



SPECIAL EDUCATION

in California Charter Schools

FAST FACTS

Statewide, charter schools serve 10.1% of students with disabilities compared to 11.6% in traditional public schools.³

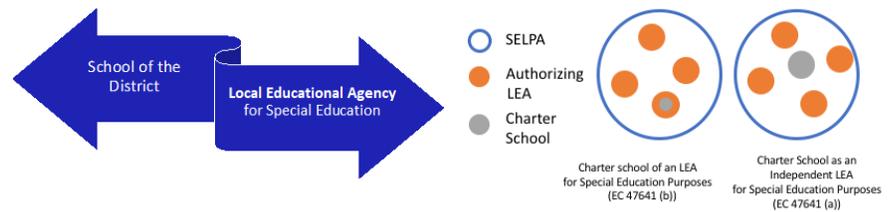
Only about 50% of all charter schools in the state have the legal status to operate their own special education programs. In the remaining schools the authorizer is responsible for services and placement of students.

When charter schools operate autonomously for special education and receive an equitable share of special education funding, they serve a higher percentage and a broader range of students with disabilities over time.²

Charter schools have embraced inclusive education models and multi-tiered systems of support to provide targeted intervention to all students regardless of need or label.⁴

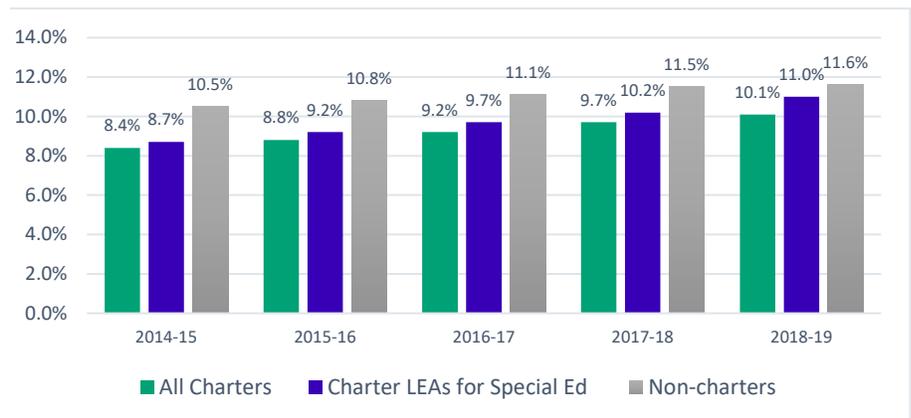
Charter Special Education Options

As public schools, charter schools in California are legally required to enroll and serve students with disabilities. It is critical to understand, however, that the manner in which charter schools participate in their local continuum of special education services and contribute to the education of these students depends on their legal status as either independent Local Education Agencies (LEAs) or as schools of their authorizing LEA.¹



When making comparisons of special education enrollment between traditional and charter public schools, it is critical to determine which entity, the authorizer or the charter school, is responsible for Free and Appropriate Public Education (FAPE) under the Individuals with Disabilities Education Act (IDEA).

Statewide Data Trends

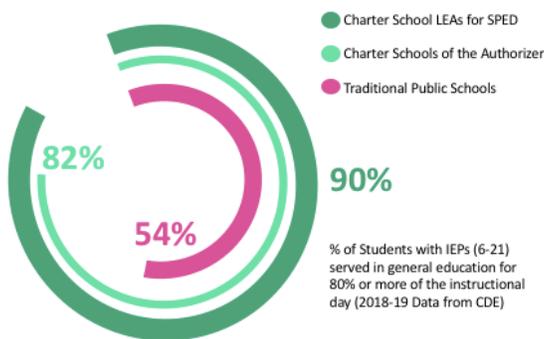


Range of Disabilities Approaching State Averages³

2018-19 LEAs in Charter SELPAs: 405	% of SWD in Charter LEAs	Statewide K- 12 % of SWD
Specific Learning Disability (SLD)	45.6%	41.5%
Speech or Language Impairment (SLI)	16.5%	18.1%
Other Health Impairment (OHI)	18.3%	13.8%
Autism (AUT)	11.1%	14.1%
Emotional Disturbance (ED)	4.2%	3.4%
Intellectual Disability (ID)	2.1%	5.0%
Hard of Hearing (HH)	0.8%	1.1%
Orthopedic Impairment (OI)	0.6%	1.1%
Multiple Disabilities (MD)	0.2%	0.8%
Visual Impairment (VI)	0.3%	0.4%
Deafness (DEAF)	0.1%	0.4%
Deaf Blindness (DB)	0.0%	0.0%
Traumatic Brain Injury (TBI)	0.2%	0.2%

Innovative and Inclusive Models

Not only are independent charter public schools serving a similar proportion and population of students with disabilities to traditional schools, they are doing so in more inclusive settings.



Our most recent research study examined specific charter school practices and found key successful program elements that have the

Challenges and Solutions

Funding

- Like traditional schools, charter public schools don't have access to adequate special education revenues. This is particularly challenging for smaller charter schools in California's census-based special education funding system.
- Charter schools do not receive access to all funding streams associated with education of students with disabilities that traditional school districts can access.
- Increasing overall special education revenue and providing needs-based revenue could help ensure that all LEAs have enough resources to serve their students well.

Special Education Arrangements

- Charter schools are often forced (or, alternatively, not permitted) to be their own LEA for purposes of special education by their authorizer.
- Partnerships through customized MOUs between authorizers and their charter schools, like the LAUSD Charter Operated Program, can provide models for charter-district collaboration in meeting the needs of all students.

Accountability

- Any policy regarding special education in charter schools needs to take into account the two legal options with regards to special education responsibility and funding.
- The State's accountability system currently holds all charter schools accountable for the performance of SWD enrolled at that school, regardless of whether it is the authorizer or the charter that holds ultimate legal responsibility for FAPE.
- Both the charter school and its authorizer should be held accountable if they share responsibility for FAPE.

¹ CA Education Code §47641

² Special Education in California Charter Schools: All Students Welcome, April 2015

³ Data Sources: CDE Data Quest, CDE LRE Data Dec 2018, CASEMIS aggregates from SELPAs

⁴ [2016 Special Education Report - Meeting the Needs of Every Student Through Inclusion](#)



Understanding the Options When Accessing Special Education Services for Students in Charter Schools

LEGAL STATUS: California law allows charter schools a choice of two options for how to deliver special education services:	
SCHOOL OF THE AUTHORIZER	INDEPENDENT LEA FOR SPECIAL EDUCATION
Participate as a school of the authorizer (school of the district) (§47646 (b)) for special education purposes. This is the default arrangement.	Become an independent Local Education Agency (LEA) for special education purposes (§47646 (a)). The charter school must apply for this arrangement.
ENROLLMENT: Charter schools must enroll all students with disabilities, regardless of the legal arrangement.	
The charter school must enroll students with disabilities. Upon enrollment, the District is responsible a full “continuum of services” for its students and may decide to place students back in a district program.	The charter school must enroll students with disabilities and be able to provide a full “continuum of services” for its students.
SERVICES: Depending on the arrangement, the district or the charter school will be responsible for providing services to students with disabilities.	
The District must ensure that all charter school students with disabilities receive special education services in a manner that is consistent with the individualized education program (IEP) and is in compliance with the law. The District makes all programming decisions, provides the staffing and oversees service delivery. If there is a dispute over an IEP, parents who want to file a complaint would file it against the District and not the charter school.	The charter school must ensure that all of its students with disabilities receive special education services in a manner that is consistent with the individualized education program (IEP) and is in compliance with the law. The charter school makes all programming decisions, provides the staffing and oversees service delivery. If there is a dispute over an IEP, parents who want to file a complaint would file it against the charter school.
FUNDING: Depending on the arrangement, the charter school will either pay for services directly or contribute funds for districtwide special education costs.	
The District is responsible for paying for all special education services for charter school students. The District receives special education funding on behalf of the charter school and charges charter school a “fair share contribution fee” for districtwide costs (§47646).	The charter school is responsible for paying for all special education services for charter school students. As an LEA for special education, the charter school receives special education funds. The charter school is responsible for all costs, including excess costs of providing special education services.
GOVERNANCE: Depending on the arrangement, the charter school may be able to participate in the decisions regarding special education programs within its broader geographic area.	
The District, not the charter school, is the member of a Special Education Local Plan Area (SELPA). The District must represent the charter school in its capacity as the member LEA of the SELPA. The charter school may enter into an agreement, such as an MOU, with the District to change some aspects of funding and/or service delivery.	The charter school must apply to and be accepted as a member of a SELPA. While a SELPA “may not treat the charter school differently from the manner in which it treats a similar request made by a district school” (§47645), the SELPA governance council can refuse to accept a charter school as an LEA member. If accepted, the charter school participates in the decisions of the SELPA and represents the needs of the students attending their school.



Understanding the Options When Accessing Special Education Services for Students in Charter Schools

California law (§47646) allows charter schools a choice of two options for how to deliver special education services. This table is aimed at helping clarify the responsibilities of charter and authorizer under each option.

WHO IS RESPONSIBLE?	SCHOOL OF THE AUTHORIZER*	INDEPENDENT LEA FOR SPECIAL EDUCATION
<i>Where does the student enroll?</i>	Charter	Charter
<i>Who will conduct the student's assessment/re-assessment?</i>	District	Charter
<i>Who convenes IEP team meetings?</i>	District	Charter
<i>Who develops IEPs and determines what placement and services are offered?</i>	District with input from charter staff	Charter
<i>Who determines where the student's instruction and/or services are provided?</i>	District	Charter
<i>Who will provide special education instruction and related services?</i>	District	Charter
<i>Who will provide general education instruction to the student?</i>	Charter	Charter
<i>If the student's least restrictive environment is the general education classroom, where will the student be served?</i>	Charter	Charter
<i>If the student's least restrictive environment is a separate setting, where will the student be served?</i>	District will decide	Charter will decide
<i>If a change needs to be made to the student's IEP, whom should the parent contact?</i>	District	Charter
<i>Who decides what special education programs, supports and services are offered at the charter school?</i>	District	Charter
<i>Who hires, supervises, and oversees professional development for special education teachers, paraprofessionals, and service providers?</i>	District	Charter
<i>If a parent files due process or other type of special education complaint, whom should they file against?</i>	District	Charter
<i>Who receives special education funding and pays for the student's services?</i>	District	Charter
<i>Who is held accountable for the student's success under the CA Accountability system?</i>	Charter	Charter

*Some "schools of the authorizer" charter schools developed alternative arrangements with their authorizers that may re-allocate funding and responsibility differently.

Charter School Special Education Data 2018-19

Only about **650** of **1,300** California Charter Schools carry the full responsibility for providing services to students with disabilities.

2018-19	LAUSD SELPA Charters (N=217)	LAUSD SELPA Charters as % of SPED	LEAs for Special Education in Charter SELPAs (N=405)	LEAs for Special Education in Charter SELPAs as % of SPED	Statewide (K-12) Special Education #	Statewide (K-12) as % of SPED
Specific Learning Disability (SLD)	6,836	55.2%	10,680	45.6%	298,868	41.5%
Speech of Language Impairment (SLI)	1,152	9.3%	3,870	16.5%	130,441	18.1%
Other Health Impairment (OHI)	2,215	17.9%	4,283	18.3%	99,480	13.8%
Autism (AUT)	1,503	12.1%	2,597	11.1%	101,348	14.1%
Intellectual Disability (ID)	219	1.8%	496	2.1%	36,245	5.0%
Emotional Disturbance (ED)	180	1.5%	987	4.2%	24,767	3.4%
Hard of Hearing (HH)	136	1.1%	183	0.8%	8,197	1.1%
Orthopedic Impairment (OI)	85	0.7%	132	0.6%	8,007	1.1%
Multiple Disability (MD)	-	0.0%	48	0.2%	5,707	0.8%
Visual Impairment (VI)	18	0.1%	72	0.3%	2,953	0.4%
Deafness (DEAF)	27	0.2%	27	0.1%	2,610	0.4%
Traumatic Brain Injury (TBI)	12	0.1%	49	0.2%	1,395	0.2%
Deaf Blindness (DB)	-	0.0%	1	0.0%	80	0.0%
	12,383	100.0%	23,425	100.0%	720,098	100.0%
Total Enrollment	112,100		214,501		6,186,278	
Overall % Special Ed	11.0%		10.9%		11.6%	

Sources: 2018-19 Dec 1 CASEMIS and CALPADS data from CDE Data Quest and CASEMIS aggregates from SELPAs.