the next three are independent-supported, and the final school is independent not-supported.

**Special Education Sections.** Across all the applications the combined counts for all ten key words were highest in two of the three sections in which the applicants were required to address special education and students with disabilities, specifically *Special Populations and At-Risk Students* and *Student Discipline*. Although applicants were also explicitly asked to “[e]xplain how the school culture will take account of and serve *students with special needs, including students receiving special education services...*” in the *School Culture* section, no applicants used any of the key words more than five instances within the section and relevant attachments (WSCSC application, no page number, emphasis added). Only First Place’s application had more key words in the *School Culture* section than another section (*Discipline*), although the difference is not large (n=5 for the *School Culture* section and n=4 for the *Discipline* section). Given that the charters were explicitly asked to take into account the needs of students receiving special education services, there was relatively little manifest content relating to special education. Figure 6 illustrates the word count disparities not only between individual school’s applications, but also



*Figure 6.* Key word totals per section requiring applicants to address special education by school application.

Similar disparities in word counts by section by schools displayed in Figure 6 can also be seen when applications are grouped by type of operator (e.g. existing operators, independent-supported and independent not-supported), which is illustrated in Figure 7. This graph clearly illustrates that the differences in key words counted in each section is also divided with the existing operators and independent-supported applications on the higher end of the word counts and the non-supported application on the very low end of total word counts in each of the three special education sections. For the purposes of illustration, the average of the existing operator word count totals for each section were displayed as well as the averages for the independent-supported applications.



*Figure 7. Average key words per section which require applicants to address special education displayed by applicant type.*

### **WSCSC Rubric Rating of Special Education Sections**

In order to better understand if the patterns observed in word counts translate to qualitatively better planning for programming for special education in the schools and applications, the second application analysis was carried out. The application sections in which applicants were specifically asked to address special education or “special needs” were rated using the WSCSC’s own evaluation rubric, with particular attention paid to special education. This allowed for consideration of the latent content in the application sections in which the key words may not be mentioned but that the spirit and intent of the laws and legislation that protect students with disabilities was still present (i.e. IDEA, Section 504 and ADA). Table 1 shows each application and the rating for each of the three special education-specific sections.

**School Culture.** As mentioned above, this section contained some of the lowest key word counts of the sections in which applicants were asked to address “special needs” and/or special education. Overall, the applicants all received a “Meets the Standard” rating for the *School Culture* section. The rubric guidelines for this section (see Methodology for details) are not particularly detailed or rigorous regarding special education in particular; however, the rubric does place emphasis on creating an “inclusive” environment that is “culturally responsive and research based and/or reflective of best practices” (WSCSC Rubric, p. 7). Embedded in these expectations is the spirit of the laws and legislation protecting students with disabilities. Most schools in their narratives emphasized the importance of “all students” in their school activities, classrooms and expectations.

The existing operators (Green Dot and Summit) rely heavily on their network model’s success and track-record in other schools as support for their programming. Neither Summit applications nor Green Dot Middle’s application specifically answer the prompt regarding special needs populations and diverse learners and rather focused exclusively on inclusive language such as “all learners/students”. Green Dot Seattle 6-12, which was in the second round, includes a specific heading within the *School Culture* section under which the application addresses students with disabilities and other special needs populations.

Similarly, the three independent-supported applications also include a specific section devoted to students with special needs that briefly discusses how these populations fit into and will be supported by the culture. Excel’s application directs readers to the *Special Populations and At-Risk Students* section for discussion about the culture and students with special needs. The independent-supported applications focus on daily enactments of culture and core values and

all applicants specifically highlight the importance of teachers and adults (including families and communities of students) in creating and maintaining their cultures and supporting students.

First Place, the independent non-supported application, provides the least detail for specific programming for overall school culture. The emphasis of First Place's culture centers on "families first" and creating stability and a nurturing environment for its students, which aligns with the needs of their target population (students at risk of or experiencing homelessness). The application's section emphasizes the personnel that its model makes available to its students to support its goals, but does not specifically and in detail outline the structures and programming for culture. While this application section had the most key words (by a slim margin), this did not necessarily reflect a stronger narrative on programming plans for students with disabilities and it did not meet all criteria for a "strong response" and therefore was rated as "Partially Meets Expectations." Specifically lacking in this application was an "effective plan for establishing and maintaining culture" (WSCSC Rubric, p. 7).

**Discipline Plan and Policy.** Within this section of the application, it was expected that there would be the greatest alignment or correlation between the word counts in this section and the strength of programming for students with disabilities. This is in large part due to special education law and legislation particular clarity and specificity regarding the regulations governing discipline of students with disabilities. Additionally, the rubric was particularly explicit about its criteria for a strong response, which included reference to specific laws and regulations (federal and state).

Existing operators utilized their experience and organizational discipline policies, which were both comprehensive and responsive to all students, including the specific rules governing the processes for students with disabilities. Their policies outlined are based on research and

best practices, which are used to support all students, including those with disabilities. Both existing operators had substantially the same (if not exactly the same) *Discipline Policy and Plan* sections, which is likely due to the organization-wide common expectations and model that is replicated in individual schools. Both Green Dot and Summit applications reflect an understanding of the importance of keeping students in school and not losing learning time with out of school suspension in addition to ensuring that discipline infractions also serve as “teachable moments”, which are both research-supported practices. All four of the existing operators met WSCSC guidelines for “Exceeds the Standard” in the *Discipline Policy and Plan* section.

Similarly, the independent-supported applications reflected complete and carefully crafted responses to criteria of the *Discipline Policy and Plan* section. Each of the three applications pays particular attention to outline the rights of students with disabilities in disciplinary actions and proceedings. Importantly, all three applications explicitly link their discipline policy and plan to their school’s culture and core values, creating continuity in school environment for students. Additionally, the three applicants subscribe to a similar research-validated approach of positive behavior supports and restorative consequences. Rainier Prep’s plan is unique amongst all applications in that it also notes that “[a]ll staff will study the discipline data to check for disproportionality across race, gender, special needs, etc.” (Rainier Prep Application, p. 45). This is a clear, manifest example of responsiveness of the discipline policy, which is also a reflection of implementing current best-practices for data-driven approach to instruction and discipline. Generally all three of the independent-supported applications were rated as “Exceeds Expectations” for the *Discipline Plan and Policy* sections of their applications.

The First Place application's *Discipline Policy and Plan*, as with its *School Culture* section, lacks the details that the other applications in the sample possessed. Overall its rating using the WSCSC rubric is therefore, "Partially Meets Expectations". The lack of detail is particularly evident in the description of the PBIS model, which was taken up as a model for many of the applicants. First Place also planned to utilize this method of behavior intervention; however, the substance of what that would "look like" in the school was missing. Additionally, the attached discipline policy, which First Place indicated needed to be updated to align with PBIS, demonstrates notable gaps with regard to the legal responsibilities of the school pertaining to students with disabilities. The plan includes involvement with special education case manager or Director of Student Services as a part of an intervention team if the student has an IEP, but there is not mention to the rights of students with disabilities in disciplinary actions and proceedings, which is an explicit requirement of the WSCSC rubric.

**Special Populations and At-Risk Students.** This section represents the bulk of the requirements for addressing the needs of students with disabilities and students with special needs for the entire application. In this section, there are multiple questions/prompts explicitly requiring applicants to articulate the supports and plans for serving students with disabilities. Applicants are required to also address how their plans adhere to state and federal laws regarding students with disabilities. Additionally, the applicants were required to discuss plans for meeting the needs of students at-risk of being identified as having a disability – in other words their proactive supports for students who are struggling. As was mentioned earlier in the section, the largest number of key words across all applications was by far found in the *Special Populations and At-Risk Students* section, which would lead to the prediction that there would be more in depth discussion of programming plans. It was anticipated that much of the evidence for

positive or negative support of the second part of the initial research question would be found in this section.

Summit Sierra and Summit Olympus both outline an intervention and support plan in their *Special Populations and At-Risk Students* sections clearly meets expectations for understanding and articulating their legal responsibilities to and the protections afforded to students with disabilities under all applicable laws. Both Summit applications contain the same design and intervention strategy that is similar to all other Summit schools in operation (organizational model). The sections explicitly outline the importance of their college-bound mission applying to all students, including those at risk and receiving special education or language development support. To this end, Summit relies on an inclusive model with “push in” and in some cases “pull out” support from a special education teacher. The importance they place on data collection and data-informed decision-making (best practices) is demonstrated in their RtI approach to support struggling students and those with disabilities. It comprehensively delineates the tiers of intervention for students requiring additional supports to access the general education curriculum. Both Summit Sierra’s and Summit Olympus’s sections “Meet Expectations” based on WSCSC rubric.

Green Dot Middle effectively articulates their programmatic and academic interventions that support all students, particularly those at risk or with disabilities. It plans to utilize research-based interventions and supports that the network also employs and with which it has demonstrated success (specifically RtI and regular use of Student Support Teams). Based on the WSCSC’s rubric, the only area of relative weakness in this section is that the plan does not clearly articulate the budgetary requirements for the special needs intervention plan. This is only a minor piece of the rubric and is articulated in the Budget Narrative section of the application.

Green Dot Middle's plan for special populations and at-risk students meets WSCSC rubric criteria for a strong response and therefore "Meets Expectations" in this section.

Green Dot Seattle 6-12's application contains many of the same philosophical approaches to meeting the needs of students with diverse special needs, in particular, students with disabilities. The response provides a clear description of the plan as well as the number of staff and supports for which the plan budgets. Additionally, this section acknowledges the importance of special education in the target geographic location and in light of the 2013 Corrective Action Plan for special education in SPS. This is one example in which Green Dot Seattle 6-12 is somewhat more specific and targeted in its responses and demonstrates increased attention on special education programming in its second cohort application. The plan, like Green Dot Middle, is clearly articulated and reflective not only of their experience in their other schools but also in clearly articulates how these interventions (RtI and Student Support Teams) in particular meet the diverse need Overall, the *Special Populations and At-Risk Students* section submitted by Green Dot Seattle 6-12 easily meets the WSCSC rubric criteria for "Meets Expectations".

SOAR's application similarly subscribes to a model of intervention that emphasizes early intervention and RtI. Not only does SOAR's plan describe academic interventions, but it also outlines the multi-tiered behavior and social emotional supports that will accompany those academic interventions. It clearly articulates its legal responsibilities under state and federal laws and describes how those responsibilities fit into the planned intervention and support structure of the school. A relative weakness of the section lies in the specific plans and programming for gifted/highly capable students, although the school's target population demographics heavily favors academically struggling students. The intervention structures also clearly align with the

school overall culture and core values. This section meets WSCSC criteria for “Meets Expectations.”

In its *Special Populations and At-Risk Students* section Rainier Prep clearly articulates a plan for intervention based on early intervention, RtI, and inclusion (similar to SOAR, another independent-supported application and based on research and best practices). Rainier Prep’s plan builds in a co-teaching model as well as an emphasis on grade-level collaboration in order to support students’ needs and support those struggling early. The plan also clearly details how their intervention model appropriately serves its target student population and can adjust to meet their needs effectively. The section also demonstrates strong understanding of the legal requirements of the school and protections afforded to relating to students with disabilities. Compared to other applications, Rainier Prep most directly describes budgetary considerations for the provision of special education services as well as the staffing requirements for serving special needs populations (including ELLs and gifted learners). This application section meets WSCSC rubric criteria for “Meets Expectations.”

The final independent-supported application from Excel demonstrates a comprehensive understanding of the obligations of the school to serve students with disabilities as well as the protections afforded to those students. Additionally, particular attention is paid to how students will be supported within their fully inclusive (to the greatest extent possible) school environment. Excel’s section is detailed and thorough in addressing all components of the applications questions/prompts, with the exception of not directly addressing the budgetary requirements to implement the plans (although Excel is thorough in outlining the staffing needs and responsibilities).

First Place’s section on *Special Populations and At-Risk Students*, like its other sections, lacks the detail and preparation reflected in the other applicants’ sections. First Place clearly and effectively describe their target population, drawing on current student data as this school has operated as a private school prior to its application to become a charter. They identify the members of the “Collective Care Team” that monitors students and is meant to ensure that the high-risk students they serve do not “fall through the cracks”; however, the section does not provide more than the broadest outlines of intervention plans and strategies for supporting and serving these students. The section demonstrates a basic understanding of some of the key principles of IDEA and ADA; however, their plan fails to articulate and explanation of “how the plans for all identified student groups comply with applicable laws and regulations...” (WSCSC Rubric, p. 8). Overall, this section of the application “Does Not Meet Expectations” based on the WSCSC rubric.

Application	School Culture	Discipline Policy and Plan	Special Populations and At-Risk Students
Green Dot Middle	Exceeds Expectation	Exceeds Expectation	Exceeds Expectation
Green Dot Seattle 6-12	Meets Expectations	Exceeds Expectation	Meets Expectations
Summit Sierra	Meets Expectations	Exceeds Expectation	Meets Expectations
Summit Olympus	Meets Expectations	Exceeds Expectation	Meets Expectations
Excel	Meets Expectations	Exceeds Expectation	Meets Expectations
Rainier Prep	Meets Expectations	Exceeds Expectation	Meets Expectations
SOAR	Meets Expectations	Exceeds Expectation	Meets Expectations
First Place	Partially Meets Expectations	Partially Meets Expectations	Does Not Meet Expectations

Figure 8: WSCSC Rubric Results by Application Sections including Special Education

**All WSCSC Rubric Results.** When the results for the charter applicants were compared overall in the three sections addressing special education, a divide is evident between the applications that were either authored by existing operators or supported through the application

process through a non-profit charter school organization and on the other side the non-supported charter application. Figure 8 shows each school application and the rating for each special education section. The first four applications in Figure 8 are existing operators. The follow three are independent-supported applications and the last application is independent not-supported. The supported applications and the existing operators across the board met or exceeded expectations in the three special education specific sections. The non-supported charter application, however, either only partially met expectations (two sections) or did not meet expectations. Furthermore, the section in which the non-supported charter application did not meet expectations is arguably the most important and comprehensive criteria relating to special education and service provision.

### **Charter Application Analysis Discussion**

For the final section of this chapter, I will return to the first research question: *how often do approved WA State charter school applications employ key terms related to special education and are frequencies of these key words reflective of higher quality programming plans for students with disabilities?* The data collected through key word counts and assessing the special education specific application sections based on the WSCSC rubric does not support a relationship between high numbers of key words in the specific special education sections and the quality of that section based on the WSCSC rubric. For instance, First Place's *School Culture* section had the highest word count of all applications, but in the qualitative analysis using the WSCSC rubric, it was found to only partially meet expectations while all other schools soundly met rubric expectations. Additionally, the Summit applications both had significantly higher word counts in the *Special Populations and At-Risk Students* sections but that did not necessarily translate into a substantively superior rating according the WSCSC rubric. While the

data collected for this study does not indicate a minimum total word count to at least rate as “Meets Expectations”, the First Place application contained considerably fewer total word counts overall, particularly in the *Special Populations* and *Discipline* sections, also either only partially met or did not meet expectations in the special education-specific sections.

The data does potentially indicate that the overall application word counts and higher quality plans for special education programming within the three specific sections are linked, although this can be due to a number of confounding factors. In general, seven of the eight application reviewed had significantly higher totals and a greater distribution throughout more sections compared to First Place’s application, which was rated as partially meeting expectations in two sections and not meeting expectations in the third target section. The data also points to an important pattern that when the applicants were specifically required to address special education and related services in the WSCSC prompts and the rubric reflected a rigorous and specific standard for special education, the key word counts increased.

## **Results and Discussion of WSCSC Rubric Analysis**

In this study of charter school applications and special education capacity, the rubric used by the WSCSC in the evaluation of charter school applications was also analyzed. This piece of analysis is informed by researchers recent focus on the role of the authorizers in ensuring that students with disabilities are being served and supported in approved charter schools. In order to address this thesis' second research question, the WSCSC rubric was contrasted with a nationally recommended rubric developed by Rhim and O'Neil (2012). The goal of this line of investigation is to understand if and where the WSCSC rubric addresses aligns with the rubric developed by Rhim and O'Neil (2012). This chapter is divided into sections corresponding to the Rhim and O'Neil (2012) review categories and within those sections, the WSCSC rubric sections content is discussed. Each section also includes a summary table of the Rhim and O'Neil (2012) key considerations, in which WSCSC sections they were predicted to appear, and a scale of how clearly (if at all) they were described. The scale includes *Not Evident*, *Vague*, *Clear*, and *Very Clear*.

### **Child Find**

This is a key piece of IDEA legislation and the processes and protections afforded to students with disabilities. Child Find refers to the policies and processes in place to identify, assess and subsequently provide services to students who might be eligible to receive special education or related services. There are three key considerations to this category, which were expected to be reflected primarily in the *Special Populations and At-Risk Students* section of the WSCSC rubric. Part of the Child Find requirement also involves making the community aware of the schools' ability to provide services, which should be included in the *Recruitment and Enrollment Plan* section. Additionally, because a consideration of Child Find includes having a

staff member who is knowledgeable about the requirements and processes, this might also be evident in the *School Staffing and Professional Development* section.

The *Special Populations* section of the WSCSC rubric includes a criteria specifically on identification and service provision in accordance with relevant federal and state laws and including staffing and budget requirements, which mostly aligns with the Child Find key considerations. Missing from this section in the WSCSC rubric is specific guidance on knowledge and skills the staff must possess (e.g. Child Find process), although this is arguably implied knowledge of qualified special education teachers. Additionally, the *School Staffing and Professional Development* section of the application criteria includes qualifications for staff, which, again, is not specific to special education but an applicant's response could include knowledge of Child Find in special education teacher or administrator desired qualifications. The WSCSC rubric's *Recruitment and Enrollment Plan* criteria, there is vague reference to the plan needing to be "inclusive" and provide "equal access" to all interested students as well as being in compliance with all relevant federal and state laws, which could imply requirements to make families and communities aware of the school's Child Find capabilities, but more than likely would not compel applicants to specifically include this consideration. Table 1 (below) shows the Child Find key considerations, where (if at all) they appear in the WSCSC Rubric, and the level of clarity.

*Table 1: Child Find Key Considerations in WSCSC Rubric*

<b>Key Consideration</b>	<b>WSCSC Section</b>	<b>Level of Clarity</b>
Plans to identify students who may have a disability in order to offer evaluation services?	<i>Special Populations</i>	Very Clear
Plans to make community aware that school can identify and serve special education students?	<i>Recruitment and Enrollment</i>	Vague
Will there be staff hired who are knowledgeable about Child Find requirements? If not, how will staff have access to special education information & guidance?	<i>Special Populations</i>	Vague (implied?)
	<i>Staffing &amp; Professional Development</i>	Vague

### **Staffing and Administration**

Overall, four of the six key considerations in this category were evident in the WSCSC rubric (see Table 2 below). Unlike the previous review category, there were at least six different WSCSC rubric sections that would or should potentially address the key considerations. In five of the six key considerations, there was 2-3 WSCSC sections reviewed and the results of the review indicate that in most cases there was at least one of the sections in which the key consideration was at minimum considered “clear”. However, there were two areas in which the WSCSC rubric was considered vague, one of which is potentially concerning, specifically the consideration regarding assuring the hiring of qualified special education teachers if there is a shortage in the community. According the 2014 U.S. Department of Education’s yearly report on Teacher Shortage Areas (TSAs), Washington State has consistently reported a shortage of special education teachers every year since 1990/91, with the exception of 1993/94, 1994/95, and 1995/96 school years. Washington reported no shortages in former school year and in the latter two school years, the state reported a shortage of Speech-Language Pathologists, which is a

special education service provider. Given this consistency, there should be a more explicit criteria regarding recruitment strategies for TSA, which would include special education as well as other areas.

*Table 2: Staffing and Administration Key Considerations in WSCSC Rubric*

<b>Key Consideration</b>	<b>WSCSC Section</b>	<b>Level of Clarity</b>
Anticipated enrollment of students with disabilities?	<i>Executive Summary</i>	Very Clear
	<i>Special Populations</i>	Very Clear
How will special education teachers/providers collaborate with general education teachers?	<i>Special Populations</i>	Vague
	<i>Curriculum &amp; Instruction</i>	Clear
If there is a shortage of SpEd teachers/providers in community, how will the school find qualified teachers to hire?	<i>Staffing &amp; Professional Development</i>	Vague (implied?)
Considering projected SpEd enrollment, will there be a dedicated administrator or who will be responsible (LEA Rep)?	<i>Staffing &amp; Professional Development</i>	Vague
	<i>Education Program Capacity</i>	Clear
If contracting with external provider for SpEd, how will services be coordinated, communicated and disputes resolved?	<i>Staffing &amp; Professional Development</i>	Not Evident
	<i>Education Program Capacity</i>	Not Evident
	<i>School Partnerships</i>	Very Clear
If the school has a virtual or blended learning model, who will be responsible for service provision outlined in IEPs?	<i>Staffing &amp; Professional Development</i>	Vague
	<i>Education Program Capacity</i>	Vague

## **Curriculum and Instruction**

Within this application review category, all key considerations were addressed in at least one section and with a rating of Clear or Very Clear with the exception of one (see Table 3

below). This exception, which relates to the training of teachers to modify and accommodate curriculum based on the needs of student with disabilities (SWDs) was either vague or not evident. In the *Special Populations* section, the WSCSC rubric criteria includes general statements such as “plans to support students with or at risk of being identified as having a disability” (WSCSC Rubric, p. 8); however, it lacks the specificity of training and supporting teachers in the necessary accommodations or modifications. Additionally, in the *Staffing and Professional Development* section, the WSCSC rubric includes another blanket criteria for a detailed professional development calendar and plan tailored to “the needs of individual teachers” (WSCSC Rubric, p. 12-13). This does not explicitly include specific mention professional development specific to special education or other special populations, although given the populations served by charter schools in Washington according to Charter Law it could reasonably be inferred that a detailed professional development plan would necessarily include professional development relating to special populations and at-risk students. Thus, this WSCSC section was considered *vague*.

*Table 3: Curriculum and Instruction Key Considerations in WSCSC Rubric*

<b>Key Consideration</b>	<b>WSCSC Section</b>	<b>Level of Clarity</b>
What is the plan to accommodate varied learning styles?	<i>Special Populations</i>	Very Clear
	<i>Curriculum &amp; Instruction</i>	Very Clear
What is the plan to modify delivery of curriculum (e.g. assistive technology) to ensure all students can access curriculum?	<i>Special Populations</i>	Clear
	<i>Curriculum &amp; Instruction</i>	Clear
How will teachers be trained to modify curriculum & instruction to support unique needs of SWDs?	<i>Special Populations</i>	Not Evident
	<i>Curriculum &amp; Instruction</i>	Not Evident
	<i>Staffing &amp; Professional Development</i>	Vague
If contracting with external providers, what structures will be developed to coordinate accommodations between provider and teachers?	<i>Education Program Capacity</i>	Not Evident
	<i>School Partnerships</i>	Clear
	<i>Staffing &amp; Professional Development</i>	Not Evident
How will curriculum & instruction decisions be monitored and tracked by IEP teams and other school personnel?	<i>Special Populations</i>	Clear
	<i>Curriculum &amp; Instruction</i>	Not Evident
	<i>Education Program Capacity</i>	Clear

## **Enrollment**

This key consideration is perhaps one of the more important and researched topics within the current charter school climate. Enrollment disparities have been the subject of most research and debate to-date, therefore the results of this section are particularly telling of the WSCSC rubric's attention to the current debates. The assumption of the Rhim & O'Neil (2012) rubric is that charter schools should aim, at minimum, to enroll a similar percentage of students identified with disabilities as the local community. The WSCSC rubric criteria require applicants to consider target enrollment using local community demographics, including those students

identified as having a disability, however, there is no explicit expectation that schools report special education demographics or enrollment targets within the *Recruitment and Enrollment Plan* (see Table 4 below). Regarding the other key considerations, there is vague at best references to both in the *Recruitment and Enrollment Plan* section, however, given the importance of “parity” in charter school special education enrollment to that of the traditional public schools, the relative absence of specific criteria is somewhat surprising.

*Table 4: Enrollment Key Considerations in WSCSC Rubric*

<b>Key Consideration</b>	<b>WSCSC Section</b>	<b>Level of Clarity</b>
What percentage of the students in the local community are identified as having a disability?	<i>Executive Summary</i>	Very Clear
	<i>Special Populations</i>	Clear
	<i>Recruitment &amp; Enrollment Plan</i>	Not evident
For elementary schools, how will the schools market to parents already in the preschool public school system and have children with disabilities?	<i>Special Populations</i>	Not Evident
	<i>Recruitment &amp; Enrollment Plan</i>	Vague
If charter law allows/requires to give enrollment preferences to students at risk or specifically with disabilities, how will it manage the preferences?	<i>Recruitment &amp; Enrollment Plan</i>	Vague

## **Assessment**

The six key considerations relating to assessment of students with disabilities include only two that were either clearly or very clearly addressed in the WSCSC rubric, the remaining three were vaguely addressed (see Table 5 below). In recognition that charter schools overall have traditionally served a disproportionately low number of students with moderate to severe disabilities, including those who would take alternate assessments (i.e. not state-mandated standardized tests), it is understandable that the WSCSC rubric would not address alternate assessments explicitly; however, the disproportionality is a large point of contention in the

charter school discussion. An important component of this Assessment review category involves the physical space and facilities considerations that potentially substantially impact a charter school's facility selection, budgeting and other operational considerations. The WSCSC rubric clearly describes criteria (in the *School Facilities* section) relating to complying with all federal and state guidelines for special needs students, but it does require (as evidenced in the rubric) charter applicants to respond to the physical space requirements for assessing students with disabilities who may require alternate settings (for read-aloud, etc.), thus this key consideration is considered vague.

Table 5: Assessment Key Considerations in WSCSC Rubric

<b>Key Consideration</b>	<b>WSCSC Section</b>	<b>Level of Clarity</b>
Plan for identifying struggling students and would benefit from academic interventions?	<i>Special Populations</i>	Very Clear
	<i>Curriculum &amp; Instruction</i>	Clear
Plan to implement evidence-based early interventions and a means to track progress?	<i>Special Populations</i>	Very Clear
	<i>Curriculum &amp; Instruction</i>	Clear
Inclusion of assurances that students will be provided with appropriate accommodations when testing per IEPs?	<i>Special Populations</i>	Vague
	<i>Curriculum &amp; Instruction</i>	Not Evident
Understanding that some students may require alternate assessment and have a plan to determine which if any students are required to take those?	<i>Special Populations</i>	Not Evident
	<i>Curriculum &amp; Instruction</i>	Not Evident
	<i>Student Performance Standards</i>	Vague
Assurances that the facility will include adequate space to administer assessments to students with disabilities who require alternate testing environments?	<i>Special Populations</i>	Not Evident
	<i>Curriculum &amp; Instruction</i>	Not Evident
	<i>School Facilities</i>	Vague
If the school has a virtual or blended learning model, where will students be assessed and how will they be accommodated per IEPs?	<i>Special Populations</i>	Vague
	<i>Curriculum &amp; Instruction</i>	Vague
	<i>Student Performance Standards</i>	Not Evident
	<i>School Facilities</i>	Not Evident

### **IEP Development**

The WSCSC's rubric was the weakest in this area with no evidence of specific and direct criteria aligning to the key considerations in Rhim & O'Neil's (2012) rubric. The WSCSC contained criteria which very generally address complying with special education law, which includes informing parents of theirs and their child's rights under IDEA, hiring staff to administer and IEP meetings and implement modifications, as well as develop transition plans

for middle and high school students with IEPs; however, none of these considerations were mentioned explicitly in the rubric. The lack of clarity is concerning given the importance of IEP development to IDEA compliance as well as the influence on the operations and logistics of a charter school.

*Table 6: IEP Development Key Considerations in WSCSC Rubric*

<b>Key Consideration</b>	<b>WSCSC Section</b>	<b>Level of Clarity</b>
Plan for informing parents of their and their child's rights associated with IDEA?	<i>Special Populations</i>	Vague
Plan to hire case managers responsible for implementing IEPs?	<i>Special Populations</i>	Vague
	<i>Staffing &amp; Professional Development</i>	Vague
Will school hire staff member or external provider who will be responsible for scheduling, leading, and documenting IEP meetings?	<i>Special Populations</i>	Vague
	<i>Staffing &amp; Professional Development</i>	Vague
If virtual or blended learning model, how will IEPs be modified to incorporate environment?	<i>Special Populations</i>	Vague
Assurances that the facility will include adequate space to administer assessments to students with disabilities who require alternate testing environments?	<i>Special Populations</i>	Not Evident
	<i>Curriculum &amp; Instruction</i>	Not Evident
	<i>School Facilities</i>	Vague
If a proposed middle or high school, do they have understanding/ability to develop appropriate transition plans in accordance with IDEA regulations?	<i>Special Populations</i>	Vague

## **Service Provision**

This area of application review is, like IEP development, an important part of not only meeting legal obligations to provide a free and appropriate public education (FAPE) to students

with disabilities, but also has important implications for many aspects of a school's plan including its curriculum and instruction, operations, staffing requirements, and budget. Given its far reaching implications for a school, it was expected that there would be more key considerations that were found to be "clear" or "very clear" in the WSCSC rubric; however, there was only enough evidence in the WSCSC rubric to classify half of the ten key considerations as clear. Five of the remaining considerations were found to be vague and one to be not evident in the WSCSC rubric. With majority of this section considering *who* will be delivering services rather than how and where, the WSCSC rubric section, *Staffing and Professional Development*, provides crucial guidance on these considerations. While the WSCSC rubric is clear that the applicants must address the qualifications of and numbers of staff, the types or classifications that these staff fall under is not specific enough to include whether the applicants recruit dual certified or part-time special education teachers. Additionally, the hiring and recruitment plan details are explicit criteria in the WSCSC rubric, which can reasonably be inferred that if the applicant plans to seek out dual-certified teachers, which will be a part of the response. This idea of reasonable inference of specific key considerations from broader WSCSC rubric is particularly true in this section.

*Table 7: Service Provision Key Considerations in WSCSC Rubric*

<b>Key Consideration</b>	<b>WSCSC Section</b>	<b>Level of Clarity</b>
How many SpEd teachers, administrators and paras does the school plan on employing or who does will they contract with?	<i>Special Populations</i>	Clear
	<i>Staffing &amp; Professional Development</i>	Clear
	<i>School Partnerships</i>	Vague
What kind of certification will SpEd professionals have?	<i>Staffing &amp; Professional Development</i>	Clear
Is there a plan to recruit qualified SpEd staff per IDEA regulations?	<i>Staffing &amp; Professional Development</i>	Clear
Does the school plan to recruit dual-certified teachers?	<i>Staffing &amp; Professional Development</i>	Vague
Will the school hire part-time or retired special education teachers?	<i>Staffing &amp; Professional Development</i>	Vague
Will the school be able to access the services of a school nurse or appropriate staff to handle health-related issues?	<i>Staffing &amp; Professional Development</i>	Vague
If the school is virtual or blended component, how will school collaborate with district to provide services virtually?	<i>Curriculum &amp; Instruction</i>	Vague
	<i>School Partnerships</i>	Clear
If school plans to contract out SpEd and related services, how will it coordinate to make sure there are no lapses in delivery?	<i>Special Populations</i>	Vague
	<i>School Partnerships</i>	Clear
Is there a network of intermediate service providers (e.g. SpEd Collaborative) and has school initiated dialogue?	<i>School Partnerships</i>	Vague
Does the state maintain a risk pool and does school have plans to ensure they can access it?	<i>Financial Plan</i>	Not Evident

### **Funding and Budget Considerations**

Both the key considerations for funding (Table 8) and those for budget (Table 9) primarily fall under the WSCSC rubric section *Financial Plan*. The applicants were required to fill out a WSCSC-provided budget worksheet and plan, which provides a framework for addressing the moneys coming in for per special education student allocations; however, there is

no specific criteria in the rubric that would lead to applicants specifically describing how the various special education money from federal, state, and local sources will specifically benefit students with disabilities, thus all of the key considerations under the application review category *Funding* were rated as vague. Additionally, the WSCSC *Financial Plan* section also requires a detailed plan of assumptions, allocations, estimates, bases for budget projections, and costs; which therefore includes inclusion of allocations. This is the only item in the two application review categories that is clearly included in the *Financial Plan* section. The setting of fees and all other contracting details regarding external service providers is explicitly outlined in WSCSC rubric section dedicated to *School Partnerships*.

*Table 8: Funding Key Considerations in WSCSC Rubric*

<b>Key Consideration</b>	<b>WSCSC Section</b>	<b>Level of Clarity</b>
How will federal SpEd dollars flow to benefit students?	<i>Financial Plan</i>	Vague
How will state SpEd dollars flow to benefit students?	<i>Financial Plan</i>	Vague
How will local SpEd dollars flow to benefit students?	<i>Financial Plan</i>	Vague
Is the charter eligible to receive Medicaid reimbursements?	<i>Financial Plan</i>	Vague

*Table 9: Budget Key Considerations in WSCSC Rubric*

<b>Key Consideration</b>	<b>WSCSC Section</b>	<b>Level of Clarity</b>
Does the school budget include allocations for SpEd and related services?	<i>Financial Plan</i>	Clear
Does the budget include allocations for training all personnel on the education of SWD?	<i>Financial Plan</i>	Vague
If school is contracting with external provider, how will fees be set?	<i>School Partnerships</i>	Very Clear
	<i>Financial Plan</i>	Vague
If the school has virtual or blended component, what are the budget implications (e.g. specialized software or hardware purchases to support SWD)?	<i>Financial Plan</i>	Vague

## Facilities

In the case of the key considerations for Facilities aligned with the WSCSC rubric section *School Facilities*. The WSCSC rubric explicitly includes that the facility must meet “state and federal guidelines for special needs students” (WSCSC Rubric, p. 14). This statement is directly connected to accessibility plans as the federal laws and regulations are clear on these topics, however, although the laws are clear on the need to provide a secure storage place for confidential documents and the need to have adequate facilities to meet the needs of students with disabilities (including alternative settings for instruction and assessment), these are not necessarily as readily apparent to most individuals. Therefore, the WSCSC criteria would not necessarily garner a response that would address those other two key criteria, which is why those are rated as “vague.”

*Table 10: Facilities Key Considerations in WSCSC Rubric*

<b>Key Consideration</b>	<b>WSCSC Section</b>	<b>Level of Clarity</b>
Does the school have plans to secure an accessible facility for limited mobility?	<i>School Facilities</i>	Clear
Does the facilities plan include space to provide support services outside the general education classroom?	<i>School Facilities</i>	Vague
Where will confidential student records be stored in the school’s facilities?	<i>School Facilities</i>	Vague

## Discipline

The WSCSC’s rubric section on discipline is particularly strong and explicit about the criteria for a “strong response” (which equates to a “meets expectations” rating on the rubric). In this section, the greatest contrast in clarity is seen, with three of the four key considerations being very clear in the rubric and the fourth not appearing in the rubric section at all. The WSCSC

rubric requires applicants to describe how the discipline policy will be conveyed to parents and students, but not to staff and school personnel. Given the clarity in the legal regulations relating to the rights of students with disabilities in disciplinary processes, it would seem to be a key piece of implementing a successful school-wide discipline plan and policy and therefore the WSCSC should be more specific about this key consideration.

*Table 10: Discipline Key Considerations in WSCSC Rubric*

<b>Key Consideration</b>	<b>WSCSC Section</b>	<b>Level of Clarity</b>
What is the plan to develop discipline policy, including ways it impacts SWD?	<i>Discipline Policy &amp; Plan</i>	Very Clear
If adopting an existing district's policy, do officials understand nuances as applied to charter setting and as applied to SWD?	<i>Discipline Policy &amp; Plan</i>	Very Clear
Does the school leader plan to devote time/resources to training staff on policy, especial nuances related to SWD?	<i>Discipline Policy &amp; Plan</i>	Not Evident
How will the school manage manifestation determination hearings as the school and LEA?	<i>Discipline Policy &amp; Plan</i>	Very Clear

### **Family & Community Engagement**

The WSCSC rubric contains a specific section requiring applicants to detail family engagement plans prior to and after enrollment. It requires applicants to address the ways in which the local community will be involved in the school; however there is no specific mention of the participation of parents of students with disabilities or virtual or blended learning components. These latter two key considerations are rated as vague as a reasonable assumption can be made that the criteria specifying the inclusion of “plans for providing opportunities and

communicating expectations about parent involvement” includes opportunities for parents of students with disabilities and requirements for parent engagement in home learning for virtual and blended learning models.

*Table 11: Family & Community Engagement Key Considerations in WSCSC Rubric*

<b>Key Consideration</b>	<b>WSCSC Section</b>	<b>Level of Clarity</b>
Plan to provide families and community to be involved in school?	<i>Family &amp; Community Involvement</i>	Very Clear
Are parents with disabilities afforded opportunities to participate in school (e.g. on committees?)	<i>Family &amp; Community Involvement</i>	Vague
If the school has virtual or blended component, what structures are there to engage parents to support home learning?	<i>Family &amp; Community Involvement</i>	Vague

## **Transportation**

Transportation for all students is addressed in the WSCSC’s *Start-Up and Ongoing Operations* section. The three key considerations for transportation and students with disabilities are only partially addressed in the WSCSC rubric. The rubric criteria require a plan for transportation, therefore whether the school will provide transportation will certainly be addressed in its response from applicants in order to meet expectations. What is considerably less clear is whether the transportation plan necessarily includes students with disabilities and they complexities that brings. The law is clear on the school or LEAs responsibility to provide transportation to students with disabilities if it is included in the IEP as a related service and what that would mean for a school (cost, logistics, operations, etc.) if they did or didn’t provide transportation for all students (two key considerations) would not necessarily be articulated in a response to the WSCSC criteria.

*Table 12: Transportation Key Considerations in WSCSC Rubric*

<b>Key Consideration</b>	<b>WSCSC Section</b>	<b>Level of Clarity</b>
Will the school offer transportation to all students?	<i>Start-Up &amp; On-Going Operations</i>	Clear
<i>What accommodations will the school provide for SWD to take advantage successfully and safely?</i>	<i>Start-Up and Ongoing Operations</i>	Vague
If no transportation for all students, how will the school provide transportation to SWD if it is a related service on the IEP?	<i>Start-Up and Ongoing Operations</i>	Vague

### **Management Company**

The section of the WSCSC rubric addressing *School Partnerships*, whether with the local school district or an outside non-profit or service provider, is extremely clear and detailed about the nature of a strong response. Included explicitly in this section are criteria on expertise the external provider (or management company) brings to the target population in addition to evidence of the provider’s “track record of success in serving similar student population” (WSCSC Rubric, p. 12). However, the key consideration of a management company developing state special education expertise is not evident. There are no specific criteria addressing out-of-state management companies or even criteria regarding a plan for out-of-state existing operators to develop state special education expertise. It is not unimaginable that the authorizers assume that type of expertise would be developed if they will operate in the state, but there is no specific evidence to support that theory and it is most likely that the WSCSC did not consider the implications of an out-of-state management company needing to develop state special education law expertise.

Table 13: Management Company Key Considerations in WSCSC Rubric

Key Consideration	WSCSC Section	Level of Clarity
Does the applicant plan to hire a management company to provide any services, if yes, what expertise regarding SWD does that organization have?	<i>School Partnerships</i>	Very Clear
If the management company is from out of state, how do they plan to develop expertise to state special education law?	<i>School Partnerships</i>	Not Evident
	<i>Existing Operators</i>	Not Evident

### Replication Issues

The Replication Issues application review section is roughly correlated to the *Existing Operators* section of the WSCSC Rubric. Certain Key Considerations in this category could be found in applicants' responses to other sections (such as *Staffing* or *Curriculum & Instruction*), however, the decision was made to focus on the *Existing Operators* section as a section for WSCSC to glean essentially a "proof of concept" for existing operators, as the application of an existing model necessitates the demonstration of tangible evidence of success whereas operators who are not replicating must simply demonstrate potential to be successful. This section, therefore, is extremely important in understanding an existing operator's capacity and success educating students with disabilities. Unfortunately, the WSCSC rubric section is quite limited compared to the key considerations outlined in Rhim and O'Neil's (2012) rubric.

The only key consideration that was found to be very clear within the *Existing Operators* section was the criteria to demonstrate a proven track record of academic success for similar student population" (WSCSC Rubric, p. 16). The WSCSC rubric does not require existing operators to reiterate their developed curriculum & instructional approach or their established staffing strategies in the section and it can reasonably be inferred that their established practices

will be defined as such and outlined in other sections of the application, thus it is not necessarily concerning about the number of key considerations that were not evident in the *Existing Operators* section.

*Table 13: Replication Issues Key Considerations in WSCSC Rubric*

<b>Key Consideration</b>	<b>WSCSC Section</b>	<b>Level of Clarity</b>
Does the school have a track record of academic success for all students?	<i>Existing Operators</i>	Very Clear
Does the existing school's(s') enrollment of SWD approximate that of the local community?	<i>Existing Operators</i>	Not Evident
What are the school's mission and values?	<i>Executive Summary</i>	Very Clear
	<i>Existing Operators</i>	Not Evident
Does the existing school(s) have clearly articulated curriculum?	<i>Curriculum &amp; Instruction</i>	Vague
	<i>Existing Operators</i>	Not Evident
Does the existing school(s) have established policies/procedures for recruiting, hiring, managing, and evaluating personnel?	<i>Staffing &amp; Professional Development</i>	Not Evident
	<i>Existing Operators</i>	Vague
Has the school been the subject of any SpEd due process complaints, if yes, how were they resolved?	<i>Existing Operators</i>	Vague

### **Summary of Results**

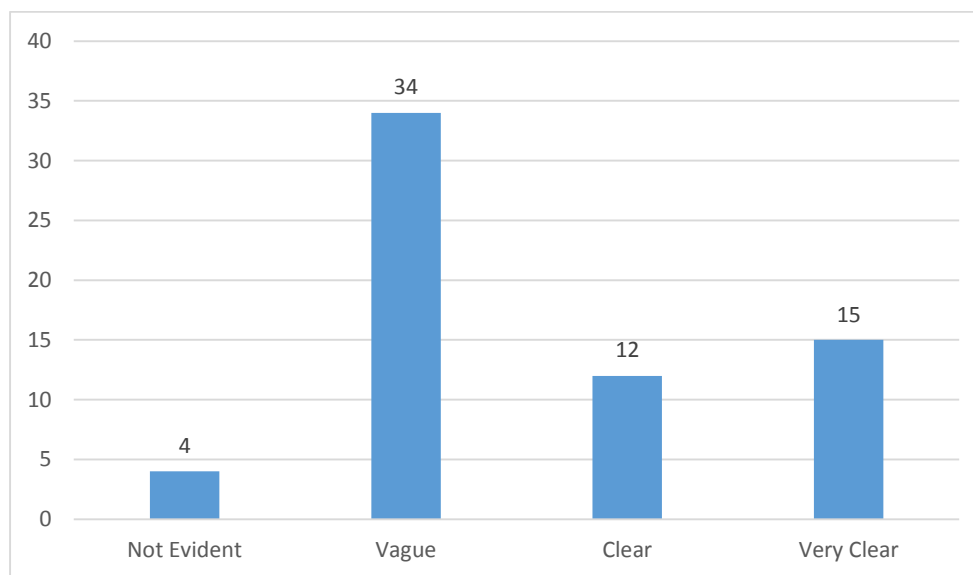
Overall, there are many places throughout the WSCSC Rubric in which its criteria comprehensively and clearly articulates key considerations outlined in Rhim & O'Neil's special education rubric for authorizers of charter school applications who will be their own LEAs. Most application review categories had at least one and as many as five key considerations that met criteria for clear or very clear. This indicates that many of the big categories Rhim & O'Neil (2012) recommend that authorizers create criteria around already exist in some way in the

current WSCSC Rubric. Table 1 in Appendix B lists the application categories in which key considerations were considered clear or very clear.

There are, however, significant gaps that are a cause for concern. As has been said in previous sections, an assumption of this analysis is not to identify as many sections in which key considerations are addressed and rather that each is addressed somewhere in the application. To this end, after the initial review, a second review of the WSCSC Rubric was conducted to specifically identify if there were alternate sections in which the key considerations that initially “not evident” could be found. There were no alternate sections found to specifically address any of the “not evident” key considerations. The key considerations found to be “Not Evident” in the WSCSC Rubric are listed in Appendix B, Table 2. This list is short and generally includes extremely specific considerations that might not be applicable to most applicants in the state, but still important to note and potentially identify ways in which applicants can be encouraged to address or consider them.

The more troubling list is that of the key considerations that fall in the vague category. These are areas that, because there are not explicit criteria addressing them, the WSCSC is essentially leaving to chance whether they will be incorporated into the applicant’s overall plan or even simply considered. In Appendix B, Table 3 outlines the vague key considerations in addition to grouping them by application review category. This list includes at least one and usually more key considerations in each application review category with the exception of the *Discipline* and *Management* sections of the Rhim & O’Neil (2012). Both of these categories contained one consideration that was not evident. In the case of IEP Development, all key considerations were considered vague – meaning there was nowhere in the entire WSCSC rubric that explicitly required applicants to consider or explain their plans or processes for IEP

development. To help illustrate the relative distribution of “not evident”, “clear” or “very clear” to “vague” key considerations, the resulting totals have been combined and displayed in Figure 11.



*Figure 11. Rating totals of key considerations in WSCSC Rubric sections*

What becomes evident in this graph, is that a disproportionately high number of the key considerations from Rhim & O’Neil’s (2012) special education rubric for authorizers remains only vaguely addressed in the WSCSC rubric. The implications of this finding in the context of the applications approved, the school currently in operation as well as the success of charters yet to open with respect to special education is discussed in the concluding chapter.

### **Discussion and Study Implications**

The applications submitted to the WSCSC for approval are reflective of the leaders and operator's visions of excellent schools. The applications, if approved, provide the framework of a contract between the authorizing body and the charter school. These are standards/criteria to which the school will be held by the authorizers and as such can be artifacts of the applicant's preparedness to broadly provide services and an education to its students and specifically to provide an equitable education to students with disabilities.

The application analysis showed that although the special education key words were not sufficient in and of themselves to predict the quality of special education programming (i.e. there is not a relationship between numbers of key words and quality of applicant programming for special education), the total key word counts provided some indication of the quality of the incorporation of special education into the applicant's overall school programming. There is only one charter school open at the time of this analysis, so it remains to be seen if some of the patterns seen in the charter application analysis are indicative of capacity to support students with disabilities in the charters that have not opened, but there is one open and the analysis does raise some flags about its readiness and capacity to effectively serve students with disabilities, as will be discussed later in this section.

The key word and rubric-based evaluation results for seven of the eight charter schools authorized by the WSCSC are very similar – they generally contained the same number of key words within the sections in which they were specifically required to address special education and all either met or exceeded expectations according the WSCSC rubric. There was marked disparity both in the key word counts and the rubric ratings for the eighth school approved by the WSCSC. The charter application contained fewer than half of the total key words than the average totals for the other applications, a pattern was also apparent in the *Special Populations*

*and At-Risk Students* section and more pronounced in the *Discipline Policy and Plan* section.

This same application received two “Partially Meets Expectations” ratings and one “Does Not Meet Expectations” for the WSCSC rubric evaluation. Although applications were approved based on a more holistic level whereas this analysis focused solely on special education, this thesis raises some serious concerns regarding the applicant’s ability to appropriately, legally and effectively support the needs of students with disabilities.

The charter currently in operation has been plagued by problems since the early months of opening. It has experienced significant turnover on its board, in its consultants, and its school leadership. It is currently under probation by the WSCSC for failing to adequately address the stipulations in its “Notice of Corrective Action” (see Corrective Action Plan Commission Response, December 16, 2014). Special Education and IDEA compliance were key components of the WSCSC Notice of Corrective Action issued in early December. Based on the application analysis done in this thesis, the school’s inability to comply with special education mandates could be seen in the application phase as well as this early phase of implementing the school program.

The challenges this school has faced in adequately supporting students with disabilities provides further impetus to critically examine the WSCSC rubric criteria. In this analysis, it was found that while there were sections of the WSCSC rubric that aligned nearly perfectly with the best-practice recommendations, there was a significant portion of the recommended “key considerations” which were vague and would not necessarily lead to a charter school demonstrating in their application that they understood and could address those key considerations recommended in Rhim & O’Neil’s (2012) rubric. The WSCSC leaves the

majority of these key recommendations, many of which relate specifically to service provision, staffing, and specific legal requirements of LEAs implicit or missing from the rubric.

The charter application analysis demonstrated that if the WSCSC asked about special education as those sections contained more key words than any other section, generally by a wide margin. The next step would be to refine the content of and the ways in which applicants are expected to consider special education. The WSCSC rubric analysis found many instances in which the authorizers could increase the rigor of their rubric and expectations that would increase quality of charter applications and levels of preparedness to take on the immense responsibilities of running a school and serving all students effectively and in compliance with federal and state laws. These findings are consistent with researcher recommendations that there should be an increased focus on the charter school authorizers (Rhim & O'Neil, 2012; CREDO, 2013). The quality of the charter sector is in large part determined by who receives a charter, therefore we must increase our focus on authorizers and the application process (CREDO, 2013).

Previous research has found that students with disabilities rarely factor into the planning phase of charter schools (Marcell, 2010; Estes, 2004; Fiore & Hardwell, 2000). We know, however, that planning is a crucial part of the success of students with disabilities in schools (Marcell, 2010; Donnahue Institute, 2009). Education researchers, practitioners and policy makers should give greater consideration to the importance of the process leading up to a charter school's opening as potential opportunities to increase capacity and preparedness to serve students with disabilities. It is not enough to look at enrollment and what is happening in charter schools related to special education service provision. If the charter school movement is to change the dialogue around charter schools and special education, increased focus must be placed on the role of authorizers as well the quality of explicit expectations for potential charter

schools in assuring the overall quality of charter schools service provision of special education to its students.

Ultimately, the authorizer is the arbiter of charter quality and it is their requirements and expectations that drive the preparedness of approved-charters. This thesis is informed by the importance of clear and high standards– if low expectations are set, the work produced will be lower quality and the same applies to high expectations. If we want charter schools to truly serve all students, including those with disabilities, high standards for preparedness and capacity must be set and that likely starts with authorizer rubrics.

Although larger and more rigorous study is needed, this thesis attempts to begin the work of empowering charter schools to provide excellent special education services, by highlighting the need to expect more during the application process relating to special education and the unique challenges faced by charters operating as their own LEAs. Charter leaders must be required to think holistically as well as specifically about special education and how the letter and spirit of the federal laws and mandates impact and are incorporated into their school model. Given the relatively newness of charter schools in Washington, there exists a great opportunity to “get it right from the start” and to use research on best practices to understand what it looks like to do that.

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**Appendix A**  
**Extended Details Excerpted From WSCSC Special Education Requirements and Rubrics**

Table A1: WSCSC Special Education Requirements for Charter Applications

<b>Section</b>	<b>Special Education-Specific Language</b>
Student Culture	<p>“...3. Explain how the school culture will take account of and serve students with special needs, including students receiving special education services, English Language learners, and any students at risk of academic failure.”</p>
Special Populations and At-Risk Students	<p>“Schools are responsible for hiring licensed and endorsed special educators pursuant to law. School personnel shall participate in developing Individualized Education Programs (IEPs); identify and refer students for assessment of special education needs; maintain records; and cooperate in the delivery of special education instruction and services, as appropriate. All responses should indicate how the school will comply with applicable laws and regulations governing service to these student populations.</p> <ol style="list-style-type: none"> <li>1. Describe the overall plan to serve students with special needs, including but not limited to students with Individualized Education Programs or Section 504 plans; English Language learners; students identified as intellectually gifted; and students at risk of academic failure or dropping out. The plan should address how the school will meet students’ needs in the least restrictive environment....</li> <li>3. Explain more specifically how you will identify and meet the learning needs of students with mild, moderate, and severe disabilities in the least restrictive environment possible. Specify the programs, strategies, and supports you will provide, including the following: <ol style="list-style-type: none"> <li>(a.) Methods for identifying students with special education needs (and avoiding misidentification);</li> <li>(b.) Specific instructional programs, practices, and strategies the school will employ to provide a continuum of services; ensure students’ access to the general education curriculum; and ensure academic success for students with special education needs;</li> <li>(c.) Plans for monitoring and evaluating the progress and success of special education students with mild, moderate, and severe needs to ensure the attainment of each student’s goals as set forth in the Individualized Education Program (IEP);</li> <li>(d.) Plans for promoting graduation for students with special education needs (high school only); and e. Plans for qualified staffing adequate for the anticipated special needs population.</li> </ol> </li> <li>5. Explain how the school will identify and meet the learning needs of at-risk students as defined in RCW 28A.710.010(2). “At-risk student” means a student who has an academic or economic disadvantage that requires assistance or special services to succeed in educational programs. The term includes, but is not limited to, students who do not meeting minimum standards of academic proficiency, students who are at risk of dropping out of high school, students in chronically low-performing schools, students with higher than average disciplinary sanctions, students with lower participation rates in advanced or gifted programs, students who are limited in English proficiency, students who are members of economically disadvantaged families, and students who are identified as having special educational needs.”</li> </ol>

<b>Section</b>	<b>Special Education-Specific Language</b>
Disciplinary Policy and Plan	<p>“...3. An explanation of how the school will take into account the rights of students with disabilities in disciplinary actions and proceedings; and</p> <p>4. Procedures for due process when a student is suspended or expelled as a result of a code of conduct violation, including a description of the appeal process that the school will employ for students facing expulsion and a plan for providing services to students who are expelled or out of school for more than ten days...”</p>

*Adapted from the Washington Charter School Commission “Rubric for Charter School Applications,” retrieved from <http://www.sbe.wa.gov/charters.php#.VO5OMHR0wqM>.*

Table A2: “Strong Response” Excerpts Relating to Special Education

<b>Section</b>	<b>Special Education-Specific Language (not complete requirement for “strong response”)</b>
Student Culture	<p>“A strong response will meet the following criteria... an explanation of how the school culture will support and responsive to all students, including students with diverse special needs” (p. 7)</p>
Special Populations and At-Risk Students	<p>“A strong response will meet the following criteria... a description of the overall plan – including staffing and budget requirements – to identify and serve at risk students... The plan must adhere to the state and federal laws regarding services and must support students with, or at risk of being identified as having, a disability. Specific plans for how the school will meet the needs of at-risk students’ learning needs in the least restrictive environment, as defined by state and federal special education guidelines and law... A clearly articulated explanation of how the plans for all identified student groups comply with applicable laws and regulations governing services to these student populations....” (p. 8)</p>
Disciplinary Policy and Plan	<p>“A strong response will meet the following criteria... Demonstrate compliance with applicable state laws and authorizer policies with references to those laws and policies. Policies must adhere to legal and due process requirements and must clearly articulate:... the rights of students with disabilities in disciplinary actions and proceedings....” (p. 9)</p>

*Adapted from the Washington Charter School Commission “Rubric for Charter School Applications,” retrieved from <http://www.sbe.wa.gov/charters.php#.VO5OMHR0wqM>.*

**Appendix B**  
**WSCSC Rubric Comparison**

Table B1: Key Considerations Categorized as Clear or Very Clear

Child Find	Plans to identify students who may have a disability in order to offer evaluation services?
Staffing & Administration	Anticipated enrollment of students with disabilities?
	How will special education teachers/providers collaborate with general education teachers?
	Considering projected SpEd enrollment, will there be a dedicated administrator or who will be responsible (LEA Rep)?
	If contracting with external provider for SpEd, how will services be coordinated, communicated and disputes resolved?
Curriculum & Instruction	What is the plan to accommodate varied learning styles?
	What is the plan to modify delivery of curriculum (e.g. assistive technology) to ensure all students can access curriculum?
	If contracting with external providers, what structures will be developed to coordinate accommodations between provider and teachers?
	How will curriculum & instruction decisions be monitored and tracked by IEP teams and other school personnel?
Enrollment	What percentage of the students in the local community are identified as having a disability?

Assessment	Inclusion of assurances that students will be provided with appropriate accommodations when testing per IEPs?
	Understanding that some students may require alternate assessment and have a plan to determine which if any students are required to take those?
	Assurances that the facility will include adequate space to administer assessments to students with disabilities who require alternate testing environments?
	If the school has a virtual or blended learning model, where will students be assessed and how will they be accommodated per IEPs?
Service Provision	How many SpEd teachers, administrators and paras does the school plan on employing or who does will they contract with?
	What kind of certification will SpEd professionals have?
	Does the school plan to recruit dual-certified teachers?
	Is there a plan to recruit qualified SpEd staff per IDEA regulations?
	If the school is virtual or blended component, how will school collaborate with district to provide services virtually?
	If school plans to contract out SpEd and related services, how will it coordinate to make sure there are no lapses in delivery?
Budget	Does the school budget include allocations for SpEd and related services?
	If school is contracting with external provider, how will fees be set?
	What is the plan to develop discipline policy, including ways it impacts students with disabilities?

<b>Discipline</b>	If adopting an existing district’s policy, do officials understand nuances as applied to charter setting and as applied to students with disabilities?
	How will the school manage manifestation determination hearings as the school and LEA?
	Plan to provide families and community to be involved in school?
<b>Family &amp; Community Engagement Transportation</b>	Will the school offer transportation to all students?
	Does the applicant plan to hire a management company to provide any services, if yes, what expertise regarding SWD does that organization have?
<b>Management Company</b>	Does the school have a track record of academic success for all students?
<b>Replication Issues</b>	Does the existing school(s) have clearly articulated curriculum?
	Does the existing school(s) have established policies/procedures for recruiting, hiring, managing, and evaluating personnel?
	Has the school been the subject of any SpEd due process complaints, if yes, how were they resolved?

Table B2: Key Considerations Categorized as Not Evident

Service Provision	Does the state maintain a risk pool and does school have plans to ensure they can access it?
Discipline	Does the school leader plan to devote time/resources to training staff on policy, especial nuances related to students with disabilities?
Management Company	If the management company is from out of state, how do they plan to develop expertise to state special education law?
Replication Issues	Does the existing school's(s') enrollment of students with disabilities approximate that of the local community?

Table B3: Key Considerations Categorized as Vague

Child Find	Plans to make community aware that school can identify and serve special education students?
	Will there be staff hired who are knowledgeable about Child Find requirements? If not, how will staff have access to special education information & guidance?
Staffing & Administration	If there is a shortage of SpEd teachers/providers in community, how will the school find qualified teachers to hire?
	If the school has a virtual or blended learning model, who will be responsible for service provision outlined in IEPs?
Enrollment	For elementary schools, how will the schools market to parents already in the preschool public school system and have children with disabilities?
	If charter law allows/requires to give enrollment preferences to students at risk or specifically with disabilities, how will it manage the preferences?
Assessment	Inclusion of assurances that students will be provided with appropriate accommodations when testing per IEPs?
	Understanding that some students may require alternate assessment and have a plan to determine which if any students are required to take those?
	Assurances that the facility will include adequate space to administer assessments to students with disabilities who require alternate testing environments?
	If the school has a virtual or blended learning model, where will students be assessed and how will they be accommodated per IEPs?

IEP Development	Plan for informing parents of their and their child's rights associated with IDEA?
	Plan to hire case managers responsible for implementing IEPs?
	Will school hire staff member or external provider who will be responsible for scheduling, leading, and documenting IEP meetings?
	If virtual or blended learning model, how will IEPs be modified to incorporate environment?
	Assurances that the facility will include adequate space to administer assessments to students with disabilities who require alternate testing environments?
	If a proposed middle or high school, do they have understanding/ability to develop appropriate transition plans in accordance with IDEA regulations?
Service Provision	Does the school plan to recruit dual-certified teachers?
	Will the school hire part-time or retired special education teachers?
	Will the school be able to access the services of a school nurse or appropriate staff to handle health-related issues?
	Is there a network of intermediate service providers (e.g. SpEd Collaborative) and has school initiated dialogue?
Funding	How will federal SpEd dollars flow to benefit students?
	How will state SpEd dollars flow to benefit students?
	How will local SpEd dollars flow to benefit students?
	Is the charter eligible to receive Medicaid reimbursements?

Budget	Does the budget include allocations for training all personnel on the education of students with disabilities?
	If the school has virtual or blended component, what are the budget implications (e.g. specialized software or hardware purchases to support students with disabilities)?
Family & Community Engagement	Are parents with disabilities afforded opportunities to participate in school (e.g. on committees?)
	If the school has virtual or blended component, what structures are there to engage parents to support home learning?
Transportation	What accommodations will the school provide for students with disabilities to take advantage successfully and safely?
	If no transportation for all students, how will the school provide transportation to students with disabilities if it is a related service on the IEP?
Replication Issues	Does the existing school(s) have clearly articulated curriculum?
	Does the existing school(s) have established policies/procedures for recruiting, hiring, managing, and evaluating personnel?
	Has the school been the subject of any SpEd due process complaints, if yes, how were they resolved?

